

SECOND REGULAR SESSION

HOUSE BILL NO. 2657

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

6645H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 173.234, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid for families of military members, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 173.234, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.234, to read as follows:

173.234. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Board", the coordinating board for higher education;

(2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;

(3) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury;

(4) "Grant", the veteran's survivors grant as established in this section;

(5) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of section 173.1102;

(6) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (b) A veteran died or was injured as a result of combat action or a veteran's death or
19 injury was certified by the Department of Veterans' Affairs medical authority to be attributable
20 to an illness or accident that occurred while serving in combat, or became eighty percent disabled
21 as a result of injuries or accidents sustained in combat action after September 11, 2001; and

22 (c) "Combat veteran", a Missouri resident who is discharged for active duty service
23 having served since September 11, 2001, and received a DD214 in a geographic area entitled to
24 receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or
25 hostile fire pay;

26 (7) "Survivor", an eligible student of a qualifying military member;

27 (8) "Tuition", any tuition or incidental fee, or both, charged by an institution of
28 postsecondary education for attendance at the institution by a student as a resident of this state.
29 The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the
30 University of Missouri-Columbia for attendance.

31 2. Within the limits of the amounts appropriated therefor, the coordinating board for
32 higher education shall award annually up to twenty-five grants to survivors of qualifying military
33 members to attend institutions of postsecondary education in this state, which shall continue to
34 be awarded annually to eligible recipients as long as the recipient achieves and maintains a
35 cumulative grade point average of at least two and one-half on a four-point scale, or its
36 equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may
37 petition the general assembly to expand the quota. If the quota is not expanded, then the
38 eligibility of survivors on the waiting list shall be extended.

39 3. A survivor may receive a grant under this section only so long as the survivor is
40 enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event
41 shall a survivor receive a grant beyond the completion of the first baccalaureate degree,
42 regardless of age.

43 4. The coordinating board for higher education shall:

44 (1) Promulgate all necessary rules and regulations for the implementation of this section;
45 and

46 (2) Provide the forms and determine the procedures necessary for a survivor to apply for
47 and receive a grant under this section.

48 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
49 under the authority delegated in this section shall become effective only if it complies with and
50 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
51 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule

53 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
54 proposed or adopted after August 28, 2008, shall be invalid and void.

55 6. In order to be eligible to receive a grant under this section, a survivor shall be certified
56 as eligible by the Missouri veterans' commission.

57 7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate
58 postsecondary student at an approved institution of postsecondary education, and who is selected
59 to receive a grant under this section, shall receive the following:

60 (1) An amount not to exceed the actual tuition charged at the approved institution of
61 postsecondary education where the survivor is enrolled or accepted for enrollment;

62 (2) An allowance of up to two thousand dollars per semester for room and board; and

63 (3) The actual cost of books, up to a maximum of five hundred dollars per semester.

64 8. A survivor who is a recipient of a grant may transfer from one approved public
65 institution of postsecondary education to another without losing his or her entitlement under this
66 section. The board shall make necessary adjustments in the amount of the grant. If a grant
67 recipient at any time withdraws from the institution of postsecondary education so that under the
68 rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room
69 and board, books, or other charges, the institution shall pay the portion of the refund to which
70 he or she is entitled attributable to the grant for that semester or similar grading period to the
71 board.

72 9. If a survivor is granted financial assistance under any other student aid program,
73 public or private, the full amount of such aid shall be reported to the board by the institution and
74 the eligible survivor.

75 10. Nothing in this section shall be construed as a promise or guarantee that a person will
76 be admitted to an institution of postsecondary education or to a particular institution of
77 postsecondary education, will be allowed to continue to attend an institution of postsecondary
78 education after having been admitted, or will be graduated from an institution of postsecondary
79 education.

80 11. The benefits conferred by this section shall be available to any academically eligible
81 student of a qualifying military member. Surviving children who are eligible shall be permitted
82 to apply for full benefits conferred by this section until they reach twenty-five years of age.

83 12. Pursuant to section 23.253 of the Missouri sunset act:

84 (1) The provisions of the new program authorized under this section shall [sunset
85 automatically six years after August 28, 2008] **be reauthorized as of the effective date of this**
86 **act and shall expire on August 28, 2020**, unless reauthorized by an act of the general assembly;
87 and

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

91 (3) This section shall terminate on September first of the calendar year immediately
92 following the calendar year in which the program authorized under this section is sunset.

 Section B. Because of the importance of providing educational assistance to members
2 of the military and their families, this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and this act shall be in full force and effect upon its
5 passage and approval.

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