

FIRST REGULAR SESSION

# HOUSE BILL NO. 535

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), HENKE, OXFORD, CASEY, MEADOWS, WILDBERGER, BROWN (50), DARROUGH, STORCH, ROBINSON, LOW (39), HARRIS (23), LAMPE, AULL, SKAGGS, BAKER (25), SALVA, CHAPPELLE-NADAL, DONNELLY, ZWEIFEL, HUGHES, BOWMAN, JOHNSON (90), LeVOTA, DOUGHERTY, WALSH, JOLLY, SPRENG, YOUNG, BURNETT, VILLA, WITTE, SCHOEMEHL, YAEGER, BRINGER, HARRIS (110), RUCKER, HOSKINS, MEINERS, KUESSNER, WAGNER, LIESE, WHORTON, HAYWOOD, SHOEMYER, JOHNSON (61), PAGE, MOORE, WALTON, DENISON, FISHER AND SANDER (Co-sponsors).

Read 1<sup>st</sup> time February 14, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1013L.011

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### AN ACT

To amend chapters 41, 143, and 173, RSMo, by adding thereto three new sections relating to relief for family members of active duty Missouri military personnel.

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

Section A. Chapters 41, 143, and 173, RSMo, are amended by adding thereto three new sections, to be known as sections 41.217, 143.823, and 173.233, to read as follows:

2           **41.217. 1. Subject to appropriation, the adjutant general shall have the power to**  
3           **make grants from the Missouri Military Family Relief fund to families of persons who are**  
4           **members of the Missouri National Guard or Missouri residents who are members of the**  
5           **reserves of the armed forces of the United States and who have been called to active duty**  
6           **as a result of the September 11, 2001, terrorist attacks. The adjutant general shall**  
7           **establish eligibility criteria for the grants by the promulgation of rules and regulations.**  
8           **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
9           **that is created under the authority delegated in this section shall become effective only if**  
10           **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
11           **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
              **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**

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.

12 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
14 adopted after August 28, 2005, shall be invalid and void.

143.823. 1. In each taxable year beginning on or after January 1, 2005, each  
2 individual or corporation entitled to a tax refund in an amount sufficient to make a  
3 designation under this section may designate that one dollar or any amount in excess of one  
4 dollar on a single return, and two dollars or any amount in excess of two dollars on a  
5 combined return, of the refund due be credited to the Missouri Military Family Relief  
6 fund. If any individual or corporation that is not entitled to a tax refund in an amount  
7 sufficient to make a designation under this section wishes to make a contribution to the  
8 Missouri Military Family Relief fund, such individual or corporation may, by separate  
9 check, draft, or other negotiable instrument, send in with the payment of taxes, or may  
10 send in separately, that amount, clearly designated for the Missouri Military Family Relief  
11 fund, the individual or corporation wishes to contribute. The department of revenue shall  
12 deposit such amount to the Missouri Military Family Relief fund as provided in subsection  
13 2 of this section.

14 2. The director of revenue shall transfer at least monthly all contributions  
15 designated by individuals under this section to the state treasurer for deposit to the  
16 "Missouri Military Family Relief Fund", which is hereby created. The fund shall be  
17 administered by the adjutant general.

18 3. The director of revenue shall transfer at least monthly all contributions  
19 designated by the corporations under this section, less an amount sufficient to cover the  
20 cost of collection and handling by the department of revenue, to the state treasurer for  
21 deposit to the Missouri Military Family Relief fund.

22 4. A contribution designated under this section shall only be transferred and  
23 deposited in the Missouri Military Family Relief fund after all other claims against the  
24 refund from which such contribution is to be made have been satisfied.

25 5. The state treasurer shall distribute moneys deposited in the Missouri Military  
26 Family Relief fund in accordance with the provisions of section 41.217, RSMo.

27 6. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any  
28 moneys remaining in the fund at the end of the biennium shall not revert to the credit of  
29 the general revenue fund.

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

173.233. 1. As used in this section, unless the context clearly requires otherwise, the

2 following terms mean:

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

4 (2) "Child", a birth child, adopted child or stepchild;

5 (3) "Grant", the grant awarded under this section to children of Missouri veterans  
6 killed in combat while on active duty after 2001;

7 (4) "Institution of postsecondary education", any approved Missouri public  
8 institution of postsecondary education, as defined in section 173.205;

9 (5) "Tuition", any tuition or incidental fee or both charged by an institution of  
10 postsecondary education, as defined in this section, for attendance at the institution by a  
11 student as a resident of this state;

12 (6) "Veteran", a person who served in the military and to whom the following  
13 criteria shall apply:

14 (a) The veteran was a Missouri resident when first entering the military service and  
15 at the time of death;

16 (b) The veteran dies as a result of combat action or the veteran's death was  
17 attributable to an illness that was or could have been contracted while serving on active  
18 duty; and

19 (c) The veteran served on active duty after 2001.

20 2. Within the limits of the amounts appropriated therefor, the coordinating board  
21 for higher education shall award annually up to twenty-five grants to children of Missouri  
22 veterans who have been killed in action while on active duty on or after March 1, 2003, to  
23 attend institutions of postsecondary education in this state. If the waiting list of eligible  
24 children exceeds fifty, the coordinating board may petition the general assembly to expand  
25 the quota. If the quota is not expanded the eligibility of children on the waiting list shall  
26 be extended.

27 3. A child may receive a grant under this section only so long as the child is enrolled  
28 in a program leading to a certificate, or an associate or baccalaureate degree. In no event  
29 shall a child receive a grant beyond the completion of the first baccalaureate degree,  
30 regardless of age. No child shall receive more than one hundred percent of tuition and fees  
31 when combined with similar funds made available to such child.

32 4. The coordinating board for higher education shall:

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

35 (2) Determine minimum standards of performance in order for a child to remain  
36 eligible to receive a grant under this program;

37 (3) Make available on behalf of a child an amount toward the child's tuition and

38 fees which is equal to the grant to which the child is entitled under the provisions of this  
39 section;

40 (4) Provide the forms and determine the procedures necessary for a child to apply  
41 for and receive a grant under this program.

42 5. In order to be eligible to receive a grant under this section, a child shall be  
43 certified as eligible by a Missouri state veterans service officer. In the case of an illness-  
44 related death, such certification shall be made upon qualified medical certification by a  
45 Veterans Administration medical authority that the illness was or could have been  
46 contracted while serving on active duty and contributed to or was the cause of death of the  
47 veteran, as defined in subsection 1 of this section.

48 6. A child who is enrolled or has been accepted for enrollment as an undergraduate  
49 postsecondary student at an approved institution of postsecondary education shall receive  
50 a grant in an amount not to exceed the actual tuition, as defined in this section, charged at  
51 an approved institution of postsecondary education where the child is enrolled or accepted  
52 for enrollment.

53 7. A child who is a recipient of a grant may transfer from one approved public  
54 institution of postsecondary education to another without losing his or her entitlement  
55 under this section. The board shall make necessary adjustments in the amount of the  
56 grant. If a grant recipient at any time withdraws from the institution of postsecondary  
57 education so that under the rules and regulations of that institution he or she is entitled to  
58 a refund of any tuition, the institution shall pay the portion of the refund to which he or  
59 she is entitled attributable to the grant for that semester or similar grading period to the  
60 board.

61 8. If a child is granted financial assistance under any other student aid program,  
62 public or private, the full amount of such aid shall be reported to the board by the  
63 institution and the eligible child.

64 9. Nothing in this section shall be construed as a promise or guarantee that a person  
65 will be admitted to an institution of postsecondary education or to a particular institution  
66 of postsecondary education, will be allowed to continue to attend an institution of  
67 postsecondary education after having been admitted, or will be graduated from an  
68 institution of postsecondary education.

69 10. The benefits conferred by this section shall be available to any academically  
70 qualified children of veterans as defined in subsection 1 of this section. Children who are  
71 eligible, shall be permitted to apply for full benefits conferred by this section until they  
72 reach twenty-five years of age.

73 11. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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