

FIRST REGULAR SESSION

HOUSE BILL NO. 427

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

1548H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 173.1110 and 208.009, RSMo, and to enact in lieu thereof two new sections relating to higher education tuition.

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

Section A. Sections 173.1110 and 208.009, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 174.820 and 208.009, to read as follows:

174.820. 1. Notwithstanding any other provision of law to the contrary, for the purposes of tuition, fees, and admission, the governing board of any Missouri higher education institution that receives any state funds shall deem an individual a Missouri resident, unless the individual establishes a residence outside of Missouri, if both of the following conditions are met:

(1) The individual graduated from a public or private high school or a home school or received the equivalent of a high school diploma in this state; and

(2) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the higher education institution with a written statement in which the individual agrees to regularize the individual's citizenship or permanent residency status if and when the individual is eligible to do so.

2. No Missouri higher education institution that receives any state funds shall deny admittance to an individual based solely on the individual's immigration status, provided the individual has satisfied the requirements of this section.

3. Any information collected under this section as part of an individual's admission shall remain confidential.

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.

208.009. 1. No alien unlawfully present in the United States shall receive any state or local public benefit, except for state or local public benefits that may be offered under 8 U.S.C. 1621(b), **as amended**. Nothing in this section shall be construed to prohibit the rendering of emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or legal assistance to any person.

2. As used in this section, "public benefit" means any grant, contract, or loan provided by an agency of state or local government; or any retirement, welfare, health, disability, housing, or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are provided. The term "public benefit" shall not include postsecondary education public benefits ~~[as defined in section 173.1110]~~, any municipal permit, or contracts or agreements between public utility providers and their customers or unemployment benefits payable under chapter 288. The unemployment compensation program shall verify the lawful presence of an alien for the purpose of determining eligibility for benefits in accordance with its own procedures.

3. In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is eighteen years of age or older shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States. Such affirmative proof shall include documentary evidence recognized by the department of revenue when processing an application for a driver's license, a Missouri driver's license, as well as any document issued by the federal government that confirms an alien's lawful presence in the United States. In processing applications for public benefits, an employee of an agency of state or local government shall not inquire about the legal status of a custodial parent or guardian applying for a public benefit on behalf of ~~[his or her]~~ **the parent's or guardian's** dependent child who is a citizen or permanent resident of the United States.

4. An applicant who cannot provide the proof required under this section at the time of application may alternatively sign an affidavit under oath, attesting to either United States citizenship or classification by the United States as an alien lawfully admitted for permanent residence, in order to receive temporary benefits or a temporary identification document as provided in this section. The affidavit shall be on or consistent with forms prepared by the state or local government agency administering the state or local public benefits and shall include the applicant's Social Security number or any applicable federal identification number and an explanation of the penalties under state law for obtaining public assistance benefits fraudulently.

5. An applicant who has provided the sworn affidavit required under subsection 4 of this section is eligible to receive temporary public benefits as follows:

37 (1) For ninety days or until such time that it is determined that the applicant is not
38 lawfully present in the United States, whichever is earlier; or

39 (2) Indefinitely if the applicant provides a copy of a completed application for a birth
40 certificate that is pending in Missouri or some other state. An extension granted under this
41 subsection shall terminate upon the applicant's receipt of a birth certificate or a determination
42 that a birth certificate does not exist because the applicant is not a United States citizen.

43 6. An applicant who is an alien shall not receive any state or local public benefit
44 unless the alien's lawful presence in the United States is first verified by the federal
45 government. State and local agencies administering public benefits in this state shall
46 cooperate with the United States Department of Homeland Security in achieving verification
47 of an alien's lawful presence in the United States in furtherance of this section. The system
48 utilized may include the Systematic Alien Verification for Entitlements Program operated by
49 the United States Department of Homeland Security. After an applicant's lawful presence in
50 the United States has been verified through the Systematic Alien Verification for Entitlements
51 Program, no additional verification is required within the same agency of the state or local
52 government.

53 7. The provisions of this section shall not be construed to require any nonprofit
54 organization duly registered with the Internal Revenue Service to enforce the provisions of
55 this section, nor does it prohibit such an organization from providing aid.

56 8. Any agency that administers public benefits shall provide assistance in obtaining
57 appropriate documentation to persons applying for public benefits who sign the affidavit
58 required by subsection 4 of this section stating they are eligible for such benefits but lack the
59 documents required under subsection 3 of this section.

2 ~~[173.1110. 1. No covered student unlawfully present in the United~~
3 ~~States shall receive a postsecondary education public benefit. Educational~~
4 ~~institutions awarding postsecondary education public benefits to covered~~
5 ~~students shall verify that these students are United States citizens, permanent~~
6 ~~residents, or lawfully present in the United States.~~

7 ~~2. The following documents, in hard copy or electronic form, may be~~
8 ~~used to document that a covered student is a United States citizen, permanent~~
9 ~~resident, or is lawfully present in the United States:~~

10 ~~(1) The Free Application for Student Aid Institutional Student~~
11 ~~Information Record;~~

12 ~~(2) A state issued driver's license;~~

13 ~~(3) A state issued nondriver's identification card;~~

14 ~~(4) Documentary evidence recognized by the department of revenue~~
15 ~~when processing an application for a driver's license or nondriver's~~
16 ~~identification card;~~

17 ~~(5) A United States birth certificate;~~

~~(6) A United States military identification card; or~~

18 ~~(7) Any document issued by the federal government that confirms an~~
19 ~~alien's lawful presence in the United States.~~

20 ~~3. All postsecondary higher education institutions shall annually~~
21 ~~certify to the department of higher education and workforce development that~~
22 ~~they have not knowingly awarded a postsecondary education public benefit to~~
23 ~~a covered student who is unlawfully present in the United States.~~

24 ~~4. As used in this section, the following terms shall mean:~~

25 ~~(1) "Covered student", a student eighteen years of age or older, who~~
26 ~~has graduated from high school and is attending classes on the campus of a~~
27 ~~postsecondary educational institution during regularly scheduled academic~~
28 ~~sessions;~~

29 ~~(2) "Postsecondary education public benefit", institutional financial~~
30 ~~aid awarded by public postsecondary educational institutions and state-~~
31 ~~administered postsecondary grants and scholarships awarded by all~~
32 ~~postsecondary educational institutions to covered students.]~~

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