

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 437
AN ACT

To repeal section 173.239, RSMo, and to enact in lieu thereof four new sections relating to Missouri military family relief.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 173.239, RSMo, is repealed and four new
2 sections enacted in lieu thereof, to be known as sections 41.216,
3 41.218, 143.822, and 173.239, to read as follows:

4 41.216. 1. Subject to appropriation and upon the
5 recommendation of a panel consisting of a command sergeants major
6 of the Missouri national guard, a command sergeants major of a
7 reserve component or its equivalent, and a representative of the
8 Missouri veterans commission who shall establish criteria for the
9 grants by the promulgation of rules and regulations, the adjutant
10 general shall have the power to make grants from the Missouri
11 military family relief fund to families of persons who are
12 members of the Missouri national guard or Missouri residents who
13 are members of the reserves of the armed forces of the United
14 States and who have been called to active duty as a result of the

1 September 11, 2001, terrorist attacks.

2 2. Any rule or portion of a rule, as that term is defined
3 in section 536.010, RSMo, that is created under the authority
4 delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter
6 536, RSMo, and, if applicable, section 536.028, RSMo. This
7 section and chapter 536, RSMo, are nonseverable and if any of the
8 powers vested with the general assembly pursuant to chapter 536,
9 RSMo, to review, to delay the effective date, or to disapprove
10 and annul a rule are subsequently held unconstitutional, then the
11 grant of rulemaking authority and any rule proposed or adopted
12 after August 28, 2005, shall be invalid and void.

13 41.218. The "Missouri Military Family Relief Fund" is
14 hereby created in the state treasury and shall consist of all
15 gifts, donations, appropriations, transfers, and bequests to the
16 fund. The adjutant general shall have the power to make grants
17 from the fund, as specified under subsection 1 of section 41.216.
18 Notwithstanding the provisions of section 33.080, RSMo, to the
19 contrary, moneys in the Missouri military family relief fund
20 shall not be transferred to the credit of the general revenue
21 fund at the end of the biennium. Interest and moneys earned on
22 the fund shall be credited to the fund. Moneys in the fund shall
23 be used for the purpose of funding the provisions of section
24 41.216.

25 143.822. 1. In each taxable year beginning on or after
26 January 1, 2005, each individual or corporation entitled to a tax
27 refund in an amount sufficient to make a designation under this
28 section may designate that one dollar or any amount in excess of

1 one dollar on a single return, and two dollars or any amount in
2 excess of two dollars on a combined return, of the refund due be
3 credited to the Missouri military family relief fund. If any
4 individual or corporation that is not entitled to a tax refund in
5 an amount sufficient to make a designation under this section
6 wishes to make a contribution to the Missouri military family
7 relief fund, such individual or corporation may, by separate
8 check, draft, or other negotiable instrument, send in with the
9 payment of taxes, or may send in separately, that amount, clearly
10 designated for the Missouri military family relief fund, the
11 individual or corporation wishes to contribute. The department
12 of revenue shall deposit such amount to the Missouri military
13 family relief fund as provided in subsection 2 of this section.

14 2. The director of revenue shall deposit at least monthly
15 all contributions designated by individuals under this section to
16 the state treasurer for deposit to the Missouri military family
17 relief fund. The fund shall be administered by a command
18 sergeants major of the Missouri national guard, a command
19 sergeants major of a reserve component or its equivalent, and a
20 representative of the Missouri veterans commission.

21 3. The director of revenue shall deposit at least monthly
22 all contributions designated by the corporations under this
23 section, less an amount sufficient to cover the cost of
24 collection, handling, and administration by the department of
25 revenue during fiscal year 2006, to the Missouri military family
26 relief fund, not to exceed seventy thousand dollars.

27 4. A contribution designated under this section shall only
28 be deposited in the Missouri military family relief fund after

1 all other claims against the refund from which such contribution
2 is to be made have been satisfied.

3 5. Moneys deposited in the Missouri military family relief
4 fund shall be distributed by the adjutant general in accordance
5 with the provisions of sections 41.216 and 41.218, RSMo.

6 6. The state treasurer shall invest moneys in the fund in
7 the same manner as other funds are invested. Any interest and
8 moneys earned on such investments shall be credited to the fund.

9 7. Pursuant to section 23.253, RSMo, of the Missouri sunset
10 act:

11 (1) The provisions of the new program authorized under
12 this section shall automatically sunset six years after the
13 effective date of this section unless reauthorized by an act of
14 the general assembly; and

15 (2) If such program is reauthorized, the program authorized
16 under this section shall automatically sunset twelve years after
17 the effective date of the reauthorization of this section; and

18 (3) This section shall terminate on December thirty-first
19 of the calendar year immediately following the calendar year in
20 which the program authorized under this section is sunset.

21 173.239. 1. Any member of the Missouri national guard who
22 possesses the qualifications set forth in this section may be
23 awarded an educational assistance grant to an approved public
24 institution or an approved private institution, as those terms
25 are defined in either section 173.205 or section 173.778, of his
26 or her choice while he or she is a member of the Missouri
27 national guard. Funding for educational assistance pursuant to
28 this section may be requested annually in the budget of the

1 Missouri national guard. Educational assistance provided
2 pursuant to this section shall not exceed funds appropriated for
3 that purpose.

4 2. Educational assistance provided under this section shall
5 not exceed the least of the following:

6 (1) The actual tuition, as defined in section 173.260,
7 charged at an approved institution where the individual is
8 enrolled or accepted for enrollment; or

9 (2) The amount of tuition charged a Missouri resident at
10 the University of Missouri for attendance;

11 (3) The grants provided under this section may be prorated
12 subject to appropriations in an amount no less than fifty percent
13 of the limits set forth in this section.

14 3. A member of the Missouri national guard seeking
15 educational assistance pursuant to this section shall provide a
16 certificate of satisfactory service of his or her Missouri
17 national guard duties from his or her commanding officer and
18 shall possess all other necessary entrance requirements of the
19 school of his or her choice and shall maintain a cumulative grade
20 point average (GPA) of at least two point five on a four point
21 scale, or the equivalent on another scale approved by the program
22 administrator, while attending the approved public or private
23 institution.

24 4. If the grade point average of a member who is receiving
25 educational assistance pursuant to this section falls below two
26 point five on a four point scale, or the equivalent on another
27 scale, such member shall retain the educational assistance and
28 shall be placed on probation under the educational assistance

1 program. Failure to achieve a current grade point average of at
2 least two point five on a four point scale, or the equivalent on
3 another scale for future semesters or equivalent academic terms
4 shall result in termination of the scholarship effective as of
5 the next academic term. The member shall be removed from
6 probation status upon achieving a cumulative grade point average
7 of two point five on a four point scale or the equivalent on
8 another scale.

9 5. If a recipient of educational assistance pursuant to
10 this section ceases to [be a member of the Missouri national
11 guard] maintain their military affiliation while enrolled in a
12 course of study or within three years after the completion of a
13 course of study for any reason except death [or], disability, or
14 medical disqualification the educational assistance shall be
15 terminated and the recipient shall repay any amounts awarded
16 pursuant to this section. For the purposes of this section,
17 individuals who are called to active duty will be credited for
18 time served in fulfillment of their three-year obligation.

19 6. [State educational assistance on behalf of Missouri
20 national guard members pursuant to this section shall be used
21 only after all available federal Department of Defense
22 educational assistance funds have been expended.

23 7.] Applicants for educational assistance pursuant to this
24 section shall meet the qualifications established by section
25 173.215, except the provisions of subdivisions (2) and (4) of
26 subsection 1 of section 173.215, and shall be qualified,
27 full-time or part-time students.

28 [8.] 7. The educational assistance program established

1 pursuant to this section shall be administered by the office of
2 the adjutant general of the Missouri national guard. The
3 Missouri national guard shall establish guidelines for equitable
4 distribution of educational assistance.