

SENATE SUBSTITUTE  
FOR  
HOUSE SUBSTITUTE  
FOR  
HOUSE BILL NO. 297  
AN ACT

To repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty-one new sections relating to institutions of higher education.

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

Section A. Sections 166.400, 166.410, 166.415, 166.420, 2 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 3 173.1003, 174.450, 174.453, and 209.610, RSMo, are repealed and 4 twenty-one new sections enacted in lieu thereof, to be known as 5 sections 161.625, 166.400, 166.410, 166.415, 166.420, 166.425, 6 166.435, 166.440, 166.456, 166.461, 166.502, 172.020, 173.035, 7 173.280, 173.1003, 173.1352, 174.281, 174.283, 174.450, 8 174.453, and 209.610, to read as follows:

161.625. 1. This section shall be known and may be  
2 cited as the "Students' Right to Know Act".

3 2. Beginning on January 1, 2022, to help each high  
4 school student make more informed decisions about the  
5 student's future and ensure that the student is adequately  
6 aware of the cost of four-year college and other alternative  
7 career paths, the department of higher education and  
8 workforce development shall collect and compile the  
9 following information on an annual basis:

10 (1) The most in-demand jobs in the state, including  
11 starting salary and education level required for such jobs;

12           (2) The average cost for each public institution of  
13 higher education and vocational school in the state;

14           (3) The average monthly student loan payment of all  
15 students in attendance at a public institution of higher  
16 education or vocational school in the state, for each public  
17 institution of higher education or vocational school in the  
18 state;

19           (4) The average three-year student loan default rate  
20 for each public institution of higher education and  
21 vocational school in the state;

22           (5) The average graduation rate for each public  
23 institution of higher education and vocational school in the  
24 state;

25           (6) The completion rates for apprenticeship programs,  
26 high school credential programs, career and technical  
27 education programs, and military first-term enlistments;

28           (7) The average starting salary for individuals  
29 graduating from each public institution of higher education  
30 in the state; and

31           (8) The average starting salary for individuals  
32 graduating from each vocational school in the state.

33           3. Each public institution of higher education and  
34 vocational school shall report to the department the  
35 information listed in subsection 2 of this section that  
36 relates to the particular institution. The department shall  
37 collect, compile, and add the information on the  
38 department's website. On or before October fifteenth of  
39 each year, the link and all relevant instruction material  
40 shall be distributed to the department of elementary and  
41 secondary education for dissemination to public high schools  
42 in the state for public distribution to students by school  
43 counselors.

44           4. The department may execute a memorandum of  
45 understanding with any department, agency, or division for  
46 information required to be collected by this section.

47           5. To comply with the requirements of this section,  
48 any public institution of higher education, vocational  
49 school and the department may use preexisting databases  
50 including, but not limited to, the College Scorecard  
51 operated by the United States Department of Education and  
52 MoJobs.

          166.400. Sections 166.400 to 166.455 shall be known  
2 and may be cited as the "Missouri Education [Savings]  
3 Program".

          166.410. [Definitions.] As used in sections 166.400  
2 to 166.455, except where the context clearly requires  
3 another interpretation, the following terms mean:

4           (1) "Beneficiary", any individual designated by a  
5 participation agreement to benefit from payments for  
6 qualified education expenses at an eligible educational  
7 institution;

8           (2) "Benefits", the payment of qualified education  
9 expenses on behalf of a beneficiary from a savings account  
10 during the beneficiary's attendance at an eligible  
11 educational institution;

12           (3) "Board", the Missouri education [savings] program  
13 board established in section 166.415;

14           (4) "Eligible educational institution", an  
15 [institution of postsecondary education] eligible  
16 educational institution as defined in Section [529(e)(5)]  
17 529 of the Internal Revenue Code, [and institutions of  
18 elementary and secondary education as provided in Sections  
19 529(c)(7) and 529(e)(3) of the Internal Revenue Code,] as  
20 amended;

21 (5) "Financial institution", a bank, insurance company  
22 or registered investment company;

23 (6) "Internal Revenue Code", the Internal Revenue Code  
24 of 1986, as amended;

25 (7) "Missouri education [savings] program" or  
26 "[savings] program", the program created pursuant to  
27 sections 166.400 to 166.455;

28 (8) "Participant", a person who has entered into a  
29 participation agreement pursuant to sections 166.400 to  
30 166.455 for the advance payment of qualified education  
31 expenses on behalf of a beneficiary;

32 (9) "Participation agreement", an agreement between a  
33 participant and the board pursuant to and conforming with  
34 the requirements of sections 166.400 to 166.455; and

35 (10) "Qualified higher education expenses" or  
36 "qualified education expenses", the qualified costs of  
37 tuition and fees and other expenses for attendance at an  
38 eligible educational institution, as defined in Section  
39 [529(e)(3)] 529 of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri  
2 Education [Savings] Program". The program shall be  
3 administered by the Missouri education [savings] program  
4 board which shall consist of the Missouri state treasurer  
5 who shall serve as chairman, the commissioner of the  
6 department of higher education and workforce development,  
7 the commissioner of education, the commissioner of the  
8 office of administration, the director of the department of  
9 economic development, two persons having demonstrable  
10 experience and knowledge in the areas of finance or the  
11 investment and management of public funds, one of whom is  
12 selected by the president pro tem of the senate and one of  
13 whom is selected by the speaker of the house of  
14 representatives, and one person having demonstrable

15 experience and knowledge in the area of banking or deposit  
16 rate determination and placement of depository certificates  
17 of deposit or other deposit investments. Such member shall  
18 be appointed by the governor with the advice and consent of  
19 the senate. The three appointed members shall be appointed  
20 to serve for terms of four years from the date of  
21 appointment, or until their successors shall have been  
22 appointed and shall have qualified. The members of the  
23 board shall be subject to the conflict of interest  
24 provisions of section 105.452. Any member who violates the  
25 conflict of interest provisions shall be removed from the  
26 board. In order to establish and administer the [savings]  
27 program, the board, in addition to its other powers and  
28 authority, shall have the power and authority to:

29 (1) Develop and implement the Missouri education  
30 [savings] program and, notwithstanding any provision of  
31 sections 166.400 to 166.455 to the contrary, the [savings]  
32 programs and services consistent with the purposes and  
33 objectives of sections 166.400 to 166.455;

34 (2) Promulgate reasonable rules and regulations and  
35 establish policies and procedures to implement sections  
36 166.400 to 166.455, to permit the [savings] program to  
37 qualify as a "qualified state tuition program" pursuant to  
38 Section 529 of the Internal Revenue Code and to ensure the  
39 [savings] program's compliance with all applicable laws;

40 (3) Develop and implement educational programs and  
41 related informational materials for participants, either  
42 directly or through a contractual arrangement with a  
43 financial institution for investment services, and their  
44 families, including special programs and materials to inform  
45 families with young children regarding methods for financing  
46 education and training;

47 (4) Enter into agreements with any financial  
48 institution, the state or any federal or other agency or  
49 entity as required for the operation of the [savings]  
50 program pursuant to sections 166.400 to 166.455;

51 (5) Enter into participation agreements with  
52 participants;

53 (6) Accept any grants, gifts, legislative  
54 appropriations, and other moneys from the state, any unit of  
55 federal, state, or local government or any other person,  
56 firm, partnership, or corporation for deposit to the account  
57 of the [savings] program;

58 (7) Invest the funds received from participants in  
59 appropriate investment instruments to achieve long-term  
60 total return through a combination of capital appreciation  
61 and current income;

62 (8) Make appropriate payments and distributions on  
63 behalf of beneficiaries pursuant to participation agreements;

64 (9) Make refunds to participants upon the termination  
65 of participation agreements pursuant to the provisions,  
66 limitations, and restrictions set forth in sections 166.400  
67 to 166.455 and the rules adopted by the board;

68 (10) Make provision for the payment of costs of  
69 administration and operation of the [savings] program;

70 (11) Effectuate and carry out all the powers granted  
71 by sections 166.400 to 166.455, and have all other powers  
72 necessary to carry out and effectuate the purposes,  
73 objectives and provisions of sections 166.400 to 166.455  
74 pertaining to the [savings] program; and

75 (12) Procure insurance, guarantees or other  
76 protections against any loss in connection with the assets  
77 or activities of the [savings] program.

78 2. Any member of the board may designate a proxy for  
79 that member who will enjoy the full voting privileges of

80 that member for the one meeting so specified by that  
81 member. No more than three proxies shall be considered  
82 members of the board for the purpose of establishing a  
83 quorum.

84 3. Four members of the board shall constitute a  
85 quorum. No vacancy in the membership of the board shall  
86 impair the right of a quorum to exercise all the rights and  
87 perform all the duties of the board. No action shall be  
88 taken by the board except upon the affirmative vote of a  
89 majority of the members present.

90 4. The board shall meet within the state of Missouri  
91 at the time set at a previously scheduled meeting or by the  
92 request of any four members of the board. Notice of the  
93 meeting shall be delivered to all other trustees in person  
94 or by depositing notice in a United States post office in a  
95 properly stamped and addressed envelope not less than six  
96 days prior to the date fixed for the meeting. The board may  
97 meet at any time by unanimous mutual consent. There shall  
98 be at least one meeting in each quarter.

99 5. The funds shall be invested only in those  
100 investments which a prudent person acting in a like capacity  
101 and familiar with these matters would use in the conduct of  
102 an enterprise of a like character and with like aims, as  
103 provided in section 105.688. For new contracts entered into  
104 after August 28, 2012, board members shall study investment  
105 plans of other states and contract with or negotiate to  
106 provide benefit options the same as or similar to other  
107 states' qualified plans for the purpose of offering  
108 additional options for members of the plan. The board may  
109 delegate to duly appointed investment counselors authority  
110 to act in place of the board in the investment and  
111 reinvestment of all or part of the moneys and may also  
112 delegate to such counselors the authority to act in place of

113 the board in the holding, purchasing, selling, assigning,  
114 transferring or disposing of any or all of the securities  
115 and investments in which such moneys shall have been  
116 invested, as well as the proceeds of such investments and  
117 such moneys. Such investment counselors shall be registered  
118 as investment advisors with the United States Securities and  
119 Exchange Commission. In exercising or delegating its  
120 investment powers and authority, members of the board shall  
121 exercise ordinary business care and prudence under the facts  
122 and circumstances prevailing at the time of the action or  
123 decision. No member of the board shall be liable for any  
124 action taken or omitted with respect to the exercise of, or  
125 delegation of, these powers and authority if such member  
126 shall have discharged the duties of [his or her] the  
127 member's position in good faith and with that degree of  
128 diligence, care and skill which a prudent person acting in a  
129 like capacity and familiar with these matters would use in  
130 the conduct of an enterprise of a like character and with  
131 like aims.

132 6. No investment transaction authorized by the board  
133 shall be handled by any company or firm in which a member of  
134 the board has a substantial interest, nor shall any member  
135 of the board profit directly or indirectly from any such  
136 investment.

137 7. No trustee or employee of the [savings] program  
138 shall receive any gain or profit from any funds or  
139 transaction of the [savings] program. Any trustee, employee  
140 or agent of the [savings] program accepting any gratuity or  
141 compensation for the purpose of influencing such trustee's,  
142 employee's or agent's action with respect to the investment  
143 or management of the funds of the [savings] program shall  
144 thereby forfeit the office and in addition thereto be  
145 subject to the penalties prescribed for bribery.



166.420. 1. The board may enter into [savings]  
2 program participation agreements with participants on behalf  
3 of beneficiaries pursuant to the provisions of sections  
4 166.400 to 166.455, including the following terms and  
5 conditions:

6 (1) A participation agreement shall stipulate the  
7 terms and conditions of the [savings] program in which the  
8 participant makes contributions;

9 (2) A participation agreement shall specify the method  
10 for calculating the return on the contribution made by the  
11 participant;

12 (3) The execution of a participation agreement by the  
13 board shall not guarantee that the beneficiary named in any  
14 participation agreement will be admitted to an eligible  
15 educational institution, be allowed to continue to attend an  
16 eligible educational institution after having been admitted  
17 or will graduate from an eligible educational institution;

18 (4) A participation agreement shall clearly and  
19 prominently disclose to participants the risk associated  
20 with depositing moneys with the board;

21 (5) Participation agreements shall be organized and  
22 presented in a way and with language that is easily  
23 understandable by the general public; and

24 (6) A participation agreement shall clearly and  
25 prominently disclose to participants the existence of any  
26 load charge or similar charge assessed against the accounts  
27 of the participants for administration or services.

28 2. The board shall establish the maximum amount  
29 [which] that may be contributed annually [by a participant]  
30 with respect to a beneficiary.

31 3. The board shall establish a total contribution  
32 limit for savings accounts established under the [savings]  
33 program with respect to a beneficiary to permit the

34 [savings] program to qualify as a "qualified state tuition  
35 program" pursuant to Section 529 of the Internal Revenue  
36 Code. No contribution may be made to a savings account for  
37 a beneficiary if it would cause the balance of all savings  
38 accounts of the beneficiary to exceed the total contribution  
39 limit established by the board. The board may establish  
40 other requirements that it deems appropriate to provide  
41 adequate safeguards to prevent contributions on behalf of a  
42 beneficiary from exceeding what is necessary to provide for  
43 the qualified education expenses of the beneficiary.

44 4. The board shall establish the minimum length of  
45 time that contributions and earnings must be held by the  
46 [savings] program to qualify pursuant to section 166.435.  
47 Any contributions or earnings that are withdrawn or  
48 distributed from a savings account prior to the expiration  
49 of the minimum length of time, as established by the board,  
50 shall be subject to a penalty pursuant to section 166.430.

166.425. All money paid by a participant in connection  
2 with participation agreements shall be deposited as received  
3 and shall be promptly invested by the board. Contributions  
4 and earnings thereon accumulated on behalf of participants  
5 in the [savings] program may be used, as provided in the  
6 participation agreement, for qualified education expenses.  
7 Such contributions and earnings shall not be considered  
8 income for purposes of determining a participant's  
9 eligibility for financial assistance under any state student  
10 aid program.

166.435. 1. Notwithstanding any law to the contrary,  
2 the assets of the [savings] program held by the board, the  
3 assets of any deposit program authorized in section 166.500,  
4 and the assets of any qualified tuition [savings] program  
5 established pursuant to Section 529 of the Internal Revenue  
6 Code and any income therefrom shall be exempt from all

7 taxation by the state or any of its political subdivisions.  
8 Income earned or received from the [savings] program,  
9 deposit, or other qualified tuition [savings] programs  
10 established under Section 529 of the Internal Revenue Code,  
11 or refunds of qualified education expenses received by a  
12 beneficiary from an eligible educational institution in  
13 connection with withdrawal from enrollment at such  
14 institution which are contributed within sixty days of  
15 withdrawal to a qualified tuition [savings] program of which  
16 such individual is a beneficiary shall not be subject to  
17 state income tax imposed pursuant to chapter 143 and shall  
18 be eligible for any benefits provided in accordance with  
19 Section 529 of the Internal Revenue Code. The exemption  
20 from taxation pursuant to this section shall apply only to  
21 assets and income maintained, accrued, or expended pursuant  
22 to the requirements of the [savings] program established  
23 pursuant to sections 166.400 to 166.455, the deposit program  
24 established pursuant to sections 166.500 to 166.529, and  
25 other qualified tuition [savings] programs established under  
26 Section 529 of the Internal Revenue Code, and no exemption  
27 shall apply to assets and income expended for any other  
28 purposes. Annual contributions made to the [savings]  
29 program held by the board, the deposit program, and any  
30 qualified tuition [savings] program established under  
31 Section 529 of the Internal Revenue Code up to and including  
32 eight thousand dollars per [participating] taxpayer, and up  
33 to sixteen thousand dollars for married individuals filing a  
34 joint tax return, shall be subtracted in determining  
35 Missouri adjusted gross income pursuant to section 143.121.

36 2. If any deductible contributions to or earnings from  
37 any such program referred to in this section are distributed  
38 and not used to pay qualified education expenses, not  
39 transferred as allowed by 26 U.S.C. Section 529(c) (3) (C) (i),

40 as amended, and any Internal Revenue Service regulations or  
41 guidance issued in relation thereto, or are not held for the  
42 minimum length of time established by the appropriate  
43 Missouri board, then the amount so distributed shall be  
44 included in the Missouri adjusted gross income of the  
45 participant, or, if the participant is not living, the  
46 beneficiary.

47 3. The provisions of this section shall apply to tax  
48 years beginning on or after January 1, 2008, and the  
49 provisions of this section with regard to sections 166.500  
50 to 166.529 shall apply to tax years beginning on or after  
51 January 1, 2004.

166.440. The assets of the [savings] program shall at  
2 all times be preserved, invested and expended only for the  
3 purposes set forth in this section and in accordance with  
4 the participation agreements, and no property rights therein  
5 shall exist in favor of the state.

166.456. All personally identifiable information  
2 concerning participants and beneficiaries of accounts  
3 established within the Missouri education [savings] program  
4 pursuant to sections 166.400 to 166.456 shall be  
5 confidential, and any disclosure of such information shall  
6 be restricted to purposes directly connected with the  
7 administration of the program.

166.461. 1. This section shall be known and may be  
2 cited as the "Show Me Child Development Account Act".

3 2. As used in this section, the following terms mean:

4 (1) "Eligible educational institution", an institution:

5 (a) Of postsecondary education as defined in 20 U.S.C.

6 Section 1002, as amended; or

7 (b) That offers a program of instruction:

8           a. Resulting in the award of a certificate,  
9 undergraduate degree, or other industry-recognized  
10 credential; and

11           b. That has been designated by the coordinating board  
12 for higher education as preparing students to enter an area  
13 of occupational shortage as determined by the coordinating  
14 board;

15           (2) "Parent", the parent, legal guardian, custodian,  
16 or other person having care and custody over a qualified  
17 child;

18           (3) "Program", the Missouri children's development  
19 account program created in this section;

20           (4) "Program fund", the Missouri children's  
21 development account program fund created in this section;

22           (5) "Qualified child":

23           (a) An individual born on or after January 1, 2022,  
24 and who is a resident of this state at the time of birth and  
25 at the time that the scholarship grant is applied for or  
26 received; or

27           (b) An adoptee with a valid decree of adoption who was  
28 born on or after January 1, 2022, whose adopting parent was  
29 a resident of this state at the time the decree of adoption  
30 was entered and who is a resident at the time that the  
31 scholarship grant is applied for or received;

32           (6) "Qualified higher education expenses", the costs  
33 of tuition and fees and other expenses for attendance at an  
34 eligible educational institution or a rollover to a  
35 qualified Missouri achieving a better life experience  
36 program;

37           (7) "Scholarship grant", an amount not to exceed one  
38 hundred dollars provided to the parent of a qualified child  
39 for qualified higher education expenses under this section

40 that is deposited in a savings account as provided in  
41 subsection 7 of this section.

42 3. There is hereby created the "Missouri Children's  
43 Development Account Program". The program shall be  
44 administered by the state treasurer as provided in this  
45 section.

46 4. Upon receiving a certification of live birth in  
47 this state as provided in chapter 193, the department of  
48 health and senior services shall notify the state treasurer  
49 and transmit any data related to the child that the  
50 treasurer deems necessary for the administration of this  
51 section to determine whether the child is a qualified  
52 child. Such information shall include, but not be limited  
53 to, the child's:

- 54 (1) Full name;
- 55 (2) Date of birth;
- 56 (3) Parent's full name; and
- 57 (4) Parent's address.

58 5. (1) Upon receiving notification of a live birth  
59 and determining whether the child is a qualified child under  
60 this section, the state treasurer shall notify the parent of  
61 each qualified child about the program. The notification  
62 shall include an explanation of the program and the  
63 opportunity for the parent to exclude the qualified child  
64 from the program. Any qualified child who is not excluded  
65 by the parent shall be deemed to be enrolled in the program.

66 (2) For any information obtained from the department  
67 of health and senior services under this section, the state  
68 treasurer shall be subject to the same disclosure  
69 restrictions and confidentiality requirements that apply to  
70 the department. Any information obtained directly by the  
71 treasurer under this section shall be confidential, shall

72 not be deemed a public record, and shall not be subject to  
73 the provisions of chapter 610.

74 6. (1) There is hereby created in the state treasury  
75 the "Missouri Children's Development Account Program Fund",  
76 which shall receive deposits, make disbursements, and be  
77 administered in compliance with the provisions of this  
78 section.

79 (2) Subject to appropriation and the availability of  
80 moneys in the program fund, moneys in the program fund shall  
81 be used to provide scholarship grants and to pay for  
82 personal service, equipment, and other expenses of the  
83 treasurer related to the administration of this section.  
84 Nothing in this section shall be construed to prevent the  
85 general assembly from making appropriations to the program  
86 fund from other permissible sources.

87 (3) Notwithstanding any other provisions of law to the  
88 contrary, moneys shall be deposited in the program fund and  
89 administered in accordance with the following provisions:

90 (a) On a daily basis, the state treasurer shall  
91 apportion any interest or other increment derived from the  
92 investment of funds in an amount proportionate to the  
93 average daily balance of funds in the state treasury. The  
94 treasurer shall use a method in accordance with generally  
95 accepted accounting principles in apportioning and  
96 distributing that interest or increment. After satisfying  
97 the requirements of section 30.605 and prior to distributing  
98 that interest or increment, the treasurer shall deduct the  
99 costs incurred by the treasurer in administering this  
100 section in proportion to the average daily balance of the  
101 amounts deposited to each fund in the state treasury. The  
102 treasurer shall then deposit the identified portion of the  
103 daily interest receipts in the program fund. All other  
104 remaining interest received on the investment of state funds

105 shall be allocated and deposited to funds in the state  
106 treasury as required by law;

107 (b) The total costs for scholarship grants, personal  
108 service, equipment, and other expenses of the treasurer  
109 related to this section, exclusive of any personal service,  
110 equipment, and other expenses attributable to positions  
111 wholly dedicated to the functions described in chapter 447,  
112 and any banking fees and other banking-related costs, shall  
113 not exceed thirty-five basis points, or thirty-five-  
114 hundredths of one percent, of the total of the average daily  
115 fund balance of funds in the state treasury.

116 (4) Notwithstanding the provisions of section 33.080  
117 to the contrary, moneys in the program fund shall not lapse  
118 to the general revenue fund at the end of the biennium.

119 (5) The provisions of this section shall not apply to  
120 the state road fund created in section 226.220, the motor  
121 fuel tax fund created in section 142.345, the state highways  
122 and transportation department fund created in section  
123 226.200, the state transportation fund created in section  
124 226.225, or the state road bond fund created in Article IV,  
125 Section 30(b) of the Constitution of Missouri.

126 7. (1) The state treasurer shall establish a separate  
127 savings account under sections 166.400 to 166.456, or  
128 through another means determined by the state treasurer, for  
129 each qualified child and shall deposit scholarship grants in  
130 such separate savings accounts or in a master account to be  
131 allocated to such separate accounts.

132 (2) Any separate savings account established under  
133 this subsection shall be exempt for purposes of determining  
134 eligibility for public assistance, provided that the federal  
135 rules for such programs permit such an exemption.

136 (3) Any amount in any separate savings account  
137 established under this subsection that is unused for



138 qualified higher education expenses and remains in such  
139 savings account when the qualified child becomes thirty  
140 years of age shall revert to the program fund.

141 (4) The state treasurer may receive contributions from  
142 any person or legal entity to the account on behalf of and  
143 make grants to eligible children to pay for qualified higher  
144 education expenses.

145 8. The state treasurer may promulgate all necessary  
146 rules and regulations for the administration of this  
147 section. Any rule or portion of a rule, as that term is  
148 defined in section 536.010, that is created under the  
149 authority delegated in this section shall become effective  
150 only if it complies with and is subject to all of the  
151 provisions of chapter 536 and, if applicable, section  
152 536.028. This section and chapter 536 are nonseverable, and  
153 if any of the powers vested with the general assembly  
154 pursuant to chapter 536 to review, to delay the effective  
155 date, or to disapprove and annul a rule are subsequently  
156 held unconstitutional, then the grant of rulemaking  
157 authority and any rule proposed or adopted after August 28,  
158 2021, shall be invalid and void.

166.502. As used in sections 166.500 to 166.529,  
2 except where the context clearly requires another  
3 interpretation, the following terms mean:

4 (1) "Beneficiary", any individual designated by a  
5 participation agreement to benefit from payments for  
6 qualified higher education expenses at an eligible  
7 educational institution;

8 (2) "Benefits", the payment of qualified higher  
9 education expenses on behalf of a beneficiary from a deposit  
10 account during the beneficiary's attendance at an eligible  
11 educational institution;

12 (3) "Board", the Missouri education [savings] program  
13 board established in section 166.415;

14 (4) "Eligible educational institution", an institution  
15 of postsecondary education as defined in Section 529(e) (5)  
16 of the Internal Revenue Code;

17 (5) "Financial institution", a depository institution  
18 and any intermediary that brokers certificates of deposits;

19 (6) "Internal Revenue Code", the Internal Revenue Code  
20 of 1986, as amended;

21 (7) "Missouri higher education deposit program" or  
22 "deposit program", the program created pursuant to sections  
23 166.500 to 166.529;

24 (8) "Participant", a person who has entered into a  
25 participation agreement pursuant to sections 166.500 to  
26 166.529 for the advance payment of qualified higher  
27 education expenses on behalf of a beneficiary;

28 (9) "Participation agreement", an agreement between a  
29 participant and the board pursuant to and conforming with  
30 the requirements of sections 166.500 to 166.529;

31 (10) "Qualified higher education expenses", the  
32 qualified costs of tuition and fees and other expenses for  
33 attendance at an eligible educational institution, as  
34 defined in Section 529(e) (3) of the Internal Revenue Code of  
35 1986, as amended.

172.020. Pursuant to Sections 9(a) and 9(b) of Article  
2 IX of the Missouri Constitution, the state university is  
3 hereby incorporated and created as a body politic and shall  
4 be known by the name of "The Curators of the University of  
5 Missouri", and by that name shall have perpetual succession,  
6 power to sue and be sued, complain and defend in all courts;  
7 to make and use a common seal, and to alter the same at  
8 pleasure; to take, purchase and to sell, convey and  
9 otherwise dispose of lands and chattels, except that the

10 curators shall not have the power [to subdivide, sell or  
11 convey title to any land contained within a university  
12 campus or] to subdivide, sell or convey title to any portion  
13 of any parcel of land containing in excess of twenty-five  
14 hundred contiguous acres unless such transaction is approved  
15 by the general assembly by passage of a concurrent  
16 resolution signed by the governor. The curators shall not  
17 sell, trade or otherwise convey or permit the severance of  
18 timber, minerals or other natural resources, unless the  
19 curators comply with bidding procedures established by rule  
20 that mandate notice of the transaction be provided in a  
21 manner reasonably calculated to apprise prospective  
22 purchasers. Such rule or rules must at a minimum require at  
23 least one notice of the transaction be published in a  
24 newspaper of general circulation where the resources are  
25 located. The curators may act as trustee in all cases in  
26 which there be a gift of property or property left by will  
27 to the university or for its benefit or for the benefit of  
28 students of the university; to condemn an appropriate real  
29 estate or other property, or any interest therein, for any  
30 public purpose within the scope of its organization, in the  
31 same manner and with like effect as is provided in chapter  
32 523 relating to the appropriation and valuation of lands  
33 taken for telegraph, telephone, gravel and plank or railroad  
34 purposes; provided, that if the curators so elect, no  
35 assessment of damages or compensation under this law shall  
36 be payable and no execution shall issue before the  
37 expiration of sixty days after the adjournment of the next  
38 regular session of the legislature held after such  
39 assessment is made, but the same shall bear interest at the  
40 rate of six percent per annum from its date until paid; and  
41 provided further, that the curators may, at any time, elect  
42 to abandon the proposed appropriation of property by an

43 instrument of writing to that effect, to be filed with the  
44 clerk of the court and entered on the minutes of the court,  
45 and as to so much as is thus abandoned, the assessment of  
46 damages or compensation shall be void.

173.035. 1. The department of higher education and  
2 workforce development shall develop, maintain, and operate a  
3 website containing information of public [and private]  
4 institutions of higher education and vocational schools in  
5 this state directing students to resources including, but  
6 not limited to, academic programs, financial aid, [and] how  
7 academic course credit may be transferred from one  
8 institution of higher education to another, and information  
9 reported under section 161.625. The department may post  
10 information from a private institution of higher education  
11 if the private institution desires to report information as  
12 provided in this section or the department is authorized by  
13 any other state law to post the private institution's  
14 information on the website. The information on the website  
15 shall be made available to the public and shall be  
16 accessible from various devices including, but not limited  
17 to, computers, tablets, and other electronic communication  
18 devices.

19 2. [Inclusion of institution information on the  
20 website is voluntary, and institutions of higher education  
21 may elect to have institutional information included on the  
22 website by notifying the department of higher education and  
23 workforce development] Public institutions of higher  
24 education and vocational schools shall, and private  
25 institutions of higher education may, report all information  
26 listed in this section and any other information required by  
27 the department for posting on the website.

28 3. The department of higher education and workforce  
29 development may promulgate all necessary rules and

30 regulations for the administration of this section. Any  
31 rule or portion of a rule, as that term is defined in  
32 section 536.010, that is created under the authority  
33 delegated in this section shall become effective only if it  
34 complies with and is subject to all of the provisions of  
35 chapter 536 and, if applicable, section 536.028. This  
36 section and chapter 536 are nonseverable, and if any of the  
37 powers vested with the general assembly pursuant to chapter  
38 536 to review, to delay the effective date, or to disapprove  
39 and annul a rule are subsequently held unconstitutional,  
40 then the grant of rulemaking authority and any rule proposed  
41 or adopted after August 28, 2016, shall be invalid and void.

173.280. 1. As used in this section, the following  
2 terms mean:

3 (1) "Postsecondary educational institution", any  
4 campus of a public or private institution of higher  
5 education in this state that is subject to the coordinating  
6 board for higher education under section 173.005;

7 (2) "Student athlete", an individual who participates  
8 or has participated in an intercollegiate sport for a  
9 postsecondary educational institution. "Student athlete"  
10 shall not be construed to apply to an individual's  
11 participation in a college intramural sport or in a  
12 professional sport outside of intercollegiate athletics;

13 (3) "Third party", any individual or entity, including  
14 any athlete agent, other than a postsecondary educational  
15 institution, athletic conference, or athletic association.

16 2. (1) No postsecondary educational institution shall  
17 uphold any rule, requirement, standard, or other limitation  
18 that prevents a student of that institution from fully  
19 participating in intercollegiate athletics without penalty  
20 and earning compensation as a result of the use of the  
21 student's name, image, likeness rights, or athletic

22 reputation. A student athlete earning compensation from the  
23 use of a student's name, image, likeness rights, or athletic  
24 reputation shall not affect such student athlete's grant-in-  
25 aid or stipend eligibility, amount, duration, or renewal.

26 (2) No postsecondary educational institution shall  
27 interfere with or prevent a student from fully participating  
28 in intercollegiate athletics or obtaining professional  
29 representation in relation to contracts or legal matters,  
30 including, but not limited to, representation provided by  
31 athlete agents, financial advisors, or legal representation  
32 provided by attorneys.

33 3. A grant-in-aid or stipend from the postsecondary  
34 educational institution in which a student is enrolled shall  
35 not be construed to be compensation for use of the student's  
36 name, image, likeness rights, or athletic reputation for  
37 purposes of this section, and no grant-in-aid or stipend  
38 shall be revoked or reduced as a result of a student earning  
39 compensation under this section.

40 4. (1) No student athlete shall enter into an  
41 apparel, equipment, or beverage contract providing  
42 compensation to the athlete for use of the athlete's name,  
43 image, likeness rights, or athletic reputation if the  
44 contract requires the athlete to display a sponsor's  
45 apparel, equipment, or beverage or otherwise advertise for  
46 the sponsor during official team activities if such  
47 provisions are in conflict with a provision of the  
48 postsecondary institution's current licenses or contracts.

49 (2) Except with the prior written consent of the  
50 student athlete's postsecondary educational institution, a  
51 student athlete shall not enter into a contract for  
52 compensation for the use of such student athlete's name,  
53 image, likeness rights, or athletic reputation, if such  
54 institution determines that a term of the contract conflicts

55 with a term of a contract to which such institution is a  
56 party.

57 (3) Before any contract for compensation for the use  
58 of a student athlete's name, image, likeness rights, or  
59 athletic reputation, is executed, and before any  
60 compensation is provided to the student athlete in advance  
61 of a contract, the student athlete shall disclose that  
62 contract to his or her postsecondary educational institution  
63 in a manner prescribed by such institution.

64 (4) A postsecondary educational institution or any  
65 officer, director, or employee of such institution or entity  
66 shall not compensate or cause compensation to be directed to  
67 a student athlete, prospective student athlete, or the  
68 family of such individuals for the use of such student  
69 athlete or prospective student athlete's name, image,  
70 likeness rights, or athletic reputation.

71 5. No contract of a postsecondary educational  
72 institution's athletic program shall prevent a student  
73 athlete from receiving compensation for using the student  
74 athlete's name, image, likeness rights, or athletic  
75 reputation for a commercial purpose when the athlete is not  
76 engaged in official mandatory team activities that are  
77 recorded in writing and can be made publicly available upon  
78 request.

79 6. (1) Postsecondary educational institutions that  
80 enter into commercial agreements that directly or indirectly  
81 require the use of a student athlete's name, image,  
82 likeness, or athletic reputation shall conduct a financial  
83 development program once per year for their athletes.

84 (2) The financial development program shall not  
85 include any marketing, advertising, referral, or  
86 solicitation by providers of financial products or services.

87           (3) Postsecondary educational institutions shall help  
88 distribute informational materials for such programs as  
89 needed.

90           (4) Postsecondary educational institutions shall  
91 inform their athletes of such program meetings and provide  
92 appropriate meeting space.

93           7. Student athlete representation shall be by  
94 attorneys or agents licensed by this state.

95           8. (1) Any student athlete may bring a civil action  
96 against third parties that violate this section for  
97 appropriate injunctive relief or actual damages, or both.  
98 Such action shall be brought in the county where the  
99 violation occurred, or is about to occur, and the court  
100 shall award damages and court costs to a prevailing  
101 plaintiff.

102           (2) Student athletes bringing an action under this  
103 section shall not be deprived of any protections provided  
104 under law with respect to a controversy that arises and  
105 shall have the right to adjudicate claims that arise under  
106 this section.

107           9. No legal settlement shall conflict with the  
108 provisions of this section.

109           10. This section shall apply only to agreements or  
110 contracts entered into, modified, or renewed on or after  
111 August 28, 2021. Such agreements or contracts include, but  
112 are not limited to, the national letter of intent, an  
113 athlete's financial aid agreement, commercial contracts in  
114 the athlete group licensing market, and athletic conference  
115 or athletic association rules or bylaws.

173.1003. 1. Beginning with the 2008-09 academic  
2 year, each approved public institution, as such term is  
3 defined in section 173.1102, shall submit its percentage  
4 change in the amount of tuition from the current academic



5 year compared to the upcoming academic year to the  
6 coordinating board for higher education by July first  
7 preceding such academic year.

8 2. For institutions whose tuition is greater than the  
9 average tuition, the percentage change in tuition shall not  
10 exceed the percentage change of the consumer price index  
11 plus a percentage of not more than five percent that would  
12 produce an increase in net tuition revenue no greater than  
13 the dollar amount by which the state operating support was  
14 reduced for the prior fiscal year, if applicable.

15 3. For institutions whose tuition is less than the  
16 average tuition, the dollar increase in tuition shall not  
17 exceed the product of the percentage change of the consumer  
18 price index times the average tuition, plus a percentage of  
19 not more than five percent that would produce an increase in  
20 net tuition revenue no greater than the dollar amount by  
21 which the state operating support was reduced for the prior  
22 fiscal year, if applicable.

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

27 5. Any institution that exceeds the limits set forth  
28 in subsection 2 or 3 of this section shall remit to the  
29 board an amount equal to five percent of its current year  
30 state operating support amount which shall be deposited into  
31 the general revenue fund unless the institution appeals,  
32 within thirty days of such notice, to the commissioner of  
33 higher education for a waiver of this provision. The  
34 commissioner, after meeting with appropriate representatives  
35 of the institution, shall determine whether the  
36 institution's waiver request is sufficiently warranted, in  
37 which case no fund remission shall occur. In making this

38 determination, the factors considered by the commissioner  
39 shall include but not be limited to the relationship between  
40 state appropriations and the consumer price index and any  
41 extraordinary circumstances. If the commissioner determines  
42 that an institution's tuition percent increase is not  
43 sufficiently warranted and declines the waiver request, the  
44 commissioner shall recommend to the full coordinating board  
45 that the institution shall remit an amount up to five  
46 percent of its current year state operating appropriation to  
47 the board, which shall deposit the amount into the general  
48 revenue fund. The coordinating board shall have the  
49 authority to make a binding and final decision, by means of  
50 a majority vote, regarding the matter.

51 6. The provisions of subsections 2 to 5 of this  
52 section shall not apply to any community college unless any  
53 such community college's tuition for any Missouri resident  
54 is greater than or equal to the average tuition. If the  
55 provisions of subsections 2 to 5 of this section apply to a  
56 community college, subsections 2 to 5 of this section shall  
57 only apply to out-of-district Missouri resident tuition.

58 7. For purposes of this section, the term "average  
59 tuition" shall be the sum of the tuition amounts for the  
60 previous academic year for each approved public institution  
61 that is not excluded under subsection 6 of this section,  
62 divided by the number of such institutions. The term  
63 "consumer price index" shall mean the Consumer Price Index  
64 for All Urban Consumers (CPI-U), 1982-1984 = 100, not  
65 seasonally adjusted, as defined and officially recorded by  
66 the United States Department of Labor, or its successor  
67 agency, from January first of the current year compared to  
68 January first of the preceding year. The term "state  
69 appropriation" shall mean the state operating appropriation  
70 for the prior year per full-time equivalent student for the

71 prior year compared to state operating appropriation for the  
72 current year per full-time equivalent student for the prior  
73 year. The term "tuition" shall mean the amount of tuition  
74 and required fees, excluding any fee established by the  
75 student body of the institution, charged to a Missouri  
76 resident undergraduate enrolled in fifteen credit hours at  
77 the institution. The term "state operating support" shall  
78 mean the funding actually disbursed from state operating  
79 appropriations to approved public institutions and shall not  
80 include appropriations or disbursement for special  
81 initiatives or specific program additions or expansions.  
82 The term "net tuition revenue" shall mean the net amount of  
83 resident undergraduate tuition and required fees reduced by  
84 institutional aid only. "Institutional aid" includes all  
85 aid awarded to the student by the student's institution of  
86 higher education only from such institution's funds.  
87 Institutional aid does not include the following: Pell  
88 Grants; state awards such as the Missouri higher education  
89 academic scholarship program, the A+ schools program, and  
90 the access Missouri financial aid program; foundation  
91 scholarships; third-party scholarships; employee and  
92 dependent fee waivers; and student loans.

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

97 9. Subsections 2 to 6 shall not apply to any approved  
98 public institution, as such term is defined in section  
99 173.1102, or to any community college in any academic year  
100 beginning on or after July 1, 2022.

101 10. When an approved public institution, as such term  
102 is defined in section 173.1102, utilizes differentiated  
103 tuition, the public institution shall notify the department

104 of higher education and workforce development of the  
105 institution's decision and shall, at the point of  
106 implementation, no longer utilize required course fees.  
107 Course fees may still be utilized by any public institution  
108 until such decision is formally announced to the department  
109 and implemented.

173.1352. 1. As used in this section, the following  
2 terms mean:

3 (1) "Advanced placement examination", any examination  
4 administered through the College Board's Advanced Placement  
5 Program (AP);

6 (2) "Board", the coordinating board for higher  
7 education created in section 173.005;

8 (3) "Institution", any in-state public community  
9 college, college, or university that offers postsecondary  
10 freshman-level courses, except for any statewide institution  
11 of liberal arts and sciences as described in section 174.600.

12 2. (1) Each institution shall adopt and implement a  
13 policy to grant undergraduate course credit to entering  
14 freshman students for each advanced placement examination  
15 upon which such student achieves a score of three or higher.

16 (2) In the policy, the institution shall:

17 (a) Establish the institution's conditions for  
18 granting course credit; and

19 (b) Based on the correlations identified under  
20 subsection 4 of this section, identify the specific course  
21 credit or other academic requirements of the institution,  
22 including the number of semester credit hours or other  
23 course credit, that the institution will grant to a student  
24 who achieves required scores on advanced placement  
25 examinations.

26 3. On request of an applicant for admission as an  
27 entering freshman, and based on information provided by the

28 applicant, an institution shall determine and notify the  
29 applicant regarding:

30 (1) The amount and type of any course credit that  
31 would be granted to the applicant under the policy; and

32 (2) Any other academic requirement that the applicant  
33 would satisfy under the policy.

34 4. The board, in consultation with the department of  
35 elementary and secondary education, shall identify  
36 correlations between the subject matter and content of  
37 courses offered by each institution and the subject matter  
38 and content of courses and examinations in the advanced  
39 placement program, and shall make that information available  
40 to the public on the board's website.

174.281. Southeast Missouri State University is hereby  
2 designated and shall hereafter be operated as an institution  
3 with a statewide mission in the visual and performing arts,  
4 computer science, and cybersecurity.

174.283. Northwest Missouri State University is hereby  
2 designated and shall hereafter be operated as an institution  
3 with a statewide mission in educator preparation, emergency  
4 and disaster management, and profession-based learning.

174.450. 1. Except as provided in [subsection 2 and  
2 subsection 6] subsections 2, 6, and 7 of this section, the  
3 governing board of the University of Central Missouri,  
4 Missouri State University, Missouri Southern State  
5 University, Missouri Western State University, and of each  
6 other public institution of higher education which, through  
7 the procedures established in subdivision (8) or (9) of  
8 section 173.030, is charged with a statewide mission shall  
9 be a board of governors consisting of eight members,  
10 composed of seven voting members and one nonvoting member as  
11 provided in sections 174.453 and 174.455, who shall be  
12 appointed by the governor of Missouri, by and with the

13 advice and consent of the senate. No person shall be  
14 appointed a voting member who is not a citizen of the United  
15 States and who has not been a resident of the state of  
16 Missouri for at least two years immediately prior to such  
17 appointment. Not more than four voting members shall belong  
18 to any one political party. The appointed members of the  
19 board of regents serving on the date of the statutory  
20 mission change shall become members of the board of  
21 governors on the effective date of the statutory mission  
22 change and serve until the expiration of the terms for which  
23 [they] such members were appointed. The board of regents of  
24 any such institution shall be abolished on the effective  
25 date of the statutory mission change, as prescribed in  
26 subdivision (8) or (9) of section 173.030.

27 2. The governing board of Missouri State University, a  
28 public institution of higher education charged with a  
29 statewide mission in public affairs, shall be a board of  
30 governors of ten members, composed of nine voting members  
31 and one nonvoting member, who shall be appointed by the  
32 governor, by and with the advice and consent of the senate.  
33 The nonvoting member shall be a student selected in the same  
34 manner as prescribed in section 174.055. At least one but  
35 no more than two voting members shall be appointed to the  
36 board from each congressional district, and every member of  
37 the board shall be a citizen of the United States, and a  
38 resident of this state for at least two years prior to [his  
39 or her] the member's appointment. No more than five voting  
40 members shall belong to any one political party. The term  
41 of office of the governors shall be six years, except as  
42 provided in this subsection. The term of office for those  
43 appointed hereafter shall end January first in years ending  
44 in an odd number. [For the six voting members' terms that

45 expired in 2011, the successors shall be appointed in the  
46 following manner:

47 (1) Of the five voting members' terms that expired on  
48 August 28, 2011, one successor member shall be appointed, or  
49 the existing member shall be reappointed, to a term that  
50 shall expire on January 1, 2013;

51 (2) Of the five voting members' terms that expired on  
52 August 28, 2011, two successor members shall be appointed,  
53 or the existing members shall be reappointed, to terms that  
54 shall expire on January 1, 2015;

55 (3) Of the five voting members' terms that expired on  
56 August 28, 2011, two successor members shall be appointed,  
57 or the existing members shall be reappointed, to a term that  
58 shall expire on January 1, 2017; and

59 (4) For the voting member's term that expired on  
60 January 1, 2011, the successor member shall be appointed, or  
61 the existing member shall be reappointed, to a term that  
62 shall expire on January 1, 2017.

63 Notwithstanding any provision of law to the contrary,  
64 nothing in this section relating to a change in the  
65 composition and configuration of congressional districts in  
66 this state shall prohibit a member who is serving a term on  
67 August 28, 2011, from completing his or her term.]

68 3. If a voting member of the board of governors of  
69 Missouri State University is found by unanimous vote of the  
70 other governors to have moved such governor's residence from  
71 the district from which such governor was appointed, then  
72 the office of such governor shall be forfeited and  
73 considered vacant.

74 4. Should the total number of Missouri congressional  
75 districts be altered, all members of the board of governors  
76 of Missouri State University shall be allowed to serve the

77 remainder of the term for which [they] such members were  
78 appointed.

79 5. Should the boundaries of any congressional  
80 districts be altered in a manner that displaces a member of  
81 the board of governors of Missouri State University from the  
82 congressional district from which the member was appointed,  
83 the member shall be allowed to serve the remainder of the  
84 term for which the member was appointed.

85 6. The governing board of Missouri Southern State  
86 University shall be a board of governors consisting of nine  
87 members, composed of eight voting members and one nonvoting  
88 member as provided in sections 174.453 and 174.455, who  
89 shall be appointed by the governor of Missouri, by and with  
90 the advice and consent of the senate. No person shall be  
91 appointed a voting member who is not a citizen of the United  
92 States and who has not been a resident of the state of  
93 Missouri for at least two years immediately prior to such  
94 appointment. Not more than four voting members shall belong  
95 to any one political party.

96 7. The governing board of Northwest Missouri State  
97 University shall be a board of regents as provided in  
98 section 174.332.

174.453. 1. Except as provided in section 174.450 and  
2 in subsection 6 of this section, the board of governors  
3 shall be appointed as follows:

4 (1) Five voting members shall be selected from the  
5 counties comprising the institution's historic statutory  
6 service region as described in section 174.010, except that  
7 no more than two members shall be appointed from any one  
8 county with a population of less than two hundred thousand  
9 inhabitants;



10           (2) Two voting members shall be selected from any of  
11 the counties in the state which are outside of the  
12 institution's historic service region; and

13           (3) One nonvoting member who is a student shall be  
14 selected in the same manner as prescribed in section 174.055.

15           2. The term of service of the governors shall be as  
16 follows:

17           (1) The voting members shall be appointed for terms of  
18 six years; and

19           (2) The nonvoting student member shall serve a two-  
20 year term.

21           3. Members of any board of governors selected pursuant  
22 to this section and in office on May 13, 1999, shall serve  
23 the remainder of their unexpired terms.

24           4. Notwithstanding the provisions of subsection 1 of  
25 this section, the board of governors of Missouri Southern  
26 State University shall be appointed as follows:

27           (1) Six voting members shall be selected from any of  
28 the following counties: Barton, Jasper, Newton, McDonald,  
29 Dade, Lawrence, and Barry provided that no more than three  
30 of these six members shall be appointed from any one county;

31           (2) Two voting members shall be selected from any of  
32 the counties in the state which are outside of the counties  
33 articulated in subdivision (1) of this subsection;

34           (3) One nonvoting member who is a student shall be  
35 selected in the same manner as prescribed in section  
36 174.055; and

37           (4) The provisions of subdivisions (1) and (2) of this  
38 subsection shall only apply to board members first appointed  
39 after August 28, 2004.

40           5. Notwithstanding the provisions of subsection 1 of  
41 this section, the board of governors of Missouri Western

42 State University shall be composed of eight members  
43 appointed as follows:

44 (1) Five voting members shall be selected from any of  
45 the following counties: Buchanan, Platte, Clinton, Andrew,  
46 and DeKalb [provided that no more than three of these five  
47 members shall be appointed from any one county];

48 (2) [Two voting members shall be selected from any of  
49 the counties in the state which are outside of the counties  
50 articulated in subdivision (1) of this subsection;

51 (3)] One nonvoting member who is a student shall be  
52 selected in the same manner as prescribed in section  
53 174.055; and

54 [(4)] (3) The provisions of subdivisions (1) and (2)  
55 of this subsection shall only apply to board members first  
56 appointed after August 28, 2005.

57 6. (1) Notwithstanding the provisions of subsection 1  
58 of this section to the contrary, the board of governors of  
59 Southeast Missouri State University shall be appointed as  
60 follows:

61 (a) Two voting members shall be selected from any of  
62 the following counties: Butler, Dunklin, Mississippi, New  
63 Madrid, Pemiscot, Scott, or Stoddard;

64 (b) Two voting members shall be selected from any of  
65 the following counties: Bollinger, Cape Girardeau, Madison,  
66 Perry, Ste. Genevieve, or St. Francois;

67 (c) Two voting members shall be selected from any of  
68 the following counties or areas: Franklin, Jefferson,  
69 Lincoln, St. Charles, St. Louis, St. Louis City, or Warren;

70 (d) One voting member shall be selected from one of  
71 the counties in the state; and

72 (e) One nonvoting member who is a student shall be  
73 selected in the same manner as provided in section 174.055.

74           (2) The provisions of paragraphs (a) to (c) of  
75           subdivision (1) of this subsection shall only apply to board  
76           members first appointed after August 28, 2021.

          209.610. 1. The board may enter into ABLE program  
2 participation agreements with participants on behalf of  
3 designated beneficiaries pursuant to the provisions of  
4 sections 209.600 to 209.645, including the following terms  
5 and conditions:

6           (1) A participation agreement shall stipulate the  
7 terms and conditions of the ABLE program in which the  
8 participant makes contributions;

9           (2) A participation agreement shall specify the method  
10 for calculating the return on the contribution made by the  
11 participant;

12           (3) A participation agreement shall clearly and  
13 prominently disclose to participants the risk associated  
14 with depositing moneys with the board;

15           (4) Participation agreements shall be organized and  
16 presented in a way and with language that is easily  
17 understandable by the general public; and

18           (5) A participation agreement shall clearly and  
19 prominently disclose to participants the existence of any  
20 load charge or similar charge assessed against the accounts  
21 of the participants for administration or services.

22           2. The board shall establish the maximum amount of  
23 contributions which may be made annually to an ABLE account,  
24 which shall be the same as the amount allowed by 26 U.S.C.  
25 Section 529A of the Internal Revenue Code of 1986, as  
26 amended.

27           3. The board shall establish a total contribution  
28 limit for savings accounts established under the ABLE  
29 program with respect to a designated beneficiary which shall  
30 in no event be less than the amount established as the

31 contribution limit by the Missouri education [savings]  
32 program board for qualified tuition [savings] programs  
33 established under sections 166.400 to 166.450. No  
34 contribution shall be made to an ABLE account for a  
35 designated beneficiary if it would cause the balance of the  
36 ABLE account of the designated beneficiary to exceed the  
37 total contribution limit established by the board. The  
38 board may establish other requirements that it deems  
39 appropriate to provide adequate safeguards to prevent  
40 contributions on behalf of a designated beneficiary from  
41 exceeding what is necessary to provide for the qualified  
42 disability expenses of the designated beneficiary.

43 4. The board shall establish the minimum length of  
44 time that contributions and earnings must be held by the  
45 ABLE program to qualify as tax exempt pursuant to section  
46 209.625. Any contributions or earnings that are withdrawn  
47 or distributed from an ABLE account prior to the expiration  
48 of the minimum length of time, as established by the board,  
49 shall be subject to a penalty pursuant to section 209.620.