

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 2 FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 297
101ST GENERAL ASSEMBLY

0921S.07T

2021

AN ACT

To repeal sections 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty-two 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 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 161.625, 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.280, 173.1003, 174.281, 174.283, 174.285, 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;

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.

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

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

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

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

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

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

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

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

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

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

162.441. 1. If any school district desires to be attached to a community college district
2 organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school
3 districts for school purposes, upon the receipt of a petition setting forth such fact, signed either
4 by voters of the district equal in number to ten percent of those voting in the last school election
5 at which school board members were elected or by a majority of the voters of the district,
6 whichever is the lesser, the school board of the district desiring to be so attached shall submit the
7 question to the voters **at a November election.**

8 2. As an alternative to the procedure in subsection 1 of this section, a seven-director
9 district may, by a majority vote of its board of education, propose a plan to the voters of the
10 district **at a November election** to attach the district to one or more adjacent seven-director
11 districts and call an election upon the question of such plan.

12 3. As an alternative to the procedures in subsection 1 or 2 of this section, a community
13 college district organized under sections 178.770 to 178.890 may, by a majority vote of its board
14 of trustees, propose a plan to the voters of the school district **at a November election** to attach
15 the school district to the community college district, levy the tax rate applicable to the
16 community college district at the time of the vote of the board of trustees, and call an election
17 upon the question of such plan. **The community college proposing the annexation shall**
18 **appear at a public meeting of the school district to which the annexation is being proposed**
19 **to present the annexation proposal. The school board shall invite the community college**
20 **to make this presentation at a regularly scheduled meeting no more than one hundred**
21 **twenty days prior and no less than thirty days prior to the election to present the**
22 **annexation proposal.** The tax rate applicable to the community college district shall not be
23 levied as to the school district until the proposal by the board of trustees of the community
24 college district has been approved by a majority vote of the voters of the school district at the
25 election called for that purpose. The community college district shall be responsible for the costs
26 associated with the election.

27 4. A plat of the proposed changes to all affected districts shall be published and posted
28 with the notice of election.

29 5. The question shall be submitted in substantially the following form:

30 Shall the _____ school district **become a part of and** be annexed to the _____ [~~school~~
31 ~~districts~~] **community college district** effective the _____ day of _____, _____? **If this**
32 **proposition is approved, the overall tax levy in the school district will increase by the**
33 **community college tax levy of \$_____ per \$100 of assessed valuation and all residents of the**
34 **school district will be eligible for reduced community college tuition at the in-district rate.**

35 6. If a majority of the votes cast in the district proposing annexation favor annexation,
36 the secretary shall certify the fact, with a copy of the record, to the board of the district and to the
37 boards of the districts to which annexation is proposed; whereupon the boards of the seven-
38 director districts to which annexation is proposed shall meet to consider the advisability of
39 receiving the district or a portion thereof, and if a majority of all the members of each board
40 favor annexation, the boundary lines of the seven-director school districts from the effective date
41 shall be changed to include the district, and the board shall immediately notify the secretary of
42 the district which has been annexed of its action.

43 7. Upon the effective date of the annexation, all indebtedness, property and money on
 44 hand belonging thereto shall immediately pass to the seven-director school district. If the district
 45 is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

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

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

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

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

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

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

166.435. 1. Notwithstanding any law to the contrary, the assets of the [savings] program
2 held by the board, the assets of any deposit program authorized in section 166.500, and the assets
3 of any qualified tuition [savings] program established pursuant to Section 529 of the Internal
4 Revenue Code and any income therefrom shall be exempt from all taxation by the state or any
5 of its political subdivisions. Income earned or received from the [savings] program, deposit, or
6 other qualified tuition [savings] programs established under Section 529 of the Internal Revenue
7 Code, or refunds of qualified education expenses received by a beneficiary from an eligible
8 educational institution in connection with withdrawal from enrollment at such institution which
9 are contributed within sixty days of withdrawal to a qualified tuition [savings] program of which
10 such individual is a beneficiary shall not be subject to state income tax imposed pursuant to
11 chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the
12 Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only
13 to assets and income maintained, accrued, or expended pursuant to the requirements of the
14 [savings] program established pursuant to sections 166.400 to 166.455, the deposit program
15 established pursuant to sections 166.500 to 166.529, and other qualified tuition [savings]
16 programs established under Section 529 of the Internal Revenue Code, and no exemption shall
17 apply to assets and income expended for any other purposes. Annual contributions made to the
18 [savings] program held by the board, the deposit program, and any qualified tuition [savings]
19 program established under Section 529 of the Internal Revenue Code up to and including eight

20 thousand dollars per ~~[participating]~~ taxpayer, and up to sixteen thousand dollars for married
21 individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross
22 income pursuant to section 143.121.

23 2. If any deductible contributions to or earnings from any such program referred to in this
24 section are distributed and not used to pay qualified education expenses, not transferred as
25 allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as amended, and any Internal Revenue Service
26 regulations or guidance issued in relation thereto, or are not held for the minimum length of time
27 established by the appropriate Missouri board, then the amount so distributed shall be included
28 in the Missouri adjusted gross income of the participant, or, if the participant is not living, the
29 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.

166.502. 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.

170.029. 1. **The state board of education shall develop a statewide plan for career
2 and technical education (CTE) that ensures sustainability, viability, and relevance by
3 matching workforce needs with appropriate educational resources.**

4 2. The state board of education, in consultation with the career and technical education
5 advisory council as established in section 178.550, shall establish minimum requirements for a
6 ~~[career and technical education (CTE)]~~ CTE certificate that a student can earn in addition to ~~[his~~
7 ~~or her]~~ **the student's** high school graduation diploma. Students entering high school in school
8 year 2017-18 and thereafter shall be eligible to earn a CTE certificate.

9 ~~[2-]~~ 3. The ~~[state board of education]~~ **statewide plan** shall establish CTE requirements
10 intended to provide students with the necessary technical employability skills to be prepared for
11 an entry-level career in a technical field or additional training in a technical field. The provisions
12 of this section shall not be considered a means for tracking students in order to impel students
13 to particular vocational, career, or college paths. The state board of education shall work with
14 local school districts to ensure that tracking does not occur. For purposes of this section,
15 "tracking" means separating pupils by academic ability into groups for all subjects or certain
16 classes and curriculum.

17 ~~[3-]~~ 4. Each local school district shall determine the curriculum, programs of study, and
18 course offerings based on the needs and interests of the students in the district **and meeting the**
19 **requirements of the statewide plan.** As required by Missouri's state plan for career education
20 and the Missouri school improvement program, the state board of education shall work in
21 cooperation with individual school districts to stipulate the minimum number of CTE offerings.
22 Each local school district shall strive to offer programs of study that are economically feasible
23 for students in the district. In establishing CTE offerings, the district may rely on standards,
24 technical coursework, and skills assessments developed for industry-recognized certificates or
25 credentials.

26 5. **To enable school districts to offer CTE programs of study that are current with**
27 **business and industry standards, the department of elementary and secondary education**
28 **shall convene work groups from each program area to develop and recommend rigorous**

29 **and relevant performance standards or course competencies for each program of study.**
30 **The work groups shall include, but not be limited to, educators providing instruction in**
31 **each CTE program area, advisors from each CTE program area from the department of**
32 **elementary and secondary education, the department of higher education and workforce**
33 **development, business and industry, and institutions of higher education. The department**
34 **of elementary and secondary education shall develop written model curriculum**
35 **frameworks relating to CTE program areas that may be used by school districts. The**
36 **requirements of section 160.514 shall not apply to this section.**

37 [4.] 6. No later than January 1, 2017, the department of elementary and secondary
38 education shall develop a process for recognition of a school district's career and technical
39 education program that offers a career and technical education certificate.

40 [5.] 7. The department of elementary and secondary education shall promulgate all
41 necessary rules and regulations for the administration of this section. Any rule or portion of a
42 rule, as that term is defined in section 536.010, that is created under the authority delegated in
43 this section shall become effective only if it complies with and is subject to all of the provisions
44 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
45 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
46 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
47 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,
48 shall be invalid and void.

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.

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

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

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

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

11 **2. (1) No postsecondary educational institution shall uphold any rule, requirement,**
12 **standard, or other limitation that prevents a student of that institution from fully**
13 **participating in intercollegiate athletics without penalty and earning compensation as a**
14 **result of the use of the student's name, image, likeness rights, or athletic reputation. A**
15 **student athlete earning compensation from the use of a student's name, image, likeness**
16 **rights, or athletic reputation shall not affect such student athlete's grant-in-aid or stipend**
17 **eligibility, amount, duration, or renewal.**

18 **(2) No postsecondary educational institution shall interfere with or prevent a**
19 **student from fully participating in intercollegiate athletics or obtaining professional**
20 **representation in relation to contracts or legal matters, including, but not limited to,**
21 **representation provided by athlete agents, financial advisors, or legal representation**
22 **provided by attorneys.**

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

28 **4. (1) No student athlete shall enter into an apparel, equipment, or beverage**
29 **contract providing compensation to the athlete for use of the athlete's name, image,**
30 **likeness rights, or athletic reputation if the contract requires the athlete to display a**
31 **sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during**
32 **official team activities if such provisions are in conflict with a provision of the**
33 **postsecondary institution's current licenses or contracts.**

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

39 (3) Before any contract for compensation for the use of a student athlete's name,
40 image, likeness rights, or athletic reputation, is executed, and before any compensation is
41 provided to the student athlete in advance of a contract, the student athlete shall disclose
42 that contract to his or her postsecondary educational institution in a manner prescribed
43 by such institution.

44 (4) A postsecondary educational institution or any officer, director, or employee of
45 such institution or entity shall not compensate or cause compensation to be directed to a
46 student athlete, prospective student athlete, or the family of such individuals for the use
47 of such student athlete or prospective student athlete's name, image, likeness rights, or
48 athletic reputation.

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

54 6. (1) Postsecondary educational institutions that enter into commercial
55 agreements that directly or indirectly require the use of a student athlete's name, image,
56 likeness, or athletic reputation shall conduct a financial development program once per
57 year for their athletes.

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

60 (3) Postsecondary educational institutions shall help distribute informational
61 materials for such programs as needed.

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

64 7. Student athlete representation shall be by attorneys or agents licensed by this
65 state.

66 8. (1) Any student athlete may bring a civil action against third parties that violate
67 this section for appropriate injunctive relief or actual damages, or both. Such action shall
68 be brought in the county where the violation occurred, or is about to occur, and the court
69 shall award damages and court costs to a prevailing plaintiff.

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

73 **9. No legal settlement shall conflict with the provisions of this section.**

74 **10. This section shall apply only to agreements or contracts entered into, modified,**
75 **or renewed on or after August 28, 2021. Such agreements or contracts include, but are not**
76 **limited to, the national letter of intent, an athlete's financial aid agreement, commercial**
77 **contracts in the athlete group licensing market, and athletic conference or athletic**
78 **association rules or bylaws.**

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.**

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.**

174.285. Harris-Stowe State University is hereby designated and shall hereafter be
2 **operated as an institution with a statewide mission in science, technology, engineering, and**
3 **mathematics (STEM) for underrepresented and underresourced students.**

 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.

 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

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

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

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

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

56 6. The governing board of Missouri Southern State University shall be a board of
57 governors consisting of nine members, composed of eight voting members and one nonvoting

58 member as provided in sections 174.453 and 174.455, who shall be appointed by the governor
59 of Missouri, by and with the advice and consent of the senate. No person shall be appointed a
60 voting member who is not a citizen of the United States and who has not been a resident of the
61 state of Missouri for at least two years immediately prior to such appointment. Not more than
62 four voting members shall belong to any one political party.

63 **7. The governing board of Northwest Missouri State University shall be a board of**
64 **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 **composed of eight members** appointed as
29 follows:

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

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

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

37 [~~(4)] (3) The provisions of subdivisions (1) and (2) of this subsection shall only apply~~
 38 to board members first appointed after August 28, 2005.

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

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

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

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

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

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

51 (2) **The provisions of paragraphs (a) to (c) of subdivision (1) of this subsection shall**
 52 **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.

✓