

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2348
99TH GENERAL ASSEMBLY

6269H.02C

D. ADAM CRUMBLISS, Chief Clerk

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.

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Section A. Section 173.1003, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.1003, to read as follows: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. **Except as provided in subsection 4 of this section**, 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 percentage points**.

3. **Except as provided in subsection 4 of this section**, 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, **plus ten percentage points**, times the average tuition; **except that, such institutions may implement a one-time dollar increase in tuition not to exceed the product of zero or the percentage change of the consumer price index, whichever is greater, plus twenty percentage points, times the average tuition.**

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]~~ **The provisions of subsections 2 and 3 of this section shall not apply if the institution did not receive an increase in state funding during the immediately preceding fiscal year.**

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.

19 5. Any institution that exceeds the limits set forth in subsections 2 or 3 of this section
20 shall remit to the board an amount equal to five percent of its current year state operating
21 appropriation amount which shall be deposited into the general revenue fund, unless ~~[the~~
22 ~~institution appeals, within thirty days of such notice, to the commissioner of higher education~~
23 ~~for a waiver of this provision. The commissioner, after meeting with appropriate representatives~~
24 ~~of the institution, shall determine whether the institution's waiver request is sufficiently~~
25 ~~warranted, in which case no fund remission shall occur. In making this determination, the factors~~
26 ~~considered by the commissioner shall include but not be limited to the relationship between state~~
27 ~~appropriations and the consumer price index and any extraordinary circumstances. If the~~
28 ~~commissioner determines that an institution's tuition percent increase is not sufficiently~~
29 ~~warranted and declines the waiver request, the commissioner shall recommend to the full~~
30 ~~coordinating board that the institution shall remit an amount up to five percent of its current year~~
31 ~~state operating appropriation to the board, which shall deposit the amount into the general~~
32 ~~revenue fund. The coordinating board shall have the authority to make a binding and final~~
33 ~~decision, by means of a majority vote, regarding the matter]~~ **the institution is exempt from such**
34 **limits under subsection 4 of this section.**

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

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

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

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