

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 733

95TH GENERAL ASSEMBLY  
2010

3902S.09T

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## AN ACT

To repeal sections 173.250, 173.1105, and 173.1108, RSMo, and to enact in lieu thereof four new sections relating to higher education, with an emergency clause for a certain section.

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

Section A. Sections 173.250, 173.1105, and 173.1108, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 173.250,  
3 173.1105, 173.1108, and 173.1205, to read as follows:

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] **173.1102** shall  
7 be applicable to such terms as used in this section. [The term "academic  
8 scholarship" means an amount of money paid by the state of Missouri to a  
9 qualified college or university student who has demonstrated superior academic  
10 achievement pursuant to the provisions of this section.] **In addition, the  
11 following definitions shall apply:**

12 (1) "Academic scholarship", an amount of money paid by the state  
13 of Missouri to a student pursuant to the provisions of this section;

14 (2) "ACT", the American College Testing program examination;

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

15           **(3) "Approved institution", an approved public or approved**  
16 **private institution as defined in section 173.1102;**

17           **(4) "Eligible student", an individual who meets the criteria set**  
18 **forth in section 173.1104, excluding the requirements of financial need**  
19 **and undergraduate status and, in addition, meets the following**  
20 **requirements:**

21           **(a) Has achieved a qualifying score on the ACT or SAT;**

22           **(b) Is a Missouri resident who has completed secondary**  
23 **coursework through graduation from high school or the virtual public**  
24 **school established in section 161.670, receipt of a general education**  
25 **development (GED) diploma, completion of a program of study through**  
26 **homeschooling or any other program of academic instruction that**  
27 **satisfies the compulsory attendance requirement under section 167.031;**  
28 **and**

29           **(c) Is enrolled full-time or accepted for full-time enrollment as**  
30 **a postsecondary student at an approved institution during the**  
31 **academic year immediately following the completion of his or her**  
32 **secondary coursework;**

33           **(5) "Missouri test-takers", all Missouri high school seniors who**  
34 **take the ACT or the SAT;**

35           **(6) "Qualifying score", a composite score on the ACT or the SAT**  
36 **achieved in an eligible student's high school sophomore, junior, or**  
37 **senior year, that is in the top five percent of Missouri test-takers, as**  
38 **established at the beginning of an eligible student's final year of**  
39 **secondary coursework;**

40           **(7) "Recipient", an eligible or renewal student who receives an**  
41 **academic scholarship pursuant to this section;**

42           **(8) "Renewal student", an eligible student who remains in**  
43 **compliance with the provisions of section 173.1104, maintains**  
44 **continuous enrollment, and makes satisfactory academic degree**  
45 **progress; and**

46           **(9) "SAT", the Scholastic Aptitude Test.**

47           3. The coordinating board for higher education shall be the administrative  
48 agency for the implementation of the program established by this section, and  
49 shall:

50           (1) Promulgate reasonable rules and regulations for the exercise of its  
51 functions and the effectuation of the purposes of this section, including

52 regulations for granting scholarship deferments;

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

55 (3) Select qualified recipients to receive academic scholarships, make such  
56 awards of academic scholarships to qualified recipients and determine the  
57 manner and method of payment to the recipient.

58 4. [A student shall be eligible for initial or renewed academic scholarship  
59 if he or she is in compliance with the eligibility requirements set forth in section  
60 173.215 excluding the requirement of financial need and undergraduate status,  
61 and in addition meets the following requirements:

62 (1) Initial academic scholarships shall be offered in the academic year  
63 immediately following graduation from high school to Missouri high school seniors  
64 whose composite scores on the American College Testing Program (ACT) or the  
65 Scholastic Aptitude Test (SAT) of the College Board are in the top five percent of  
66 all Missouri students taking those tests during the school year in which the  
67 scholarship recipients graduate from high school. In the freshman year of college,  
68 scholarship recipients are required to maintain status as a full-time student;

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

72 5. A student who is enrolled or has been accepted for enrollment as a  
73 postsecondary student at an approved private or public institution beginning with  
74 the fall 1987, term and who meets the other eligibility requirements for an  
75 academic scholarship shall, within the limits of the funds appropriated and made  
76 available, be offered an academic scholarship in the amount of two thousand  
77 dollars for each eligible student whose composite scores on the American College  
78 Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College  
79 Board are in the top three percent of all Missouri students taking those tests  
80 during the school year in which the scholarship recipients graduate from high  
81 school for each fiscal year prior to fiscal year 2011, and, subject to appropriations,  
82 three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and  
83 one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each  
84 eligible student whose composite scores on the American College Testing Program  
85 (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the  
86 top five and three percent of all Missouri students taking those tests during the  
87 school year in which the scholarship recipients graduate from high school, for the

88 first academic year of study, which scholarship shall be renewable in the amount  
89 of two thousand dollars for each eligible student whose composite scores on the  
90 American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT)  
91 of the College Board are in the top three percent of all Missouri students taking  
92 those tests during the school year in which the scholarship recipients graduate  
93 from high school for each fiscal year prior to fiscal year 2011, and, subject to  
94 appropriations, three thousand dollars for fiscal year 2011 and every fiscal year  
95 thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year  
96 thereafter for each eligible student whose composite scores on the American  
97 College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the  
98 College Board are between the top five and three percent of all Missouri students  
99 taking those tests during the school year in which the scholarship recipients  
100 graduate from high school, annually for the second, third and fourth academic  
101 years or as long as the recipient is in compliance with the applicable eligibility  
102 requirements set forth in section 173.215, provided those years of study are  
103 continuous and the student continues to meet eligibility requirements for the  
104 scholarship; provided, however, if a recipient ceases all attendance at an approved  
105 public or private institution for the purpose of providing service to a nonprofit  
106 organization, a state or federal government agency or any branch of the armed  
107 forces of the United States, the recipient shall be eligible for a renewal  
108 scholarship upon return to any approved public or private institution, provided  
109 the recipient:

- 110 (1) Returns to full-time status within twenty-seven months;
- 111 (2) Provides verification in compliance with coordinating board for higher  
112 education rules that the service to the nonprofit organization was satisfactorily  
113 completed and was not compensated other than for expenses or that the service  
114 to the state or federal governmental agency or branch of the armed forces of the  
115 United States was satisfactorily completed; and
- 116 (3) Meets all other requirements established for eligibility to receive a  
117 renewal scholarship.

118 **6.] Eligible students shall be offered academic scholarships in**  
119 **the following amounts and in the following order of priority, within the**  
120 **limits of the funds appropriated and made available:**

- 121 (1) **Each eligible student with a qualifying score in the top three**  
122 **percent of all Missouri test-takers shall be offered an academic**  
123 **scholarship of up to three thousand dollars per year. All students in**

124 the top three percent shall receive awards of three thousand dollars  
125 before any student in the top fourth and fifth percentiles receives any  
126 award.

127 (2) Provided sufficient funds are appropriated, each eligible  
128 student with a qualifying score in the top fourth and fifth percentiles  
129 shall be offered an academic scholarship of up to one thousand dollars  
130 per year.

131 5. Eligible students may renew academic scholarships for their  
132 second, third, and fourth years of postsecondary education, or as long  
133 as the recipient is in compliance with the criteria to be a renewal  
134 student.

135 6. If an eligible student is unable to enroll during the first  
136 academic year or a renewal student ceases attendance at an approved  
137 institution for the purpose of providing service to a nonprofit  
138 organization, a state or federal government agency, or any branch of  
139 the armed forces of the United States, such student shall be offered an  
140 academic scholarship upon enrollment in any approved institution  
141 after the completion of their service, if the student meets all other  
142 requirements for an initial or renewal award and if the following  
143 criteria are met:

144 (1) For an eligible student who cannot attend an approved  
145 institution as a result of service to a non-profit organization or the  
146 state or federal government, the student returns to full-time status  
147 within twenty-seven months and provides verification to the  
148 coordinating board for higher education that the service to the  
149 nonprofit organization was satisfactorily completed and was not  
150 compensated other than for expenses, or that the service to the state or  
151 federal government was satisfactorily completed; or

152 (2) For an eligible student who cannot attend an approved  
153 institution as a result of military service in the armed forces of the  
154 United States, the student returns to full-time status within six months  
155 after the eligible student first ceases service to the armed forces and  
156 provides verification to the coordinating board for higher education  
157 that the military service was satisfactorily completed.

158 7. A recipient of an academic scholarship awarded under this section may  
159 transfer from one approved [Missouri public or private] institution to another  
160 without losing eligibility for the academic scholarship.

161           8. If a recipient of [the] **an academic** scholarship at any time withdraws  
162 from an approved [private or public] institution so that under the rules and  
163 regulations of that institution he or she is entitled to a refund of any tuition, fees  
164 or other charges, the institution shall pay the portion of the refund attributable  
165 to the **academic** scholarship for that term to the coordinating board for higher  
166 education.

167           [7.] **9.** Other provisions of this section to the contrary notwithstanding,  
168 if [a recipient] **an eligible student** has been awarded an initial academic  
169 scholarship pursuant to the provisions of this section but is unable to [use the  
170 scholarship] **attend an approved institution** during the first academic year  
171 because of illness, disability, pregnancy or other medical need or if a [recipient]  
172 **renewal student** ceases all attendance at an approved [public or private]  
173 institution because of illness, disability, pregnancy or other medical need, the  
174 recipient shall be eligible for an initial or renewal **academic** scholarship upon  
175 enrollment in or return to any approved [public or private] institution, provided  
176 the recipient:

- 177           (1) Enrolls in or returns to full-time status within twenty-seven months;  
178           (2) Provides verification in compliance with coordinating board for higher  
179 education rules of sufficient medical evidence documenting an illness, disability,  
180 pregnancy or other medical need of such person to require that that person will  
181 not be able to use the [initial or renewal] **academic** scholarship during the time  
182 period for which it was originally offered; and  
183           (3) Meets all other requirements established for eligibility to receive an  
184 [initial or a renewal] **academic** scholarship.

173.1105. 1. [Beginning with the 2007-08 academic year,] An applicant  
2 who is an undergraduate postsecondary student at an approved private or public  
3 institution and who meets the other eligibility criteria shall be eligible for  
4 financial assistance, with a minimum and maximum award amount as follows:

5           (1) **For academic years 2010-2011, 2011-2012, 2012-2013, and 2013-**  
6 **2014:**

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

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

12           **[(3)] (c)** Four thousand six hundred dollars maximum and two thousand

13 dollars minimum for students attending approved private institutions.

14 **(2) For the 2014-2015 academic year and subsequent years:**

15 **(a) One thousand three hundred dollars maximum and three**  
16 **hundred dollars minimum for students attending institutions classified**  
17 **as part of the public two-year sector; and**

18 **(b) Two thousand eight hundred fifty dollars maximum and one**  
19 **thousand five hundred dollars minimum for students attending**  
20 **institutions classified as part of the public four-year sector, including**  
21 **Linn State Technical College, or approved private institutions.**

22 2. All students with an expected family contribution of twelve thousand  
23 dollars or less shall receive at least the minimum award amount for his or her  
24 institution. Maximum award amounts for an eligible student with an expected  
25 family contribution above seven thousand dollars shall be reduced by ten percent  
26 of the maximum expected family contribution for his or her increment group. Any  
27 award amount shall be reduced by the amount of a student's [reimbursement  
28 pursuant to section 160.545, RSMo] **payment from the A+ schools program**  
29 **or any successor program to it.** For purposes of this subsection, the term  
30 "increment group" shall mean a group organized by expected family contribution  
31 in five hundred dollar increments into which all eligible students shall be placed.

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

38 4. Every three years, beginning with academic year 2009-10, the award  
39 amount may be adjusted to increase no more than the Consumer Price Index for  
40 All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as  
41 defined and officially recorded by the United States Department of Labor, or its  
42 successor agency, for the previous academic year. The coordinating board shall  
43 prepare a report prior to the legislative session for use of the general assembly  
44 and the governor in determining budget requests which shall include the amount  
45 of funds necessary to maintain full funding of the program based on the baseline  
46 established for the program upon the [passage] **effective date** of sections  
47 173.1101 to 173.1107. Any increase in the award amount shall not become  
48 effective unless an increase in the amount of money appropriated to the program

49 necessary to cover the increase in award amount is passed by the general  
50 assembly.

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

2 (1) The provisions of the new program authorized under sections 173.1101  
3 to 173.1107 shall automatically sunset six years after August 28, 2007, unless  
4 reauthorized by an act of the general assembly; and

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

8 (3) Sections 173.1101 to 173.1107 shall terminate on September first of  
9 the calendar year immediately following the calendar year in which the program  
10 authorized under sections 173.1101 to 173.1107 is sunset] **Section 23.253 of the**  
11 **Missouri sunset act shall not apply to the provisions of sections**  
12 **173.1101 to 173.1107.**

173.1205. 1. **Notwithstanding any other provision of law, a**  
2 **for-profit or not-for-profit entity in which a public institution of higher**  
3 **education holds an ownership or membership interest shall not be**  
4 **deemed to be a public governmental body, quasi-public governmental**  
5 **body, or part of a public governmental body or quasi-public**  
6 **governmental body or otherwise subject to chapter 610, if such entity**  
7 **is engaged primarily in activities involving current or prospective**  
8 **commercialization of the skills or knowledge of the institution's faculty**  
9 **or of the institution's research, research capabilities, intellectual**  
10 **property, technology, or technological resources, provided that the**  
11 **public institution of higher education maintains as an open record an**  
12 **annual report, available no later than October first each year,**  
13 **identifying:**

14 (1) **The name and address of the entity, the amount of funds paid**  
15 **to such entity by the institution, any nonmonetary benefits received by**  
16 **the entity from the institution, and the purpose for which such funds**  
17 **were paid or benefits provided;**

18 (2) **The amount of funds received by the institution from such**  
19 **entity; and**

20 (3) **Any employees of the institution who received funds or other**  
21 **things of value from such entity and the purpose and amount of such**  
22 **funds or other things of value.**



23           **2. This provision shall not be construed to broaden the definition**  
24 **of public governmental body found in section 610.010, nor shall it**  
25 **otherwise be construed to mean, imply, or suggest that any entity**  
26 **constitutes a public governmental body unless such entity meets the**  
27 **definition of that term found in section 610.010.**

28           **3. Notwithstanding any other provision of law, meetings, records,**  
29 **and votes may be closed to the extent that they relate to records or**  
30 **information submitted by an individual, corporation, or other business**  
31 **entity to a public institution of higher education in connection with a**  
32 **proposal or agreement to license intellectual property or perform**  
33 **sponsored research, in connection with opportunities for or results of**  
34 **collaboration involving students, faculty, or staff, or in connection with**  
35 **activities by the public institution of higher education to promote or**  
36 **pursue economic development and which contain sales projections or**  
37 **other business plan, financial information, or trade secrets the**  
38 **disclosure of which may endanger the competitiveness of a business.**

Section B. Because immediate action is necessary to protect the  
2 intellectual property of the state's higher education institutions while permitting  
3 its timely development through technology transfer, the enactment of section  
4 173.1205 of this act is deemed necessary for the immediate preservation of the  
5 public health, welfare, peace, and safety, and is hereby declared to be an  
6 emergency act within the meaning of the constitution, and the enactment of  
7 section 173.1205 of this act shall be in full force and effect upon its passage and  
8 approval.

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