

# HOUSE BILL NO. 2348

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

6269H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

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

Section A. Section 173.1003, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.1003, to read as follows:

173.1003. 1. Beginning with the 2008-09 academic year, each approved public institution, as such term is defined in section 173.1102, shall submit its percentage change in the amount of tuition from the current academic year compared to the upcoming academic year to the coordinating board for higher education by July first preceding such academic year.

2. For institutions whose tuition is greater than the average tuition, the percentage change in tuition shall not exceed the percentage change of the consumer price index ~~[or zero, whichever is greater]~~ **plus ten percent**.

3. For institutions whose tuition is less than the average tuition, the dollar increase in tuition shall not exceed ~~[the product of zero or]~~ the percentage change of the consumer price index ~~[, whichever is greater, times the average tuition]~~ **plus ten percent**.

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

5. Any institution that exceeds the limits set forth in subsections 2 or 3 of this section shall remit to the board an amount equal to five percent of its current year state operating appropriation amount which shall be deposited into the general revenue fund ~~[unless the institution appeals, within thirty days of such notice, to the commissioner of higher education for a waiver of this provision. The commissioner, after meeting with appropriate representatives~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of the institution, shall determine whether the institution's waiver request is sufficiently  
19 warranted, in which case no fund remission shall occur. In making this determination, the factors  
20 considered by the commissioner shall include but not be limited to the relationship between state  
21 appropriations and the consumer price index and any extraordinary circumstances. If the  
22 commissioner determines that an institution's tuition percent increase is not sufficiently  
23 warranted and declines the waiver request, the commissioner shall recommend to the full  
24 coordinating board that the institution shall remit an amount up to five percent of its current year  
25 state operating appropriation to the board, which shall deposit the amount into the general  
26 revenue fund. The coordinating board shall have the authority to make a binding and final  
27 decision, by means of a majority vote, regarding the matter].

28         6. The provisions of subsections 2 to 5 of this section shall not apply to any community  
29 college unless any such community college's tuition for any Missouri resident is greater than or  
30 equal to the average tuition. If the provisions of subsections 2 to 5 of this section apply to a  
31 community college, subsections 2 to 5 of this section shall only apply to out-of-district Missouri  
32 resident tuition.

33         7. For purposes of this section, the term "average tuition" shall be the sum of the tuition  
34 amounts for the previous academic year for each approved public institution that is not excluded  
35 under subsection 6 of this section, divided by the number of such institutions. The term  
36 "consumer price index" shall mean the Consumer Price Index for All Urban Consumers (CPI-U),  
37 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States  
38 Department of Labor, or its successor agency, from January first of the current year compared  
39 to January first of the preceding year. The term "state appropriation" shall mean the state  
40 operating appropriation for the prior year per full-time equivalent student for the prior year  
41 compared to state operating appropriation for the current year per full-time equivalent student  
42 for the prior year. The term "tuition" shall mean the amount of tuition and required fees,  
43 excluding any fee established by the student body of the institution, charged to a Missouri  
44 resident undergraduate enrolled in fifteen credit hours at the institution.

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

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