

FIRST REGULAR SESSION
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 297
101ST GENERAL ASSEMBLY

0921H.03F

DANA RADEMAN MILLER, Chief Clerk

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 new sections relating to institutions of higher education.

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, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 161.625, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.461, 166.502, 172.020, 173.035, 173.1003, 173.1352, 174.281, 174.283, 174.450, 174.453, and 209.610, to read as follows:

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (4) "Eligible educational institution", an ~~[institution of postsecondary education]~~ **eligible**
10 **educational institution** as defined in Section ~~[529(e)(5)]~~ **529** of the Internal Revenue Code, ~~[and~~
11 ~~institutions of elementary and secondary education as provided in Sections 529(c)(7) and~~
12 ~~529(e)(3) of the Internal Revenue Code,]~~ as amended;

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

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

15 (7) "Missouri education ~~[savings]~~ program" or "~~[savings]~~ program", the program created
16 pursuant to sections 166.400 to 166.455;

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

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

22 (10) "Qualified higher education expenses" or "qualified education expenses", the
23 qualified costs of tuition and fees and other expenses for attendance at an eligible educational
24 institution, as defined in Section ~~[529(e)(3)]~~ **529** of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri Education ~~[Savings]~~ Program". The
2 program shall be administered by the Missouri education ~~[savings]~~ program board which shall
3 consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the
4 department of higher education and workforce development, the commissioner of education, the
5 commissioner of the office of administration, the director of the department of economic
6 development, two persons having demonstrable experience and knowledge in the areas of
7 finance or the investment and management of public funds, one of whom is selected by the
8 president pro tem of the senate and one of whom is selected by the speaker of the house of
9 representatives, and one person having demonstrable experience and knowledge in the area of
10 banking or deposit rate determination and placement of depository certificates of deposit or other
11 deposit investments. Such member shall be appointed by the governor with the advice and
12 consent of the senate. The three appointed members shall be appointed to serve for terms of four
13 years from the date of appointment, or until their successors shall have been appointed and shall
14 have qualified. The members of the board shall be subject to the conflict of interest provisions
15 of section 105.452. Any member who violates the conflict of interest provisions shall be
16 removed from the board. In order to establish and administer the ~~[savings]~~ program, the board,
17 in addition to its other powers and authority, shall have the power and authority to:

18 (1) Develop and implement the Missouri education ~~[savings]~~ program and,
19 notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the ~~[savings]~~

20 programs and services consistent with the purposes and objectives of sections 166.400 to
21 166.455;

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

26 (3) Develop and implement educational programs and related informational materials
27 for participants, either directly or through a contractual arrangement with a financial institution
28 for investment services, and their families, including special programs and materials to inform
29 families with young children regarding methods for financing education and training;

30 (4) Enter into agreements with any financial institution, the state or any federal or other
31 agency or entity as required for the operation of the [savings] program pursuant to sections
32 166.400 to 166.455;

33 (5) Enter into participation agreements with participants;

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

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

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

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

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

46 (11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and
47 have all other powers necessary to carry out and effectuate the purposes, objectives and
48 provisions of sections 166.400 to 166.455 pertaining to the [savings] program; and

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

51 2. Any member of the board may designate a proxy for that member who will enjoy the
52 full voting privileges of that member for the one meeting so specified by that member. No more
53 than three proxies shall be considered members of the board for the purpose of establishing a
54 quorum.

55 3. Four members of the board shall constitute a quorum. No vacancy in the membership
56 of the board shall impair the right of a quorum to exercise all the rights and perform all the duties
57 of the board. No action shall be taken by the board except upon the affirmative vote of a
58 majority of the members present.

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

65 5. The funds shall be invested only in those investments which a prudent person acting
66 in a like capacity and familiar with these matters would use in the conduct of an enterprise of a
67 like character and with like aims, as provided in section 105.688. For new contracts entered into
68 after August 28, 2012, board members shall study investment plans of other states and contract
69 with or negotiate to provide benefit options the same as or similar to other states' qualified plans
70 for the purpose of offering additional options for members of the plan. The board may delegate
71 to duly appointed investment counselors authority to act in place of the board in the investment
72 and reinvestment of all or part of the moneys and may also delegate to such counselors the
73 authority to act in place of the board in the holding, purchasing, selling, assigning, transferring
74 or disposing of any or all of the securities and investments in which such moneys shall have been
75 invested, as well as the proceeds of such investments and such moneys. Such investment
76 counselors shall be registered as investment advisors with the United States Securities and
77 Exchange Commission. In exercising or delegating its investment powers and authority,
78 members of the board shall exercise ordinary business care and prudence under the facts and
79 circumstances prevailing at the time of the action or decision. No member of the board shall be
80 liable for any action taken or omitted with respect to the exercise of, or delegation of, these
81 powers and authority if such member shall have discharged the duties of ~~[his or her]~~ **the**
82 **member's** position in good faith and with that degree of diligence, care and skill which a prudent
83 person acting in a like capacity and familiar with these matters would use in the conduct of an
84 enterprise of a like character and with like aims.

85 6. No investment transaction authorized by the board shall be handled by any company
86 or firm in which a member of the board has a substantial interest, nor shall any member of the
87 board profit directly or indirectly from any such investment.

88 7. No trustee or employee of the ~~[savings]~~ program shall receive any gain or profit from
89 any funds or transaction of the ~~[savings]~~ program. Any trustee, employee or agent of the
90 ~~[savings]~~ program accepting any gratuity or compensation for the purpose of influencing such

91 trustee's, employee's or agent's action with respect to the investment or management of the funds
92 of the [savings] program shall thereby forfeit the office and in addition thereto be subject to the
93 penalties prescribed for bribery.

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

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

6 (2) A participation agreement shall specify the method for calculating the return on the
7 contribution made by the participant;

8 (3) The execution of a participation agreement by the board shall not guarantee that the
9 beneficiary named in any participation agreement will be admitted to an eligible educational
10 institution, be allowed to continue to attend an eligible educational institution after having been
11 admitted or will graduate from an eligible educational institution;

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

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

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

19 2. The board shall establish the maximum amount ~~[which]~~ **that** may be contributed
20 annually ~~[by a participant]~~ with respect to a beneficiary.

21 3. The board shall establish a total contribution limit for savings accounts established
22 under the [savings] program with respect to a beneficiary to permit the [savings] program to
23 qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue
24 Code. No contribution may be made to a savings account for a beneficiary if it would cause the
25 balance of all savings accounts of the beneficiary to exceed the total contribution limit
26 established by the board. The board may establish other requirements that it deems appropriate
27 to provide adequate safeguards to prevent contributions on behalf of a beneficiary from
28 exceeding what is necessary to provide for the qualified education expenses of the beneficiary.

29 4. The board shall establish the minimum length of time that contributions and earnings
30 must be held by the [savings] program to qualify pursuant to section 166.435. Any contributions
31 or earnings that are withdrawn or distributed from a savings account prior to the expiration of
32 the minimum length of time, as established by the board, shall be subject to a penalty pursuant
33 to section 166.430.

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

166.435. 1. Notwithstanding any law to the contrary, the assets of the [savings] program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition [savings] program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the [savings] program, deposit, or other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, or refunds of qualified education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition [savings] program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the [savings] program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the [savings] program held by the board, the deposit program, and any qualified tuition [savings] program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per [participating] taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified education expenses, not transferred as allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto, or are not held for the minimum length of time established by the appropriate Missouri board, then the amount so distributed shall be included in the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

30 3. The provisions of this section shall apply to tax years beginning on or after January
31 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply
32 to tax years beginning on or after January 1, 2004.

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

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

**166.461. 1. This section shall be known and may be cited as the "Show Me Child
2 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. Section 1002, as amended;**
6 **or**

7 **(b) That offers a program of instruction:**

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

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

13 **(2) "Parent", the parent, legal guardian, custodian, or other person having care**
14 **and custody over a qualified child;**

15 **(3) "Program", the Missouri children's development account program created in**
16 **this section;**

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

19 **(5) "Qualified child":**

20 **(a) An individual born on or after January 1, 2022, and who is a resident of this**
21 **state at the time of birth and at the time that the scholarship grant is applied for or**
22 **received; or**

23 **(b) An adoptee with a valid decree of adoption who was born on or after January**
24 **1, 2022, whose adopting parent was a resident of this state at the time the decree of**
25 **adoption was entered and who is a resident at the time that the scholarship grant is applied**
26 **for or received;**

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

30 (7) "Scholarship grant", an amount not to exceed one hundred dollars provided
31 to the parent of a qualified child for qualified higher education expenses under this section
32 that is deposited in a savings account as provided in subsection 7 of this section.

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

36 4. Upon receiving a certification of live birth in this state as provided in chapter
37 193, the department of health and senior services shall notify the state treasurer and
38 transmit any data related to the child that the treasurer deems necessary for the
39 administration of this section to determine whether the child is a qualified child. Such
40 information shall include, but not be limited to, the child's:

41 (1) Full name;

42 (2) Date of birth;

43 (3) Parent's full name; and

44 (4) Parent's address.

45 5. (1) Upon receiving notification of a live birth and determining whether the child
46 is a qualified child under this section, the state treasurer shall notify the parent of each
47 qualified child about the program. The notification shall include an explanation of the
48 program and the opportunity for the parent to exclude the qualified child from the
49 program. Any qualified child who is not excluded by the parent shall be deemed to be
50 enrolled in the program.

51 (2) For any information obtained from the department of health and senior services
52 under this section, the state treasurer shall be subject to the same disclosure restrictions
53 and confidentiality requirements that apply to the department. Any information obtained
54 directly by the treasurer under this section shall be confidential, shall not be deemed a
55 public record, and shall not be subject to the provisions of chapter 610.

56 6. (1) There is hereby created in the state treasury the "Missouri Children's
57 Development Account Program Fund", which shall receive deposits, make disbursements,
58 and be administered in compliance with the provisions of this section.

59 (2) Subject to appropriation and the availability of moneys in the program fund,
60 moneys in the program fund shall be used to provide scholarship grants and to pay for
61 personal service, equipment, and other expenses of the treasurer related to the
62 administration of this section. Nothing in this section shall be construed to prevent the

63 general assembly from making appropriations to the program fund from other permissible
64 sources.

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

68 (a) On a daily basis, the state treasurer shall apportion any interest or other
69 increment derived from the investment of funds in an amount proportionate to the average
70 daily balance of funds in the state treasury. The treasurer shall use a method in
71 accordance with generally accepted accounting principles in apportioning and distributing
72 that interest or increment. After satisfying the requirements of section 30.605 and prior
73 to distributing that interest or increment, the treasurer shall deduct the costs incurred by
74 the treasurer in administering this section in proportion to the average daily balance of the
75 amounts deposited to each fund in the state treasury. The treasurer shall then deposit the
76 identified portion of the daily interest receipts in the program fund. All other remaining
77 interest received on the investment of state funds shall be allocated and deposited to funds
78 in the state treasury as required by law;

79 (b) The total costs for scholarship grants, personal service, equipment, and other
80 expenses of the treasurer related to this section, exclusive of any personal service,
81 equipment, and other expenses attributable to positions wholly dedicated to the functions
82 described in chapter 447, and any banking fees and other banking-related costs, shall not
83 exceed thirty-five basis points, or thirty-five-hundredths of one percent, of the total of the
84 average daily fund balance of funds in the state treasury.

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

87 (5) The provisions of this section shall not apply to the state road fund created in
88 section 226.220, the motor fuel tax fund created in section 142.345, the state highways and
89 transportation department fund created in section 226.200, the state transportation fund
90 created in section 226.225, or the state road bond fund created in Article IV, Section 30(b)
91 of the Constitution of Missouri.

92 7. (1) The state treasurer shall establish a separate savings account under sections
93 166.400 to 166.456, or through another means determined by the state treasurer, for each
94 qualified child and shall deposit scholarship grants in such separate savings accounts or
95 in a master account to be allocated to such separate accounts.

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

99 **(3) Any amount in any separate savings account established under this subsection**
100 **that is unused for qualified higher education expenses and remains in such savings account**
101 **when the qualified child becomes thirty years of age shall revert to the program fund.**

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

105 **8. The state treasurer may promulgate all necessary rules and regulations for the**
106 **administration of this section. Any rule or portion of a rule, as that term is defined in**
107 **section 536.010, that is created under the authority delegated in this section shall become**
108 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
109 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
110 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
111 **the effective date, or to disapprove and annul a rule are subsequently held**
112 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
113 **after August 28, 2021, shall be invalid and void.**

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

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

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

8 (3) "Board", the Missouri education ~~[savings]~~ program board established in section
9 166.415;

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

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

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

15 (7) "Missouri higher education deposit program" or "deposit program", the program
16 created pursuant to sections 166.500 to 166.529;

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

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

22 (10) "Qualified higher education expenses", the qualified costs of tuition and fees and
23 other expenses for attendance at an eligible educational institution, as defined in Section
24 529(e)(3) of the Internal Revenue Code of 1986, as amended.

172.020. Pursuant to Sections 9(a) and 9(b) of Article IX of the Missouri Constitution,
2 the state university is hereby incorporated and created as a body politic and shall be known by
3 the name of "The Curators of the University of Missouri", and by that name shall have perpetual
4 succession, power to sue and be sued, complain and defend in all courts; to make and use a
5 common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and
6 otherwise dispose of lands and chattels, except that the curators shall not have the power ~~to~~
7 ~~subdivide, sell or convey title to any land contained within a university campus or~~ to subdivide,
8 sell or convey title to any portion of any parcel of land containing in excess of twenty-five
9 hundred contiguous acres unless such transaction is approved by the general assembly by passage
10 of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise
11 convey or permit the severance of timber, minerals or other natural resources, unless the curators
12 comply with bidding procedures established by rule that mandate notice of the transaction be
13 provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules
14 must at a minimum require at least one notice of the transaction be published in a newspaper of
15 general circulation where the resources are located. The curators may act as trustee in all cases
16 in which there be a gift of property or property left by will to the university or for its benefit or
17 for the benefit of students of the university; to condemn an appropriate real estate or other
18 property, or any interest therein, for any public purpose within the scope of its organization, in
19 the same manner and with like effect as is provided in chapter 523 relating to the appropriation
20 and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes;
21 provided, that if the curators so elect, no assessment of damages or compensation under this law
22 shall be payable and no execution shall issue before the expiration of sixty days after the
23 adjournment of the next regular session of the legislature held after such assessment is made, but
24 the same shall bear interest at the rate of six percent per annum from its date until paid; and
25 provided further, that the curators may, at any time, elect to abandon the proposed appropriation
26 of property by an instrument of writing to that effect, to be filed with the clerk of the court and
27 entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of
28 damages or compensation shall be void.

173.035. 1. The department of higher education and workforce development shall
2 develop, maintain, and operate a website containing information of public ~~and private~~
3 institutions of higher education **and vocational schools** in this state directing students to
4 resources including, but not limited to, academic programs, financial aid, ~~and~~ how academic
5 course credit may be transferred from one institution of higher education to another, **and**

6 **information reported under section 161.625. The department may post information from**
7 **a private institution of higher education if the private institution desires to report**
8 **information as provided in this section or the department is authorized by any other state**
9 **law to post the private institution's information on the website.** The information on the
10 website shall be made available to the public and shall be accessible from various devices
11 including, but not limited to, computers, tablets, and other electronic communication devices.

12 2. ~~[Inclusion of institution information on the website is voluntary, and institutions of~~
13 ~~higher education may elect to have institutional information included on the website by notifying~~
14 ~~the department of higher education and workforce development]~~ **Public institutions of higher**
15 **education and vocational schools shall, and private institutions of higher education may,**
16 **report all information listed in this section and any other information required by the**
17 **department for posting on the website.**

18 3. The department of higher education and workforce development may promulgate all
19 necessary rules and regulations for the administration of this section. Any rule or portion of a
20 rule, as that term is defined in section 536.010, that is created under the authority delegated in
21 this section shall become effective only if it complies with and is subject to all of the provisions
22 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
23 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
24 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
26 August 28, 2016, shall be invalid and void.

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

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

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

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

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

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

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

51 initiatives or specific program additions or expansions. The term "net tuition revenue" shall
52 mean the net amount of resident undergraduate tuition and required fees reduced by institutional
53 aid only. "Institutional aid" includes all aid awarded to the student by the student's institution
54 of higher education only from such institution's funds. Institutional aid does not include the
55 following: Pell Grants; state awards such as the Missouri higher education academic scholarship
56 program, the A+ schools program, and the access Missouri financial aid program; foundation
57 scholarships; third-party scholarships; employee and dependent fee waivers; and student loans.

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

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

63 10. When an approved public institution, as such term is defined in section
64 173.1102, utilizes differentiated tuition, the public institution shall notify the department
65 of higher education and workforce development of the institution's decision and shall, at
66 the point of implementation, no longer utilize required course fees. Course fees may still
67 be utilized by any public institution until such decision is formally announced to the
68 department and implemented.

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

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

4 (2) "Board", the coordinating board for higher education created in section
5 173.005;

6 (3) "Institution", any in-state public community college, college, or university that
7 offers postsecondary freshman-level courses.

8 2. (1) Each institution shall adopt and implement a policy to grant undergraduate
9 course credit to entering freshman students for each advanced placement examination
10 upon which such student achieves a score of three or higher.

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

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

13 (b) Based on the correlations identified under subsection 4 of this section, identify
14 the specific course credit or other academic requirements of the institution, including the
15 number of semester credit hours or other course credit, that the institution will grant to a
16 student who achieves required scores on advanced placement examinations.

17 **3. On request of an applicant for admission as an entering freshman, and based on**
18 **information provided by the applicant, an institution shall determine and notify the**
19 **applicant regarding:**

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

22 **(2) Any other academic requirement that the applicant would satisfy under the**
23 **policy.**

24 **4. The board, in consultation with the department of elementary and secondary**
25 **education, shall identify correlations between the subject matter and content of courses**
26 **offered by each institution and the subject matter and content of courses and examinations**
27 **in the advanced placement program, and shall make that information available to the**
28 **public on the board's website.**

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

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

 174.450. 1. Except as provided in ~~[subsection 2 and subsection 6]~~ **subsections 2, 6, and**
2 **7** of this section, the governing board of the University of Central Missouri, Missouri State
3 University, Missouri Southern State University, Missouri Western State University, and of each
4 other public institution of higher education which, through the procedures established in
5 subdivision (8) or (9) of section 173.030, is charged with a statewide mission shall be a board
6 of governors consisting of eight members, composed of seven voting members and one
7 nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the
8 governor of Missouri, by and with the advice and consent of the senate. No person shall be
9 appointed a voting member who is not a citizen of the United States and who has not been a
10 resident of the state of Missouri for at least two years immediately prior to such appointment.
11 Not more than four voting members shall belong to any one political party. The appointed
12 members of the board of regents serving on the date of the statutory mission change shall become
13 members of the board of governors on the effective date of the statutory mission change and
14 serve until the expiration of the terms for which ~~[they]~~ **such members** were appointed. The
15 board of regents of any such institution shall be abolished on the effective date of the statutory
16 mission change, as prescribed in subdivision (8) or (9) of section 173.030.

17 2. The governing board of Missouri State University, a public institution of higher
18 education charged with a statewide mission in public affairs, shall be a board of governors of ten

19 members, composed of nine voting members and one nonvoting member, who shall be appointed
20 by the governor, by and with the advice and consent of the senate. The nonvoting member shall
21 be a student selected in the same manner as prescribed in section 174.055. At least one but no
22 more than two voting members shall be appointed to the board from each congressional district,
23 and every member of the board shall be a citizen of the United States, and a resident of this state
24 for at least two years prior to ~~[his or her]~~ **the member's** appointment. No more than five voting
25 members shall belong to any one political party. The term of office of the governors shall be six
26 years, except as provided in this subsection. The term of office for those appointed hereafter
27 shall end January first in years ending in an odd number. ~~[For the six voting members' terms that~~
28 ~~expired in 2011, the successors shall be appointed in the following manner:~~

29 ~~—— (1) Of the five voting members' terms that expired on August 28, 2011, one successor~~
30 ~~member shall be appointed, or the existing member shall be reappointed, to a term that shall~~
31 ~~expire on January 1, 2013;~~

32 ~~—— (2) Of the five voting members' terms that expired on August 28, 2011, two successor~~
33 ~~members shall be appointed, or the existing members shall be reappointed, to terms that shall~~
34 ~~expire on January 1, 2015;~~

35 ~~—— (3) Of the five voting members' terms that expired on August 28, 2011, two successor~~
36 ~~members shall be appointed, or the existing members shall be reappointed, to a term that shall~~
37 ~~expire on January 1, 2017; and~~

38 ~~—— (4) For the voting member's term that expired on January 1, 2011, the successor member~~
39 ~~shall be appointed, or the existing member shall be reappointed, to a term that shall expire on~~
40 ~~January 1, 2017.—~~

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

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

48 4. Should the total number of Missouri congressional districts be altered, all members
49 of the board of governors of Missouri State University shall be allowed to serve the remainder
50 of the term for which ~~[they]~~ **such members** were appointed.

51 5. Should the boundaries of any congressional districts be altered in a manner that
52 displaces a member of the board of governors of Missouri State University from the
53 congressional district from which the member was appointed, the member shall be allowed to
54 serve the remainder of the term for which the member was appointed.

55 6. The governing board of Missouri Southern State University shall be a board of
56 governors consisting of nine members, composed of eight voting members and one nonvoting
57 member as provided in sections 174.453 and 174.455, who shall be appointed by the governor
58 of Missouri, by and with the advice and consent of the senate. No person shall be appointed a
59 voting member who is not a citizen of the United States and who has not been a resident of the
60 state of Missouri for at least two years immediately prior to such appointment. Not more than
61 four voting members shall belong to any one political party.

62 **7. The governing board of Northwest Missouri State University shall be a board of**
63 **regents as provided in section 174.332.**

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

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

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

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

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

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

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

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

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

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

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

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

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

27 5. Notwithstanding the provisions of subsection 1 of this section, the board of governors
28 of Missouri Western State University shall be appointed as follows:

29 (1) Five voting members shall be selected from any of the following counties:
30 Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five
31 members shall be appointed from any one county;

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

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

36 (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board
37 members first appointed after August 28, 2005.

38 **6. (1) Notwithstanding the provisions of subsection 1 of this section to the contrary,**
39 **the board of governors of Southeast Missouri State University shall be appointed as**
40 **follows:**

41 **(a) One voting member shall be selected from one of the following counties: Butler,**
42 **Dunklin, Mississippi, New Madrid, Pemiscot, Scott, or Stoddard;**

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

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

47 **(d) Two voting members shall be selected from any of the counties in the state; and**

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

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

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

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

6 (2) A participation agreement shall specify the method for calculating the return on the
7 contribution made by the participant;

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

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

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

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

18 3. The board shall establish a total contribution limit for savings accounts established
19 under the ABLE program with respect to a designated beneficiary which shall in no event be less
20 than the amount established as the contribution limit by the Missouri education [savings]
21 program board for qualified tuition [savings] programs established under sections 166.400 to
22 166.450. No contribution shall be made to an ABLE account for a designated beneficiary if it
23 would cause the balance of the ABLE account of the designated beneficiary to exceed the total
24 contribution limit established by the board. The board may establish other requirements that it
25 deems appropriate to provide adequate safeguards to prevent contributions on behalf of a
26 designated beneficiary from exceeding what is necessary to provide for the qualified disability
27 expenses of the designated beneficiary.

28 4. The board shall establish the minimum length of time that contributions and earnings
29 must be held by the ABLE program to qualify as tax exempt pursuant to section 209.625. Any
30 contributions or earnings that are withdrawn or distributed from an ABLE account prior to the
31 expiration of the minimum length of time, as established by the board, shall be subject to a
32 penalty pursuant to section 209.620.

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