

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 6 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 389
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Offered April 18, 2007.

Senate Substitute No. 6 adopted, April 18, 2007.

Taken up for Perfection April 18, 2007. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1654S.33P

AN ACT

To repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof thirty-one new sections relating to higher education, with penalty provisions and an emergency clause.

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

Section A. Sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 160.254, 168.700, 168.702, 172.950, 173.005, 173.093, 173.125, 173.250, 173.355, 173.360, 173.385, 173.386, 173.392, 173.393, 173.425, 173.475, 173.616, 173.1000, 173.1003, 173.1004, 173.1006, 173.1101, 173.1102, 173.1103, 173.1104, 173.1105, 173.1106, 173.1107, 173.1108, 313.835, and 1, to read as follows:

160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 appointed by the president pro tem of the senate and the house members by the
6 speaker of the house.

7 2. The committee [may] **shall** meet [and function in any year that the
8 president pro tem of the senate and the speaker of the house of representatives
9 appoint members to serve on the committee] **at least twice a year**. In the event
10 of three consecutive absences on the part of any member, such member may be
11 removed from the committee.

12 3. The committee shall select either a chairman or cochairmen, one of
13 whom shall be a member of the senate and one a member of the house. A
14 majority of the members shall constitute a quorum. Meetings of the committee
15 may be called at such time and place as the chairman or chairmen designate.

16 4. The committee shall:

17 (1) Review and monitor the progress of education in the state's public
18 schools **and institutions of higher education;**

19 (2) Receive reports from the commissioner of education concerning the
20 public schools **and from the commissioner of higher education concerning**
21 **institutions of higher education;**

22 (3) Conduct a study and analysis of the public school system;

23 (4) Make recommendations to the general assembly for legislative action;
24 [and]

25 (5) Conduct an in-depth study concerning all issues relating to the equity
26 and adequacy of the distribution of state school aid, teachers' salaries, funding
27 for school buildings, and overall funding levels for schools and any other
28 education funding-related issues the committee deems relevant;

29 **(6) Monitor the establishment of performance measures as**
30 **required by section 173.1006, RSMo, and report on their establishment**
31 **to the governor and the general assembly;**

32 **(7) Conduct studies and analysis regarding:**

33 **(a) The higher education system, including financing public**
34 **higher education and the provision of financial aid for higher**
35 **education; and**

36 **(b) The feasibility of including students enrolled in proprietary**
37 **schools, as that term is defined in section 173.600, RSMo, in all state-**
38 **based financial aid programs;**

39 **(8) Annually review the collection of information under section**
40 **173.093, RSMo, to facilitate a more accurate comparison of the actual**

41 **costs at public and private higher education institutions;**

42 **(9) Within three years of the effective date of this act, review a**
43 **new model for the funding of public higher education institutions upon**
44 **submission of such model by the coordinating board for higher**
45 **education;**

46 **(10) Within three years of the effective date of this act, review**
47 **the impact of the higher education student funding act established in**
48 **sections 173.1000 to 173.1006.**

49 5. The committee may make reasonable requests for staff assistance from
50 the research and appropriations staffs of the house and senate and the committee
51 on legislative research, as well as the department of elementary and secondary
52 education, the department of higher education, the coordinating board for higher
53 education, the state tax commission, **the department of economic**
54 **development**, all school districts and other political subdivisions of this state,
55 teachers and teacher groups, business and other commercial interests and any
56 other interested persons.

57 6. Members of the committee shall receive no compensation but may be
58 reimbursed for reasonable and necessary expenses associated with the
59 performance of their official duties.

168.700. 1. This act shall be known, and may be cited, as the
2 **"Missouri Teaching Fellows Program".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Department", the Missouri department of higher education;**

5 **(2) "Eligible applicant": a high school senior who:**

6 **(a) Is a United States citizen;**

7 **(b) Has a cumulative grade point average ranking in the top ten**
8 **percentile in their graduating class and scores in the top twenty**
9 **percentile on either the ACT or SAT assessment; or has a cumulative**
10 **grade point average ranking in the top twenty percentile in their**
11 **graduating class and scores in the top ten percentile of the ACT or SAT**
12 **assessment;**

13 **(c) Upon graduation from high school, attends a Missouri higher**
14 **education institution and attains a teaching certificate and either a**
15 **bachelors or graduate degree with a cumulative grade point average of**
16 **at least 3.0 on a 4 point scale or equivalent;**

17 **(d) Signs an agreement with the department in which the**
18 **applicant agrees to engage in qualified employment upon graduation**

19 from a higher education institution for five years; and

20 (e) Upon graduation from the higher education institution,
21 engages in qualified employment;

22 (3) "Qualified employment", employment as a teacher in a school
23 located in a school district that is not classified as accredited by the
24 state board of education at the time the eligible applicant signs their
25 first contract to teach in such district. Preference in choosing schools
26 to receive participating teachers shall be given to schools in such
27 school districts with a higher than the state average of students eligible
28 to receive a reduced lunch price under the National School Act, 42
29 U.S.C. Section 1751 et seq., as amended;

30 (4) "Teacher", any employee of a school district, regularly
31 required to be certified under laws relating to the certification of
32 teachers, except superintendents and assistant superintendents but
33 including certified teachers who teach at the prekindergarten level
34 within a prekindergarten program in which no fees are charged to
35 parents or guardians.

36 3. Within the limits of amounts appropriated therefor, the
37 department shall, upon proper verification to the department by an
38 eligible applicant and the school district in which the applicant is
39 engaged in qualified employment, enter into a one-year contract with
40 eligible applicants to repay the interest and principal on the
41 educational loans of the applicants or provide a stipend to the
42 applicant as provided in subsection 4 of this section. The department
43 may enter into subsequent one-year contracts with eligible applicants,
44 not to total more than five such contracts. The fifth one-year contract
45 shall provide for a stipend to such applicants as provided in subsection
46 4 of this section. If the school district becomes accredited at any time
47 during which the eligible applicant is teaching at a school under a
48 contract entered into pursuant to this section, nothing in this section
49 shall preclude the department and the eligible applicant from entering
50 into subsequent contracts to teach within the school district. An
51 eligible applicant who does not enter into a contract with the
52 department under the provisions of this subsection shall not be eligible
53 for repayment of educational loans or a stipend under the provisions
54 of subsection 4 of this section.

55 4. At the conclusion of each of the first four academic years that

56 an eligible applicant engages in qualified employment, up to one-fourth
57 of the eligible applicant's educational loans, not to exceed five
58 thousand dollars per year, shall be repaid under terms provided in the
59 contract. For applicants without any educational loans, the applicant
60 may receive a stipend of up to five thousand dollars at the conclusion
61 of each of the first four academic years that the eligible applicant
62 engages in qualified employment. At the conclusion of the fifth
63 academic year that an eligible applicant engages in qualified
64 employment, a stipend in an amount equal to one thousand dollars shall
65 be granted to the eligible applicant. The maximum of five thousand
66 dollars per year and the stipend of one thousand dollars shall be
67 adjusted annually by the same percentage as the increase in the
68 general price level as measured by the Consumer Price Index for All
69 Urban Consumers for the United States, or its successor index, as
70 defined and officially recorded by the United States Department of
71 Labor or its successor agency. The amount of any repayment of
72 educational loans or the issuance of a stipend under this subsection
73 shall not exceed the actual cost of tuition, required fees, and room and
74 board for the eligible applicant at the institution of higher education
75 from which the eligible applicant graduated.

76 5. The department shall maintain a "Missouri Teaching Fellows
77 Program" coordinator position, the main responsibility of which shall
78 be the identification, recruitment, and selection of potential students
79 meeting the requirements of paragraph (b) of subdivision (2) of
80 subsection 2 of this section. In selecting potential students, the
81 coordinator shall give preference to applicants that represent a variety
82 of racial backgrounds in order to ensure a diverse group of eligible
83 applicants.

84 6. The department shall promulgate rules to enforce the
85 provisions of this section, including, but not be limited to: applicant
86 eligibility, selection criteria, and the content of loan repayment
87 contracts. If the number of applicants exceeds the revenues available
88 for loan repayment or stipends, priority shall be to those applicants
89 with the highest high school grade point average and highest scores on
90 the ACT or SAT assessments.

91 7. Any rule or portion of a rule, as that term is defined in section
92 536.010, RSMo, that is created under the authority delegated in this

93 section shall become effective only if it complies with and is subject to
94 all of the provisions of chapter 536, RSMo, and, if applicable, section
95 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
96 and if any of the powers vested with the general assembly pursuant to
97 chapter 536, RSMo, to review, to delay the effective date, or to
98 disapprove and annul a rule are subsequently held unconstitutional,
99 then the grant of rulemaking authority and any rule proposed or
100 adopted after August 28, 2007, shall be invalid and void.

101 8. There is hereby created in the state treasury the "Missouri
102 Teaching Fellows Program Fund". The state treasurer shall be
103 custodian of the fund and may approve disbursements from the fund in
104 accordance with sections 30.170 and 30.180, RSMo. Private donations,
105 federal grants, and other funds provided for the implementation of this
106 section shall be placed in the Missouri teaching fellows program
107 fund. Upon appropriation, money in the fund shall be used solely for
108 the repayment of loans and the payment of stipends under the
109 provisions of this section. Notwithstanding the provisions of section
110 33.080, RSMo, to the contrary, any moneys remaining in the fund at the
111 end of the biennium shall not revert to the credit of the general
112 revenue fund. The state treasurer shall invest moneys in the fund in
113 the same manner as other funds are invested. Any interest and moneys
114 earned on such investments shall be credited to the fund.

115 9. Subject to appropriations, the general assembly shall include
116 an amount necessary to properly fund this section, not to exceed one
117 million dollars in any fiscal year. The maximum of one million dollars
118 in any fiscal year shall be adjusted annually by the same percentage as
119 the increase in the general price level as measured by the Consumer
120 Price Index for All Urban Consumers for the United States, or its
121 successor index, as defined and officially recorded by the United States
122 Department of Labor or its successor agency.

168.702. Pursuant to section 23.253, RSMo, of the Missouri Sunset
2 Act:

3 (1) Any new program authorized under section 168.700 shall
4 automatically sunset six years after the effective date of this act unless
5 reauthorized by an act of the general assembly; and

6 (2) If such program is reauthorized, the program authorized
7 under section 168.700 shall automatically sunset twelve years after the

8 **effective date of the reauthorization of this act; and**

9 **(3) Section 168.700 shall terminate on September first of the**
10 **calendar year immediately following the calendar year in which a**
11 **program authorized under section 168.700 is sunset.**

172.950. Notwithstanding any provision of law, the curators of
2 **the University of Missouri may close the following records as they**
3 **relate to a donor or potential donor:**

4 **(1) Any credit report, banking information, or personal financial**
5 **documents, including legal documents that are part of an estate plan**
6 **that is provided to the institution by the donor or potential donor;**

7 **(2) Any tax return or other personal financial information that**
8 **federal or Missouri taxing authorities are allowed or required to treat**
9 **as confidential under the federal Internal Revenue Code, Missouri**
10 **income tax statutes, or their respective implementing regulations.**

173.005. 1. There is hereby created a "Department of Higher Education",
2 and the division of higher education of the department of education is abolished
3 and all its powers, duties, functions, personnel and property are transferred as
4 provided by the Reorganization Act of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers,
6 duties, personnel and property are transferred by type I transfer to the
7 "Coordinating Board for Higher Education", which is hereby created, and the
8 coordinating board shall be the head of the department. The coordinating board
9 shall consist of nine members appointed by the governor with the advice and
10 consent of the senate, and not more than five of its members shall be of the same
11 political party. None of the members shall be engaged professionally as an
12 educator or educational administrator with a public or private institution of
13 higher education at the time appointed or during his term. The other
14 qualifications, terms and compensation of the coordinating board shall be the
15 same as provided by law for the curators of the University of Missouri. The
16 coordinating board may, in order to carry out the duties prescribed for it in
17 subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and
18 research personnel as may be necessary to assist it in performing those duties,
19 but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent
20 employees regardless of the source of funding. In addition to all other powers,
21 duties and functions transferred to it, the coordinating board for higher education
22 shall have the following duties and responsibilities:

23 (1) The coordinating board for higher education shall have approval of
24 proposed new degree programs to be offered by the state institutions of higher
25 education;

26 (2) The coordinating board for higher education may promote and
27 encourage the development of cooperative agreements between Missouri public
28 four-year institutions of higher education which do not offer graduate degrees and
29 Missouri public four-year institutions of higher education which do offer graduate
30 degrees for the purpose of offering graduate degree programs on campuses of
31 those public four-year institutions of higher education which do not otherwise
32 offer graduate degrees. Such agreements shall identify the obligations and duties
33 of the parties, including assignment of administrative responsibility. Any
34 diploma awarded for graduate degrees under such a cooperative agreement shall
35 include the names of both institutions inscribed thereon. Any cooperative
36 agreement in place as of August 28, 2003, shall require no further approval from
37 the coordinating board for higher education. Any costs incurred with respect to
38 the administrative provisions of this subdivision may be paid from state funds
39 allocated to the institution assigned the administrative authority for the
40 program. The provisions of this subdivision shall not be construed to invalidate
41 the provisions of subdivision (1) of this subsection;

42 (3) In consultation with the heads of the institutions of higher education
43 affected and against a background of carefully collected data on enrollment,
44 physical facilities, manpower needs, institutional missions, the coordinating board
45 for higher education shall establish guidelines for appropriation requests by those
46 institutions of higher education; however, other provisions of the Reorganization
47 Act of 1974 notwithstanding, all funds shall be appropriated by the general
48 assembly to the governing board of each public four-year institution of higher
49 education which shall prepare expenditure budgets for the institution;

50 (4) No new state-supported senior colleges or residence centers shall be
51 established except as provided by law and with approval of the coordinating board
52 for higher education;

53 (5) The coordinating board for higher education shall establish admission
54 guidelines consistent with institutional missions;

55 (6) The coordinating board shall establish policies and procedures for
56 institutional decisions relating to the residence status of students;

57 (7) The coordinating board shall establish guidelines to promote and
58 facilitate the transfer of students between institutions of higher education within

59 the state **and shall ensure that as of the 2008-2009 academic year, in**
60 **order to receive increases in state appropriations, all approved public**
61 **two- and four-year public institutions shall work with the commissioner**
62 **of higher education to establish agreed-upon competencies for all**
63 **entry-level collegiate courses in English, mathematics, foreign**
64 **language, sciences, and social sciences associated with an institution's**
65 **general education core and that the coordinating board shall establish**
66 **policies and procedures to ensure such courses are accepted in transfer**
67 **among public institutions and treated as equivalent to similar courses**
68 **at the receiving institutions. The department of elementary and**
69 **secondary education shall align such competencies with the**
70 **assessments found in section 160.518, RSMo, and successor assessments;**

71 (8) The coordinating board shall collect the necessary information and
72 develop comparable data for all institutions of higher education in the state. The
73 coordinating board shall use this information to delineate the areas of competence
74 of each of these institutions and for any other purposes deemed appropriate by
75 the coordinating board;

76 (9) Compliance with requests from the coordinating board for institutional
77 information and the other powers, duties and responsibilities, herein assigned to
78 the coordinating board, shall be a prerequisite to the receipt of any funds [for]
79 which the coordinating board is responsible for administering; [and]

80 (10) If any institution of higher education in this state, public or private,
81 willfully fails or refuses to follow any lawful guideline, policy or procedure
82 established or prescribed by the coordinating board, or knowingly deviates from
83 any such guideline, or knowingly acts without coordinating board approval where
84 such approval is required, or willfully fails to comply with any other lawful order
85 of the coordinating board, the coordinating board may, after a public hearing,
86 withhold or direct to be withheld from that institution any funds the
87 disbursement of which is subject to the control of the coordinating board, or may
88 remove the approval of the institution as an "approved institution" within the
89 meaning of section [173.205, but] **173.1102. If any such public institution**
90 **willfully disregards board policy, the commissioner of higher education**
91 **may order such institution to remit a fine in an amount not to exceed**
92 **one percent of the institution's current fiscal year state operating**
93 **appropriation to the board. The board shall hold such funds until such**
94 **time that the institution, as determined by the commissioner of higher**

95 education, corrects the violation, at which time the board shall refund
96 such amount to the institution. If the commissioner determines that
97 the institution has not redressed the violation within one year, the fine
98 amount shall be deposited into the general revenue fund, unless the
99 institution appeals such decision to the full coordinating board, which
100 shall have the authority to make a binding and final decision, by means
101 of a majority vote, regarding the matter. However, nothing in this section
102 shall prevent any institution of higher education in this state from presenting
103 additional budget requests or from explaining or further clarifying its budget
104 requests to the governor or the general assembly[.]; and

105 (11) (a) As used in this subdivision, the term "out-of-state public
106 institution of higher education" shall mean an education institution
107 located outside of Missouri that:

108 a. Is controlled or administered directly by a public agency or
109 political subdivision or is classified as a public institution by the state;

110 b. Receives appropriations for operating expenses directly or
111 indirectly from a state other than Missouri;

112 c. Provides a postsecondary course of instruction at least six
113 months in length leading to or directly creditable toward a degree or
114 certificate;

115 d. Meets the standards for accreditation by an accrediting body
116 recognized by the United States Department of Education or any
117 successor agency; and

118 e. Permits faculty members to select textbooks without influence
119 or pressure by any religious or sectarian source.

120 (b) No later than July 1, 2008, the coordinating board shall
121 promulgate rules regarding:

122 a. The board's approval process of proposed new degree
123 programs and course offerings by any out-of-state public institution of
124 higher education seeking to offer degree programs or course work
125 within the state of Missouri; and

126 b. The board's approval process of degree programs and courses
127 offered by any out-of-state public institutions of higher education that,
128 prior to July 1, 2008, were approved by the board to operate a school
129 in compliance with the provisions of sections 173.600 to 173.618.

130 The rules shall ensure that, as of July 1, 2008, all out-of-state public
131 institutions seeking to offer degrees and courses within the state of

132 Missouri are evaluated in a manner similar to Missouri public higher
133 education institutions. Such out-of-state public institutions shall be
134 held to standards no lower than the standards established by the
135 coordinating board for program approval and the policy guidelines of
136 the coordinating board for data collection, cooperation, and resolution
137 of disputes between Missouri institutions of higher education under
138 this section. Any such out-of-state public institutions of higher
139 education wishing to continue operating within this state must be
140 approved by the board under the rules promulgated under this
141 subdivision. Any rule or portion of a rule, as that term is defined in
142 section 536.010, RSMo, that is created under the authority delegated in
143 this section shall become effective only if it complies with and is
144 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
145 section 536.028, RSMo. This section and chapter 536, RSMo, are
146 nonseverable and if any of the powers vested with the general assembly
147 under chapter 536, RSMo, to review, to delay the effective date, or to
148 disapprove and annul a rule are subsequently held unconstitutional,
149 then the grant of rulemaking authority and any rule proposed or
150 adopted after August 28, 2007, shall be invalid and void.

151 (c) Nothing in this subdivision or in section 173.616 shall be
152 construed or interpreted so that students attending an out-of-state
153 public institution are considered to be attending a Missouri public
154 institution of higher education for purposes of obtaining student
155 financial assistance.

156 3. The coordinating board shall meet at least four times annually with an
157 advisory committee who shall be notified in advance of such meetings. The
158 coordinating board shall have exclusive voting privileges. The advisory
159 committee shall consist of thirty-two members, who shall be the president or
160 other chief administrative officer of the University of Missouri; the chancellor of
161 each campus of the University of Missouri; the president of each state-supported
162 four-year college or university, including Harris-Stowe State University, Missouri
163 Southern State University, Missouri Western State University, and Lincoln
164 University; the president of Linn State Technical College; the president or
165 chancellor of each public community college district; and representatives of each
166 of five accredited private institutions selected biennially, under the supervision
167 of the coordinating board, by the presidents of all of the state's privately
168 supported institutions; but always to include at least one representative from one

169 privately supported junior college, one privately supported four-year college, and
170 one privately supported university. The conferences shall enable the committee
171 to advise the coordinating board of the views of the institutions on matters within
172 the purview of the coordinating board.

173 4. The University of Missouri, Lincoln University, and all other
174 state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and
175 others, are transferred by type III transfers to the department of higher education
176 subject to the provisions of subsection 2 of this section.

177 5. The state historical society, chapter 183, RSMo, is transferred by type
178 III transfer to the University of Missouri.

179 6. The state anatomical board, chapter 194, RSMo, is transferred by type
180 II transfer to the department of higher education.

181 7. All the powers, duties and functions vested in the division of public
182 schools and state board of education relating to community college state aid and
183 the supervision, formation of districts and all matters otherwise related to the
184 state's relations with community college districts and matters pertaining to
185 community colleges in public school districts, chapters 163 and 178, RSMo, and
186 others, are transferred to the coordinating board for higher education by type I
187 transfer. Provided, however, that all responsibility for administering the
188 federal-state programs of vocational-technical education, except for the 1202a
189 post-secondary educational amendments of 1972 program, shall remain with the
190 department of elementary and secondary education. The department of
191 elementary and secondary education and the coordinating board for higher
192 education shall cooperate in developing the various plans for vocational-technical
193 education; however, the ultimate responsibility will remain with the state board
194 of education.

195 8. The administration of sections 163.171 and 163.181, RSMo, relating to
196 teacher-training schools in cities, is transferred by type I transfer to the
197 coordinating board for higher education.

198 9. All the powers, duties, functions, personnel and property of the state
199 library and state library commission, chapter 181, RSMo, and others, are
200 transferred by type I transfer to the coordinating board for higher education, and
201 the state library commission is abolished. The coordinating board shall appoint
202 a state librarian who shall administer the affairs of the state library under the
203 supervision of the board.

204 10. All the powers, duties, functions, and properties of the state poultry

205 experiment station, chapter 262, RSMo, are transferred by type I transfer to the
206 University of Missouri, and the state poultry association and state poultry board
207 are abolished. In the event the University of Missouri shall cease to use the real
208 estate of the poultry experiment station for the purposes of research or shall
209 declare the same surplus, all real estate shall revert to the governor of the state
210 of Missouri and shall not be disposed of without legislative approval.

**173.093. Actual awards of student assistance for students
2 enrolled in approved public or private institutions of higher education
3 in this state, as defined in section 173.1102, shall be reduced to ensure
4 that no student receiving state need-based financial assistance shall
5 receive financial assistance that exceeds the student's cost of
6 attendance. Approved institutions shall comply with the provisions of
7 this section and shall, upon request by the department of higher
8 education, provide financial information to the department to
9 determine compliance with the requirements of this section. An
10 approved institution that has accepted state need-based financial
11 assistance in excess of the cost of attendance as described in this
12 section shall refund the excess to the coordinating board for higher
13 education. For purposes of this section, "financial assistance" shall not
14 include any student loans or any awards of financial assistance based
15 solely on a student's academic performance.**

**173.125. As a condition of receiving state funds, every public
2 institution of higher education shall agree to submit to binding dispute
3 resolution with regard to disputes among public institutions of higher
4 education that involve jurisdictional boundaries or the use or
5 expenditure of any state resources whatsoever, as determined by the
6 coordinating board. In all cases, the arbitrator shall be the
7 commissioner of higher education or his or her designee, whose
8 decision shall be binding on all parties. Any institution aggrieved by
9 a decision of the commissioner may appeal such decision, in which
10 instance the case shall be reviewed by the full coordinating board, at
11 which time the full coordinating board shall have the authority to make
12 a binding and final decision, by means of a majority vote, regarding the
13 matter.**

**173.250. 1. There is hereby established a "Higher Education Academic
2 Scholarship Program" and any moneys appropriated by the general assembly for
3 this program shall be used to provide scholarships for Missouri citizens to attend**

4 a Missouri college or university of their choice pursuant to the provisions of this
5 section.

6 2. The definitions of terms set forth in section 173.205 shall be applicable
7 to such terms as used in this section. The term "academic scholarship" means an
8 amount of money paid by the state of Missouri to a qualified college or university
9 student who has demonstrated superior academic achievement pursuant to the
10 provisions of this section.

11 3. The coordinating board for higher education shall be the administrative
12 agency for the implementation of the program established by this section, and
13 shall:

14 (1) Promulgate reasonable rules and regulations for the exercise of its
15 functions and the effectuation of the purposes of this section, including
16 regulations for granting scholarship deferments;

17 (2) Prescribe the form and the time and method of awarding academic
18 scholarships, and shall supervise the processing thereof; and

19 (3) Select qualified recipients to receive academic scholarships, make such
20 awards of academic scholarships to qualified recipients and determine the
21 manner and method of payment to the recipient.

22 4. A student shall be eligible for initial or renewed academic scholarship
23 if he or she is in compliance with the eligibility requirements set forth in section
24 173.215 excluding the requirement of financial need and undergraduate status,
25 and in addition meets the following requirements:

26 (1) Initial academic scholarships shall be offered in the academic year
27 immediately following graduation from high school to Missouri high school seniors
28 whose composite scores on the American College Testing Program (ACT) or the
29 Scholastic Aptitude Test (SAT) of the College Board are in the top [three] **five**
30 percent of all Missouri students taking those tests during the school year in
31 which the scholarship recipients graduate from high school. In the freshman year
32 of college, scholarship recipients are required to maintain status as a full-time
33 student;

34 (2) Academic scholarships are renewable if the recipient remains in
35 compliance with the applicable provisions of section 173.215 and the recipient
36 makes satisfactory academic degree progress as a full-time student.

37 5. A student who is enrolled or has been accepted for enrollment as a
38 postsecondary student at an approved private or public institution beginning with
39 the fall, 1987, term and who meets the other eligibility requirements for an

40 academic scholarship shall, within the limits of the funds appropriated and made
41 available, be offered an academic scholarship in the amount of two thousand
42 dollars **for each eligible student whose composite scores on the**
43 **American College Testing Program (ACT) or the Scholastic Aptitude**
44 **Test (SAT) of the College Board are in the top three percent of all**
45 **Missouri students taking those tests during the school year in which**
46 **the scholarship recipients graduate from high school for each fiscal**
47 **year prior to fiscal year 2011, and, subject to appropriations, three**
48 **thousand dollars for fiscal year 2011 and every fiscal year thereafter,**
49 **and one thousand dollars for fiscal year 2011 and every fiscal year**
50 **thereafter for each eligible student whose composite scores on the**
51 **American College Testing Program (ACT) or the Scholastic Aptitude**
52 **Test (SAT) of the College Board are between the top five and three**
53 **percent of all Missouri students taking those tests during the school**
54 **year in which the scholarship recipients graduate from high school, for**
55 **the first academic year of study, which scholarship shall be renewable in the**
56 **amount of two thousand dollars for each eligible student whose composite**
57 **scores on the American College Testing Program (ACT) or the**
58 **Scholastic Aptitude Test (SAT) of the College Board are in the top three**
59 **percent of all Missouri students taking those tests during the school**
60 **year in which the scholarship recipients graduate from high school for**
61 **each fiscal year prior to fiscal year 2011, and, subject to appropriations,**
62 **three thousand dollars for fiscal year 2011 and every fiscal year**
63 **thereafter, and one thousand dollars for fiscal year 2011 and every**
64 **fiscal year thereafter for each eligible student whose composite scores**
65 **on the American College Testing Program (ACT) or the Scholastic**
66 **Aptitude Test (SAT) of the College Board are between the top five and**
67 **three percent of all Missouri students taking those tests during the**
68 **school year in which the scholarship recipients graduate from high**
69 **school, annually for the second, third and fourth academic years or as long as**
70 **the recipient is in compliance with the applicable eligibility requirements set**
71 **forth in section 173.215, provided those years of study are continuous and the**
72 **student continues to meet eligibility requirements for the scholarship; provided,**
73 **however, if a recipient ceases all attendance at an approved public or private**
74 **institution for the purpose of providing service to a nonprofit organization, a state**
75 **or federal government agency or any branch of the armed forces of the United**

76 States, the recipient shall be eligible for a renewal scholarship upon return to any
77 approved public or private institution, provided the recipient:

- 78 (1) Returns to full-time status within twenty-seven months;
79 (2) Provides verification in compliance with coordinating board for higher
80 education rules that the service to the nonprofit organization was satisfactorily
81 completed and was not compensated other than for expenses or that the service
82 to the state or federal governmental agency or branch of the armed forces of the
83 United States was satisfactorily completed; and
84 (3) Meets all other requirements established for eligibility to receive a
85 renewal scholarship.

86 6. A recipient of academic scholarship awarded under this section may
87 transfer from one approved Missouri public or private institution to another
88 without losing eligibility for the scholarship. If a recipient of the scholarship at
89 any time withdraws from an approved private or public institution so that under
90 the rules and regulations of that institution he or she is entitled to a refund of
91 any tuition, fees or other charges, the institution shall pay the portion of the
92 refund attributable to the scholarship for that term to the coordinating board for
93 higher education.

94 7. Other provisions of this section to the contrary notwithstanding, if a
95 recipient has been awarded an initial academic scholarship pursuant to the
96 provisions of this section but is unable to use the scholarship during the first
97 academic year because of illness, disability, pregnancy or other medical need or
98 if a recipient ceases all attendance at an approved public or private institution
99 because of illness, disability, pregnancy or other medical need, the recipient shall
100 be eligible for an initial or renewal scholarship upon enrollment in or return to
101 any approved public or private institution, provided the recipient:

- 102 (1) Enrolls in or returns to full-time status within twenty-seven months;
103 (2) Provides verification in compliance with coordinating board for higher
104 education rules of sufficient medical evidence documenting an illness, disability,
105 pregnancy or other medical need of such person to require that that person will
106 not be able to use the initial or renewal scholarship during the time period for
107 which it was originally offered; and
108 (3) Meets all other requirements established for eligibility to receive an
109 initial or a renewal scholarship.

173.355. As used in sections 173.350 to 173.450, the following terms
2 mean:

3 (1) **"Asset of the authority", any asset or investment of any kind**
4 **owned by the authority, including, but not limited to, any student loan,**
5 **any income or revenues derived from any asset or investment owned by**
6 **the authority, any funds, income, fees, revenues, proceeds of all bonds**
7 **or other forms of indebtedness, and proceeds of the sale or liquidation**
8 **of any such asset or investment;**

9 (2) "Authority", the Missouri higher education loan authority;

10 [(2)] (3) "Board", the Missouri coordinating board for higher education;

11 [(3)] (4) "Bond resolution", any indenture, resolution or other financing
12 document pursuant to which revenue bonds, notes or other forms of indebtedness
13 of the authority are issued or secured;

14 [(4)] (5) "Commissioner", the Missouri commissioner of higher education;

15 [(5)] (6) "Department", the Missouri department of higher education;

16 (7) **"Public colleges and universities", any public community**
17 **college, public college, or public university located in the state of**
18 **Missouri;**

19 [(6)] (8) "Secondary education loans", loans or notes originated by banks,
20 other financial institutions, secondary education institutions or the authority, the
21 proceeds of which are to be used to pay tuition for students enrolling for either
22 junior or senior year at a secondary school which is accredited in accordance with
23 applicable state law. Such loans shall be available only to the parents or
24 guardians of those students who undertake courses of instruction for which
25 postsecondary school course credit may be awarded. Loan proceeds will not be
26 available for any secondary school instruction which is sectarian in nature.

173.360. In order to assure that all eligible postsecondary education
2 students have access to student loans that are guaranteed or insured, or both,
3 **and in order to support the efforts of public colleges and universities**
4 **to create and fund capital projects, and in order to support the**
5 **Missouri technology corporation's ability to work with colleges and**
6 **universities in identifying opportunities for commercializing**
7 **technologies, transferring technologies, and to develop, recruit, and**
8 **retain entities engaged in innovative technologies,** there is hereby created
9 a body politic and corporate to be known as the "Higher Education Loan
10 Authority of the State of Missouri". The authority is hereby constituted a public
11 instrumentality and body corporate, and the exercise by the authority of the
12 powers conferred by sections 173.350 to 173.450 shall be deemed to be the

13 performance of an essential public function. The authority shall consist of seven
14 members, five of whom shall be appointed by the governor by and with the advice
15 and consent of the senate, each of whom shall be a resident of the state; and a
16 member of the coordinating board; and the commissioner of higher education. In
17 making appointments to the authority, the governor shall take into consideration
18 nominees recommended to him for appointment by the chairman of the
19 coordinating board. Two of the appointed members shall be representatives of
20 higher education institutions, one public and one private, in Missouri, two of the
21 appointed members shall be representatives of lending institutions in Missouri,
22 and one of the appointed members shall be representative of the public. The
23 members of the authority first appointed by the governor shall be appointed to
24 serve for terms of one, two, three, four and five years, respectively, from the date
25 of appointment, or until their successors shall have been appointed and shall
26 have qualified. The initial term of each member is to be designated by the
27 governor at the time of making the appointment. Upon the expiration of the
28 initial terms of office, successor members shall be appointed for terms of five
29 years and shall serve until their successors shall have been appointed and shall
30 have qualified. Any member shall be eligible for reappointment. The governor
31 shall fill any vacancy in the authority for the members he appoints for the
32 remainder of the unexpired term. Any member of the authority may be removed
33 by the governor for misfeasance, malfeasance, willful neglect of duty, or other
34 cause after notice and a public hearing unless the notice or hearing shall be
35 expressly waived in writing.

173.385. 1. The authority shall have the following powers, together with
2 all powers incidental thereto or necessary for the performance thereof:

- 3 (1) To have perpetual succession as a body politic and corporate;
- 4 (2) To adopt bylaws for the regulation of its affairs and the conduct of its
5 business;
- 6 (3) To sue and be sued and to prosecute and defend, at law or in equity,
7 in any court having jurisdiction of the subject matter and of the parties;
- 8 (4) To have and to use a corporate seal and to alter the same at pleasure;
- 9 (5) To maintain an office at such place or places in the state of Missouri
10 as it may designate;
- 11 (6) To issue bonds or other forms of indebtedness to obtain funds to
12 purchase student loan notes or finance student loans, or both, including those
13 which are guaranteed under the provisions of sections 173.095 to 173.187, or

14 under the provisions of the federal Higher Education Act of 1965, as amended, or
15 secondary education loans, or scholarships which have been converted to loans
16 under the Missouri teacher education scholarship program provided for in
17 sections 160.276 to 160.283, RSMo. Such bonds or other forms of indebtedness
18 shall be payable from and secured by a pledge of revenues derived from or by
19 reason of the ownership of student loan notes or financing of student loans, or
20 both, and investment income or shall be payable from and secured as may be
21 designated in a bond resolution authorized by the authority. Such bonds or other
22 forms of indebtedness shall not constitute a debt or liability of the state of
23 Missouri or of any political subdivision thereof;

24 (7) To cause proceeds of any bond or any other form of indebtedness to be
25 used to purchase student loan notes or finance student loans, or both, including
26 those which are guaranteed under section 173.110, or guaranteed under the
27 federal Higher Education Act of 1965, as amended, or secondary education loans,
28 or scholarships which have been converted to loans under the Missouri teacher
29 education scholarship program provided for in sections 160.276 to 160.283, RSMo;

30 (8) To sell or enter into agreements to sell student loan notes acquired
31 pursuant to subdivision (7) of this section, and any agreement to sell student loan
32 notes guaranteed under section 173.110 shall be subject to prior approval of the
33 department. Such agreements to sell student loan notes shall be limited only by
34 the terms of the bond resolution authorizing the issue of the bonds or other forms
35 of indebtedness, but shall not be limited by any other provision of law limiting
36 the sale of such student loan notes;

37 (9) **To transfer assets of the authority to the Lewis and Clark**
38 **discovery fund established in section 173.392;**

39 (10) To accept appropriations, gifts, grants, bequests, and devises and to
40 utilize or dispose of the same to carry out its purpose;

41 [(10)] (11) To make and execute contracts, releases, compromises, and
42 other instruments necessary or convenient for the exercise of its powers, or to
43 carry out its purpose;

44 [(11)] (12) To collect reasonable fees and charges in connection with
45 making and servicing its loans, notes, bonds, obligations, commitments, and other
46 evidences of indebtedness, and in connection with providing technical,
47 consultative and project assistant services. Such fees and charges shall be used
48 to pay the costs of the authority;

49 [(12)] (13) To invest any funds not required for immediate disbursement

50 in obligations of the state of Missouri or of the United States government or any
51 instrumentality thereof, the principal and interest of which are guaranteed by the
52 state of Missouri, or the United States government or any instrumentality
53 thereof, or certificates of deposit or time deposits of federally insured banks, or
54 federally insured savings and loan associations or of insured credit unions, or,
55 with respect to moneys pledged or held under a trust estate or otherwise
56 available for the owners of bonds or other forms of indebtedness, any investment
57 authorized under the bond resolution governing the security and payment of such
58 obligations or repurchase agreements for the specified investments;

59 ~~[(13)]~~ **(14)** To acquire, hold and dispose of personal property ~~[for]~~ **to**
60 **carry out** its purposes;

61 ~~[(14)]~~ **(15)** To enter into agreements or other transactions with any
62 federal or state agency, any person and any domestic or foreign partnership,
63 corporation, association or organization;

64 ~~[(15)]~~ **(16)** To take any necessary actions to be qualified to issue
65 tax-exempt bonds or other forms of tax-exempt indebtedness pursuant to the
66 applicable provisions of the Internal Revenue Code of 1986, as amended,
67 **including the issuance of such bonds to fulfill the obligations of the**
68 **authority under subsection 2 of section 173.385;**

69 ~~[(16)]~~ **(17)** To take any necessary actions to be qualified to issue bonds
70 or other forms of indebtedness, the interest on which is not exempt from federal
71 income taxation, **including the issuance of such bonds to fulfill the**
72 **obligations of the authority under subsection 2 of section 173.385;**

73 ~~[(17)]~~ **(18)** To service student loans for any owner thereof, regardless of
74 whether such student loans are originated in this state or out of this state;

75 **(19) To create, acquire, contribute to, or invest in any type of**
76 **financial aid program that provides grants and scholarships to**
77 **students.**

78 **2. The authority shall distribute three hundred fifty million**
79 **dollars of assets of the authority to the Lewis and Clark discovery fund**
80 **established in section 173.392 as follows: two hundred thirty million**
81 **dollars no later than September 15, 2007; five million dollars by**
82 **December 31, 2007; and five million dollars each quarter thereafter**
83 **ending September 30, 2013. Any investment earnings on the moneys in**
84 **the Lewis and Clark discovery fund shall be credited against the next**
85 **distribution by the authority and shall thereby reduce the amount of**

86 any such distribution by the authority. The authority shall make any
87 distributions to the Lewis and Clark discovery fund pursuant to the
88 dates scheduled in this subsection, provided, however, that the date of
89 any such distribution may be delayed by the authority if the authority
90 determines that any such distribution may materially adversely effect
91 the services and benefits provided Missouri students or residents in the
92 ordinary course of the authority's business, the borrower benefit
93 programs of the authority, or the economic viability of the
94 authority. Notwithstanding the ability of the authority to delay any
95 distribution required by this subsection, the distribution of the entire
96 three hundred fifty million dollars of assets by the authority to the
97 Lewis and Clark discovery fund shall be completed no later than
98 September 30, 2013, unless otherwise approved by the authority and the
99 commissioner of the office of administration.

100 3. No member of the authority who lawfully acts or votes on any
101 agreement or other matter authorized under the powers granted to the
102 authority under this section shall incur any personal liability as a
103 result of such lawful deliberations, acts, or votes, and such members
104 shall be immune from suit for such deliberations, acts, or votes. In no
105 event shall such deliberations, acts, or votes constitute a conflict of
106 interest under section 173.380.

107 4. Notwithstanding any provision of law to the contrary, in the
108 event of the initial distribution of two hundred thirty million dollars
109 of assets by the authority to the Lewis and Clark discovery fund
110 created in section 173.392, the director of the department of economic
111 development shall allocate to and reserve for the authority during the
112 year of such first distribution and in at least each of the next fourteen
113 years thereafter a percentage of the state ceiling under sections 108.500
114 to 108.532, RSMo, which percentage shall at a minimum be equal to one
115 and one-half percent less than the average percentage of the authority's
116 allocation of state ceiling for the two calendar years 2005 and 2006
117 calculated annually. The dollar amount of state ceiling to be received
118 by the authority as determined under the provisions of this subsection
119 for calendar year 2014 and later years, not to exceed calendar year
120 2021, shall be reduced in any calendar year by the percentage of the
121 three hundred fifty million dollars not yet distributed by the authority
122 to the Lewis and Clark discovery fund by the preceding calendar year

123 end.

173.386. Notwithstanding any other provision of law, the
2 authority shall not have the power or authority to cause any asset of
3 the authority to be used for the payment of debt incurred by the state,
4 and the authority shall not have the power or authority to distribute
5 any asset of the authority to any fund of the state of Missouri, for the
6 purpose of payment of debt incurred by the state.

173.392. 1. There is hereby created in the state treasury a fund
2 to be known as the "Lewis and Clark Discovery Fund". The state
3 treasurer shall deposit to the credit of the fund all moneys which may
4 be distributed to it by the authority, appropriated to it by the general
5 assembly, and any gifts, contributions, grants, or bequests received
6 from federal, private, or other sources for deposit into the fund. The
7 office of administration shall administer the fund. The moneys in the
8 fund shall only be used for any purpose enumerated in subsection 2 of
9 this section. The moneys in the fund may be appropriated by the
10 general assembly, but only for any purpose enumerated in subsection
11 2 of this section. None of the moneys in the fund shall be considered
12 state funds unless and to the extent such moneys are appropriated by
13 the general assembly.

14 2. The general assembly may annually appropriate moneys from
15 the Lewis and Clark discovery fund only for the following purposes:

16 (1) To support funding of capital projects at public colleges and
17 universities, provided that moneys shall not be appropriated to any
18 public college or university that knowingly employs, as of September
19 1, 2007, any person, as a professor or instructor, required to be
20 registered under sections 589.400 to 589.425, RSMo; and

21 (2) To support funding for the Missouri technology corporation's
22 ability to work with colleges and universities in identifying
23 opportunities for commercializing technologies, transferring
24 technologies, and to develop, recruit, and retain entities engaged in
25 innovative technologies.

26 3. Moneys in the fund shall be invested by the state treasurer in
27 the manner prescribed by law for investment of general revenue funds
28 and any interest earned on invested moneys shall accrue to the benefit
29 of the Lewis and Clark discovery fund and shall reduce payments by
30 the authority pursuant to subsection 2 of section

31 **173.385. Notwithstanding the provisions of section 33.080, RSMo, to the**
32 **contrary, moneys in the Missouri Lewis and Clark discovery fund shall**
33 **not revert to the credit of the general revenue fund at the end of the**
34 **biennium.**

173.393. Any money appropriated by the general assembly from
2 **the Lewis and Clark discovery fund and used by the recipient in**
3 **violation of section 173.386 or section 173.392, shall thereby be a**
4 **liability of the recipient to the credit of the Lewis and Clark discovery**
5 **fund and the recipient shall remit all such money to the Lewis and**
6 **Clark discovery fund. In the event the recipient of such appropriated**
7 **funds is liable to remit the appropriated funds back to the Lewis and**
8 **Clark discovery fund, pursuant to this section, such recipient shall also**
9 **be liable to remit interest on the amount due to the fund. Beginning on**
10 **the date of receipt of such appropriated funds by the recipient, such**
11 **outstanding funds shall accrue interest at the rate of one percent per**
12 **month until the principal and all accrued interest is remitted in full to**
13 **the fund. The recipient shall remit all principal of and interest on such**
14 **misused funds to the state treasurer for deposit into the Lewis and**
15 **Clark discovery fund.**

173.425. [The proceeds of all bonds or other forms of indebtedness issued
2 **by the authority and of all fees permitted to be charged by the authority and of**
3 **other revenues derived shall not] No asset of the authority shall be**
4 **considered to be part of the revenue of the state within the meaning of article III,**
5 **section 36, of the Constitution of Missouri, [shall not] and no asset of the**
6 **authority shall be required to be deposited into the state treasury, and [shall**
7 **not] no asset of the authority shall be subject to appropriation by the general**
8 **assembly, except for those amounts distributed by the authority to the**
9 **Lewis and Clark discovery fund pursuant to subdivision (9) of**
10 **subsection 1 of section 173.385. The [proceeds, fees, and revenue] assets of**
11 **the authority shall remain under the exclusive control and management of the**
12 **authority to be used as required pursuant to sections 173.350 to 173.450, except**
13 **for those amounts distributed by the authority to the Lewis and Clark**
14 **discovery fund pursuant to subdivision (9) of subsection 1 of section**
15 **173.385. Student loan notes purchased or financed shall not be considered to be**
16 **public property.**

173.475. Notwithstanding any provision of law or policy of a

2 **public institution of higher education to the contrary, no public college**
3 **or university, as defined in section 173.355, shall reject an applicant for**
4 **a faculty position based solely on the applicant having not earned a**
5 **graduate degree, provided that the applicant has earned an**
6 **undergraduate baccalaureate degree and has served for at least eight**
7 **years in the general assembly.**

173.616. 1. The following schools, training programs, and courses of
2 instruction shall be exempt from the provisions of sections 173.600 to 173.618:

3 (1) A public institution;

4 (2) Any college or university represented directly or indirectly on the
5 advisory committee of the coordinating board for higher education as provided in
6 subsection 3 of section 173.005;

7 (3) An institution that is certified by the board as an "approved private
8 institution" under subdivision (2) of section 173.205;

9 (4) A not-for-profit religious school that is accredited by the American
10 Association of Bible Colleges, the Association of Theological Schools in the United
11 States and Canada, or a regional accrediting association, such as the North
12 Central Association, which is recognized by the Council on Postsecondary
13 Accreditation and the United States Department of Education; **and**

14 **(5) Beginning July 1, 2008, all out-of-state public institutions of**
15 **higher education, as such term is defined in subdivision (11) of**
16 **subsection 2 of section 173.005.**

17 2. The coordinating board shall exempt the following schools, training
18 programs and courses of instruction from the provisions of sections 173.600 to
19 173.618:

20 (1) A not-for-profit school owned, controlled and operated by a bona fide
21 religious or denominational organization which offers no programs or degrees and
22 grants no degrees or certificates other than those specifically designated as
23 theological, bible, divinity or other religious designation;

24 (2) A not-for-profit school owned, controlled and operated by a bona fide
25 eleemosynary organization which provides instruction with no financial charge
26 to its students and at which no part of the instructional cost is defrayed by or
27 through programs of governmental student financial aid, including grants and
28 loans, provided directly to or for individual students;

29 (3) A school which offers instruction only in subject areas which are
30 primarily for avocational or recreational purposes as distinct from courses to

31 teach employable, marketable knowledge or skills, which does not advertise
32 occupational objectives and which does not grant degrees;

33 (4) A course of instruction, study or training program sponsored by an
34 employer for the training and preparation of its own employees;

35 (5) A course of study or instruction conducted by a trade, business or
36 professional organization with a closed membership where participation in the
37 course is limited to bona fide members of the trade, business or professional
38 organization, or a course of instruction for persons in preparation for an
39 examination given by a state board or commission where the state board or
40 commission approves that course and school;

41 (6) A school or person whose clientele are primarily students aged sixteen
42 or under.

43 3. A school which is otherwise licensed and approved under and pursuant
44 to any other licensing law of this state shall be exempt from sections 173.600 to
45 173.618, but a state certificate of incorporation shall not constitute licensing for
46 the purpose of sections 173.600 to 173.618.

47 4. Any school, training program or course of instruction exempted herein
48 may elect by majority action of its governing body or by action of its director to
49 apply for approval of the school, training program or course of instruction under
50 the provisions of sections 173.600 to 173.618. Upon application to and approval
51 by the coordinating board, such school training program or course of instruction
52 may become exempt from the provisions of sections 173.600 to 173.618 at any
53 subsequent time, except the board shall not approve an application for exemption
54 if the approved school is then in any status of noncompliance with certification
55 standards and a reversion to exempt status shall not relieve the school of any
56 liability for indemnification or any penalty for noncompliance with certification
57 standards during the period of the school's approved status.

**173.1000. The provisions of sections 173.1000 to 173.1006 shall be
2 known and may be cited as the "Higher Education Student Funding
3 Act".**

**173.1003. 1. Beginning with the 2008-2009 academic year, each
2 approved public institution, as such term is defined in section 173.1102,
3 shall submit its percentage change in the amount of tuition from the
4 current academic year compared to the upcoming academic year to the
5 coordinating board for higher education by July first preceding such
6 academic year.**

7 2. For institutions whose tuition is greater than the average
8 tuition, the percentage change in tuition shall not exceed the
9 percentage change of the consumer price index or zero, whichever is
10 greater.

11 3. For institutions whose tuition is less than the average tuition,
12 the dollar increase in tuition shall not exceed the product of zero or the
13 percentage change of the consumer price index, whichever is greater,
14 times the average tuition.

15 4. If a tuition increase exceeds the limits set forth in subsections
16 2 or 3 of this section, then the institution shall be subject to the
17 provisions of subsection 5 of this section.

18 5. Any institution that exceeds the limits set forth in subsections
19 2 or 3 of this section shall remit to the board an amount equal to five
20 percent of its current year state operating appropriation amount which
21 shall be deposited into the general revenue fund unless the institution
22 appeals, within thirty days of such notice, to the commissioner of
23 higher education for a waiver of this provision. The commissioner,
24 after meeting with appropriate representatives of the institution, shall
25 determine whether the institution's waiver request is sufficiently
26 warranted, in which case no fund remission shall occur. In making this
27 determination, the factors considered by the commissioner shall
28 include but not be limited to the relationship between state
29 appropriations and the consumer price index and any extraordinary
30 circumstances. If the commissioner determines that an institution's
31 tuition percent increase is not sufficiently warranted and declines the
32 waiver request, the commissioner shall recommend to the full
33 coordinating board that the institution shall remit an amount up to five
34 percent of its current year state operating appropriation to the board,
35 which shall deposit the amount into the general revenue fund. The
36 coordinating board shall have the authority to make a binding and final
37 decision, by means of a majority vote, regarding the matter.

38 6. The provisions of subsections 2 to 5 of this section shall not
39 apply to any community college unless any such community college's
40 tuition for any Missouri resident is greater than or equal to the average
41 tuition. If the provisions of subsections 2 to 5 of this section apply to
42 a community college, subsections 2 to 5 of this section shall only apply
43 to out-of-district Missouri resident tuition.

44 7. For purposes of this section, the term "average tuition" shall
45 be the sum of the tuition amounts for the previous academic year for
46 each approved public institution that is not excluded under subsection
47 6 of this section, divided by the number of such institutions. The term
48 "consumer price index" shall mean the consumer price index for all
49 urban consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as
50 defined and officially recorded by the United States Department of
51 Labor, or its successor agency, from January first of the current year
52 compared to January first of the preceding year. The term "state
53 appropriation" shall mean the state operating appropriation for the
54 prior year per full time equivalent student for the prior year compared
55 to state operating appropriation for the current year per full time
56 equivalent student for the prior year. The term "tuition" shall mean the
57 amount of tuition and required fees, excluding any fee established by
58 the student body of the institution, charged to a Missouri resident
59 undergraduate enrolled in fifteen credit hours at the institution.

60 8. Nothing in this section shall be construed to usurp or preclude
61 the ability of the governing board of an institution of higher education
62 to establish tuition or required fee rates.

173.1004. The coordinating board shall promulgate rules and
2 regulations to ensure that each approved public higher education
3 institution shall post on its website the names of all faculty, including
4 adjunct, part-time, and full-time faculty, who are given full or partial
5 teaching assignments along with web links or other means of providing
6 information about their academic credentials and, where feasible,
7 instructor ratings by students. In addition, public institutions of
8 higher education shall post course schedules on their websites that
9 include the name of the instructor assigned to each course and, if
10 applicable, each section of a course, as well as identifying those
11 instructors who are teaching assistants, provided that the institution
12 may modify and update the identity of instructors as courses and
13 sections are added or cancelled.

173.1006. 1. The following performance measures shall be
2 established by July 1, 2008:

3 (1) Two institutional measures as negotiated by each public
4 institution through the department of higher education; and

5 (2) Three statewide measures as developed by the department of

6 higher education in consultation with public institutions of higher
7 education.

8 One such measure may be a sector-specific measure making use of the
9 2005 additional Carnegie categories, if deemed appropriate by the
10 department of higher education.

11 2. The department shall report to the joint committee on
12 education established in section 160.254, RSMo, on its progress at least
13 twice a year in developing the statewide measures and negotiating the
14 institution-specific measures and shall develop a procedure for
15 reporting the effects of performance measures to the joint committee
16 on education at an appropriate time for consideration during the
17 appropriations process.

173.1101. The financial assistance program established under
2 sections 173.1101 to 173.1107 shall be hereafter known as the "Access
3 Missouri Financial Assistance Program". The coordinating board and
4 all approved private and public institutions in this state shall refer to
5 the financial assistance program established under sections 173.1101 to
6 173.1107 as the access Missouri student financial assistance program in
7 their scholarship literature, provided that no institution shall be
8 required to revise or amend any such literature to comply with this
9 section prior to the date such literature would otherwise be revised,
10 amended, reprinted or replaced in the ordinary course of such
11 institution's business.

173.1102. As used in sections 173.1101 to 173.1107, unless the
2 context requires otherwise, the following terms mean:

3 (1) "Academic year", the period from July first of any year
4 through June thirtieth of the following year;

5 (2) "Approved private institution", a nonprofit institution,
6 dedicated to educational purposes, located in Missouri which:

7 (a) Is operated privately under the control of an independent
8 board and not directly controlled or administered by any public agency
9 or political subdivision;

10 (b) Provides a postsecondary course of instruction at least six
11 months in length leading to or directly creditable toward a certificate
12 or degree;

13 (c) Meets the standards for accreditation as determined by either
14 the Higher Learning Commission or by other accrediting bodies

15 recognized by the United States Department of Education or by
16 utilizing accreditation standards applicable to nondegree-granting
17 institutions as established by the coordinating board for higher
18 education;

19 (d) Does not discriminate in the hiring of administrators, faculty
20 and staff or in the admission of students on the basis of race, color,
21 religion, sex, or national origin and is in compliance with the Federal
22 Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant
23 thereto. Sex discrimination as used herein shall not apply to admission
24 practices of institutions offering the enrollment limited to one sex;

25 (e) Permits faculty members to select textbooks without
26 influence or pressure by any religious or sectarian source;

27 (3) "Approved public institution", an educational institution
28 located in Missouri which:

29 (a) Is directly controlled or administered by a public agency or
30 political subdivision;

31 (b) Receives appropriations directly or indirectly from the
32 general assembly for operating expenses;

33 (c) Provides a postsecondary course of instruction at least six
34 months in length leading to or directly creditable toward a degree or
35 certificate;

36 (d) Meets the standards for accreditation as determined by
37 either the Higher Learning Commission, or if a public community
38 college created under the provisions of sections 178.370 to 178.400,
39 RSMo, meets the standards established by the coordinating board for
40 higher education for such public community colleges, or by other
41 accrediting bodies recognized by the United States Department of
42 Education or by utilizing accreditation standards applicable to the
43 institution as established by the coordinating board for higher
44 education;

45 (e) Does not discriminate in the hiring of administrators, faculty
46 and staff or in the admission of students on the basis of race, color,
47 religion, sex, or national origin and is otherwise in compliance with the
48 Federal Civil Rights Acts of 1964 and 1968 and executive orders issued
49 pursuant thereto;

50 (f) Permits faculty members to select textbooks without influence
51 or pressure by any religious or sectarian source;

52 (4) "Coordinating board", the coordinating board for higher
53 education;

54 (5) "Expected family contribution", the amount of money a
55 student and family should pay toward the cost of postsecondary
56 education as calculated by the United States Department of Education
57 and reported on the student aid report or the institutional student
58 information record;

59 (6) "Financial assistance", an amount of money paid by the state
60 of Missouri to a qualified applicant under sections 173.1101 to 173.1107;

61 (7) "Full-time student", an individual who is enrolled in and is
62 carrying a sufficient number of credit hours or their equivalent at an
63 approved private or public institution to secure the degree or
64 certificate toward which he or she is working in no more than the
65 number of semesters or their equivalent normally required by that
66 institution in the program in which the individual is enrolled. This
67 definition shall be construed as the successor to subdivision (7) of
68 section 173.205 for purposes of eligibility requirements of other
69 financial assistance programs that refer to section 173.205.

173.1103. 1. The coordinating board shall be the administrative
2 agency for the implementation of the program established by sections
3 173.1101 to 173.1107. The coordinating board shall promulgate
4 reasonable rules and regulations for the exercise of its functions and
5 the effectuation of the purposes of sections 173.1101 to 173.1107. It
6 shall prescribe the form and the time and method of filing applications
7 and supervise the processing thereof. The coordinating board shall
8 determine the criteria for eligibility of applicants and shall evaluate
9 each applicant's expected family contribution. It shall select qualified
10 recipients to receive financial assistance, make such awards of
11 financial assistance to qualified recipients, and determine the manner
12 and method of payment to the recipient.

13 2. The coordinating board shall determine eligibility for renewed
14 assistance on the basis of annual applications and annual evaluations
15 of expected family contribution. In awarding renewal grants, the
16 coordinating board may increase or decrease the amount of financial
17 assistance to an applicant if such action is warranted by a change in
18 the financial condition of the applicant, the applicant's spouse or
19 parents, or the availability of funds for that year. As a condition to

20 consideration for initial or renewed assistance, the coordinating board
21 may require the applicant, the applicant's spouse and parents to
22 execute forms of consent authorizing the director of revenue of
23 Missouri to compare financial information submitted by the applicant
24 with the Missouri individual income tax returns of the applicant, the
25 applicant's spouse and parents for the taxable year immediately
26 preceding the year for which application is made, and to report any
27 discrepancies to the coordinating board.

28 3. There is hereby created in the state treasury the "Access
29 Missouri Financial Assistance Fund". The state treasurer shall be
30 custodian of the fund and may approve disbursements from the fund in
31 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,
32 money in the fund shall be used solely to provide financial assistance
33 to qualified applicants as provided by sections 173.1101 to
34 173.1107. Notwithstanding the provisions of section 33.080, RSMo, to
35 the contrary, any moneys remaining in the fund at the end of the
36 biennium shall not revert to the credit of the general revenue
37 fund. The state treasurer shall invest moneys in the fund in the same
38 manner as other funds are invested. Any interest and moneys earned
39 on such investments shall be credited to the fund.

173.1104. 1. An applicant shall be eligible for initial or renewed
2 financial assistance only if, at the time of application and throughout
3 the period during which the applicant is receiving such assistance, the
4 applicant:

- 5 (1) Is a citizen or a permanent resident of the United States;
- 6 (2) Is a resident of the state of Missouri, as determined by
7 reference to standards promulgated by the coordinating board;
- 8 (3) Is enrolled, or has been accepted for enrollment, as a full-time
9 undergraduate student in an approved private or public institution;
10 and
- 11 (4) Is not enrolled or does not intend to use the award to enroll
12 in a course of study leading to a degree in theology or divinity.

13 2. If an applicant is found guilty of or pleads guilty to any
14 criminal offense during the period of time in which the applicant is
15 receiving financial assistance, such applicant shall not be eligible for
16 renewal of such assistance, provided such offense would disqualify the
17 applicant from receiving federal student aid under Title IV of the

18 Higher Education Act of 1965, as amended.

19 3. Financial assistance shall be allotted for one academic year,
20 but a recipient shall be eligible for renewed assistance until he or she
21 has obtained a baccalaureate degree, provided such financial assistance
22 shall not exceed a total of ten semesters or fifteen quarters or their
23 equivalent. Standards of eligibility for renewed assistance shall be the
24 same as for an initial award of financial assistance, except that for
25 renewal, an applicant shall demonstrate a grade-point average of two
26 and five-tenths on a four-point scale, or the equivalent on another
27 scale. This subsection shall be construed as the successor to section
28 173.215 for purposes of eligibility requirements of other financial
29 assistance programs that refer to section 173.215.

 173.1105. 1. Beginning with the 2007-2008 academic year, an
2 applicant who is an undergraduate postsecondary student at an
3 approved private or public institution and who meets the other
4 eligibility criteria shall be eligible for financial assistance, with a
5 minimum and maximum award amount as follows:

6 (1) One thousand dollars maximum and three hundred dollars
7 minimum for students attending institutions classified as part of the
8 public two-year sector;

9 (2) Two thousand one hundred fifty dollars maximum and one
10 thousand dollars minimum for students attending institutions classified
11 as part of the public four-year sector, including Linn State Technical
12 College; and

13 (3) Four thousand six hundred dollars maximum and two
14 thousand dollars minimum for students attending approved private
15 institutions.

16 2. All students with an expected family contribution of twelve
17 thousand dollars or less shall receive at least the minimum award
18 amount for his or her institution. Maximum award amounts for an
19 eligible student with an expected family contribution above seven
20 thousand dollars shall be reduced by ten percent of the maximum
21 expected family contribution for his or her increment group. Any
22 award amount shall be reduced by the amount of a student's
23 reimbursement pursuant to section 160.545, RSMo. For purposes of this
24 subsection, the term "increment group" shall mean a group organized
25 by expected family contribution in five hundred dollar increments into

26 which all eligible students shall be placed.

27 3. If appropriated funds are insufficient to fund the program as
28 described, the maximum award shall be reduced across all sectors by
29 the percentage of the shortfall. If appropriated funds exceed the
30 amount necessary to fund the program, the additional funds shall be
31 used to increase the number of recipients by raising the cutoff for the
32 expected family contribution rather than by increasing the size of the
33 award.

34 4. Every three years, beginning with academic year 2009-2010,
35 the award amount may be adjusted to increase no more than the
36 consumer price index for all urban consumers (CPI-U), 1982-1984 = 100,
37 not seasonally adjusted, as defined and officially recorded by the
38 United States Department of Labor, or its successor agency, for the
39 previous academic year. The coordinating board shall prepare a report
40 prior to the legislative session for use of the general assembly and the
41 governor in determining budget requests which shall include the
42 amount of funds necessary to maintain full funding of the program
43 based on the baseline established for the program upon the passage of
44 sections 173.1101 to 173.1107. Any increase in the award amount shall
45 not become effective unless an increase in the amount of money
46 appropriated to the program necessary to cover the increase in award
47 amount is passed by the general assembly.

173.1106. If an applicant is granted financial assistance under
2 any other student aid program, public or private, the full amount of
3 such aid shall be reported to the coordinating board by the institution
4 and the recipient.

173.1107. A recipient of financial assistance may transfer from
2 one approved public or private institution to another without losing
3 eligibility for assistance under sections 173.1101 to 173.1107, but the
4 coordinating board shall make any necessary adjustments in the
5 amount of the award. If a recipient of financial assistance at any time
6 is entitled to a refund of any tuition, fees, or other charges under the
7 rules and regulations of the institution in which he or she is enrolled,
8 the institution shall pay the portion of the refund which may be
9 attributed to the state grant to the coordinating board. The
10 coordinating board will use these refunds to make additional awards
11 under the provisions of sections 173.1101 to 173.1107.

173.1108. Under section 23.253, RSMo, of the Missouri sunset act:

2 **(1) The provisions of the new program authorized under sections**
3 **173.1101 to 173.1107 shall automatically sunset six years after the**
4 **effective date of sections 173.1101 to 173.1107 unless reauthorized by an**
5 **act of the general assembly; and**

6 **(2) If such program is reauthorized, the program authorized**
7 **under sections 173.1101 to 173.1107 shall automatically sunset twelve**
8 **years after the effective date of the reauthorization of sections 173.1101**
9 **to 173.1107; and**

10 **(3) Sections 173.1101 to 173.1107 shall terminate on September**
11 **first of the calendar year immediately following the calendar year in**
12 **which the program authorized under sections 173.1101 to 173.1107 is**
13 **sunset.**

313.835. 1. All revenue received by the commission from license fees,
2 penalties, administrative fees, reimbursement by any excursion gambling boat
3 operators for services provided by the commission and admission fees authorized
4 pursuant to the provisions of sections 313.800 to 313.850, except that portion of
5 the admission fee, not to exceed one cent, that may be appropriated to the
6 compulsive gamblers fund as provided in section 313.820, shall be deposited in
7 the state treasury to the credit of the "Gaming Commission Fund" which is
8 hereby created for the sole purpose of funding the administrative costs of the
9 commission, subject to appropriation. Moneys deposited into this fund shall not
10 be considered proceeds of gambling operations. Moneys deposited into the gaming
11 commission fund shall be considered state funds pursuant to article IV, section
12 15 of the Missouri Constitution. All interest received on the gaming commission
13 fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be
15 compared to total expenditures and transfers from the gaming commission fund
16 for the preceding fiscal year. The remaining net proceeds in the gaming
17 commission fund shall be distributed in the following manner:

18 **(1) The first five hundred thousand dollars shall be appropriated on a per**
19 **capita basis to cities and counties that match the state portion and have**
20 **demonstrated a need for funding community neighborhood organization programs**
21 **for the homeless and to deter gang-related violence and crimes;**

22 **(2) The remaining net proceeds in the gaming commission fund for fiscal**
23 **year 1998 and prior years shall be transferred to the "Veterans' Commission**

24 Capital Improvement Trust Fund", as hereby created in the state treasury. The
25 state treasurer shall administer the veterans' commission capital improvement
26 trust fund, and the moneys in such fund shall be used solely, upon appropriation,
27 by the Missouri veterans' commission for:

28 (a) The construction, maintenance or renovation or equipment needs of
29 veterans' homes in this state;

30 (b) The construction, maintenance, renovation, equipment needs and
31 operation of veterans' cemeteries in this state;

32 (c) Fund transfers to Missouri veterans' homes fund established pursuant
33 to the provisions of section 42.121, RSMo, as necessary to maintain solvency of
34 the fund;

35 (d) Fund transfers to any municipality with a population greater than four
36 hundred thousand and located in part of a county with a population greater than
37 six hundred thousand in this state which has established a fund for the sole
38 purpose of the restoration, renovation and maintenance of a memorial or museum
39 or both dedicated to World War I. Appropriations from the veterans' commission
40 capital improvement trust fund to such memorial fund shall be provided only as
41 a one-time match for other funds devoted to the project and shall not exceed five
42 million dollars. Additional appropriations not to exceed ten million dollars total
43 may be made from the veterans' commission capital improvement trust fund as
44 a match to other funds for the new construction or renovation of other facilities
45 dedicated as veterans' memorials in the state. All appropriations for renovation,
46 new construction, reconstruction, and maintenance of veterans' memorials shall
47 be made only for applications received by the Missouri veterans' commission prior
48 to July 1, 2004;

49 (e) The issuance of matching fund grants for veterans' service officer
50 programs to any federally chartered veterans' organization or municipal
51 government agency that is certified by the Veterans Administration to process
52 veteran claims within the Veterans Administration System; provided that such
53 veterans' organization has maintained a veterans' service officer presence within
54 the state of Missouri for the three-year period immediately preceding the issuance
55 of any such grant. A total of seven hundred fifty thousand dollars in grants shall
56 be made available annually with grants being issued in July of each
57 year. Application for the matching grants shall be made through and approved
58 by the Missouri veterans' commission based on the requirements established by
59 the commission;

60 (f) For payment of Missouri national guard and Missouri veterans'
61 commission expenses associated with providing medals, medallions and
62 certificates in recognition of service in the armed forces of the United States
63 during World War II and the Korean Conflict pursuant to sections 42.170 to
64 42.206, RSMo. Any funds remaining from the medals, medallions and certificates
65 shall not be transferred to any other fund and shall only be utilized for the
66 awarding of future medals, medallions, and certificates in recognition of service
67 in the armed forces; and

68 (g) Fund transfers totaling ten million dollars to any municipality with
69 a population greater than three hundred fifty thousand inhabitants and located
70 in part in a county with a population greater than six hundred thousand
71 inhabitants and with a charter form of government, for the sole purpose of the
72 construction, restoration, renovation and maintenance of a memorial or museum
73 or both dedicated to World War I.

74 Any interest which accrues to the fund shall remain in the fund and shall be used
75 in the same manner as moneys which are transferred to the fund pursuant to this
76 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
77 moneys in the veterans' commission capital improvement trust fund at the end
78 of any biennium shall not be transferred to the credit of the general revenue fund;

79 (3) The remaining net proceeds in the gaming commission fund for fiscal
80 year 1999 and each fiscal year thereafter shall be distributed as follows:

81 (a) The first four and one-half million dollar portion shall be transferred
82 to the [Missouri college guarantee] **access Missouri financial assistance**
83 fund, established pursuant to the provisions of sections [173.810 to 173.830]
84 **173.1101 to 173.1107**, RSMo, and additional moneys as annually appropriated
85 by the general assembly shall be appropriated to such fund;

86 (b) The second three million dollar portion shall be transferred to the
87 veterans' commission capital improvement trust fund;

88 (c) The third three million dollar portion shall be transferred to the
89 Missouri national guard trust fund created in section 41.214, RSMo;

90 (d) Subject to appropriations, one hundred percent of remaining net
91 proceeds in the gaming commission fund except as provided in paragraph (l) of
92 this subdivision, and after the appropriations made pursuant to the provisions of
93 paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the "Early
94 Childhood Development, Education and Care Fund" which is hereby created to
95 give parents meaningful choices and assistance in choosing the child-care and

96 education arrangements that are appropriate for their family. All interest
97 received on the fund shall be credited to the fund. Notwithstanding the
98 provisions of section 33.080, RSMo, moneys in the fund at the end of any
99 biennium shall not be transferred to the credit of the general revenue fund. Any
100 moneys deposited in such fund shall be used to support programs that prepare
101 children prior to the age in which they are eligible to enroll in kindergarten,
102 pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys
103 deposited in the early childhood development, education and care fund shall be
104 annually appropriated for voluntary, early childhood development, education and
105 care programs serving children in every region of the state not yet enrolled in
106 kindergarten;

107 (e) No less than sixty percent of moneys deposited in the early childhood
108 development, education and care fund shall be appropriated as provided in this
109 paragraph to the department of elementary and secondary education and to the
110 department of social services to provide early childhood development, education
111 and care programs through competitive grants to, or contracts with, governmental
112 or private agencies. Eighty percent of such moneys pursuant to the provisions of
113 this paragraph and additional moneys as appropriated by the general assembly
114 shall be appropriated to the department of elementary and secondary education
115 and twenty percent of such moneys pursuant to the provisions of this paragraph
116 shall be appropriated to the department of social services. The departments shall
117 provide public notice and information about the grant process to potential
118 applicants.

119 a. Grants or contracts may be provided for:

120 (i) Start-up funds for necessary materials, supplies, equipment and
121 facilities; and

122 (ii) Ongoing costs associated with the implementation of a sliding parental
123 fee schedule based on income;

124 b. Grant and contract applications shall, at a minimum, include:

125 (i) A funding plan which demonstrates funding from a variety of sources
126 including parental fees;

127 (ii) A child development, education and care plan that is appropriate to
128 meet the needs of children;

129 (iii) The identity of any partner agencies or contractual service providers;

130 (iv) Documentation of community input into program development;

131 (v) Demonstration of financial and programmatic accountability on an

132 annual basis;

133 (vi) Commitment to state licensure within one year of the initial grant, if
134 funding comes from the appropriation to the department of elementary and
135 secondary education and commitment to compliance with the requirements of the
136 department of social services, if funding comes from the department of social
137 services; and

138 (vii) With respect to applications by public schools, the establishment of
139 a parent advisory committee within each public school program;

140 c. In awarding grants and contracts pursuant to this paragraph, the
141 departments may give preference to programs which:

142 (i) Are new or expanding programs which increase capacity;

143 (ii) Target geographic areas of high need, namely where the ratio of
144 program slots to children under the age of six in the area is less than the same
145 ratio statewide;

146 (iii) Are programs designed for special needs children;

147 (iv) Are programs that offer services during nontraditional hours and
148 weekends; or

149 (v) Are programs that serve a high concentration of low-income families;

150 d. Beginning on August 28, 1998, the department of elementary and
151 secondary education and the department of social services shall initiate and
152 conduct a four-year study to evaluate the impact of early childhood development,
153 education and care in this state. The study shall consist of an evaluation of
154 children eligible for moneys pursuant to this paragraph, including an evaluation
155 of the early childhood development, education and care of those children
156 participating in such program and those not participating in the program over a
157 four-year period. At the conclusion of the study, the department of elementary
158 and secondary education and the department of social services shall, within
159 ninety days of conclusion of the study, submit a report to the general assembly
160 and the governor, with an analysis of the study required pursuant to this
161 subparagraph, all data collected, findings, and other information relevant to early
162 childhood development, education and care;

163 (f) No less than ten percent of moneys deposited in the early childhood
164 development, education and care fund shall be appropriated to the department
165 of social services to provide early childhood development, education and care
166 programs through child development, education and care certificates to families
167 whose income does not exceed one hundred eighty-five percent of the federal

168 poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C.
169 9858n(2) for the purpose of funding early childhood development, education and
170 care programs as approved by the department of social services. At a minimum,
171 the certificate shall be of a value per child which is commensurate with the per
172 child payment under item (ii) of subparagraph a. of paragraph (e) of this
173 subdivision pertaining to the grants or contracts. On February first of each year
174 the department shall certify the total amount of child development, education and
175 care certificates applied for and the unused balance of the funds shall be released
176 to be used for supplementing the competitive grants and contracts program
177 authorized pursuant to paragraph (e) of this subdivision;

178 (g) No less than ten percent of moneys deposited in the early childhood
179 development, education and care fund shall be appropriated to the department
180 of social services to increase reimbursements to child-care facilities for low-income
181 children that are accredited by a recognized, early childhood accrediting
182 organization;

183 (h) No less than ten percent of the funds deposited in the early childhood
184 development, education and care fund shall be appropriated to the department
185 of social services to provide assistance to eligible parents whose family income
186 does not exceed one hundred eighty-five percent of the federal poverty level who
187 wish to care for their children under three years of age in the home, to enable
188 such parent to take advantage of early childhood development, education and care
189 programs for such parent's child or children. At a minimum, the certificate shall
190 be of a value per child which is commensurate with the per child payment under
191 item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the
192 grants or contracts. The department of social services shall provide assistance
193 to these parents in the effective use of early childhood development, education
194 and care tools and methods;

195 (i) In setting the value of parental certificates under paragraph (f) of this
196 subdivision and payments under paragraph (h) of this subdivision, the
197 department of social services may increase the value based on the following:

198 a. The adult caretaker of the children successfully participates in the
199 parents as teachers program pursuant to the provisions of sections 178.691 to
200 178.699, RSMo, a training program provided by the department on early
201 childhood development, education and care, the home-based Head Start program
202 as defined in 42 U.S.C. 9832 or a similar program approved by the department;

203 b. The adult caretaker consents to and clears a child abuse or neglect

204 screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo;
205 and

206 c. The degree of economic need of the family;

207 (j) The department of elementary and secondary education and the
208 department of social services each shall by rule promulgated pursuant to chapter
209 536, RSMo, establish guidelines for the implementation of the early childhood
210 development, education and care programs as provided in paragraphs (e) through
211 (i) of this subdivision;

212 (k) Any rule or portion of a rule, as that term is defined in section
213 536.010, RSMo, that is promulgated under the authority delegated in paragraph
214 (j) of this subdivision shall become effective only if the agency has fully complied
215 with all of the requirements of chapter 536, RSMo, including but not limited to,
216 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking
217 authority delegated prior to August 28, 1998, is of no force and effect and
218 repealed as of August 28, 1998, however, nothing in this section shall be
219 interpreted to repeal or affect the validity of any rule adopted or promulgated
220 prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the
221 provisions of this section are nonseverable and if any of the powers vested with
222 the general assembly pursuant to section 536.028, RSMo, to review, to delay the
223 effective date, or to disapprove and annul a rule or portion of a rule are held
224 unconstitutional or invalid, the purported grant of rulemaking authority and any
225 rule so proposed and contained in the order of rulemaking shall be invalid and
226 void, except that nothing in this act shall affect the validity of any rule adopted
227 and promulgated prior to August 28, 1998;

228 (l) When the remaining net proceeds, as such term is used pursuant to
229 paragraph (d) of this subdivision, in the gaming commission fund annually
230 exceeds twenty-eight million dollars: one-half million dollars of such proceeds
231 shall be transferred annually, subject to appropriation, to the [Missouri college
232 guarantee] **access Missouri financial assistance** fund, established pursuant
233 to the provisions of [section 173.830] **sections 173.1101 to 173.1107**, RSMo;
234 three million dollars of such proceeds shall be transferred annually, subject to
235 appropriation, to the veterans' commission capital improvement trust fund; and
236 one million dollars of such proceeds shall be transferred annually, subject to
237 appropriation, to the Missouri national guard trust fund created in section
238 41.214, RSMo.

239 2. Upon request by the veterans' commission, the general assembly may

240 appropriate moneys from the veterans' commission capital improvements trust
241 fund to the Missouri national guard trust fund to support the activities described
242 in section 41.958, RSMo.

**Section 1. 1. The board of regents of Northwest Missouri State
2 University is hereby authorized and empowered to sell, transfer, grant,
3 and convey all interest in fee simple absolute in property owned by the
4 state in Nodaway County. The property to be conveyed is more
5 particularly described as follows:**

6 Commencing at the Northwest Corner Section 21,
7 Township 64 North, Range 35 West, Nodaway County,
8 Missouri; thence along Section line South 88 degrees 59
9 minutes 56 seconds East 1498.03 feet; thence South 01
10 degrees 26 minutes 32 seconds West 70.76 feet to the
11 southerly right-of-way of Highway 136 and the Point of
12 Beginning; thence along said right-of-way South 83 degrees
13 01 minutes 33 seconds East 161.21 feet; thence continuing
14 along said right-of-way South 88 degrees 58 minutes 33
15 seconds East 203.85 feet to the easterly right-of-way of the
16 former Norfolk and Western Railroad right-of-way; thence
17 along said right-of-way South 28 degrees 44 minutes 21
18 seconds East 257.08 feet; thence North 88 degrees 32
19 minutes 03 seconds West 493.95 feet; thence North 01
20 degrees 26 minutes 32 seconds East 235.23 feet to the point
21 of beginning except that portion lying within the
22 abandoned Railroad right of way, Nodaway County,
23 Missouri.

24 **2. Consideration for the conveyance shall be negotiated by the
25 board of regents and the purchaser of the property.**

26 **3. The attorney general shall approve the form of the instrument
27 of conveyance.**

[173.200. The general assembly, giving due consideration
2 to the historical and continuing interest of the people of the state
3 of Missouri in encouraging deserving and qualified youths to
4 realize their aspirations for higher education, finds and declares
5 that higher education for residents of this state who desire such an
6 education and are properly qualified therefor is important to the
7 welfare and security of this state and the nation, and consequently

8 is an important public purpose. The general assembly finds and
9 declares that the state can achieve its full economic and social
10 potential only if every individual has the opportunity to contribute
11 to the full extent of his capabilities and only when financial
12 barriers to his economic, social and educational goals are removed.
13 It is, therefore, the policy of the general assembly and the purpose
14 of sections 173.200 to 173.230 to establish a financial assistance
15 program to enable qualified full-time students to receive
16 nonreligious educational services in a public or private institution
17 of higher education of their choice.]

[173.203. The financial assistance program established
2 under sections 173.200 to 173.230 shall be hereafter known as the
3 "Charles Gallagher Student Financial Assistance Program". The
4 coordinating board and all approved private and public institutions
5 in this state shall refer to the financial assistance program
6 established under sections 173.200 to 173.230 as the Charles
7 Gallagher student financial assistance program in their scholarship
8 literature, provided that no institution shall be required to revise
9 or amend any such literature to comply with this section prior to
10 the date such literature would otherwise be revised, amended,
11 reprinted or replaced in the ordinary course of such institution's
12 business.]

[173.205. As used in sections 173.200 to 173.230, unless the
2 context requires otherwise, the following terms mean:

3 (1) "Academic year", the period from August first of any
4 year through July thirty-first of the following year;

5 (2) "Approved private institution", a nonprofit institution,
6 dedicated to educational purposes, located in Missouri which:

7 (a) Is operated privately under the control of an
8 independent board and not directly controlled or administered by
9 any public agency or political subdivision;

10 (b) Provides a postsecondary course of instruction at least
11 six months in length leading to or directly creditable toward a
12 certificate or degree;

13 (c) Meets the standards for accreditation as determined by
14 either the North Central Association of Colleges and Secondary

Schools or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) "Approved public institution", an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools, or if a public junior college created pursuant to the provisions of sections 178.370 to 178.400, RSMo, meets the standards established by the coordinating board for higher education for such public junior colleges, or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

51 (f) Permits faculty members to select textbooks without
52 influence or pressure by any religious or sectarian source;

53 (4) "Coordinating board", the coordinating board for higher
54 education;

55 (5) "Financial assistance", an amount of money paid by the
56 state of Missouri to a qualified applicant pursuant to sections
57 173.200 to 173.230;

58 (6) "Financial need", the difference between the financial
59 resources available to an applicant, as determined by the
60 coordinating board, and the applicant's anticipated expenses,
61 including tuition, mandatory fees, and board and room while
62 attending an approved private or public institution of
63 postsecondary education. In determining need the coordinating
64 board shall employ a formula similar to nationally recognized
65 comprehensive mechanisms for determining need, such as those of
66 the American College Testing Program or the College Scholarship
67 Service;

68 (7) "Full-time student", an individual who is enrolled in and
69 is carrying sufficient number of credit hours or their equivalent at
70 an approved private or public institution to secure the degree or
71 certificate toward which he is working in no more than the number
72 of semesters or their equivalent normally required by that
73 institution in the program in which the individual is enrolled.]

2 [173.210. The coordinating board shall be the
3 administrative agency for the implementation of the program
4 established by sections 173.200 to 173.235. The coordinating board
5 shall promulgate reasonable rules and regulations for the exercise
6 of its functions and the effectuation of the purposes of sections
7 173.200 to 173.235. It shall prescribe the form and the time and
8 method of filing applications and supervise the processing
9 thereof. The coordinating board shall determine the criteria for
10 eligibility of applicants and shall evaluate each applicant's
11 financial need. It shall select qualified recipients to receive
12 financial assistance, make such awards of financial assistance to
13 qualified recipients and determine the manner and method of
payment to the recipient. The coordinating board shall determine

eligibility for renewed assistance on the basis of annual applications and annual evaluations of financial needs, giving priority to renewal applicants over new applicants in dispensing available funds in a given year. In awarding renewal grants, the coordinating board may increase or decrease the amount of financial assistance to an applicant if such action is warranted by a change in the financial condition of the applicant, his spouse or parents or the availability of funds for that year. As a condition to consideration for initial or renewed assistance, the coordinating board may require the applicant, his spouse and parents to execute forms of consent authorizing the director of revenue of Missouri to compare financial information submitted by the applicant with the Missouri individual income tax returns of the applicant, his spouse and parents for the taxable year immediately preceding the year for which application is made, and to report any discrepancies to the coordinating board.]

[173.215. 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of his application and throughout the period during which he is receiving such assistance, he

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private or public institution;

(4) Establishes that he has financial need;

(5) Has never been convicted in any court of an offense which involved the use of force, disruption or seizure of property under the control of any institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies; and

(6) No award shall be made under sections 173.200 to 173.230 to any applicant who is enrolled, or who intends to use the award to enroll, in a course of study leading to a degree in theology

21 or divinity.

22 2. Financial assistance shall be allotted for one academic
23 year, but a recipient shall be eligible for renewed assistance until
24 he has obtained a baccalaureate degree, provided such financial
25 assistance shall not exceed a total of ten semesters or fifteen
26 quarters or their equivalent. Standards of eligibility for renewed
27 assistance shall be the same as for an initial award of financial
28 assistance.]

[173.220. An applicant who is enrolled or has been accepted
2 for enrollment as an undergraduate postsecondary student at an
3 approved private or public institution after August 13, 1979, and
4 who meets the other eligibility criteria shall be entitled to financial
5 assistance based primarily on his financial need and to the extent
6 of his financial need as determined by the coordinating board,
7 except that effective August 1, 1980, the amount of such grant shall
8 not exceed the least of:

9 (1) The applicant's demonstrated financial need as
10 determined by the coordinating board; or

11 (2) One-half the tuition and mandatory fee charges in effect
12 the prior academic year at the approved institution the applicant
13 plans to attend; or

14 (3) Fifteen hundred dollars;

15 and until that date the grant shall not exceed the least of:

16 (1) The applicant's demonstrated financial need as
17 determined by the coordinating board; or

18 (2) One-half the fall 1971 tuition and mandatory fee
19 charges at the approved institution the applicant plans to attend;
20 or

21 (3) Nine hundred dollars.]

[173.225. If an applicant is granted financial assistance
2 under any other student aid program, public or private, the full
3 amount of such aid shall be reported to the coordinating board by
4 the institution and the recipient.]

[173.230. A recipient of financial assistance may transfer
2 from one approved public or private institution to another without
3 losing his eligibility for assistance under sections 173.200 to

4 173.230, but the coordinating board shall make any necessary
5 adjustments in the amount of his award. If a recipient of financial
6 assistance at any time withdraws from an approved private or
7 public institution so that under the rules and regulations of that
8 institution he is entitled to a refund of any tuition, fees, or other
9 charges, the institution shall pay the portion of the refund to which
10 he may be entitled attributable to the state grant for that term to
11 the coordinating board.]

2 [173.810. 1. There is hereby established the "Missouri
3 College Guarantee Program" which, from funds dedicated pursuant
4 to subsection 3 of section 313.835, RSMo, shall provide scholarships
5 for Missouri citizens to attend a Missouri college, university or
6 vocational or technical school of their choice.

7 2. The definitions of terms set forth in section 173.205,
8 shall be applicable to such terms as used in sections 173.810 to
9 173.827, except that for purposes of calculating financial need, the
10 calculated cost of attendance shall not exceed the average
11 calculated cost of attendance at the campus of the University of
12 Missouri which has the largest total enrollment, as determined by
13 the coordinating board; and the amount of book expenses shall not
14 exceed the book allowance established for this program by the
15 coordinating board. The term "scholarship" means an amount of
16 money paid by the state of Missouri to a qualified college,
17 university or vocational or technical school student who has
18 qualified for a scholarship pursuant to the provisions of sections
173.810 to 173.827.]

2 [173.813. The coordinating board for higher education shall
3 be the administrative agency for the implementation of the
4 program established by sections 173.810 to 173.827, and shall:

5 (1) Promulgate reasonable rules necessary to implement
6 sections 173.810 to 173.827, including rules for granting
7 scholarship deferments;

8 (2) Implement the form, schedule and method of awarding
9 scholarships as prescribed by the board established pursuant to
10 section 173.816, and shall supervise the processing of scholarships
at the direction of such board; and

11 (3) Select qualified recipients to receive scholarships, make
12 such awards of scholarships to qualified recipients and determine
13 the manner and method of payment to the recipient.]

 [173.816. There is hereby created the "Missouri College
2 Guarantee Board" consisting of the state commissioner of
3 elementary and secondary education, two members of the state
4 board of education selected by the president of such board, the
5 state commissioner of higher education and one member of the
6 coordinating board for higher education selected by the president
7 of such board. Board members from the state board of education
8 and the coordinating board for higher education shall serve
9 three-year terms provided that one of the initial members from the
10 state board of education shall be designated by the president of
11 that board to serve a term of one year and the initial member from
12 the coordinating board for higher education shall serve a two-year
13 term. The board shall oversee the Missouri college guarantee
14 program and shall meet at least annually to receive a report from
15 the coordinating board for higher education on program
16 performance. The board, unless otherwise provided in sections
17 173.810 to 173.827, shall, by majority vote, establish the amount,
18 form, schedule, eligibility and method of awarding scholarships
19 pursuant to sections 173.810 to 173.827.]

 [173.820. 1. A student shall be eligible for an initial or
2 renewed scholarship if such student is in compliance with the
3 eligibility requirements set forth in section 173.215, and in
4 addition meets the following requirements:

5 (1) Has a cumulative grade point average of at least two
6 and one-half on a four-point scale or equivalent on the student's
7 high school core curriculum and has completed a high school
8 curriculum satisfying the coordinating board's requirements for a
9 college preparatory or technical preparatory curriculum;

10 (2) Has received a score of twenty or higher on the general
11 American College Test (ACT) or a composite verbal and math score
12 of nine hundred and fifty or higher on the Scholastic Aptitude Test
13 (SAT);

14 (3) Has not been convicted of or pled guilty to any criminal

15 offense or been adjudicated to have committed an offense which
16 would constitute a criminal offense if committed by an adult;

17 (4) Has substantially participated in extracurricular
18 activities, as determined by the coordinating board; and

19 (5) For the purpose of renewal, remains in compliance with
20 the applicable provisions of section 173.215, and makes satisfactory
21 academic degree progress as a full-time student.

22 2. (1) A student seeking a scholarship pursuant to sections
23 173.810 to 173.827 shall maintain a cumulative grade point
24 average (GPA) of at least two point five on a four-point scale, or the
25 equivalent on another scale approved by the program administrator
26 while attending the approved public or private institution.

27 (2) If the grade point average of a member who is receiving
28 educational assistance pursuant to sections 173.810 to 173.827 falls
29 below two point five on a four-point scale, or the equivalent on
30 another scale, such member shall retain the educational assistance
31 and shall be placed on probation under the educational assistance
32 program. Failure to achieve a current grade point average of at
33 least two point five on a four-point scale, or the equivalent on
34 another scale for future semesters or equivalent academic terms
35 shall result in termination of the scholarship effective as of the
36 next academic term. The member shall be removed from probation
37 status upon achieving a cumulative grade point average of two
38 point five on a four-point scale or the equivalent on another scale.

39 3. Scholarships shall be offered beginning for any academic
40 term beginning within twenty-four months following the date of
41 graduation from high school to Missouri high school graduates who
42 meet the requirements of subsection 1 of this section. The
43 scholarship shall be applicable toward payment for tuition and
44 other fees and the costs of books and other education-related
45 expenses. The amount of the scholarship, regardless of the
46 institution attended, shall not exceed the current average cost of
47 tuition and fees at the campus of the University of Missouri which
48 has the largest total enrollment, as determined by the coordinating
49 board, and a book allowance as determined by the coordinating
50 board.

51 4. The amount of scholarship provided under sections
52 173.810 to 173.827 shall be based upon financial need as
53 determined under sections 173.810 to 173.827, shall be subject to
54 the maximum amount established in subsection 2 of this section
55 and shall be further reduced by the amount of any nonloan
56 need-based federal financial aid, all other nonloan need-based
57 assistance received by or on behalf of the student pursuant to other
58 provisions of this chapter and any other nonloan need-based state
59 financial aid which aid or assistance may be used for the purposes
60 established pursuant to subsection 2 of this section for scholarships
61 granted pursuant to sections 173.810 to 173.827.

62 5. A student who is enrolled or has been accepted for
63 enrollment as a postsecondary student at an approved private or
64 public institution beginning with the fall 1999 term and who meets
65 the other eligibility requirements for a scholarship pursuant to
66 sections 173.810 to 173.827 shall, within the limits of the funds
67 appropriated and made available, be offered a scholarship for the
68 first academic year of study as provided in sections 173.810 to
69 173.827. Such scholarship shall be renewable in like amount
70 annually for the second, third, fourth and fifth academic years, or
71 as long as the recipient is in compliance with the applicable
72 eligibility requirements set forth in section 173.215, provided such
73 years of study are continuous and the student continues to meet
74 eligibility requirements for the scholarship. If a recipient ceases
75 all attendance at an approved public or private institution for the
76 purpose of providing service to a nonprofit organization, a state or
77 federal government agency or any branch of the armed forces of the
78 United States, the recipient shall be eligible for a renewal
79 scholarship upon return to any approved public or private
80 institution, provided the recipient:

81 (1) Returns to full-time status within twenty-seven months;

82 (2) Provides verification, in compliance with rules of the
83 coordinating board, that the service to the nonprofit organization
84 was satisfactorily completed and was not compensated other than
85 for expenses or that the service to the state or federal
86 governmental agency or branch of the armed forces of the United

87 States was satisfactorily completed; and

88 (3) Meets all other requirements established for eligibility
89 to receive a renewal scholarship.]

[173.825. 1. A recipient of a scholarship awarded pursuant
2 to sections 173.810 to 173.827 may transfer from one approved
3 Missouri public or private institution to another without losing
4 eligibility for the scholarship. If a recipient of the scholarship at
5 any time withdraws from an approved private or public institution
6 so that under the rules and regulations of that institution such
7 recipient is entitled to a refund of any tuition, fees or other
8 charges, the institution shall pay the portion of the refund
9 attributable to the scholarship for that term to the coordinating
10 board for higher education.

11 2. Other provisions of sections 173.810 to 173.827 to the
12 contrary notwithstanding, if a recipient has been awarded an
13 initial scholarship pursuant to the provisions of sections 173.810
14 to 173.827 but is unable to use the scholarship during the first
15 academic year because of illness, disability, pregnancy or other
16 medical need or if a recipient ceases all attendance at an approved
17 public or private institution because of illness, disability,
18 pregnancy or other medical need, the recipient shall be eligible for
19 an initial or renewal scholarship upon enrollment in or return to
20 any approved public or private institution, provided the recipient:

21 (1) Enrolls in or returns to full-time status within
22 twenty-seven months;

23 (2) Provides verification of sufficient medical evidence
24 documenting an illness, disability, pregnancy or other medical need
25 of such person to require that the person will not be able to use the
26 initial or renewal scholarship during the time period for which it
27 was originally offered; and

28 (3) Meets all other requirements established for eligibility
29 to receive an initial or a renewal scholarship.]

[173.827. Upon recommendation of the coordinating board,
2 funds may be appropriated from the Missouri college guarantee
3 fund for distribution by the coordinating board as grants to any
4 approved public and private institution which submits an

5 application demonstrating how the institution will establish and
6 operate a mentoring program which ensures that at-risk students
7 receiving scholarships pursuant to sections 173.810 to 173.827 have
8 a positive educational experience at the institution.】

【173.830. The "Missouri College Guarantee Fund" is hereby
2 established in the state treasury. The state treasurer shall
3 administer the fund, and the moneys in the fund shall be used
4 solely by the coordinating board for higher education pursuant to
5 sections 173.810 to 173.827 for the awarding of scholarships to
6 eligible students and for other purposes specified pursuant to
7 sections 173.810 to 173.827; provided that moneys in the fund may
8 be used to fund graduate study scholarships provided pursuant to
9 section 173.727. Any interest which accrues to the fund shall
10 remain in the fund and shall be used in the same manner as
11 moneys which are transferred to the fund. Notwithstanding the
12 provisions of section 33.080, RSMo, to the contrary, moneys in the
13 Missouri college guarantee fund at the end of any biennium shall
14 not be transferred to the credit of the general revenue fund.】

Section B. Because immediate action is necessary to protect the health,
2 welfare, and safety of those persons associated with Missouri's public colleges and
3 universities, section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and
6 section A of this act shall be in full force and effect upon its passage and
7 approval.

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