

SECOND REGULAR SESSION

HOUSE BILL NO. 2166

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARDWICK.

4882H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 173.239, 193.265, and 620.3250, RSMo, and to enact in lieu thereof three new sections relating to veterans' affairs.

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

Section A. Sections 173.239, 193.265, and 620.3250, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 173.239, 193.265, and
3 620.3250, to read as follows:

173.239. 1. Any member of the Missouri National Guard who possesses the
2 qualifications set forth in this section may, **while he or she is a member of the Missouri**
3 **National Guard**, be awarded ~~[an]~~ educational assistance **in the form of:**

4 **(1) For tuition and fees not paid by a tuition assistance program of the Army or**
5 **Air Force, a tuition and fee waiver for undergraduate courses at a postsecondary**
6 **institution of higher education located in this state that directly receives funds**
7 **appropriated by the general assembly; or**

8 **(2) A grant to an [approved public institution or an approved private] eligible**
9 **institution**~~[, as those terms are defined in either section 173.205 or section 173.778,]~~ of his or
10 her choice ~~[while he or she is a member of the Missouri National Guard. Funding for~~
11 ~~educational assistance pursuant to this section may be requested annually in the budget of the~~
12 ~~Missouri National Guard. Educational assistance provided pursuant to this section shall not~~
13 ~~exceed funds appropriated for that purpose].~~ **For purposes of this subdivision, the term**
14 **"eligible institution" shall mean:**

15 **(a) An approved private institution, as that term is defined in section 173.1102;**
16 **or**

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.

17 **(b) Any institution of postsecondary education that is required by statute to be,**
18 **and currently is, certified to operate by the coordinating board for higher education;**
19 **that is institutionally accredited by an accrediting commission recognized by the United**
20 **States Department of Education; that has operated continuously in this state for five or**
21 **more years; that has no more than fifty percent of its students in correspondence**
22 **programs; and that offers a one-year or two-year certificate, associate or baccalaureate**
23 **degree programs, or graduate or professional degree programs.**

24 2. **(1) Educational assistance provided under this section shall not exceed the [least]**
25 **lesser of the following:**

26 ~~[(1)]~~ **(a) The actual tuition, as defined in section 173.260, charged at an approved**
27 **institution where the [individual] member is enrolled or accepted for enrollment; or**

28 ~~[(2)]~~ **(b) The [amount] product of the number of credit hours taken multiplied by**
29 **the average tuition cost per credit hour charged a Missouri resident at the University of**
30 **Missouri for attendance[;], with such average cost determined by the Missouri National**
31 **Guard.**

32 ~~[(3)]~~ **(2) The grants provided under this section may be prorated subject to**
33 **appropriations in an amount no less than fifty percent of the limits set forth in this [section]**
34 **subsection.**

35 3. **(1) For either type of educational assistance described under this section, a**
36 **member of the Missouri National Guard [seeking educational assistance pursuant to this**
37 **section] may apply to the appropriate office of the Missouri National Guard before each**
38 **semester. The member shall provide a certificate of satisfactory service of his or her**
39 **Missouri National Guard duties from his or her commanding officer [and], shall possess all**
40 **other necessary entrance requirements of the school of his or her choice, and shall [maintain]**
41 **provide proof of maintaining a cumulative grade point average (GPA) of at least two point**
42 **five on a [four-point] four-point scale, or the equivalent on another scale approved by the**
43 **program administrator, while attending the approved public or private institution.**

44 **(2) For the tuition and fee waiver, the waiver shall be awarded if the member**
45 **applies and is otherwise eligible under this section.**

46 4. If the grade point average of a member who is receiving educational assistance
47 pursuant to this section falls below two point five on a ~~[four-point]~~ **four-point** scale, or the
48 equivalent on another scale, such member shall retain the educational assistance and shall be
49 placed on probation under the educational assistance program. Failure to achieve a current
50 grade point average of at least two point five on a ~~[four-point]~~ **four-point** scale or the
51 equivalent on another scale for future semesters or equivalent academic terms shall result in
52 termination of the ~~[scholarship]~~ **educational assistance** effective as of the next academic
53 term. The member shall be removed from probation status upon achieving a cumulative

54 grade point average of two point five on a ~~[four point]~~ **four-point** scale or the equivalent on
55 another scale.

56 5. If a recipient of educational assistance pursuant to this section ceases to maintain
57 their active military affiliation while enrolled in an academic semester or term for any reason
58 except death, disability, or medical disqualification the educational assistance shall be
59 terminated and the recipient shall repay any amounts awarded for the academic semester or
60 term.

61 6. ~~[Applicants for educational assistance pursuant to this section shall meet the~~
62 ~~qualifications established by section 173.215, except the provisions of subdivisions (2) and~~
63 ~~(4) of subsection 1 of section 173.215, and shall be qualified, full-time or part-time students.~~

64 7.] The educational assistance program established pursuant to this section shall be
65 administered by the office of the adjutant general of the Missouri National Guard. The
66 Missouri National Guard shall establish guidelines for equitable administrative distribution of
67 educational assistance.

68 7. **A member of the Missouri National Guard may elect to make a one-time**
69 **transfer of his or her educational assistance authorized under this section, or the**
70 **remaining portion of such educational assistance, to a spouse who is named as a**
71 **dependent of the member in the Defense Enrollment Eligibility Reporting System**
72 **(DEERS). The transfer shall not occur if, at the end of the semester in which the**
73 **member submits the transfer, the member has a grade point average below two point**
74 **five on a four-point scale or the equivalent on another scale. The total educational**
75 **assistance provided to a member and the member's spouse under this subsection shall**
76 **not exceed a cumulative total equal to the product of one hundred fifty credit hours**
77 **multiplied by the average cost per credit hour at the University of Missouri charged a**
78 **Missouri resident. A spouse of a member seeking to receive educational assistance**
79 **under this subsection shall:**

80 (1) **Provide a certificate of satisfactory service of the member's Missouri**
81 **National Guard duties from the member's commanding officer;**

82 (2) **Possess all other necessary entrance requirements of the school of his or her**
83 **choice; and**

84 (3) **Provide proof of maintaining a cumulative grade point average of at least two**
85 **point five on a four-point scale, or the equivalent on another scale, while attending the**
86 **approved public or private institution.**

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars
3 for each additional copy ordered at that time. For the issuance of a certification or copy of a
4 birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars.

5 No fee shall be required or collected for a certification of birth, death, or marriage if the
6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years
8 of age who has come under the jurisdiction of the juvenile court under section 211.031. All
9 fees collected under this subsection shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one
12 dollar shall be credited to the endowed care cemetery audit fund, one dollar for each
13 certification or copy of death records to the Missouri state coroners' training fund established
14 in section 58.208, and three dollars for the first copy of death records and five dollars for
15 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health
16 services fund established in section 192.900. Money in the endowed care cemetery audit fund
17 shall be available by appropriation to the division of professional registration to pay its
18 expenses in administering sections 214.270 to 214.410. All interest earned on money
19 deposited in the endowed care cemetery audit fund shall be credited to the endowed care
20 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money
21 placed in the endowed care cemetery audit fund shall not be transferred and placed to the
22 credit of general revenue until the amount in the fund at the end of the biennium exceeds three
23 times the amount of the appropriation from the endowed care cemetery audit fund for the
24 preceding fiscal year. The money deposited in the public health services fund under this
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon
26 appropriation, shall be used to automate and improve the state vital records system, and
27 develop and maintain an electronic birth and death registration system. For any search of the
28 files and records, when no record is found, the state shall be entitled to a fee equal to the
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.
30 For the processing of each legitimation, adoption, court order or recording after the
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
32 certification of a vital record. Except whenever a certified copy or copies of a vital record is
33 required to perfect any claim of any person on relief, or any dependent of any person who was
34 on relief for any claim upon the government of the state or United States, the state registrar
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,
36 without any fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local registrar, the
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this
40 subsection, one dollar shall be deposited to the state department of revenue and the remainder
41 shall be deposited to the official city or county health agency. The director of revenue shall

42 credit all fees deposited to the state department of revenue under this subsection to the
43 Missouri state coroners' training fund established in section 58.208.

44 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a
46 charter form of government and with more than six hundred thousand but fewer than seven
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
48 over and above any fees required by law when a certification or copy of any marriage license
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the
50 local registrar to the county treasurer of such county and the donations so forwarded to be
51 deposited by the county treasurer into the housing resource commission fund to assist
52 homeless families and provide financial assistance to organizations addressing homelessness
53 in such county. The local registrar shall include a check-off box on the application form for
54 such copies. All fees collected under this subsection, other than the donations collected in
55 any county with a charter form of government and with more than six hundred thousand but
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued after
59 acceptance and registration with the state registrar. The fees paid to the official county health
60 agency shall be retained by the local agency for local public health purposes.

61 5. No fee under this section shall be required or collected from a parent or guardian of
62 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
63 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a
64 certification, or copy of such certification, of birth of such child or youth. An unaccompanied
65 youth shall be eligible to receive a certification or copy of his or her own birth record without
66 the consent or signature of his or her parent or guardian; provided, that only one certificate
67 under this provision shall be provided without cost to the unaccompanied or homeless youth.
68 For the issuance of any additional certificates, the statutory fee shall be paid.

69 6. (1) Notwithstanding any provision of law to the contrary, no fee shall be required
70 or collected for a certification of birth if the request is made by a victim of domestic violence
71 or abuse, as those terms are defined in section 455.010, and the victim provides
72 documentation signed by an employee, agent, or volunteer of a victim service provider, an
73 attorney, or a health care or mental health professional, from whom the victim has sought
74 assistance relating to the domestic violence or abuse. Such documentation shall state that,
75 under penalty of perjury, the employee, agent, or volunteer of a victim service provider, the
76 attorney, or the health care or mental health professional believes the victim has been
77 involved in an incident of domestic violence or abuse.

78 (2) A victim may be eligible only one time for a fee waiver under this subsection.

79 7. **No fee under this section shall be required or collected for the issuance of a**
80 **certification, or copy of such certification, of death of a veteran if the request is made by**
81 **the veteran's legal representative, the executor or administrator of the veteran's estate,**
82 **any family member of the veteran authorized to obtain a copy of such certification, or a**
83 **qualified veterans' organization that takes possession of the veteran's remains with the**
84 **intention of properly disposing of such remains. Only one certificate shall be provided**
85 **without cost in accordance with this subsection. For the issuance of any additional**
86 **certificates, the statutory fee shall be paid.**

620.3250. 1. Any veteran who receives a small business loan through the state
2 treasurer's linked deposit program set forth in sections 30.750 to 30.765 shall also be subject
3 to the provisions of this section.

4 2. After receiving a loan from an eligible lending institution, as that term is defined in
5 subdivision (10) of section 30.750, the owner of a veteran-owned small business shall
6 complete a boots-to-business program that is approved by the department.

7 3. After receiving a loan from an eligible lending institution, as that term is defined in
8 subdivision (10) of section 30.750, the owner of a veteran-owned small business
9 **participating in the boots-to-business program** will be assigned a mentor for the three
10 hundred sixty-five days following the date of approval. The **boots-to-business program**
11 **shall give the owner [shall] the opportunity to** meet with his or her mentor at least once
12 every ninety days.

13 4. The department may adopt rules in establishing or approving boots-to-business
14 programs under subsection 2 of this section and mentor programs under subsection 3 of this
15 section.

16 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
17 created under the authority delegated in this section shall become effective only if it complies
18 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
19 This section and chapter 536 are nonseverable, and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
22 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid
23 and void.

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