

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# SENATE BILL NO. 641

93RD GENERAL ASSEMBLY

2006

3216S.01T

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## AN ACT

To repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

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

Section A. Section 166.420, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 166.420, to read as follows:

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

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

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

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

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

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

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

2. The board shall establish the maximum amount which may be

21 contributed annually by a participant with respect to a beneficiary.

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

32           4. The board shall establish the minimum length of time that  
33 contributions and earnings must be held by the savings program to qualify  
34 pursuant to section 166.435, **provided that the minimum length of time**  
35 **shall be at least twelve months for the amount of any single**  
36 **contribution.** Any contributions or earnings that are withdrawn or distributed  
37 from a savings account prior to the expiration of the minimum length of time, as  
38 established by the board, shall be subject to a penalty pursuant to section  
39 166.430.

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