

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 641

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUSE.

Pre-filed January 5, 1998, and 1,000 copies ordered printed.

Read 2nd time January 13, 1998, and referred to the Committee on Education.

Reported from the Committee February 16, 1998, with recommendation that the bill do pass.

Taken up for Perfection March 9, 1998. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

S2467.01P

AN ACT

To repeal section 173.260, RSMo 1994, relating to the survivor grant program, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 173.260, RSMo 1994, is repealed and two new sections enacted in lieu thereof to be known as sections 173.260 and 1, to read as follows:

173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) "Board", the coordinating board for higher education;
- (2) "Eligible child", the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death **or permanent and total disability** of a public safety officer or employee;
- (3) "Employee", any full-time **state** employee [of the department of highways and transportation engaged in the construction or maintenance of the state's highways, roads and bridges] **as defined pursuant to section 105.800, RSMo;**

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

(4) "Grant", the public safety officer or employee survivor grant as established by this section;

(5) "Institution of postsecondary education", any approved public or private institution as defined in section 173.205;

(6) "Line of duty", any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

[(6)] **(7) "Public safety officer", any firefighter, police officer, parole officer, probation officer, state correctional employee, water safety officer, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty;**

(8) "Permanent and total disability", a disability which renders a person unable to engage in any gainful work;

(9) "Spouse", the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent or total disability of such public safety officer or employee;

[(7)] **(10) "Tuition", any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.**

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for **either of the following to attend an institution of postsecondary education:**

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty [to attend an institution of postsecondary education]; or

(2) A spouse of a public safety officer or employee killed or permanently and totally disabled in the line of duty.

3. An eligible child **or spouse** may receive a grant under this section only so long as the child **or spouse** is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child **or spouse** receive a grant beyond the completion of the first baccalaureate degree or, **in the case of a child**, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child **or spouse** shall receive more than one hundred percent of tuition when combined with similar funds made available to such child **or spouse**.

4. The coordinating board for higher education shall:

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

(2) Determine minimum standards of performance in order for a child **or spouse** to

remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child **or spouse** an amount toward the child's **or spouse's** tuition which is equal to the grant to which the child **or spouse** is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child **or spouse** to apply for and receive a grant under this program.

5. An eligible child **or spouse** who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child **or spouse** is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child **or spouse** who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child **or spouse** is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child **or spouse**.

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

9. A public safety officer or employee who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or employee or public safety officer or employee shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

Section 1. Any citizen of Missouri killed or permanently and totally disabled while engaging in any action which would be considered line of duty if performed by a public safety officer shall be eligible for all the benefits provided for public safety

officers pursuant to section 173.260.

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