

SECOND REGULAR SESSION

# HOUSE BILL NO. 1723

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIER.

4410H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 173.900, RSMo, and to enact in lieu thereof one new section relating to higher education benefits for veterans.

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

Section A. Section 173.900, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.900, to read as follows:

173.900. 1. This act shall be known and may be cited as the “**Missouri Heroes’ Education Act**”. [~~“Missouri Returning Heroes’ Education Act”~~.]

[~~2. For the purpose of this section, the term “combat veteran” shall mean a person who served in armed combat in the military after September 11, 2001, and to whom the following criteria shall apply:~~

~~—— (1) The veteran was a Missouri resident when first entering the military; and~~

~~—— (2) The veteran was discharged from military service under honorable conditions.~~

~~3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran's last discharge from service.~~

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.

16 ~~4. The coordinating board for higher education shall ensure that all applicable~~  
17 ~~institutions of higher education in this state comply with the provisions of this section and may~~  
18 ~~promulgate rules for the efficient implementation of this section.~~

19 ~~5. If a combat veteran is eligible to receive financial assistance under any other federal~~  
20 ~~or state student aid program, public or private, the full amount of such aid shall be reported to~~  
21 ~~the board by the institution and the veteran. The tuition limitation under this section shall be~~  
22 ~~provided before all other federal and state aid for which the veteran is eligible has been applied.~~

23 ~~6. Each institution may report to the board the amount of tuition waived in the previous~~  
24 ~~fiscal year under the provisions of this act. This information may be included in each~~  
25 ~~institution's request for appropriations to the board for the following year. The board may~~  
26 ~~include this information in its appropriations recommendations to the governor and the general~~  
27 ~~assembly. The general assembly may reimburse institutions for the cost of the waiver for the~~  
28 ~~previous year as part of the operating budget. Nothing in this subsection shall be construed to~~  
29 ~~deny a combat veteran a tuition limitation if the general assembly does not appropriate money~~  
30 ~~for reimbursement to an institution.]~~

31 **2. The governing board of each institution of higher education shall exempt the**  
32 **following persons from the payment of tuition, dues, fees, and other required charges,**  
33 **including fees for correspondence courses, but excluding general deposit fees, student**  
34 **services fees, and any fees or charges for lodging, board, or clothing, provided the person**  
35 **seeking the exemption currently resides in this state or entered military service at a**  
36 **location in this state, declared this state as the person's home of record in the manner**  
37 **provided by the applicable military or other service, or would have been determined to be**  
38 **a resident of this state for the purposes of subsection 3 of this section:**

39 **(1) All nurses, members of the Women's Army Auxiliary Corps, members of the**  
40 **Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members**  
41 **of the Armed Forces of the United States who served during World War II, except those**  
42 **who were discharged from service because they were over thirty-eight years of age or**  
43 **because of a request on the part of the person that he or she be discharged from service;**

44 **(2) All persons honorably discharged from the Armed Forces of the United States**  
45 **who served during the national emergency which began on June 27, 1950, and is referred**  
46 **to as the Korean War; and**

47 **(3) All persons who were honorably discharged from the Armed Forces of the**  
48 **United States, the Missouri National Guard, or the Missouri Reserve Force after serving**  
49 **on active military duty and who served a portion of their active duty during:**

50 **(a) The Cold War, which began on the date of the termination of the national**  
51 **emergency referred to as the Korean War;**

52           (b) The Vietnam Era, which began on December 21, 1961, and ended on May 7,  
53 1975;

54           (c) The Grenada and Lebanon Era, which began on August 24, 1982, and ended on  
55 July 31, 1984;

56           (d) The Panama Era, which began on December 20, 1989, and ended on January  
57 21, 1990;

58           (e) The Persian Gulf War, which began on August 2, 1990, and ended on February  
59 28, 1991;

60           (f) The Iraq War, which began on March 20, 2003, and ended on December 18,  
61 2011; or

62           (g) Any future national emergency or war declared in accordance with federal law.

63           3. The exemptions provided in subsection 2 of this section also apply to the spouse  
64 and children of:

65           (1) A member of the Armed Forces of the United States:

66           (a) Who is killed in action;

67           (b) Who dies while in service;

68           (c) Who is missing in action;

69           (d) Whose death is documented to be directly caused by illness or injury connected  
70 with service in the Armed Forces of the United States; or

71           (e) Who is totally and permanently disabled or meets the eligibility requirements  
72 for individual unemployability according to the disability ratings of the United States  
73 Department of Veterans Affairs as a result of a service-related injury; or

74           (2) A member of the Missouri National Guard who:

75           (a) Was killed after January 1, 1946, while on active duty either in the service of  
76 this state or the United States; or

77           (b) Is totally and permanently disabled or meets the eligibility requirements for  
78 individual unemployability according to the disability ratings of the United States  
79 Department of Veterans Affairs, regardless of whether the member is eligible to receive  
80 disability benefits from the department, as a result of a service-related injury suffered after  
81 January 1, 1946, while on active duty either in service of this state or the United States.

82

83 To qualify under this section, a spouse or child shall be classified as a resident of this state  
84 on the date of his or her registration.

85           4. No person shall receive the exemptions in this section for more than a cumulative  
86 total of one hundred fifty credit hours.

87           **5. The governing board of each institution of higher education granting an**  
88 **exemption under this section shall require each applicant claiming the exemption to submit**  
89 **to the institution, in the form and manner prescribed by the Missouri veterans commission**  
90 **for the purposes of this section, an application for the exemption and necessary evidence**  
91 **that the applicant qualifies for the exemption not later than the last class date of the**  
92 **semester or term to which the exemption applies, except that the governing board may**  
93 **encourage the submission of an application and evidence by the official day of record for**  
94 **the semester or term to which the exemption applies on which the institution shall**  
95 **determine the enrollment that is reported to the Missouri coordinating board for higher**  
96 **education.**

97           **6. The exemption from tuition, dues, fees, and other charges provided by this**  
98 **section shall not apply to a person who, at the time of registration, is entitled to receive**  
99 **educational benefits under federal legislation that may be used only for the payment of**  
100 **tuition and fees if the value of those benefits received in a semester or other term is equal**  
101 **to or exceeds the value of the exemption for the same semester or other term. The**  
102 **combined amount of the federal benefit that may be used only for the payment of tuition**  
103 **and fees plus the amount of the exemption received in a semester or other term shall not**  
104 **exceed the cost of tuition, dues, fees, and other charges for that semester or other term.**

105           **7. The governing board of each institution of higher education may enter into**  
106 **contracts with the United States government, or any of its agencies, to furnish instruction**  
107 **to veterans at a tuition rate that covers the estimated cost of the instruction or at a tuition**  
108 **rate of one hundred dollars per semester, as may be determined by the governing board.**  
109 **If the rate specified is prohibited by federal law for any particular class of veterans, the**  
110 **tuition rate shall be set by the governing board but shall not be less than the established**  
111 **rate for civilian students. If federal law provides as to any class of veterans that the tuition**  
112 **payments are to be deducted from subsequent benefits to which the veteran may be**  
113 **entitled, the institution shall refund to any veteran who is a resident of Missouri within the**  
114 **meaning of this section the amount by which an adjusted compensation payment is actually**  
115 **reduced because of tuition payments to the institution by the federal government for the**  
116 **veteran.**

117           **8. The governing board of a public junior college, public technical institute, or**  
118 **public state college may establish a fee for extraordinary costs associated with a specific**  
119 **course or program and may provide that the exemptions provided by this section do not**  
120 **apply to such fee.**

121           **9. The governing board of each institution of higher education shall, for each**  
122 **individual receiving an exemption from tuition, dues, fees, and charges under this section,**  
123 **electronically report to the Missouri veterans commission:**

- 124           **(1) The name of the institution;**  
125           **(2) The name, military identification number, and date of birth of the individual**  
126 **receiving the exemption;**  
127           **(3) The number of credit hours for which the individual received exemption;**  
128           **(4) The cumulative number of credit hours for which the individual has received**  
129 **exemption at that institution; and**  
130           **(5) Any other information required by the commission.**  
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132 **The institution shall report the information before January thirty-first of each year for the**  
133 **preceding fall semester, before June thirtieth of each year for the preceding spring**  
134 **semester, and before September thirtieth of each year for the preceding summer session.**

135           **10. The Missouri veterans commission may adopt rules to provide for the efficient**  
136 **and uniform application of this section. In developing rules under this section, the**  
137 **commission shall consult with the Missouri coordinating board for higher education and**  
138 **the institution of higher education.**

139           **11. In determining whether to admit a person to any certificate program or any**  
140 **associate, baccalaureate, graduate, postgraduate, or professional degree program, no**  
141 **institution of higher education shall consider the fact that a person is eligible for an**  
142 **exemption under this section.**

143           **12. The Missouri veterans commission shall promulgate rules that create**  
144 **procedures to allow:**

145           **(1) A person who becomes eligible for an exemption under subsection 2 of this**  
146 **section to waive his or her right to any unused portion of the number of cumulative credit**  
147 **hours for which he or she could receive the exemption and assign the exemption for the**  
148 **unused portion of those credit hours to his or her child; and**

149           **(2) Following the death of a person who becomes eligible for an exemption under**  
150 **subsection 2 of this section, the assignment of the exemption for the unused portion of**  
151 **credit hours to a child of such person, to be made by such person's spouse or by the**  
152 **conservator, guardian, custodian, or other legally designated caretaker of the child if the**  
153 **child does not otherwise qualify for an exemption under subsection 3 of this section.**

154           **13. The procedures created under subsection 12 shall provide:**

- 155           **(1) The manner in which a person may waive the exemption;**  
156           **(2) The manner in which a child may be designated to receive the exemption;**

(3) A procedure permitting the designation of a different child to receive the exemption if the child previously designated to receive the exemption did not use the entirety of the benefit provided in the exemption;

(4) A method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption; and

(5) A procedure for admitting a person who waived the exemption and designated a child to receive the exemption to revoke that designation for any unused portion of the assigned credit hours.

14. To be eligible to receive an exemption under subsection 12 of this section, a child shall:

(1) Be a student who is a resident of this state when the child enrolls in an institution of higher education;

(2) Maintain a grade point average that is sufficient to satisfy the grade point average established by the institution as a requirement for making satisfactory academic progress in a degree, certificate, or continuing education program; and

(3) Be under twenty-six years of age on the first day of the semester or other academic term for which the exemption is claimed.

15. For the purposes of this section, a person is the child of another person if:

(1) The person is the biological child, adopted child, or stepchild of the other person; or

(2) The other person claimed the person as a dependent on a federal income tax return filed for the preceding year or will claim the person as a dependent on a federal income tax return for the current year.

16. The Missouri veterans commission by rule shall promulgate procedures by which a child assigned an exemption under subsection 12 of this section who suffered from a severe illness or other debilitating condition that affected the child's ability to use the exemption before reaching the age of twenty-six may be granted additional time to use the exemption corresponding to the time the child was unable to use the exemption because of the illness or condition.

17. The Missouri coordinating board for higher education and the Missouri veterans commission shall coordinate to provide the other agency with any information required to ensure the proper administration of this section and the proper execution of each agency's statutory responsibilities under this section.

[7-] 18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

193 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
194 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
195 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
196 any rule proposed or adopted after August 28, ~~2008~~ **2018**, shall be invalid and void.

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