

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 417
102ND GENERAL ASSEMBLY

1211S.10T

2023

AN ACT

To repeal sections 160.2705, 160.2720, 160.2725, 173.280, 335.200, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 340.341, 340.345, 340.381, 340.384, and 340.387, RSMo, and to enact in lieu thereof sixteen new sections relating to creating incentives for the purpose of encouraging certain individuals to obtain employment-related skills, and an emergency clause for a certain section.

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

Section A. Sections 160.2705, 160.2720, 160.2725, 173.280, 335.200, 335.203, 2 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 3 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 340.341, 340.345, 340.381, 340.384, 4 and 340.387, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be 5 known as sections 105.1600, 135.457, 160.2705, 160.2720, 160.2725, 173.280, 191.592, 6 335.200, 335.203, 335.205, 340.341, 340.345, 340.381, 340.384, 340.387, and 620.2500, to 7 read as follows:

105.1600. 1. For the purposes of this section, the following terms mean:

- 2 **(1) "Applicant", any individual seeking gainful employment from a state**
3 **agency;**
4 **(2) "Baseline requirement", the minimum skills, prior training, or prior**
5 **experience required to satisfactorily perform the primary duties of a position;**

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.

6 (3) "Direct experience", any verifiable, previous work experience during which:

7 (a) The applicant's primary duties were consistent with the position currently
8 sought; or

9 (b) The skills required to meet those primary duties are transferable to the
10 position currently sought;

11 (4) "Hiring consideration", any and all of the following:

12 (a) A decision to move an applicant to a subsequent round in the hiring process;

13 (b) A decision to include the applicant on a list of applicants for consideration by
14 another member of the employer's team;

15 (c) A decision to offer an applicant an interview;

16 (d) An interview held in good faith between the employer and the applicant; and

17 (e) A final offer of employment;

18 (5) "Postsecondary degree", an associate's, bachelor's, or graduate degree from
19 an institution of higher education;

20 (6) "State agency", the same meaning as in section 36.020.

21 2. (1) For all hiring considerations, state agencies shall not deny consideration to
22 an applicant solely on the basis of the applicant lacking a postsecondary degree.

23 (2) For all hiring considerations, state agencies shall determine baseline
24 requirements for applicants.

25 (3) State agencies may include prior direct experience and particular certificates
26 and courses as baseline requirements, but may not include a postsecondary degree as a
27 baseline requirement.

28 3. This section shall not apply in the case of the following positions with a state
29 agency:

30 (1) Those for which a clear demonstration is made that the duties of the position
31 require a postsecondary degree. For such positions, the state agency shall dedicate a
32 portion of the job posting to substantiating the necessity of a specific postsecondary
33 degree, on the basis that:

34 (a) The postsecondary degree is the best measure to determine an applicant
35 possesses specific skills; or

36 (b) The position requires advanced accreditation or licensure which is only
37 available to holders of specific postsecondary degrees;

38 (2) Those for which a professional or occupational license is required pursuant
39 to state law; and

40 (3) Any position as a director with a state agency.

41 4. Nothing in this section shall apply to appointments made or other positions
42 hired by elected officials.

43 **5. (1) This act shall be enforced by the department of labor and industrial**
44 **relations. Applicants eliminated from hiring consideration solely because the applicant**
45 **lacks a postsecondary degree may appeal this decision to the labor and industrial**
46 **relations commission.**

47 **(2) Any person may report open positions with state agencies that require a**
48 **postsecondary degree and fail to include an explanation as required pursuant to this**
49 **section.**

50 **(3) If an appeal or report is substantiated, the labor and industrial relations**
51 **commission shall require the state agency to reopen the hiring process, require the state**
52 **agency to modify the job posting, and take other action as necessary to comply with this**
53 **section.**

135.457. 1. This section shall be known and may be cited as the "Intern and
2 **Apprentice Recruitment Act".**

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

4 **(1) "Apprentice", an individual registered and participating in a qualified**
5 **apprenticeship program in Missouri who has completed at least one year in such**
6 **qualified apprenticeship program;**

7 **(2) "Intern", a student who is enrolled at an approved private or public**
8 **institution, as defined in section 173.1102, and who has completed a minimum of thirty**
9 **credit hours;**

10 **(3) "Qualified apprenticeship program", an approved apprenticeship program,**
11 **as defined under 29 CFR Part 29 and 29 U.S.C. Section 50, certified by the United States**
12 **Department of Labor, in partnership with the Missouri department of higher education**
13 **and workforce development, and conducted in Missouri;**

14 **(4) "Tax credit", a credit against the tax otherwise due under chapter 143,**
15 **excluding withholding tax imposed under sections 143.191 to 143.265;**

16 **(5) "Taxpayer", any individual, firm, partner in a firm, corporation,**
17 **partnership, shareholder in an S corporation, or member of a limited liability**
18 **company subject to the state income tax imposed under chapter 143, 147, 148, or 153,**
19 **excluding the withholding tax imposed under sections 143.191 to 143.265 and that**
20 **engages in business in the apprentice's or intern's chosen field of study.**

21 **3. For all tax years beginning on or after January 1, 2024, a taxpayer shall be**
22 **allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal**
23 **to one thousand five hundred dollars for each intern or apprentice hired at a pay rate**
24 **equal to or greater than minimum wage, provided that the following criteria are met:**

25 **(1) The total number of interns or apprentices employed for the tax year that the**
26 **credit is claimed exceeds the average number of interns or apprentices employed by the**
27 **taxpayer over the previous three years;**

28 **(2) Interns shall work a minimum of sixty hours per month for two consecutive**
29 **months during the tax year for which the credit is claimed and a copy of each intern's**
30 **official transcript is submitted with the claim for such tax credit; and**

31 **(3) Apprentices shall comply with all federal requirements of a qualified**
32 **apprenticeship including completing a minimum of two thousand hours of on-the-job**
33 **training and one hundred forty four hours of required technical instruction in a**
34 **calendar year and a copy of the qualified apprenticeship program certification is**
35 **submitted with the claim for such tax credit.**

36 **4. The total amount of tax credits claimed by a taxpayer under this section shall**
37 **not exceed nine thousand dollars in any given tax year.**

38 **5. Notwithstanding any provision of section 32.057 or any other confidentiality**
39 **provision of state tax law to the contrary, the department of revenue may reveal the**
40 **names and other necessary information of all prior employers who have claimed an**
41 **individual as an intern or apprentice under this section, including the tax years in which**
42 **such individual was claimed as a qualified apprentice. The cumulative amount of tax**
43 **credits allowed to all taxpayers under this section shall not exceed one million dollars**
44 **per tax year. If the amount of tax credits claimed in a tax year under this section**
45 **exceeds one million dollars, priority shall be given to taxpayers that have been in**
46 **business for less than five years, with the remaining tax credits to be distributed based**
47 **on the order in which they are claimed.**

48 **6. Tax credits issued under the provisions of this section shall not be refundable.**
49 **No tax credit claimed under this section shall be carried forward to any subsequent tax**
50 **year.**

51 **7. No tax credit claimed under this section shall be assigned, transferred, sold, or**
52 **otherwise conveyed.**

53 **8. The application for the tax credits under this section shall be made to the**
54 **department of economic development and shall include information on participation in**
55 **the qualified apprenticeship program or a copy of the official transcript for the intern**
56 **being claimed, if applicable, and any other such information that the department deems**
57 **necessary. The department of economic development shall prescribe the method for**
58 **claiming the tax credits allowed in this section and shall certify to the department of**
59 **revenue each applicant that qualifies for a tax credit under this section.**

60 **9. The department of economic development shall prepare an annual report**
61 **containing statistical information regarding the tax credits issued under this section for**

62 the previous tax year, including the total amount of tax credits claimed in the tax year,
63 the average number of tax credits claimed per taxpayer, the total number of interns
64 claimed, the total number of apprentices claimed, and the total amount expended on the
65 program.

66 10. The department of economic development shall promulgate all necessary
67 rules and regulations for the administration of this section. Any rule or portion of a
68 rule, as that term is defined in section 536.010, that is created under the authority
69 delegated in this section shall become effective only if it complies with and is subject to
70 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
71 chapter 536 are nonseverable and if any of the powers vested with the general assembly
72 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
73 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
74 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

75 11. Under section 23.253 of the Missouri sunset act:

76 (1) The provisions of the new program authorized under this section shall
77 automatically sunset December thirty-first six years after the effective date of this
78 section unless reauthorized by an act of the general assembly;

79 (2) If such program is reauthorized, the program authorized under this section
80 shall automatically sunset December thirty-first twelve years after the effective date of
81 the reauthorization of this section; and

82 (3) This section shall terminate on September first of the calendar year
83 immediately following the calendar year in which the program authorized under this
84 section is sunset.

160.2705. 1. [~~The department of elementary and secondary education shall authorize~~
2 ~~before January 1, 2018, a~~] **The department of social services shall authorize** Missouri-
3 based nonprofit [~~organization~~] **organizations** meeting the criteria [~~under subsection 2~~] of this
4 section to establish and operate [~~four~~] **up to five** adult high schools, with:

5 (1) One adult high school to be located in a city not within a county;

6 (2) One adult high school to be located in a county of the third classification without a
7 township form of government and with more than forty-one thousand but fewer than forty-
8 five thousand inhabitants or a county contiguous to that county;

9 (3) One adult high school to be located in a county of the first classification with
10 more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a
11 county contiguous to that county; [~~and~~]

12 (4) One adult high school to be located in a county of the first classification with
13 more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **and**

14 **(5) One adult high school to be located in a county with more than seven**
15 **hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous**
16 **county.**

17 2. ~~[The department of elementary and secondary education shall grant the~~
18 ~~authorization described under subsection 1 of this section based on a bid process~~
19 ~~conducted in accordance with the rules and regulations governing purchasing through the~~
20 ~~office of administration. The successful bidder shall:]~~ **The department of social services**
21 **shall administer funding to adult high schools subject to appropriations. The**
22 **department shall be responsible for granting and maintaining authorization for adult**
23 **high schools. For adult high schools in operation prior to January 1, 2023, the**
24 **department shall maintain authorization for the nonprofit organization to operate the**
25 **schools, subject to compliance with this section. No more than one organization shall be**
26 **authorized to operate an adult high school at each location described in subsection 1 of**
27 **this section. An organization may establish satellite campuses for any adult high school**
28 **it is authorized to operate. The department shall administer funding for satellite**
29 **campuses subject to appropriations.**

30 **3. On or before January 1, 2024, the department of social services shall select an**
31 **eligible Missouri-based nonprofit organization to operate in a location described in**
32 **subdivision (5) of subsection 1 of this section. An eligible organization shall:**

33 (1) Demonstrate the ability to establish, within twenty-one months of the receipt of
34 the authorization, ~~[four]~~ **an adult high [schools] school** offering high school diplomas, an
35 industry certification program or programs, and child care for children of the students
36 attending the high schools;

37 (2) ~~[Commit at least two million dollars in investment for the purpose of establishing~~
38 ~~the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to**
39 **commit at least five hundred thousand dollars for the purpose of establishing the**
40 **necessary infrastructure at the adult high school;**

41 (3) Demonstrate substantial and positive experience in providing services, including
42 industry certifications and job placement services, to adults twenty-one years of age or older
43 whose educational and training opportunities have been limited by educational disadvantages,
44 disabilities, homelessness, criminal history, or similar circumstances;

45 (4) Establish a partnership with a state-supported postsecondary education institution
46 or more than one such partnership, if a partnership or partnerships are necessary in order to
47 meet the requirements for an adult high school;

48 (5) Establish a comprehensive plan that sets forth how the adult high schools will help
49 address the need for a sufficiently trained workforce in the surrounding region for each adult
50 high school;

51 (6) Establish partnerships and strategies for engaging the community and business
52 leaders in carrying out the goals of each adult high school;

53 (7) Establish the ability to meet quality standards through certified teachers and
54 programs that support each student in such student's goal to find a more rewarding job;

55 (8) Establish a plan for assisting students in overcoming barriers to educational
56 success including, but not limited to, educational disadvantages, homelessness, criminal
57 history, disability, including learning disability such as dyslexia, and similar circumstances;

58 (9) Establish a process for determining outcomes of the adult high school, including
59 outcomes related to a student's ability to find a more rewarding job through the attainment of
60 a high school diploma and job training and certification; and

61 (10) ~~[Bids shall not include an]~~ **Limit the** administrative fee ~~[greater than]~~ **to no**
62 **more than** ten percent.

63 ~~[3-]~~ **4.** (1) The department of elementary and secondary education shall establish
64 academic requirements for students to obtain high school diplomas.

65 (2) Requirements for a high school diploma shall be based on an adult student's prior
66 high school achievement and the remaining credits and coursework that would be necessary
67 for the student to receive a high school diploma if such student were in a traditional high
68 school setting. The adult student shall meet the requirements with the same level of academic
69 rigor as would otherwise be necessary to attain such credits.

70 (3) The adult high school authorized under this section shall award high school
71 diplomas to students who successfully meet the established academic requirements. The
72 adult high school authorized under this section shall confer the diploma as though the student
73 earned the diploma at a traditional high school. The diploma shall have no differentiating
74 marks, titles, or other symbols.

75 (4) Students at adult high schools may complete required coursework at their own
76 pace and as available through the adult high school. They shall not be required to satisfy any
77 specific number of class minutes. The adult high school may also make classes available to
78 students online as may be appropriate. However, students shall not complete the majority of
79 instruction of the school's curriculum online or through remote instruction. For the purposes
80 of this subsection, synchronous instruction connecting students to a live class conducted in a
81 Missouri adult high school shall be treated the same as in-person instruction.

82 (5) The department of elementary and secondary education shall not create additional
83 regulations or burdens on the adult high school or the students attending the adult high
84 schools beyond certifying necessary credits and ensuring that students have sufficiently
85 mastered the subject matter to make them eligible for credit.

86 ~~[4-]~~ **5.** An adult high school shall be deemed a secondary school system for the
87 purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. The nonprofit organization who receives the authorization described under
2 section 160.2705 shall submit to the department of elementary and secondary education, **the**
3 **department of social services**, the joint committee on education, and the offices of the
4 governor, speaker of the house of representatives, and president pro tempore of the senate an
5 annual report concerning evaluations of the adult high schools, including the impact the adult
6 high schools have had in meeting industry needs in the state before December first of each
7 year.

160.2725. The department of [~~elementary and secondary education~~] **social services**
2 may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any
3 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
6 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
8 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2017, shall be invalid and void.

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

2 (1) **"Institutional marketing associate", any third party entity that enters into an**
3 **agreement with a postsecondary educational institution or its intercollegiate athletics or**
4 **sports program to market and/or promote the postsecondary educational institution or**
5 **its intercollegiate athletics or sports program, or to otherwise act on behalf of the**
6 **postsecondary educational institution or the postsecondary educational institution's**
7 **intercollegiate athletics or sports program. This term does not include a regulatory**
8 **body, postsecondary educational institution, postsecondary educational institution staff**
9 **member, or their respective officers, directors, managers, owners, or employees;**

10 (2) "Postsecondary educational institution", any campus of a public or private
11 institution of higher education in this state that is subject to the coordinating board for higher
12 education under section 173.005;

13 [~~2~~] (3) "Student athlete", an individual who **is eligible to participate in**, participates
14 **in**, or has participated in an intercollegiate sport for a postsecondary educational institution.
15 Student athlete shall not be construed to apply to an individual's participation in a college
16 intramural sport or in a professional sport outside of intercollegiate athletics;

17 [~~3~~] (4) "Third party", any individual or entity, including any athlete agent, other than
18 a postsecondary educational institution, athletic conference, or athletic association.

19 2. (1) No postsecondary educational institution shall uphold any rule, requirement,
20 standard, or other limitation **of an athletic association or athletic conference** that prevents a
21 student of that institution from fully participating in intercollegiate athletics without penalty

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

26 (2) No postsecondary educational institution shall interfere with or prevent a student
27 from fully participating in intercollegiate athletics or obtaining professional representation in
28 relation to contracts or legal matters **relating to earning compensation as a result of the use**
29 **of the student athlete's name, image, likeness rights, or athletic reputation**, including, but
30 not limited to, representation provided by athlete agents, financial advisors, or legal
31 representation provided by attorneys.

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

37 4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract
38 providing compensation to the athlete for use of the athlete's name, image, likeness rights, or
39 athletic reputation if the contract requires the athlete to display a sponsor's apparel,
40 equipment, or beverage or otherwise advertise for the sponsor during official team activities if
41 such provisions are in conflict with a provision of the postsecondary **educational** institution's
42 current licenses or contracts.

43 (2) (a) Except with the prior written consent of the student athlete's postsecondary
44 educational institution, a student athlete shall not enter into a contract for compensation for
45 the use of such student athlete's name, image, likeness rights, or athletic reputation, if such
46 institution determines that a term of the contract conflicts with a term of a contract to which
47 such institution is a party.

48 (b) A postsecondary educational institution or any officer, director, or employee of
49 such institution, including but not limited to a coach, member of the coaching staff, or any
50 individual associated with the ~~[institutions]~~ **institution's** athletic department, ~~[may identify]~~
51 **shall have the right to identify, create, facilitate, negotiate, support, enable**, or otherwise
52 assist with opportunities for a student athlete to earn compensation from a third party,
53 **including an institutional marketing associate**, for the use of the student athlete's name,
54 image, likeness rights, or athletic reputation, provided that such individual shall not:

55 a. ~~[Serve as the athlete's agent;~~

56 ~~be]~~ Receive compensation from the student athlete or a third party for facilitating ~~[or]~~,
57 enabling, **or assisting with** such opportunities;

58 ~~[e.]~~ **b.** Attempt to influence an athlete's choice of professional representation related
59 to such opportunities; **or**

60 ~~[d.]~~ **c.** Attempt to reduce such athlete's opportunities from competing third parties~~;~~ ~~or~~

61 ~~e. Be present at any meeting between a student athlete and a third party who provides~~
62 ~~for a student athlete's compensation, where the student athlete's name, image, likeness rights,~~
63 ~~or athletic reputation contract for compensation is negotiated or completed].~~

64 **(c) The provisions of this section shall not be construed to qualify a student**
65 **athlete as an employee of a postsecondary educational institution.**

66 (3) Before any contract for compensation for the use of a student athlete's name,
67 image, likeness rights, or athletic reputation, **or for professional representation**, is executed,
68 and before any compensation is provided to the student athlete in advance of a contract, the
69 student athlete shall disclose that contract to his or her postsecondary educational institution
70 in a manner prescribed by such institution.

71 (4) A postsecondary educational institution or any officer, director, or employee of
72 such institution ~~[or entity]~~ shall not compensate a student athlete, prospective student athlete,
73 or the family of such individuals, ~~[or cause compensation to be directed to a prospective~~
74 ~~student athlete, or the family of a student athlete or the family of a prospective student~~
75 ~~athlete,]~~ for the use of such student athlete or prospective student athlete's name, image,
76 likeness rights, or athletic reputation, **unless otherwise permitted by institutional policy**
77 **and a collegiate athletics association that the postsecondary educational institution is a**
78 **member of.**

79 (5) (a) As used in this subdivision, "unique identifier" means any of the
80 **following developed or adopted for marketing or promotional purposes by a**
81 **postsecondary educational institution or a third party:**

82 **a. Seal;**

83 **b. Logo;**

84 **c. Emblem;**

85 **d. Motto;**

86 **e. Special symbol;**

87 **f. Institutional colors;**

88 **g. Modifier or descriptor;**

89 **h. Design;**

90 **i. Patentable or copyrightable item, material, or information; or**

91 **j. Other item, material, or information that identifies and is recognizable as**
92 **unique to such postsecondary educational institution or third party.**

93 **(b) A postsecondary educational institution or a third party shall develop and**
94 **adopt a process for granting to a student athlete, or to a third party for use with a**

95 **student athlete, a license to use such institution's or third party's unique identifiers**
96 **when earning or attempting to earn compensation from the use of such student athlete's**
97 **name, image, likeness rights, or athletic reputation consistent with its policies regarding**
98 **licensing of its unique identifiers.**

99 **(c) A postsecondary educational institution or a third party may charge a**
100 **reasonable fee for a license to use a unique identifier under this subdivision.**

101 **(d) A postsecondary educational institution, or a third party, may impose**
102 **requirements that a student athlete granted a license under this subdivision refrain from**
103 **using such unique identifier in a manner that the institution in its sole discretion**
104 **determines:**

105 **a. Is reasonably considered to be inconsistent with such institution's or third**
106 **party's values or mission;**

107 **b. Adversely affects such institution's or third party's image;**

108 **c. Negatively impacts or inappropriately reflects upon the reputation or**
109 **religious, moral, or ethical standards of such institution or third party;**

110 **d. Violates such institution's or third party's code of conduct or similar**
111 **requirements; or**

112 **e. Conflicts with a provision of such institution's or third party's current licenses**
113 **or contracts.**

114 **5. No contract of a postsecondary educational institution's athletic program shall**
115 **prevent a student athlete from receiving compensation for using the student athlete's name,**
116 **image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not**
117 **engaged in official mandatory team activities that are recorded in writing and can be made**
118 **publicly available upon request.**

119 **6. (1) If a private postsecondary educational institution collects, retains, or**
120 **maintains the terms of a student athlete's contract or proposed contract detailing**
121 **compensation to such student athlete for the use of such student athlete's name, image,**
122 **likeness, or athletic reputation, such postsecondary educational institution shall**
123 **consider such contract terms to be student governed by the Family Education Rights**
124 **and Privacy Act (FERPA).**

125 **(2) The terms of a contract or proposed contract detailing compensation to a**
126 **student athlete for the use of such student athlete's name, image, likeness, or athletic**
127 **reputation shall be deemed a closed record under chapter 610. A public postsecondary**
128 **educational institution subject to this subsection may withhold or refuse to release or**
129 **otherwise disclose such contract terms without seeking a formal opinion of the attorney**
130 **general of this state as authorized in section 610.027.**

131 **7. (1) No compensation to a student athlete for earning or attempting to earn**
132 **compensation from the use of such student athlete's name, image, likeness rights, or**
133 **athletic reputation shall be conditioned on such student athlete's athletic performance.**
134 **Those providing compensation to a student athlete for the use of his or her name, image,**
135 **likeness rights, or athletic reputation shall have the right to condition payment of that**
136 **compensation on a student athlete's attendance at a particular postsecondary**
137 **educational institution.**

138 **(2) A charitable organization that qualifies as an exempt organization under 26**
139 **U.S.C. Section 501(c)(3), as amended, shall have the right to compensate a student**
140 **athlete for the commercial use of the student athlete's name, image, likeness rights, or**
141 **athletic reputation.**

142 **(3) Notwithstanding any rule of an athletic association, athletic conference, or**
143 **any other organization with authority over varsity intercollegiate athletics, institutional**
144 **marketing associates shall have the right to compensate a student athlete for the**
145 **commercial use of the student athlete's name, image, likeness rights, or athletic**
146 **reputation. This includes the right to compensate a student athlete for the commercial**
147 **use of the student athlete's name, image, or likeness rights in connection with the**
148 **promotion of athletic events in which the student athlete will or may participate, the**
149 **promotion of the postsecondary educational institution the student athlete attends, and**
150 **the promotion of the postsecondary educational institution's intercollegiate athletics or**
151 **sports program. Further, an institutional marketing associate shall, in the event that a**
152 **postsecondary educational institution or its intercollegiate athletics program**
153 **affirmatively grants a request, have the right to utilize a postsecondary educational**
154 **institution's, or the postsecondary educational institution's intercollegiate athletics**
155 **program's, content creation and marketing capabilities in connection with services**
156 **provided for the promotion of athletic events in which a student athlete will or may**
157 **participate, the postsecondary educational institution, or the institution's intercollegiate**
158 **athletics or sports program.**

159 **(4) Notwithstanding any rule of an athletic association, athletic conference, or**
160 **any other organization with authority over varsity intercollegiate athletics, student**
161 **athletes shall have the right to receive compensation from an institutional marketing**
162 **associate for the commercial use of their name, image, likeness rights, or athletic**
163 **reputation, in connection with, among other items, the promotion of athletic events in**
164 **which the student athlete will or may participate, the promotion of the postsecondary**
165 **educational institution the student athlete attends, and the promotion of the**
166 **postsecondary educational institution's intercollegiate athletics or sports program.**

167 ~~[6.]~~ **8.** (1) Postsecondary educational institutions that enter into commercial
168 agreements that directly or indirectly require the use of a student athlete's name, image,
169 likeness, or athletic reputation shall ~~conduct a~~ **offer at least two workshops per calendar**
170 **year that may include topics such as** financial ~~[development program once per year for their~~
171 ~~athletes]~~ **literacy, life skills, time management, and entrepreneurship.** The workshops
172 **may not be offered in the same month and each workshop offered in a calendar year**
173 **must be unique and not simply a repeat of the other workshop offered that year.** The
174 **institution shall notify all student athletes of the sessions through the distribution of**
175 **informational materials via email or other communication methods the institution**
176 **regularly uses to communicate with student athletes.**

177 (2) ~~[The financial development program]~~ **The educational workshops** shall not
178 include any marketing, advertising, referral, or solicitation by providers of financial products
179 or services. ~~[Such program shall, at a minimum, include information concerning financial~~
180 ~~aid, debt management, and a recommended budget for student athletes based on the current~~
181 ~~year's cost of attendance. The workshop shall also include information on time management~~
182 ~~skills necessary for success as a student athlete and available academic resources.]~~

183 ~~[(3) Postsecondary educational institutions shall help distribute informational~~
184 ~~materials for such programs as needed.]~~

185 ~~(4) Postsecondary educational institutions shall inform their athletes of such program~~
186 ~~meetings and provide appropriate meeting space.~~

187 ~~7. Student athlete representation shall be by attorneys or agents licensed by this state.]~~

188 **9.** An athletic association, athletic conference, or any other organization with
189 **authority over varsity intercollegiate athletics shall not, and shall not authorize its**
190 **member institutions to:**

191 (1) **Prevent a student athlete from receiving compensation for the commercial**
192 **use of the student athlete's name, image, likeness rights, or athletic reputation under this**
193 **section;**

194 (2) **Penalize a student athlete for receiving compensation for the commercial use**
195 **of the student athlete's name, image, likeness rights, or athletic reputation under this**
196 **section;**

197 (3) **Prevent a postsecondary educational institution from participating in varsity**
198 **intercollegiate athletics or otherwise penalize a postsecondary educational institution as**
199 **a result of a student athlete's receipt of compensation for the student athlete's name,**
200 **image, likeness rights, or athletic reputation under this section;**

201 (4) **Prevent a postsecondary educational institution from establishing**
202 **agreements with a third party entity to act on its behalf to identify, facilitate, enable,**
203 **or support student athlete name, image, and likeness activities;**

204 **(5) Entertain a complaint, open an investigation, or take any other adverse**
205 **action against a postsecondary educational institution or any of its employees for**
206 **engaging in any activity protected under this section;**

207 **(6) Penalize a postsecondary educational institution because an institutional**
208 **marketing associate compensates a student athlete for use of his or her name, image,**
209 **likeness rights, or athletic reputation, as protected under this section, or if a third party**
210 **violates the collegiate athletic association's rules or regulations with regard to student**
211 **athlete name, image, or likeness activities.**

212 **10. A student athlete shall have the right to obtain professional representation**
213 **for the purpose of securing compensation for the use of his or her name, image, or**
214 **likeness without penalty or resulting limitation on participating or effect on the student**
215 **athlete's athletic grant-in-aid eligibility. Professional representation shall be by**
216 **attorneys or agents licensed by this state. Any professional representation agreement**
217 **shall be in writing, be executed by both parties, clearly describe the obligations of the**
218 **parties, and outline fees for the professional representation.**

219 ~~[8-]~~ **11. (1) Any student athlete may bring a civil action against third parties that**
220 **violate this section or that interfere with such student athlete's earning or attempting to**
221 **earn compensation from the use of such student athlete's name, image, likeness rights,**
222 **or athletic reputation** for appropriate injunctive relief or actual damages, or both. Such
223 action shall be brought in the county where the violation occurred, or is about to occur, and
224 the court shall award damages and court costs to a prevailing plaintiff.

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

228 ~~[9-]~~ **12. No legal settlement shall conflict with the provisions of this section.**

229 ~~[10-]~~ **13. This section shall apply only to agreements or contracts entered into,**
230 **modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but**
231 **are not limited to, the national letter of intent, an athlete's financial aid agreement,**
232 **commercial contracts in the athlete group licensing market, and athletic conference or athletic**
233 **association rules or bylaws.**

234 **14. No postsecondary educational institution's employees, including athletics**
235 **coaching staff, shall be liable for any damages to a student athlete's ability to earn**
236 **compensation for the use of the student athlete's name, image, or likeness resulting from**
237 **decisions or actions routinely taken in the course of intercollegiate athletics.**

238 **15. This section does not affect the rights of student athletes under Title IX of the**
239 **Education Amendments of 1971 (20 U.S.C. Section 1681 et seq.).**

240 **16. (1) A high school athlete who competes on an interscholastic athletic team in**
241 **this state that is sponsored by a public school or by a private school whose students**
242 **compete against a public school's students may earn or attempt to earn compensation**
243 **from the use of such athlete's name, image, likeness rights, or athletic reputation as**
244 **provided in this section, subject to the following:**

245 **(a) A high school athlete shall have the right to discuss earning or attempting to**
246 **earn such compensation before signing an athletic letter of intent or other written**
247 **agreement only when having discussions about potential enrollment with a**
248 **postsecondary educational institution in this state; and**

249 **(b) A high school athlete shall have the right to earn or attempt to earn such**
250 **compensation only after signing an athletic letter of intent or other written agreement to**
251 **enroll in a postsecondary educational institution in this state.**

252 **(2) The discussion of, or earning or attempting to earn, compensation from the**
253 **use of such high school athlete's name, image, likeness rights, or athletic reputation as**
254 **provided in this section shall not be construed to be a violation of any rules and**
255 **regulations a high school student and high schools are required to follow to maintain**
256 **and protect a high school athlete's high school eligibility to participate in high school**
257 **athletics in this state.**

191.592. 1. For purposes of this section, the following terms mean:

2 **(1) "Department", the department of health and senior services;**

3 **(2) "Eligible entity", an entity that operates a physician medical residency**
4 **program in this state and that is accredited by the Accreditation Council for Graduate**
5 **Medical Education;**

6 **(3) "General primary care and psychiatry", family medicine, general internal**
7 **medicine, general pediatrics, internal medicine-pediatrics, general obstetrics and**
8 **gynecology, or general psychiatry;**

9 **(4) "Grant-funded residency position", a position that is accredited by the**
10 **Accreditation Council for Graduate Medical Education, that is established as a result of**
11 **funding awarded to an eligible entity for the purpose of establishing an additional**
12 **medical resident position beyond the currently existing medical resident positions, and**
13 **that is within the fields of general primary care and psychiatry. Such position shall end**
14 **when the medical residency funding under this section is completed or when the resident**
15 **in the medical grant-funded residency position is no longer employed by the eligible**
16 **entity, whichever is earlier;**

17 **(5) "Participating medical resident", an individual who is a medical school**
18 **graduate with a doctor of medicine degree or doctor of osteopathic medicine degree,**

19 who is participating in a postgraduate training program at an eligible entity, and who is
20 filling a grant-funded residency position.

21 2. (1) Subject to appropriation, the department shall establish a medical
22 residency grant program to award grants to eligible entities for the purpose of
23 establishing and funding new general primary care and psychiatry medical residency
24 positions in this state and continuing the funding of such new residency positions for the
25 duration of the funded residency.

26 (2) (a) Funding shall be available for three years for residency positions in
27 family medicine, general internal medicine, and general pediatrics.

28 (b) Funding shall be available for four years for residency positions in general
29 obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry.

30 3. (1) There is hereby created in the state treasury the "Medical Residency
31 Grant Program Fund". Moneys in the fund shall be used to implement and fund grants
32 to eligible entities.

33 (2) The medical residency grant program fund shall include funds appropriated
34 by the general assembly, reimbursements from awarded eligible entities who were not
35 able to fill the residency position or positions with an individual medical resident or
36 residents, and any gifts, contributions, grants, or bequests received from federal,
37 private, or other sources.

38 (3) The state treasurer shall be custodian of the fund. In accordance with
39 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
40 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used
41 solely as provided in this section.

42 (4) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
43 remaining in the fund at the end of the biennium shall not revert to the credit of the
44 general revenue fund.

45 (5) The state treasurer shall invest moneys in the fund in the same manner as
46 other funds are invested. Any interest and moneys earned on such investments shall be
47 credited to the fund.

48 4. Subject to appropriation, the department shall expend moneys in the medical
49 residency grant program fund in the following order:

50 (1) Necessary costs of the department to implement this section;

51 (2) Funding of grant-funded residency positions of individuals in the fourth year
52 of their residency, as applicable to residents in general obstetrics and gynecology,
53 internal medicine-pediatrics, and general psychiatry;

54 (3) Funding of grant-funded residency positions of individuals in the third year
55 of their residency;

56 **(4) Funding of grant-funded residency positions of individuals in the second year**
57 **of their residency;**

58 **(5) Funding of grant-funded residency positions of individuals in the first year of**
59 **their residency; and**

60 **(6) The establishment of new grant-funded residency positions at awarded**
61 **eligible entities.**

62 **5. The department shall establish criteria to evaluate which eligible entities shall**
63 **be awarded grants for new grant-funded residency positions, criteria for determining**
64 **the amount and duration of grants, the contents of the grant application, procedures**
65 **and timelines by which eligible entities may apply for grants, and all other rules needed**
66 **to implement the purposes of this section. Such criteria shall include a preference for**
67 **eligible entities located in areas of highest need for general primary care and psychiatric**
68 **care physicians, as determined by the health professional shortage area score.**

69 **6. Eligible entities that receive grants under this section shall:**

70 **(1) Agree to supplement awarded funds under this section, if necessary, to**
71 **establish or maintain a grant-funded residency position for the duration of the funded**
72 **resident's medical residency; and**

73 **(2) Agree to abide by other requirements imposed by rule.**

74 **7. Annual funding per participating medical resident shall be limited to:**

75 **(1) Direct graduate medical education costs including, but not limited to:**

76 **(a) Salaries and benefits for residents, faculty, and program staff;**

77 **(b) Malpractice insurance, licenses, and other required fees; and**

78 **(c) Program administration and educational materials; and**

79 **(2) Indirect costs of graduate medical education necessary to meet the standards**
80 **of the Accreditation Council for Graduate Medical Education.**

81 **8. No new grant-funded residency positions under this section shall be**
82 **established after the tenth fiscal year in which grants are awarded. However, any**
83 **residency positions funded under this section may continue to be funded until the**
84 **completion of the resident's medical residency.**

85 **9. The department shall submit an annual report to the general assembly**
86 **regarding the implementation of the program developed under this section.**

87 **10. The department may promulgate all necessary rules and regulations for the**
88 **administration of this section. Any rule or portion of a rule, as that term is defined in**
89 **section 536.010, that is created under the authority delegated in this section shall**
90 **become effective only if it complies with and is subject to all of the provisions of chapter**
91 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
92 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**

93 review, to delay the effective date, or to disapprove and annul a rule are subsequently
94 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
95 adopted after the effective date of this section shall be invalid and void.

96 **11. The provisions of this section shall expire on January 1, 2038.**

335.200. As used in sections 335.200 to 335.203, the following terms mean:

2 (1) "Board", the state board of nursing;

3 (2) "Department", the Missouri department of higher education and workforce
4 development;

5 (3) "Eligible institution of higher education", a Missouri institution of higher
6 education accredited by the higher learning commission of the north central association which
7 offers a nursing education program **or an approved virtual institution, as defined in section**
8 **173.1102, that offers a nursing education program;**

9 (4) "Grant", a grant awarded to an eligible institution of higher education under the
10 guidelines set forth in sections 335.200 to 335.203.

335.203. 1. There is hereby established the "Nursing Education Incentive Program"
2 within the state board of nursing.

3 2. Subject to appropriation and board disbursement, grants shall be awarded through
4 the nursing education incentive program to eligible institutions of higher education based on
5 criteria jointly determined by the board and the department of higher education and workforce
6 development. ~~[Grant award amounts shall not exceed one hundred fifty thousand dollars.]~~
7 No campus shall receive more than one grant per year.

8 3. To be considered for a grant, an eligible institution of higher education shall offer a
9 program of nursing that meets the predetermined category and area of need as established by
10 the board and the department under subsection 4 of this section.

11 4. The board and the department shall determine categories and areas of need for
12 designating grants to eligible institutions of higher education. In establishing categories and
13 areas of need, the board and department may consider criteria including, but not limited to:

14 (1) Data generated from licensure renewal data and the department of health and
15 senior services; and

16 (2) National nursing statistical data and trends that have identified nursing shortages.

17 5. The board shall be the administrative agency responsible for implementation of the
18 program established under sections 335.200 to 335.203, and shall promulgate reasonable
19 rules for the exercise of its functions and the effectuation of the purposes of sections 335.200
20 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing
21 applications and shall supervise the processing of such applications.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
23 created under the authority delegated in this section shall become effective only if it complies

24 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
25 This section and chapter 536 are nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
27 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
28 rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid
29 and void.

**335.205. The board, in addition to any other duties it may have regarding
2 licensure of nurses, shall collect, at the time of any initial license application or license
3 renewal application, a nursing education incentive program surcharge from each person
4 licensed or relicensed under chapter 335, in the amount of one dollar per year for
5 practical nurses and five dollars per year for registered professional nurses. These
6 funds shall be deposited in the state board of nursing fund described in section 335.036.**

340.341. 1. The department shall adopt and promulgate rules establishing standards
2 for determining eligible students for loan repayment pursuant to sections 340.335 to 340.350.
3 Such standards shall include, but are not limited to the following:

- 4 (1) Citizenship or lawful permanent residency in the United States;
- 5 (2) Residence in the state of Missouri;
- 6 (3) Enrollment as a full-time veterinary medical student in the final year of a course
7 of study offered by an approved educational institution in Missouri;
- 8 (4) Application for loan repayment.

9 2. The department shall not grant repayment for more than ~~[six]~~ **twelve** veterinarians
10 each year.

340.345. 1. A loan payment provided for an individual pursuant to a written contract
2 under the large animal veterinary medicine loan repayment program shall consist of payment
3 on behalf of the individual of the principal, interest and related expenses on government and
4 commercial loans received by the individual for tuition, fees, books, laboratory and living
5 expenses incurred by the individual.

6 2. For each year of obligated services that an individual contracts to serve in an area
7 of defined need, the department may pay up to ~~[twenty]~~ **thirty** thousand dollars on behalf of
8 the individual for loans described in subsection 1 of this section.

9 3. The department may enter into an agreement with the holder of the loans for which
10 repayments are made under the large animal veterinary medicine loan repayment program to
11 establish a schedule for the making of such payments if the establishment of such a schedule
12 would result in reducing the costs to the state.

13 4. Any qualifying communities providing a portion of a loan repayment shall be
14 considered first for placement.

340.381. 1. Sections 340.381 to 340.396 establish a student loan forgiveness program for approved veterinary students who practice in areas of defined need. Such program shall be known as the "Dr. Merrill Townley **and Dr. Dan Brown** Large Animal Veterinary Student Loan Program".

2. There is hereby created in the state treasury the "Veterinary Student Loan Payment Fund", which shall consist of general revenue appropriated to the large animal veterinary student loan program, voluntary contributions to support or match program activities, money collected under section 340.396, **any private grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets**, and funds received from the federal government. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 340.381 to 340.396. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

340.384. 1. Eligible students may apply to the department for financial assistance under the provisions of sections 340.381 to 340.396. If, at the time of application for a loan, a student has formally applied for acceptance at the college, receipt of financial assistance is contingent upon acceptance and continued enrollment at the college. A qualified applicant may receive financial assistance up to ~~[twenty]~~ **thirty** thousand dollars for each academic year he or she remains a student in good standing at the college, provided that the cumulative total shall not exceed ~~[eighty]~~ **one hundred twenty** thousand dollars per qualified applicant. An eligible student may apply for financial assistance under this section at any point in his or her educational career at the college, however any such financial assistance shall only be awarded for current or future academic years, as applicable, and shall not be awarded for any academic year completed prior to the time of application.

2. Up to ~~[six]~~ **twelve** qualified applicants per academic year may be awarded loans under the provisions of sections 340.381 to 340.396. **The department may increase beyond twelve the number of qualified applicants that may be awarded such loans per academic year if the amount of any additional moneys from private grants, gifts, donations, devises, or bequests of moneys, funds, real or personal property, or other assets deposited in the veterinary student loan payment fund allows the full funding of such increase in the number of applicants.** Priority for loans shall be given to eligible students who have established financial need. All financial assistance shall be made from funds credited to the veterinary student loan payment fund.

340.387. 1. The department of agriculture may enter into a contract with each
2 qualified applicant receiving financial assistance under the provisions of sections 340.381 to
3 340.396. Such contract shall specify terms and conditions of loan forgiveness through
4 qualified employment as well as terms and conditions for repayment of the principal and
5 interest.

6 2. The department shall establish schedules for repayment of the principal and interest
7 on any financial assistance made under the provisions of sections 340.381 to 340.396.
8 Interest at a rate set by the department, with the advice of the advisory panel created in section
9 ~~[340.344]~~ **340.375**, shall be charged from the time of the payment of financial assistance on
10 all financial assistance made under the provisions of sections 340.381 to 340.396, but the
11 interest and principal of the total financial assistance granted to a qualified applicant at the
12 time of the successful completion of a doctor of veterinary medicine degree program shall be
13 forgiven through qualified employment.

14 3. For each year of qualified employment that an individual contracts to serve in an
15 area of defined need, the department shall forgive up to ~~[twenty]~~ **thirty** thousand dollars and
16 accrued interest thereon on behalf of the individual for financial assistance provided under
17 sections 340.381 to 340.396.

620.2500. 1. For purposes of this section, the following terms mean:

2 **(1) "Employee", any person employed by a qualifying employer or any person**
3 **who is a prospective employee of a qualifying employer, provided such person is not an**
4 **independent contractor;**

5 **(2) "Health care-focused credential", a credential that demonstrates the**
6 **competencies necessary to succeed in an occupation related to the delivery of health care**
7 **services;**

8 **(3) "Public body", the state of Missouri, any department, division, commission,**
9 **board, or political subdivision thereof including, but not limited to, institutions of**
10 **postsecondary education that offer required courses and training necessary for an**
11 **employee to obtain upskill credentials. The term "public body" shall be construed to**
12 **exclude any:**

13 **(a) Facility that meets the definition of hospital in section 197.020;**

14 **(b) Long-term care facility licensed under chapter 198; or**

15 **(c) Public hospital established and maintained under chapter 205;**

16 **(4) "Qualifying employer", any employer registered to do business in the state of**
17 **Missouri, provided the employer is not a public body;**

18 **(5) "Technology-focused credential", a credential that demonstrates the**
19 **competencies necessary to succeed in an occupation that utilizes technology to**
20 **develop, build, and deliver products and services;**

21 **(6) "Training provider", any entity approved by the state that provides training**
22 **in upskill credentials;**

23 **(7) "Upskill credential", includes, but is not limited to:**

24 **(a) Health care-focused credentials;**

25 **(b) Technology-focused credentials; and**

26 **(c) Any other credential indicated by a qualifying employer as necessary for**
27 **improving the skills of its current and prospective employees.**

28 **2. The department of economic development may distribute to any qualifying**
29 **employer a reimbursement not to exceed two thousand dollars for each employee who**
30 **obtains upskill credentials, provided that no qualifying employer shall receive more**
31 **than thirty thousand dollars under this section in any fiscal year. A qualifying employer**
32 **shall submit an application for an award for such reimbursement as provided in this**
33 **section in order to receive such funds.**

34 **3. The department of economic development shall design an application form for**
35 **qualifying employers to apply for an award for reimbursement. The application form**
36 **shall contain all information that the department deems necessary to fulfill the**
37 **provisions of this section.**

38 **4. (1) There is hereby created in the state treasury the "Upskill Credential**
39 **Training Fund", which shall consist of moneys appropriated by the general assembly,**
40 **which shall not exceed six million dollars per fiscal year. The state treasurer shall be**
41 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
42 **may approve disbursements. The fund shall be a dedicated fund and, upon**
43 **appropriation, moneys in this fund shall be used solely as provided in this section.**

44 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
45 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
46 **general revenue fund.**

47 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
48 **other funds are invested. Any interest and moneys earned on such investments shall be**
49 **credited to the fund.**

50 **5. (1) The department of economic development shall evaluate all applications**
51 **submitted by qualifying employers on a competitive basis using the following criteria:**

52 **(a) The pledged average wage increase that employees or prospective employees**
53 **will realize after obtaining the upskill credential in relation to the cost of obtaining the**
54 **upskill credential;**

55 **(b) The level of economic distress in the qualifying employer's region and the**
56 **balance of awards made to the various regions of the state; and**

57 (c) The contribution made by the qualifying employer toward the cost of
58 obtaining the upskill credential.

59 (2) Applications shall be evaluated at the close of the application period, as
60 determined by the department, and shall not be awarded on a first-come, first-served
61 basis. The department may make preliminary awards for reimbursement only after the
62 application period has closed.

63 (3) Except as provided in subdivision (4) of this subsection, in making awards
64 under this section, the department shall reserve:

65 (a) Thirty-three and one-third percent of the moneys in the upskill credential
66 training fund to be awarded exclusively to qualifying employers with at least one but not
67 more than fifty employees; and

68 (b) Thirty-three and one-third percent of the moneys in the upskill credential
69 training fund to be awarded exclusively to qualifying employers with at least fifty-one
70 but not more than two hundred employees.

71 (4) Any moneys reserved under paragraph (a) or (b) of subdivision (3) of this
72 subsection that are not issued or awarded by March first of the fiscal year shall no
73 longer be reserved and may be issued to any qualifying employer eligible for an award
74 under this section.

75 (5) Applications shall be considered during application periods as determined by
76 the department.

77 6. (1) Upon being given a preliminary award for reimbursement under this
78 section, each qualifying employer shall sponsor a current or prospective employee to
79 obtain an upskill credential within twelve months of the preliminary award. A current
80 or prospective employee shall not commence the process of obtaining the upskill
81 credential until after a preliminary award has been made.

82 (2) Upon obtaining the upskill credential, the qualifying employer shall submit
83 proof of the upskill credential to the department of economic development.

84 (3) To receive the reimbursement, the qualifying employer shall provide to the
85 department proof that the individual who completed the upskill credential is a Missouri
86 resident with a verifiable Missouri address. Such proof shall be submitted to the
87 department in the manner requested by the department within six weeks of completing
88 the upskill credential.

89 (4) If the department is satisfied that the current or prospective employee has
90 obtained the upskill credential based upon evidence provided under subdivision (2) of
91 this subsection and the provisions of subdivision (3) of this subsection have been
92 satisfied, the department shall grant the qualifying employer the reimbursement
93 indicated in the preliminary award.

12 nursing seeking a doctorate in education (Ed.D.), or leading to the completion
 13 of educational requirements for a licensed practical nurse. The doctoral
 14 applicant may be a part-time student;

15 (5) ~~"Participating school", an institution within this state which is~~
 16 ~~approved by the board for participation in the professional and practical~~
 17 ~~nursing student loan program established by sections 335.212 to 335.242,~~
 18 ~~having a nursing department and offering a course of instruction based on~~
 19 ~~nursing theory and clinical nursing experience;~~

20 (6) ~~"Qualified applicant", an eligible student approved by the board for~~
 21 ~~participation in the professional and practical nursing student loan program~~
 22 ~~established by sections 335.212 to 335.242;~~

23 (7) ~~"Qualified employment", employment on a full-time basis in~~
 24 ~~Missouri in a position requiring licensure as a licensed practical nurse or~~
 25 ~~registered professional nurse in any hospital as defined in section 197.020 or in~~
 26 ~~any agency, institution, or organization located in an area of need as~~
 27 ~~determined by the department of health and senior services. Any forgiveness~~
 28 ~~of such principal and interest for any qualified applicant engaged in qualified~~
 29 ~~employment on a less-than full-time basis may be prorated to reflect the~~
 30 ~~amounts provided in this section;~~

31 (8) ~~"Resident", any person who has lived in this state for one or more~~
 32 ~~years for any purpose other than the attending of an educational institution~~
 33 ~~located within this state.]~~

2 ~~[335.215. 1. The department of health and senior services shall be the~~
 3 ~~administrative agency for the implementation of the professional and practical~~
 4 ~~nursing student loan program established under sections 335.212 to 335.242,~~
 5 ~~and the nursing student loan repayment program established under sections~~
 6 ~~335.245 to 335.259.~~

7 ~~2. An advisory panel of nurses shall be appointed by the director. It~~
 8 ~~shall be composed of not more than eleven members representing practical,~~
 9 ~~associate degree, diploma, baccalaureate and graduate nursing education,~~
 10 ~~community health, primary care, hospital, long-term care, a consumer, and the~~
 11 ~~Missouri state board of nursing. The panel shall make recommendations to the~~
 12 ~~director on the content of any rules, regulations or guidelines prior to their~~
 13 ~~promulgation. The panel may make recommendations to the director~~
 14 ~~regarding fund allocations for loans and loan repayment based on current~~
 15 ~~nursing shortage needs.~~

16 ~~3. The department of health and senior services shall promulgate~~
 17 ~~reasonable rules and regulations for the exercise of its function pursuant to~~
 18 ~~sections 335.212 to 335.259. It shall prescribe the form, the time and method~~
 19 ~~of filing applications and supervise the proceedings thereof. No rule or portion~~
 20 ~~of a rule promulgated under the authority of sections 335.212 to 335.257 shall~~
 21 ~~become effective unless it has been promulgated pursuant to the provisions of~~
 22 ~~section 536.024.~~

23 ~~4. Ninety-five percent of funds loaned pursuant to sections 335.212 to~~
 24 ~~335.242 shall be loaned to qualified applicants who are enrolled in~~
 25 ~~professional nursing programs in participating schools and five percent of~~
 the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to

26 ~~qualified applicants who are enrolled in practical nursing programs. Priority~~
27 ~~shall be given to eligible students who have established financial need. All~~
28 ~~loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to~~
29 ~~reimburse successful associate, diploma, baccalaureate or graduate~~
30 ~~professional nurse applicants' educational loans who agree to serve in areas~~
31 ~~of defined need as determined by the department.]~~

2 ~~[335.218. There is hereby established the "Professional and Practical~~
3 ~~Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to~~
4 ~~section 335.221, general revenue appropriations to the student loan or loan~~
5 ~~repayment program, voluntary contributions to support or match the student~~
6 ~~loan and loan repayment program activities, funds collected from repayment~~
7 ~~and penalties, and funds received from the federal government shall be~~
8 ~~deposited in the state treasury and be placed to the credit of the professional~~
9 ~~and practical nursing student loan and nurse loan repayment fund. The fund~~
10 ~~shall be managed by the department of health and senior services and all~~
11 ~~administrative costs and expenses incurred as a result of the effectuation of~~
12 ~~sections 335.212 to 335.259 shall be paid from this fund.]~~

2 ~~[335.221. The board, in addition to any other duties it may have~~
3 ~~regarding licensure of nurses, shall collect, at the time of licensure or licensure~~
4 ~~renewal, an education surcharge from each person licensed or relicensed~~
5 ~~pursuant to sections 335.011 to 335.096, in the amount of one dollar per year~~
6 ~~for practical nurses and five dollars per year for professional nurses. These~~
7 ~~funds shall be deposited in the professional and practical nursing student loan~~
8 ~~and nurse loan repayment fund. All expenditures authorized by sections~~
9 ~~335.212 to 335.259 shall be paid from funds appropriated by the general~~
10 ~~assembly from the professional and practical nursing student loan and nurse~~
11 ~~loan repayment fund. The provisions of section 33.080 to the contrary~~
12 ~~notwithstanding, money in this fund shall not be transferred and placed to the~~
13 ~~credit of general revenue.]~~

2 ~~[335.224. The department of health and senior services shall enter into~~
3 ~~a contract with each qualified applicant receiving financial assistance under~~
4 ~~the provisions of sections 335.212 to 335.242 for repayment of the principal~~
5 ~~and interest.]~~

2 ~~[335.227. An eligible student may apply to the department for~~
3 ~~financial assistance under the provisions of sections 335.212 to 335.242 if, at~~
4 ~~the time of his application for a loan, the eligible student has formally applied~~
5 ~~for acceptance at a participating school. Receipt of financial assistance is~~
6 ~~contingent upon acceptance and continued enrollment at a participating~~
7 ~~school.]~~

2 ~~[335.230. Financial assistance to any qualified applicant shall not~~
3 ~~exceed ten thousand dollars for each academic year for a professional nursing~~
4 ~~program and shall not exceed five thousand dollars for each academic year for~~
5 ~~a practical nursing program. All financial assistance shall be made from funds~~
6 ~~allocated for that purpose.]~~

5 credited to the professional and practical nursing student loan and nurse loan
6 repayment fund. A qualified applicant may receive financial assistance for
7 each academic year he remains a student in good standing at a participating
8 school.]

2 [335.233. The department shall establish schedules for repayment of
3 the principal and interest on any financial assistance made under the
4 provisions of sections 335.212 to 335.242. Interest at the rate of nine and
5 one half percent per annum shall be charged on all financial assistance made
6 under the provisions of sections 335.212 to 335.242, but the interest and
7 principal of the total financial assistance granted to a qualified applicant at the
8 time of the successful completion of a nursing degree, diploma program or a
practical nursing program shall be forgiven through qualified employment.]

2 [335.236. The financial assistance recipient shall repay the financial
3 assistance principal and interest beginning not more than six months after
4 completion of the degree for which the financial assistance was made in
5 accordance with the repayment contract. If an eligible student ceases his study
6 prior to successful completion of a degree or graduation at a participating
7 school, interest at the rate specified in section 335.233 shall be charged on the
8 amount of financial assistance received from the state under the provisions of
9 sections 335.212 to 335.242, and repayment, in accordance with the repayment
10 contract, shall begin within ninety days of the date the financial aid recipient
11 ceased to be an eligible student. All funds repaid by recipients of financial
12 assistance to the department shall be deposited in the professional and practical
13 nursing student loan and nurse loan repayment fund for use pursuant to
sections 335.212 to 335.259.]

2 [335.239. The department shall grant a deferral of interest and
3 principal payments to a financial assistance recipient who is pursuing an
4 advanced degree, special nursing program, or upon special conditions
5 established by the department. The deferral shall not exceed four years.
6 The status of each deferral shall be reviewed annually by the department of
health and senior services to ensure compliance with the intent of this section.]

2 [335.242. When necessary to protect the interest of the state in any
3 financial assistance transaction under sections 335.212 to 335.259, the
4 department of health and senior services may institute any action to recover
any amount due.]

2 [335.245. As used in sections 335.245 to 335.259, the following terms
3 mean:

4 (1) "Department", the Missouri department of health and senior
5 services;

6 (2) "Eligible applicant", a Missouri licensed nurse who has attained
7 either an associate degree, a diploma, a bachelor of science, or graduate degree
8 in nursing from an accredited institution approved by the board of nursing or a
student nurse in the final year of a full time baccalaureate school of nursing

9 leading to a baccalaureate degree or graduate nursing program leading to a
10 master's degree in nursing and has agreed to serve in an area of defined need as
11 established by the department;

12 (3) ~~"Participating school", an institution within this state which grants~~
13 ~~an associate degree in nursing, grants a bachelor or master of science degree in~~
14 ~~nursing or provides a diploma nursing program which is accredited by the state~~
15 ~~board of nursing, or a regionally accredited institution in this state which~~
16 ~~provides a bachelor of science completion program for registered professional~~
17 ~~nurses;~~

18 (4) ~~"Qualified employment", employment on a full-time basis in~~
19 ~~Missouri in a position requiring licensure as a licensed practical nurse or~~
20 ~~registered professional nurse in any hospital as defined in section 197.020 or~~
21 ~~public or nonprofit agency, institution, or organization located in an area of~~
22 ~~need as determined by the department of health and senior services. Any~~
23 ~~forgiveness of such principal and interest for any qualified applicant engaged~~
24 ~~in qualified employment on a less than full-time basis may be prorated to~~
25 ~~reflect the amounts provided in this section.]~~

2 [335.248. Sections 335.245 to 335.259 shall be known as the "Nursing
3 Student Loan Repayment Program". The department of health and senior
4 services shall be the administrative agency for the implementation of the
5 authority established by sections 335.245 to 335.259. The department shall
6 promulgate reasonable rules and regulations necessary to implement sections
7 335.245 to 335.259. Promulgated rules shall include, but not be limited to,
8 applicant eligibility, selection criteria, prioritization of service obligation sites
9 and the content of loan repayment contracts, including repayment schedules
10 for those in default and penalties. The department shall promulgate rules
11 regarding recruitment opportunities for minority students into nursing schools.
12 Priority for student loan repayment shall be given to eligible applicants who
13 have demonstrated financial need. All funds collected by the department from
14 participants not meeting their contractual obligations to the state shall be
15 deposited in the professional and practical nursing student loan and nurse loan
repayment fund for use pursuant to sections 335.212 to 335.259.]

2 [335.251. Upon proper verification to the department by the eligible
3 applicant of securing qualified employment in this state, the department shall
4 enter into a loan repayment contract with the eligible applicant to repay the
5 interest and principal on the educational loans of the applicant to the limit of
6 the contract, which contract shall provide for instances of less than full-time
7 qualified employment consistent with the provisions of section 335.233, out of
8 any appropriation made to the professional and practical nursing student loan
9 and nurse loan repayment fund. If the applicant breaches the contract by
10 failing to begin or complete the qualified employment, the department is
11 entitled to recover the total of the loan repayment paid by the department plus
12 interest on the repaid amount at the rate of nine and one-half percent per
annum.]

2 ~~[335.254. Sections 335.212 to 335.259 shall not be construed to~~
3 ~~require the department to enter into contracts with individuals who qualify for~~
4 ~~nursing education loans or nursing loan repayment programs when federal,~~
~~state and local funds are not available for such purposes.]~~

2 ~~[335.257. Successful applicants for whom loan payments are made~~
3 ~~under the provisions of sections 335.245 to 335.259 shall verify to the~~
4 ~~department twice each year in the manner prescribed by the department that~~
~~qualified employment in this state is being maintained.]~~

Section B. Because immediate action is necessary to address the shortage of health
2 care providers in this state, the enactment of section 191.592 of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 191.592 of this act shall be in full force and effect upon its passage and approval.

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