

FIRST REGULAR SESSION

SENATE BILL NO. 275

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Read 1st time January 29, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1543S.02I

AN ACT

To repeal section 173.392, RSMo, and to enact in lieu thereof two new sections relating to higher education tuition.

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

Section A. Section 173.392, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 173.392 and 173.1125, to read as
3 follows:

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

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

14 (1) To support funding of capital projects at public colleges and
15 universities, provided that:

16 (a) Moneys shall not be appropriated to any public college or university
17 that knowingly employs, as of September 1, 2007, any person, as a professor or
18 instructor, required to be registered under sections 589.400 to 589.425, RSMo;
19 and

20 **(b) Actual construction of such capital projects has begun on or**
21 **before January 1, 2009;**

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

26 3. **Any moneys remaining in the fund after the completion of all**
27 **projects for which construction has begun on or prior to January 1,**
28 **2009, shall be transferred to the Missouri higher education tuition**
29 **reduction fund created in section 173.1125 at the end of each fiscal**
30 **year.**

31 4. Moneys in the fund shall be invested by the state treasurer in the
32 manner prescribed by law for investment of general revenue funds and any
33 interest earned on invested moneys shall accrue to the benefit of the Lewis and
34 Clark discovery fund and shall reduce payments by the authority pursuant to
35 subsection 2 of section 173.385. Notwithstanding the provisions of section 33.080,
36 RSMo, to the contrary, moneys in the Missouri Lewis and Clark discovery fund
37 shall not revert to the credit of the general revenue fund at the end of the
38 biennium.

 173.1125. 1. There is hereby created in the state treasury the
2 "Missouri Higher Education Tuition Reduction Fund", which shall
3 consist of funds transferred from the Lewis and Clark discovery fund
4 as provided in section 173.392, to be used for the purpose of reducing
5 tuition rates at Missouri's public institutions of higher education. The
6 coordinating board for higher education shall administer the fund. The
7 coordinating board for higher education shall implement a procedure
8 for reimbursing public institutions of higher education that either
9 reduce tuition or increase tuition at lower rates than previously
10 designated. The coordinating board for higher education shall
11 promulgate rules for the implementation of this section. Any rule or
12 portion of a rule, as that term is defined in section 536.010, RSMo, that
13 is created under the authority delegated in this section shall become
14 effective only if it complies with and is subject to all of the provisions
15 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
16 section and chapter 536, RSMo, are nonseverable and if any of the
17 powers vested with the general assembly pursuant to chapter 536,

18 RSMo, to review, to delay the effective date, or to disapprove and annul
19 a rule are subsequently held unconstitutional, then the grant of
20 rulemaking authority and any rule proposed or adopted after August
21 28, 2009, shall be invalid and void.

22 2. The state treasurer shall be custodian of the fund and may
23 approve disbursements from the fund in accordance with sections
24 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall
25 be used solely for the administration of this section. Notwithstanding
26 the provisions of section 33.080, RSMo, to the contrary, any moneys
27 remaining in the fund at the end of the biennium shall not revert to the
28 credit of the general revenue fund. The state treasurer shall invest
29 moneys in the fund in the same manner as other funds are
30 invested. Any interest and moneys earned on such investments shall be
31 credited to the fund.

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