

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2650

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

5276H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 23.295, 30.756, 160.575, 170.012, 173.095, 173.100, 173.105, 173.110, 173.115, 173.125, 173.130, 173.141, 173.150, 173.160, 173.170, 173.180, 173.186, 173.187, 173.236, 173.239, 173.262, 173.264, 173.265, 173.385, 173.475, 173.775, 173.778, 173.781, 173.784, 173.787, 173.790, 173.793, 173.796, 178.550, 178.585, 186.019, 288.040, 620.010, 620.484, 620.490, 620.511, 620.512, 620.513, 620.515, 620.552, 620.554, 620.556, 620.558, 620.560, 620.562, 620.564, 620.566, 620.568, 620.570, 620.572, 620.574, and 640.030, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof seventeen new sections relating to higher education.

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

Section A. Sections 23.295, 30.756, 160.575, 170.012, 173.095, 173.100, 173.105, 2 173.110, 173.115, 173.125, 173.130, 173.141, 173.150, 173.160, 173.170, 173.180, 173.186, 3 173.187, 173.236, 173.239, 173.262, 173.264, 173.265, 173.385, 173.475, 173.775, 173.778, 4 173.781, 173.784, 173.787, 173.790, 173.793, 173.796, 178.550, 178.585, 186.019, 288.040, 5 620.010, 620.484, 620.490, 620.511, 620.512, 620.513, 620.515, 620.552, 620.554, 620.556, 6 620.558, 620.560, 620.562, 620.564, 620.566, 620.568, 620.570, 620.572, 620.574, and 7 640.030, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general 8 assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, 9 ninety-ninth general assembly, second regular session, are repealed and seventeen new

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 sections enacted in lieu thereof, to be known as sections 23.295, 30.756, 160.575, 173.239,
11 173.385, 173.2565, 173.2566, 173.2570, 173.2571, 173.2572, 178.550, 178.585, 186.019,
12 288.040, 620.010, 620.515, and 640.030, to read as follows:

23.295. If an employee is displaced because a program is sunset, reorganized, or
2 continued, the state agency and the ~~[division]~~ **office** of workforce development in the
3 department of ~~[economic development]~~ **higher education and workforce development** shall
4 make a reasonable effort to relocate the displaced employee.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall
2 accept and review applications for linked deposit loans from eligible multitenant
3 **development** enterprises, eligible farming operations, eligible alternative energy
4 consumers, eligible alternative energy operations, eligible locally owned businesses,
5 eligible small businesses, eligible job enhancement businesses, eligible marketing
6 enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock
7 operations, eligible residential property developers, eligible residential property owners,
8 eligible governmental entities, eligible student borrowers, eligible facility borrowers, and
9 eligible water supply systems. An eligible residential property owner shall certify on his or
10 her loan application that the reduced rate loan will be used exclusively to purchase, develop
11 or rehabilitate a multifamily residential property. The lending institution shall apply all usual
12 lending standards to determine the creditworthiness of each eligible multitenant **development**
13 enterprise, eligible farming operation, eligible alternative energy operation, eligible
14 alternative energy consumer, eligible locally owned business, eligible small business,
15 eligible job enhancement business, eligible marketing enterprise, eligible residential property
16 developer, eligible residential property owner, eligible governmental ~~[entities]~~ **entity**, eligible
17 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student
18 borrower, eligible facility borrower, or eligible water supply system. No linked deposit
19 loan made to any eligible multitenant development enterprise, eligible farming operation,
20 eligible alternative energy operation, eligible alternative energy consumer, eligible locally
21 owned business, eligible livestock operation, eligible agribusiness, eligible beginning farmer,
22 eligible job enhancement business, eligible marketing enterprise, eligible residential property
23 developer, eligible residential property owner, eligible governmental entity, eligible student
24 borrower, eligible water supply system, or eligible small business shall exceed a dollar limit
25 determined by the state treasurer in the state treasurer's best judgment, except as otherwise
26 limited. Any link deposit loan made to an eligible facility borrower shall be in accordance
27 with the loan amount and loan term requirements in section 30.860.

28 2. An eligible farming operation, small business or job enhancement business shall
29 certify on its loan application that the reduced rate loan will be used exclusively for necessary
30 production expenses or the expenses listed in subsection 2 of section 30.753 or the

31 refinancing of an existing loan for production expenses or the expenses listed in subsection 2
32 of section 30.753 of an eligible farming operation, small business or job enhancement
33 business. Whoever knowingly makes a false statement concerning such application is guilty
34 of a class A misdemeanor. An eligible water supply system shall certify on its loan
35 application that the reduced rate loan shall be used exclusively to pay the costs of upgrading
36 or repairing an existing water system, constructing a new water system, or making other
37 capital improvements to a water system which are necessary to improve the service capacity
38 of the system.

39 3. In considering which eligible farming operations should receive reduced-rate loans,
40 the eligible lending institution shall give priority to those farming operations which have
41 suffered reduced yields due to drought or other natural disasters and for which the receipt of a
42 reduced-rate loan will make a significant contribution to the continued operation of the
43 recipient farming operation.

44 4. In considering which eligible small businesses should receive reduced-rate loans,
45 the eligible lending institution shall give priority to those small businesses that are owned by
46 veterans.

47 5. The eligible financial institution shall forward to the state treasurer a linked deposit
48 loan package, in the form and manner as prescribed by the state treasurer. The package shall
49 include such information as required by the state treasurer, including the amount of each loan
50 requested. The institution shall certify that each applicant is an eligible multitenant
51 development enterprise, eligible farming operation, eligible alternative energy operation,
52 eligible alternative energy consumer, eligible locally owned business, eligible small business,
53 eligible job enhancement business, eligible marketing enterprise, eligible residential property
54 developer, eligible residential property owner, eligible governmental entity, eligible
55 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student
56 borrower, eligible facility borrower, or eligible water supply system, and shall, for each
57 eligible multitenant development enterprise, eligible farming operation, eligible alternative
58 energy operation, eligible alternative energy consumer, eligible small business, eligible job
59 enhancement business, eligible marketing enterprise, eligible residential property developer,
60 eligible residential property owner, eligible governmental entity, eligible agribusiness,
61 eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible
62 facility borrower, or eligible water supply system, certify the present borrowing rate
63 applicable.

64 6. The eligible lending institution shall be responsible for determining if a student
65 borrower is an eligible student borrower. A student borrower shall be eligible for an initial or
66 renewal reduced-rate loan only if, at the time of the application for the loan, the student is a
67 citizen or permanent resident of the United States, a resident of the state of Missouri as

68 defined by the coordinating board for higher education, is enrolled or has been accepted for
69 enrollment in an eligible higher education institution, and establishes that the student has
70 financial need. In considering which eligible student borrowers may receive reduced-rate
71 loans, the eligible lending institution may give priority to those eligible student borrowers
72 whose income, or whose family income, if the eligible student borrower is a dependent, is
73 such that the eligible student borrower does not qualify for need-based student financial aid
74 pursuant to 20 U.S.C. Section 1078, as amended (the Higher Education Amendments of
75 1986). The eligible lending institution shall require the eligible student borrower to document
76 that the student has applied for and has obtained all need-based student financial aid for which
77 the student is eligible prior to application for a reduced-rate loan pursuant to this section. In
78 no case shall the combination of all financial aid awarded to any student in any particular
79 enrollment period exceed the total cost of attendance at the institution in which the student is
80 enrolled. No eligible lending institution shall charge any additional fees, including but not
81 limited to an origination, service or insurance fee on any loan agreement under the provisions
82 of sections 30.750 to 30.765.

83 7. The eligible lending institution making an initial loan to an eligible student
84 borrower may make a renewal loan or loans to the student. The total of such reduced-rate
85 loans from eligible lending institutions made pursuant to this section to any individual student
86 shall not exceed the cumulative totals established by 20 U.S.C. Section 1078, as amended.
87 An eligible student borrower shall certify on his or her loan application that the reduced-rate
88 loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic
89 supplies, room and board and other fees directly related to enrollment in an eligible higher
90 education institution. The eligible lending institution shall make the loan payable to the
91 eligible student borrower and the eligible higher education institution as co-payees. The
92 method of repayment of the loan shall be ~~[the same as for repayment of loans made pursuant~~
93 ~~to sections 173.095 to 173.186]~~ **determined at the discretion of the eligible lending**
94 **institution but shall be limited to a repayment method authorized by the federal**
95 **government for the repayment of federal direct student loans.**

96 8. Beginning August 28, 2005, in considering which eligible multitenant
97 **development** enterprise, eligible farming operation, eligible alternative energy operation,
98 eligible alternative energy consumer, eligible locally owned business, eligible small business,
99 eligible job enhancement business, eligible marketing enterprise, eligible residential property
100 developer, eligible residential property owner, eligible governmental entity, eligible
101 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student
102 borrower, eligible facility borrower, or eligible water supply system should receive
103 reduced-rate loans, the eligible lending institution shall give priority to an eligible
104 multitenant enterprise, eligible farming operation, eligible alternative energy operation,

105 eligible alternative energy consumer, eligible locally owned business, eligible small business,
 106 eligible job enhancement business, eligible marketing enterprise, eligible residential property
 107 developer, eligible residential property owner, eligible governmental entity, eligible
 108 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student
 109 borrower, eligible facility borrower, or eligible water supply system that has not previously
 110 received a reduced-rate loan through the linked deposit program. However, nothing shall
 111 prohibit an eligible lending institution from making a reduced-rate loan to any entity that
 112 previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate
 113 loan.

160.575. 1. The department of elementary and secondary education shall develop a
 2 "ready to work" endorsement program that enables high schools to endorse a certificate for
 3 students who meet certain standards that demonstrate that such students are deemed ready to
 4 work. The program shall be available no later than June 30, 2007.

5 2. The program shall include, but not be limited to, the following:

6 (1) Voluntary participation by high school seniors who choose to participate;

7 (2) Academic components;

8 (3) Work readiness components;

9 (4) Assessment tools and techniques for a third-party, independent, and objective
 10 assessment and endorsement of individual student achievement through an existing workforce
 11 investment service delivery system; and

12 (5) An easily identifiable guarantee to potential employers that the entry-level
 13 employee is ready to work.

14 3. In developing such standards, the department shall involve representatives of the
 15 ~~[division]~~ **office** of workforce development, employers, students, career center providers,
 16 local workforce investment boards, and school district personnel.

173.239. 1. **(1)** Any member of the Missouri National Guard who possesses the
 2 qualifications set forth in this section may be awarded an educational assistance grant to ~~an~~
 3 ~~approved public institution or an approved private institution, as those terms are defined in~~
 4 ~~either section 173.205 or section 173.778,]~~ **the following institutions** of his or her choice
 5 while he or she is a member of the Missouri National Guard:

6 **(a) An approved public institution;**

7 **(b) An approved private institution, as defined in section 173.1102; or**

8 **(c) An institution of postsecondary education that:**

9 **a. Is required by law to be, and currently is, certified to operate by the**
 10 **coordinating board for higher education;**

11 **b. Is institutionally accredited by an accrediting commission recognized by the**
 12 **United States Department of Education;**

- 13 **c. Has operated continuously in this state for five or more years;**
14 **d. Has no more than fifty percent of its students in correspondence programs;**
15 **and**
16 **e. Offers a one-year or two-year certificate, associate or baccalaureate degree**
17 **programs, or graduate or professional degree programs.**

18 **(2)** Funding for educational assistance pursuant to this section may be requested
19 annually in the budget of the Missouri National Guard.

20 **(3)** Educational assistance provided pursuant to this section shall not exceed funds
21 appropriated for that purpose.

22 2. Educational assistance provided under this section shall not exceed the least of the
23 following:

24 (1) The actual tuition, as defined in section 173.260, charged at an approved
25 institution where the individual is enrolled or accepted for enrollment; or

26 (2) The amount of tuition charged a Missouri resident at the University of Missouri
27 for attendance;

28 (3) The grants provided under this section may be prorated subject to appropriations
29 in an amount no less than fifty percent of the limits set forth in this section.

30 3. A member of the Missouri National Guard seeking educational assistance pursuant
31 to this section shall provide a certificate of satisfactory service of his or her Missouri National
32 Guard duties from his or her commanding officer and shall possess all other necessary
33 entrance requirements of the school of his or her choice and shall maintain a cumulative grade
34 point average (GPA) of at least two point five on a four point scale, or the equivalent on
35 another scale approved by the program administrator, while attending the approved public or
36 private institution.

37 4. If the grade point average of a member who is receiving educational assistance
38 pursuant to this section falls below two point five on a four point scale, or the equivalent on
39 another scale, such member shall retain the educational assistance and shall be placed on
40 probation under the educational assistance program. Failure to achieve a current grade point
41 average of at least two point five on a four point scale or the equivalent on another scale for
42 future semesters or equivalent academic terms shall result in termination of the scholarship
43 effective as of the next academic term. The member shall be removed from probation status
44 upon achieving a cumulative grade point average of two point five on a four point scale or the
45 equivalent on another scale.

46 5. If a recipient of educational assistance pursuant to this section ceases to maintain
47 their active military affiliation while enrolled in an academic semester or term for any reason
48 except death, disability, or medical disqualification the educational assistance shall be

49 terminated and the recipient shall repay any amounts awarded for the academic semester or
50 term.

51 6. Applicants for educational assistance pursuant to this section shall meet the
52 qualifications established by section 173.215, except the provisions of subdivisions (2) and
53 (4) of subsection 1 of section 173.215, and shall be qualified, full-time or part-time students.

54 7. The educational assistance program established pursuant to this section shall be
55 administered by the office of the adjutant general of the Missouri National Guard. The
56 Missouri National Guard shall establish guidelines for equitable administrative distribution of
57 educational assistance.

173.385. 1. The authority shall have the following powers, together with all powers
2 incidental thereto or necessary for the performance thereof:

3 (1) To have perpetual succession as a body politic and corporate;

4 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

5 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court
6 having jurisdiction of the subject matter and of the parties;

7 (4) To have and to use a corporate seal and to alter the same at pleasure;

8 (5) To maintain an office at such place or places in the state of Missouri as it may
9 designate;

10 (6) To issue bonds or other forms of indebtedness to obtain funds to purchase student
11 loan notes or finance student loans, or both, [~~including those which are guaranteed under the~~
12 ~~provisions of sections 173.095 to 173.187,~~] or under the provisions of the federal Higher
13 Education Act of 1965, as amended, or secondary education loans, or scholarships which
14 have been converted to loans under the Missouri teacher education scholarship program
15 provided for in sections 160.276 to 160.283. Such bonds or other forms of indebtedness shall
16 be payable from and secured by a pledge of revenues derived from or by reason of the
17 ownership of student loan notes or financing of student loans, or both, and investment income
18 or shall be payable from and secured as may be designated in a bond resolution authorized by
19 the authority. Such bonds or other forms of indebtedness shall not constitute a debt or
20 liability of the state of Missouri or of any political subdivision thereof;

21 (7) To cause proceeds of any bond or any other form of indebtedness to be used to
22 purchase student loan notes or finance student loans, or both, [~~including those which are~~
23 ~~guaranteed under section 173.110,~~] or guaranteed under the federal Higher Education Act of
24 1965, as amended, or secondary education loans, or scholarships which have been converted
25 to loans under the Missouri teacher education scholarship program provided for in sections
26 160.276 to 160.283;

27 (8) To sell or enter into agreements to sell student loan notes acquired pursuant to
28 subdivision (7) of this section, [~~and any agreement to sell student loan notes guaranteed under~~

29 ~~section 173.110 shall be~~ subject to prior approval of the department. Such agreements to sell
30 student loan notes shall be limited only by the terms of the bond resolution authorizing the
31 issue of the bonds or other forms of indebtedness, but shall not be limited by any other
32 provision of law limiting the sale of such student loan notes;

33 (9) To transfer assets of the authority to the Lewis and Clark discovery fund
34 established in section 173.392;

35 (10) To accept appropriations, gifts, grants, bequests, and devises and to utilize or
36 dispose of the same to carry out its purpose;

37 (11) To make and execute contracts, releases, compromises, and other instruments
38 necessary or convenient for the exercise of its powers, or to carry out its purpose;

39 (12) To collect reasonable fees and charges in connection with making and servicing
40 its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in
41 connection with providing technical, consultative and project assistant services. Such fees
42 and charges shall be used to pay the costs of the authority;

43 (13) To invest any funds not required for immediate disbursement in obligations of
44 the state of Missouri or of the United States government or any instrumentality thereof, the
45 principal and interest of which are guaranteed by the state of Missouri, or the United States
46 government or any instrumentality thereof, or certificates of deposit or time deposits of
47 federally insured banks, or federally insured savings and loan associations or of insured credit
48 unions, or, with respect to moneys pledged or held under a trust estate or otherwise available
49 for the owners of bonds or other forms of indebtedness, any investment authorized under the
50 bond resolution governing the security and payment of such obligations or repurchase
51 agreements for the specified investments;

52 (14) To acquire, hold and dispose of personal property to carry out its purposes;

53 (15) To enter into agreements or other transactions with any federal or state agency,
54 any person and any domestic or foreign partnership, corporation, association or organization;

55 (16) To take any necessary actions to be qualified to issue tax-exempt bonds or other
56 forms of tax-exempt indebtedness pursuant to the applicable provisions of the Internal
57 Revenue Code of 1986, as amended, including the issuance of such bonds to fulfill the
58 obligations of the authority under subsection 2 of this section;

59 (17) To take any necessary actions to be qualified to issue bonds or other forms of
60 indebtedness, the interest on which is not exempt from federal income taxation, including the
61 issuance of such bonds to fulfill the obligations of the authority under subsection 2 of this
62 section;

63 (18) To service student loans for any owner thereof, regardless of whether such
64 student loans are originated in this state or out of this state;

65 (19) To create, acquire, contribute to, or invest in any type of financial aid program
66 that provides grants and scholarships to students.

67 2. The authority shall distribute three hundred fifty million dollars of assets of the
68 authority to the Lewis and Clark discovery fund established in section 173.392 as follows:
69 two hundred thirty million dollars no later than September 15, 2007; five million dollars by
70 December 31, 2007; and five million dollars each quarter thereafter ending September 30,
71 2013. Any investment earnings on the moneys in the Lewis and Clark discovery fund shall be
72 credited against the next distribution by the authority and shall thereby reduce the amount of
73 any such distribution by the authority. The authority shall make any distributions to the
74 Lewis and Clark discovery fund pursuant to the dates scheduled in this subsection, provided,
75 however, that the date of any such distribution may be delayed by the authority if the
76 authority determines that any such distribution may materially adversely effect the services
77 and benefits provided Missouri students or residents in the ordinary course of the authority's
78 business, the borrower benefit programs of the authority, or the economic viability of the
79 authority. Notwithstanding the ability of the authority to delay any distribution required by
80 this subsection, the distribution of the entire three hundred fifty million dollars of assets by
81 the authority to the Lewis and Clark discovery fund shall be completed no later than
82 September 30, 2013, unless otherwise approved by the authority and the commissioner of the
83 office of administration.

84 3. No member of the authority who lawfully acts or votes on any agreement or other
85 matter authorized under the powers granted to the authority under this section shall incur any
86 personal liability as a result of such lawful deliberations, acts, or votes, and such members
87 shall be immune from suit for such deliberations, acts, or votes. In no event shall such
88 deliberations, acts, or votes constitute a conflict of interest under section 173.380.

89 4. Notwithstanding any provision of law to the contrary, in the event of the initial
90 distribution of two hundred thirty million dollars of assets by the authority to the Lewis and
91 Clark discovery fund created in section 173.392, the director of the department of economic
92 development shall allocate to and reserve for the authority during the year of such first
93 distribution and in at least each of the next fourteen years thereafter a percentage of the state
94 ceiling under sections 108.500 to 108.532, which percentage shall at a minimum be equal to
95 one and one-half percent less than the average percentage of the authority's allocation of state
96 ceiling for the two calendar years 2005 and 2006 calculated annually. The dollar amount of
97 state ceiling to be received by the authority as determined under the provisions of this
98 subsection for calendar year 2014 and later years, not to exceed calendar year 2021, shall be
99 reduced in any calendar year by the percentage of the three hundred fifty million dollars not
100 yet distributed by the authority to the Lewis and Clark discovery fund by the preceding
101 calendar year end.

[620.484.] **173.2565.** The provisions of the Wagner-Peyser Act (29 U.S.C.A. Sec. 49 et seq.), as amended, are hereby accepted by this state and the ~~[division]~~ **office** of workforce development of the department of ~~[economic development]~~ **higher education and workforce development** is hereby designated and constituted the agency of this state for the purposes of said act. The ~~[division]~~ **office** shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purposes of performing such functions as are within the purview of the Wagner-Peyser Act.

[620.490.] **173.2566.** The department of ~~[economic development]~~ **higher education and workforce development** shall promulgate rules providing for the coordination of state and federal job training resources administered by the department of ~~[economic development]~~ **higher education and workforce development**, including the local workforce investment areas established in the state to administer federal funds pursuant to the federal Workforce Investment Act or its successor, for the provision of assistance to businesses in this state relating to the creation of new jobs in the state. The department shall include in these rules the methods to be followed by any business engaged in the creation of new jobs in state to ensure that economically disadvantaged citizens receive opportunities for employment in the new jobs created. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[620.511.] **173.2570.** 1. There is hereby established the "Missouri Workforce Development Board", formerly known as the Missouri workforce investment board, and hereinafter referred to as "the board" in sections ~~[620.511 to 620.513]~~ **173.2570 to 173.2572.**

2. The purpose of the board is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the state of Missouri. The board shall be the state's advisory board pertaining to workforce preparation policy.

3. The board shall meet the requirements of the federal Workforce Innovation and Opportunity Act, hereinafter referred to as the "WIOA", P.L. 113-128, as amended. Should another federal law supplant the WIOA, all references in sections ~~[620.511 to 620.513]~~ **173.2570 to 173.2572** to the WIOA shall apply as well to the new federal law.

4. Composition of the board shall comply with the WIOA. Board members appointed by the governor shall be subject to the advice and consent of the senate. Consistent with the requirements of the WIOA, the governor shall designate one member of the board to be its chairperson.

18 5. Each member of the board shall serve for a term of four years, subject to the
19 pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on
20 the board, the vacancy shall be filled in the same manner as the original appointment and said
21 replacement shall serve the remainder of the original appointee's unexpired term.

22 6. Of the members initially appointed to the WIOA, formerly known as the WIA,
23 board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for
24 a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth
25 shall be appointed for a term of one year.

26 7. WIOA board members shall receive no compensation, but shall be reimbursed for
27 all necessary expenses actually incurred in the performance of their duties.

28 8. The department may include on its website a list of the names of the members of
29 the board, including the names of members of local workforce development boards, along
30 with information on how to contact such boards.

~~[620.512.]~~ **173.2571.** 1. The board shall establish bylaws governing its organization,
2 operation, and procedure consistent with sections ~~[620.511 to 620.513]~~ **173.2570 to**
3 **173.2572**, and consistent with the WIOA.

4 2. The board shall meet at least four times each year at the call of the chairperson.

5 3. In order to assure objective management and oversight, the board shall not operate
6 programs or provide services directly to eligible participants, but shall exist solely to plan,
7 coordinate, and monitor the provisions of such programs and services. A member of the
8 board may not vote on a matter under consideration by the board that regards the provision of
9 services by the member or by an entity that the member represents or would provide direct
10 financial benefit to the member or the immediate family of the member. A member of the
11 board may not engage in any other activity determined by the governor to constitute a conflict
12 of interest.

13 4. The composition and the roles and responsibilities of the board membership may
14 be amended to comply with any succeeding federal or state legislative or regulatory
15 requirements governing workforce investment activities, except that the procedure for such
16 change shall be outlined in state rules and regulations and adopted in the bylaws of the board.

17 5. The department of ~~[economic development]~~ **higher education and workforce**
18 **development, office of workforce development**, shall provide professional, technical, and
19 clerical staff for the board.

20 6. The board may promulgate any rules and regulations necessary to administer the
21 provisions of sections ~~[620.511 to 620.513]~~ **173.2570 to 173.2572**. Any rule or portion of a
22 rule, as that term is defined in section 536.010, that is created under the authority delegated in
23 this section shall become effective only if it complies with and is subject to all of the
24 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536

25 are nonseverable and if any of the powers vested with the general assembly pursuant to
 26 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 27 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
 28 proposed or adopted after August 28, 2007, shall be invalid and void.

~~[620.513.]~~ **173.2572.** 1. The board shall assist the governor with the functions
 2 described in Section 101(d) of the WIOA, 29 U.S.C. Section ~~[344d]~~ **3111(d)**, and any
 3 regulations issued pursuant to the WIOA.

4 2. The board shall submit an annual report of its activities to the governor, the speaker
 5 of the house of representatives, and the president pro tem of the senate no later than January
 6 thirty-first of each year.

7 3. Nothing in sections ~~[620.511 to 620.513]~~ **173.2570 to 173.2572** shall be construed
 8 to require or allow the board to assume or supersede the statutory authority granted to, or
 9 impose any duties or requirements on, the state coordinating board for higher education, the
 10 governing boards of the state's public colleges and universities, the state board of education,
 11 or any local educational agencies.

178.550. 1. This section shall be known and may be cited as the "Career and
 2 Technical Education Student Protection Act". There is hereby established the "Career and
 3 Technical Education Advisory Council" within the department of elementary and secondary
 4 education.

5 2. The advisory council shall be composed of sixteen members who shall be Missouri
 6 residents. The director of the department of economic development, or his or her designee,
 7 shall be a member. The commissioner of education shall appoint the following members:

- 8 (1) A director or administrator of a career and technical education center;
- 9 (2) An individual from the business community with a background in commerce;
- 10 (3) A representative from State Technical College of Missouri;
- 11 (4) Three current or retired career and technical education teachers who also serve or
 12 served as an advisor to any of the nationally recognized career and technical education
 13 student organizations of:
 - 14 (a) DECA;
 - 15 (b) Future Business Leaders of America (FBLA);
 - 16 (c) FFA;
 - 17 (d) Family, Career and Community Leaders of America (FCCLA);
 - 18 (e) Health Occupations Students of America (HOSA);
 - 19 (f) SkillsUSA; or
 - 20 (g) Technology Student Association (TSA);
 - 21 (5) A representative from a business organization, association of businesses, or a
 22 business coalition;

23 (6) A representative from a Missouri community college;

24 (7) A representative from Southeast Missouri State University or the University of
25 Central Missouri;

26 (8) An individual participating in an apprenticeship recognized by the department of
27 labor and industrial relations or approved by the United States Department of Labor's Office
28 of Apprenticeship;

29 (9) A school administrator or school superintendent of a school that offers career and
30 technical education.

31 3. Members appointed by the commissioner of education shall serve a term of five
32 years except for the initial appointments, which shall be for the following lengths:

33 (1) One member shall be appointed for a term of one year;

34 (2) Two members shall be appointed for a term of two years;

35 (3) Two members shall be appointed for a term of three years;

36 (4) Three members shall be appointed for a term of four years;

37 (5) Three members shall be appointed for a term of five years.

38 4. Four members shall be from the general assembly. The president pro tempore of
39 the senate shall appoint two members of the senate of whom not more than one shall be of the
40 same party. The speaker of the house of representatives shall appoint two members of the
41 house of representatives of whom not more than one shall be of the same party. The
42 legislative members shall serve on the advisory council until such time as they resign, are no
43 longer members of the general assembly, or are replaced by new appointments.

44 5. The advisory council shall have three nonvoting ex officio members:

45 (1) A director of guidance and counseling services at the department of elementary
46 and secondary education, or a similar position if such position ceases to exist;

47 (2) The director of the ~~[division]~~ **office** of workforce development; and

48 (3) A member of the coordinating board for higher education, as selected by the
49 coordinating board.

50 6. The assistant commissioner for the office of college and career readiness of the
51 department of elementary and secondary education shall provide staff assistance to the
52 advisory council.

53 7. The advisory council shall meet at least four times annually. The advisory council
54 may make all rules it deems necessary to enable it to conduct its meetings, elect its officers,
55 and set the terms and duties of its officers. The advisory council shall elect from among its
56 members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it
57 deems necessary. Members of the advisory council shall serve without compensation but may
58 be reimbursed for actual expenses necessary to the performance of their official duties for the
59 advisory council.

60 8. Any business to come before the advisory council shall be available on the
61 advisory council's internet website at least seven business days prior to the start of each
62 meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the
63 advisory council's internet website within forty-eight hours following the conclusion of every
64 meeting. Any materials prepared for the members shall be delivered to the members at least
65 five days before the meeting, and to the extent such materials are public records as defined in
66 section 610.010 and are not permitted to be closed under section 610.021, shall be made
67 available on the advisory council's internet website at least five business days in advance of
68 the meeting.

69 9. The advisory council shall make an annual written report to the state board of
70 education and the commissioner of education regarding the development, implementation,
71 and administration of the state budget for career and technical education.

72 10. The advisory council shall annually submit written recommendations to the state
73 board of education and the commissioner of education regarding the oversight and procedures
74 for the handling of funds for student career and technical education organizations.

75 11. The advisory council shall:

76 (1) Develop a comprehensive statewide short- and long-range strategic plan for career
77 and technical education;

78 (2) Identify service gaps and provide advice on methods to close such gaps as they
79 relate to youth and adult employees, workforce development, and employers on training
80 needs;

81 (3) Confer with public and private entities for the purpose of promoting and
82 improving career and technical education;

83 (4) Identify legislative recommendations to improve career and technical education;

84 (5) Promote coordination of existing career and technical education programs;

85 (6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the
86 manner in which its business may be transacted.

87 12. For purposes of this section, the department of elementary and secondary
88 education shall provide such documentation and information as to allow the advisory council
89 to be effective.

90 13. For purposes of this section, "advisory council" shall mean the career and
91 technical education advisory council.

178.585. 1. Under rules and regulations of the state board of education, the
2 commissioner of education, in cooperation with the ~~[director of the division]~~ **office** of
3 workforce development of the department of ~~[economic development]~~ **higher education and**
4 **workforce development**, shall establish procedures to provide grants to public high schools,
5 vocational-technical schools, State Technical College of Missouri, and community colleges

6 solely for the purpose of new programs, curriculum enhancement, equipment and facilities so
7 as to upgrade vocational and technical education in the state.

8 2. Each vocational-technical school, community college, State Technical College of
9 Missouri, and school district of any public high school receiving a grant authorized by this
10 section shall have an advisory committee composed of local business persons, labor leaders,
11 parents, senior citizens, community leaders and teachers to establish a plan to ensure that
12 students who graduate from the vocational-technical school, community college, State
13 Technical College of Missouri, or public high school proceed to a four-year college or high-
14 wage job with workplace-skill development opportunities.

15 3. The [~~director of the~~] department of [~~economic development~~] **higher education**
16 **and workforce development** shall provide annually to the commissioner of education a
17 listing of demand occupations in the state including substate projections. The listing shall
18 include those occupations for which, in the judgment of the [~~director of the~~] department of
19 [~~economic development~~] **higher education and workforce development**, there is a critical
20 shortage to meet present or future employment needs necessary to the economic growth and
21 competitiveness of the state.

22 4. In any fiscal year, at least seventy-five percent of all moneys for the grant awards
23 authorized by this section shall be to public high schools, vocational-technical schools, State
24 Technical College of Missouri, or community colleges for new programs, curriculum
25 enhancement or equipment necessary to address demand occupations identified pursuant to
26 subsection 3 of this section.

186.019. 1. Prior to April first of each year, starting in 1992, the information
2 described in subdivisions (1), (2), (3) and (4) of this subsection shall be delivered in report
3 form to the Missouri women's council, the governor's office, the secretary of the senate, and
4 the chief clerk of the house of representatives. The information shall apply only to activities
5 which occurred during the previous calendar year. Reports shall be required from the
6 following:

7 (1) The department of labor and industrial relations, and the [~~division~~] **office** of
8 workforce development of the department of [~~economic development~~] **higher education and**
9 **workforce development**, who shall assemble all available data and report on all business
10 start-ups and business failures which are fifty-one percent or more owned by women. The
11 reports shall distinguish, as best as possible, those businesses which are sole proprietorships,
12 partnerships, or corporations;

13 (2) The department of economic development, who shall assemble all available data
14 and report on financial assistance or other incentives given to all businesses which are fifty-
15 one percent or more owned by women. The report shall contain information relating to

16 assistance or incentives awarded for the retention of existing businesses, the expansion of
17 existing businesses, or the start-up of new businesses;

18 (3) The department of revenue, who shall assemble all available data and report on
19 the number, gross receipts and net income of all businesses which are fifty-one percent or
20 more owned by women. The reports shall distinguish those businesses which are sole
21 proprietorships, partnerships or corporations;

22 (4) The division of purchasing of the office of administration, who shall assemble all
23 available data and report on businesses which are fifty-one percent or more owned by women
24 which are recipients of contracts awarded by the state of Missouri.

25 2. Prior to December first of each year, starting in 1990, the information described in
26 subdivisions (1) and (2) of this subsection shall be delivered in report form to the Missouri
27 women's council, the governor's office, the secretary of the senate, and the chief clerk of the
28 house of representatives. The information shall apply only to activities which occurred
29 during the previous school year. Reports shall be required from the following:

30 (1) The department of elementary and secondary education shall assemble all
31 available data from the Vocational and Education Data System (VEDS) on class enrollments
32 by Instruction Program Codes (CIP); by secondary and postsecondary schools; and,
33 secondary, postsecondary, and adult level classes; and by gender. This data shall also be
34 reported by classes of traditional and nontraditional occupational areas;

35 (2) The coordinating board for higher education shall assemble all available data and
36 report on higher education degrees awarded by academic discipline; type of degree; type of
37 school; and gender. All available data shall also be reported on salaries received upon
38 completion of degree program and subsequent hire, as well as any data available on follow-up
39 salaries.

288.040. 1. A claimant who is unemployed and has been determined to be an insured
2 worker shall be eligible for benefits for any week only if the deputy finds that:

3 (1) The claimant has registered for work at and thereafter has continued to report at an
4 employment office in accordance with such regulations as the division may prescribe;

5 (2) The claimant is able to work and is available for work. No person shall be
6 deemed available for work unless such person has been and is actively and earnestly seeking
7 work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly
8 claim thereafter, the deputy shall notify each claimant of the number of work search contacts
9 required to constitute an active search for work. Unless the deputy directs otherwise, a
10 claimant shall make a minimum of three work search contacts during any week for which he
11 or she claims benefits. No person shall be considered not available for work, pursuant to this
12 subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant

13 shall not be determined to be ineligible pursuant to this subdivision because of not actively
14 and earnestly seeking work if:

15 (a) The claimant is participating in training approved pursuant to Section 236 of the
16 Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

17 (b) The claimant is temporarily unemployed through no fault of his or her own and
18 has a definite recall date within eight weeks of his or her first day of unemployment; however,
19 upon application of the employer responsible for the claimant's unemployment, such eight-
20 week period may be extended not to exceed a total of sixteen weeks at the discretion of the
21 director;

22 (3) The claimant has reported to an office of the division as directed by the deputy,
23 but at least once every four weeks, except that a claimant shall be exempted from the
24 reporting requirement of this subdivision if:

25 (a) The claimant is claiming benefits in accordance with division regulations dealing
26 with partial or temporary total unemployment; or

27 (b) The claimant is temporarily unemployed through no fault of his or her own and
28 has a definite recall date within eight weeks of his or her first day of unemployment; or

29 (c) The director of the division of employment security has determined that the
30 claimant belongs to a group or class of workers whose opportunities for reemployment will
31 not be enhanced by reporting, or is prevented from reporting due to emergency conditions that
32 limit access by the general public to an office that serves the area where the claimant resides,
33 but only during the time such circumstances exist.

34

35 Ineligibility pursuant to this subdivision shall begin on the first day of the week which the
36 claimant was scheduled to claim and shall end on the last day of the week preceding the week
37 during which the claimant does report to the division's office;

38 (4) Prior to the first week of a period of total or partial unemployment for which the
39 claimant claims benefits he or she has been totally or partially unemployed for a waiting
40 period of one week. No more than one waiting week will be required in any benefit year.
41 During calendar year 2008 and each calendar year thereafter, the one-week waiting period
42 shall become compensable once his or her remaining balance on the claim is equal to or less
43 than the compensable amount for the waiting period. No week shall be counted as a week of
44 total or partial unemployment for the purposes of this subsection unless it occurs within the
45 benefit year which includes the week with respect to which the claimant claims benefits;

46 (5) The claimant has made a claim for benefits within fourteen days from the last day
47 of the week being claimed. The fourteen-day period may, for good cause, be extended to
48 twenty-eight days;

49 (6) The claimant has reported to an employment office to participate in a
50 reemployment assessment and reemployment services as directed by the deputy or designated
51 staff of an employment office, unless the deputy determines that good cause exists for the
52 claimant's failure to participate in such reemployment assessment and reemployment services.
53 For purposes of this section, "reemployment services" may include, but not be limited to, the
54 following:

- 55 (a) Providing an orientation to employment office services;
- 56 (b) Providing job search assistance; and
- 57 (c) Providing labor market statistics or analysis;

58

59 Ineligibility under this subdivision shall begin on the first day of the week which the claimant
60 was scheduled to report for the reemployment assessment or reemployment services and shall
61 end on the last day of the week preceding the week during which the claimant does report in
62 person to the employment office for such reemployment assessment or reemployment
63 services;

64 (7) The claimant is participating in reemployment services, such as job search
65 assistance services, as directed by the deputy if the claimant has been determined to be likely
66 to exhaust regular benefits and to need reemployment services pursuant to a profiling system
67 established by the division, unless the deputy determines that:

- 68 (a) The individual has completed such reemployment services; or
- 69 (b) There is justifiable cause for the claimant's failure to participate in such
70 reemployment services.

71 2. A claimant shall be ineligible for waiting week credit or benefits for any week for
72 which the deputy finds he or she is or has been suspended by his or her most recent employer
73 for misconduct connected with his or her work. Suspensions of four weeks or more shall be
74 treated as discharges.

75 3. (1) Benefits based on "service in employment", described in subsections 7 and 8 of
76 section 288.034, shall be payable in the same amount, on the same terms and subject to the
77 same conditions as compensation payable on the basis of other service subject to this law;
78 except that:

79 (a) With respect to service performed in an instructional, research, or principal
80 administrative capacity for an educational institution, benefits shall not be paid based on such
81 services for any week of unemployment commencing during the period between two
82 successive academic years or terms, or during a similar period between two regular but not
83 successive terms, or during a period of paid sabbatical leave provided for in the individual's
84 contract, to any individual if such individual performs such services in the first of such
85 academic years (or terms) and if there is a contract or a reasonable assurance that such

86 individual will perform services in any such capacity for any educational institution in the
87 second of such academic years or terms;

88 (b) With respect to services performed in any capacity (other than instructional,
89 research, or principal administrative capacity) for an educational institution, benefits shall not
90 be paid on the basis of such services to any individual for any week which commences during
91 a period between two successive academic years or terms if such individual performs such
92 services in the first of such academic years or terms and there is a contract or a reasonable
93 assurance that such individual will perform such services in the second of such academic
94 years or terms;

95 (c) With respect to services described in paragraphs (a) and (b) of this subdivision,
96 benefits shall not be paid on the basis of such services to any individual for any week which
97 commences during an established and customary vacation period or holiday recess if such
98 individual performed such services in the period immediately before such vacation period or
99 holiday recess, and there is reasonable assurance that such individual will perform such
100 services immediately following such vacation period or holiday recess;

101 (d) With respect to services described in paragraphs (a) and (b) of this subdivision,
102 benefits payable on the basis of services in any such capacity shall be denied as specified in
103 paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services
104 at an educational institution while in the employ of an educational service agency, and for this
105 purpose the term "educational service agency" means a governmental agency or
106 governmental entity which is established and operated exclusively for the purpose of
107 providing such services to one or more educational institutions.

108 (2) If compensation is denied for any week pursuant to paragraph (b) or (d) of
109 subdivision (1) of this subsection to any individual performing services at an educational
110 institution in any capacity (other than instructional, research or principal administrative
111 capacity), and such individual was not offered an opportunity to perform such services for the
112 second of such academic years or terms, such individual shall be entitled to a retroactive
113 payment of the compensation for each week for which the individual filed a timely claim for
114 compensation and for which compensation was denied solely by reason of paragraph (b) or
115 (d) of subdivision (1) of this subsection.

116 4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work
117 benefits for any week for which he or she is receiving or has received remuneration exceeding
118 his or her weekly benefit amount or shared work benefit amount in the form of:

119 (a) Compensation for temporary partial disability pursuant to the workers'
120 compensation law of any state or pursuant to a similar law of the United States;

121 (b) A governmental or other pension, retirement or retired pay, annuity, or other
122 similar periodic payment which is based on the previous work of such claimant to the extent

123 that such payment is provided from funds provided by a base period or chargeable employer
124 pursuant to a plan maintained or contributed to by such employer; but, except for such
125 payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974
126 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply
127 if the services performed for such employer by the claimant after the beginning of the base
128 period (or remuneration for such services) do not affect eligibility for or increase the amount
129 of such pension, retirement or retired pay, annuity or similar payment.

130 (2) If the remuneration referred to in this subsection is less than the benefits which
131 would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise
132 eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a
133 multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

134 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a
135 claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act
136 of 1974, or the corresponding provisions of prior law, no part of the payments received
137 pursuant to such federal law shall be deductible from the amount of benefits received
138 pursuant to this chapter.

139 5. A claimant shall be ineligible for waiting week credit or benefits for any week for
140 which or a part of which he or she has received or is seeking unemployment benefits pursuant
141 to an unemployment insurance law of another state or the United States; provided, that if it be
142 finally determined that the claimant is not entitled to such unemployment benefits, such
143 ineligibility shall not apply.

144 6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week
145 for which the deputy finds that such claimant's total or partial unemployment is due to a
146 stoppage of work which exists because of a labor dispute in the factory, establishment or other
147 premises in which such claimant is or was last employed. In the event the claimant secures
148 other employment from which he or she is separated during the existence of the labor dispute,
149 the claimant must have obtained bona fide employment as a permanent employee for at least
150 the major part of each of two weeks in such subsequent employment to terminate his or her
151 ineligibility. If, in any case, separate branches of work which are commonly conducted as
152 separate businesses at separate premises are conducted in separate departments of the same
153 premises, each such department shall for the purposes of this subsection be deemed to be a
154 separate factory, establishment or other premises. This subsection shall not apply if it is
155 shown to the satisfaction of the deputy that:

156 (a) The claimant is not participating in or financing or directly interested in the labor
157 dispute which caused the stoppage of work; and

158 (b) The claimant does not belong to a grade or class of workers of which,
159 immediately preceding the commencement of the stoppage, there were members employed at

160 the premises at which the stoppage occurs, any of whom are participating in or financing or
161 directly interested in the dispute.

162 (2) "Stoppage of work" as used in this subsection means a substantial diminution of
163 the activities, production or services at the establishment, plant, factory or premises of the
164 employing unit. This definition shall not apply to a strike where the employees in the
165 bargaining unit who initiated the strike are participating in the strike. Such employees shall
166 not be eligible for waiting week credit or benefits during the period when the strike is in
167 effect, regardless of diminution, unless the employer has been found guilty of an unfair labor
168 practice by the National Labor Relations Board or a federal court of law for an act or actions
169 preceding or during the strike.

170 7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis
171 of any services, substantially all of which consist of participating in sports or athletic events
172 or training or preparing to so participate, for any week which commences during the period
173 between two successive sport seasons (or similar periods) if such individual performed such
174 services in the first of such seasons (or similar periods) and there is a reasonable assurance
175 that such individual will perform such services in the later of such seasons (or similar
176 periods).

177 8. Benefits shall not be payable on the basis of services performed by an alien, unless
178 such alien is an individual who was lawfully admitted for permanent residence at the time
179 such services were performed, was lawfully present for purposes of performing such services,
180 or was permanently residing in the United States under color of law at the time such services
181 were performed (including an alien who was lawfully present in the United States as a result
182 of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality
183 Act).

184 (1) Any data or information required of individuals applying for benefits to determine
185 whether benefits are not payable to them because of their alien status shall be uniformly
186 required from all applicants for benefits.

187 (2) In the case of an individual whose application for benefits would otherwise be
188 approved, no determination that benefits to such individual are not payable because of such
189 individual's alien status shall be made except upon a preponderance of the evidence.

190 9. A claimant shall be ineligible for waiting week credit or benefits for any week such
191 claimant has an outstanding penalty which was assessed based upon an overpayment of
192 benefits, as provided for in subsection 9 of section 288.380.

193 10. The directors of the division of employment security and the ~~[division]~~ office of
194 workforce development shall submit to the governor, the speaker of the house of
195 representatives, and the president pro tem of the senate no later than October 15, 2006, a
196 report outlining their recommendations for how to improve work search verification and

197 claimant reemployment activities. The recommendations shall include, but not limited to
198 how to best utilize "greathires.org", and how to reduce the average duration of unemployment
199 insurance claims. Each calendar year thereafter, the directors shall submit a report containing
200 their recommendations on these issues by December thirty-first of each year.

201 11. For purposes of this section, a claimant may satisfy reporting requirements
202 provided under this section by reporting by internet communication or any other means
203 deemed acceptable by the division of employment security.

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the
3 senate. All of the general provisions, definitions and powers enumerated in section 1 of the
4 Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its
5 divisions, agencies and personnel.

6 2. The powers, duties and functions vested in the public service commission, chapters
7 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,
8 sections 621.015 to 621.198 and others, are transferred by type III transfers to the department
9 of economic development. The director of the department is directed to provide and
10 coordinate staff and equipment services to these agencies in the interest of facilitating the
11 work of the bodies and achieving optimum efficiency in staff services common to all the
12 bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public
13 service commission from presenting additional budget requests or from explaining or
14 clarifying its budget requests to the governor or general assembly.

15 3. The powers, duties and functions vested in the office of the public counsel are
16 transferred by type III transfer to the department of economic development. Funding for the
17 general counsel's office shall be by general revenue.

18 4. The public service commission is authorized to employ such staff as it deems
19 necessary for the functions performed by the general counsel other than those powers, duties
20 and functions relating to representation of the public before the public service commission.

21 5. All the powers, duties and functions vested in the tourism commission, chapter 258
22 and others, are transferred to the "Division of Tourism", which is hereby created, by type III
23 transfer.

24 6. All the powers, duties and functions of the department of community affairs,
25 chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the
26 department of economic development, and the department of community affairs is abolished.
27 The director of the department of economic development may assume all the duties of the
28 director of community affairs or may establish within the department such subunits and
29 advisory committees as may be required to administer the programs so transferred. The

30 director of the department shall appoint all members of such committees and heads of
31 subunits.

32 7. The Missouri housing development commission, chapter 215, is assigned to the
33 department of economic development, but shall remain a governmental instrumentality of the
34 state of Missouri and shall constitute a body corporate and politic.

35 8. ~~All the authority, powers, duties, functions, records, personnel, property, matters~~
36 ~~pending and other pertinent vestiges of the division of manpower planning of the department~~
37 ~~of social services are transferred by a type I transfer to the "Division of Workforce~~
38 ~~Development", which is hereby created, within the department of economic development.~~
39 ~~The division of manpower planning within the department of social services is abolished.~~
40 ~~The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B,~~
41 ~~relating to the manner and procedures for transfers of state agencies shall apply to the~~
42 ~~transfers provided in this section.~~

43 9. ~~All the authority, powers, functions, records, personnel, property, contracts, matters~~
44 ~~pending and other pertinent vestiges of the division of employment security within the~~
45 ~~department of labor and industrial relations related to job training and labor exchange that are~~
46 ~~funded with or based upon Wagner-Peyser funds, and other federal and state workforce~~
47 ~~development programs administered by the division of employment security are transferred~~
48 ~~by a type I transfer to the division of workforce development within the department of~~
49 ~~economic development.~~

50 ~~10.]~~ Any rule or portion of a rule, as that term is defined in section 536.010, that is
51 created under the authority delegated in this section shall become effective only if it complies
52 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
53 This section and chapter 536 are nonseverable and if any of the powers vested with the
54 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
55 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
56 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid
57 and void.

620.515. 1. This section shall be known and may be cited as the "[~~Show Me Heroes~~]
2 **Missouri Heroes Connect**" program, the purpose of which is to:

3 (1) Assist the spouse of an active duty National Guard or reserve component service
4 member reservist and active duty United States military personnel to address immediate
5 needs and employment in an attempt to keep the family from falling into poverty while the
6 primary income earner is on active duty, and [~~during the five-year period~~] following discharge
7 from deployment; and

8 (2) Assist returning National Guard troops or reserve component service member
9 reservists and recently separated United States military personnel with finding work in

10 situations where an individual needs to rebuild business clientele or where an individual's job
11 has been eliminated while such individual was deployed, or where the individual otherwise
12 cannot return to his or her previous employment.

13 2. Subject to appropriation, the department of higher education and workforce
14 development shall operate the [~~Show Me heroes~~] **Missouri heroes connect** program through
15 existing programs. Eligibility for the program shall be based on the following criteria:

16 (1) Eligible participants in the program shall be those families where:

17 (a) The primary income earner was called to active duty in defense of the United
18 States for a period of more than four months;

19 (b) The family's primary income is no longer available;

20 (c) The family is experiencing significant hardship due to financial burdens; and

21 (d) The family has no outside resources available to assist with such hardships;

22 (2) Services that may be provided to the family will be aimed at ameliorating the
23 immediate crisis and providing a path for economic stability while the primary income is not
24 available due to the active military commitment. Services shall be made available [~~up to five~~
25 ~~years~~] following discharge from deployment. Services may include, but not be limited to the
26 following:

27 (a) Financial assistance to families facing financial crisis from overdue bills;

28 (b) Help paying day care costs to pursue training and or employment;

29 (c) Help covering the costs of transportation to training and or employment;

30 (d) Vocational evaluation and vocational counseling to help the individual choose a
31 visible employment goal;

32 (e) Vocational training to acquire or upgrade skills needed to be marketable in the
33 workforce;

34 (f) Paid internships and subsidized employment to train on the job; and

35 (g) Job placement assistance for those who don't require skills training.

36 3. (1) In addition to the benefits provided to those meeting the criteria established by
37 subsection 2 of this section, the department of higher education and workforce development
38 may award grants from the [~~Show Me heroes~~] **Missouri heroes connect** program or
39 programs administering the [~~Show Me heroes~~] **Missouri heroes connect** program to one or
40 more nonprofit organizations that facilitate the participation in apprenticeship training
41 programs of veterans and active duty United States military personnel who are transitioning
42 into civilian employment.

43 (2) A grant awarded pursuant to this subsection shall be used only to recruit or assist
44 veterans or active duty United States military personnel who are transitioning into civilian
45 employment to participate in an apprenticeship training program in this state.

46 (3) As used in this subsection, the term "apprenticeship training program" means a
 47 training program that provides on-the-job training, preparatory instruction, supplementary
 48 instruction, or related instruction in a trade that has been certified as an apprenticeable
 49 occupation by the Office of Apprenticeship of the United States Department of Labor.

50 4. The department shall promulgate rules to implement the provisions of this section.
 51 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
 52 the authority delegated in this section shall become effective only if it complies with and is
 53 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
 54 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 55 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
 56 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
 57 rule proposed or adopted after August 28, 2012, shall be invalid and void.

640.030. The department of natural resources and the department of conservation
 2 shall develop an interagency plan and execute an interagency agreement regarding the
 3 application and use of any portion of funds authorized for the respective departments by
 4 provisions of the Constitution, taking into consideration the purposes for which the voters
 5 approved the funds and the extent to which expenditures under the provisions of sections
 6 252.300 to 252.333 [~~or sections 620.552 to 620.574;~~] accomplish such purposes. Such
 7 interagency agreements shall not be subject to legislative review or oversight and are not rules
 8 within the meaning of any law providing for review by the general assembly or any
 9 committee thereof.

~~167.910. 1. There is hereby established the "Career Readiness Course
 2 Task Force" to explore the possibility of a course covering the topics described
 3 in this section being offered in the public schools to students in eighth grade or
 4 ninth grade. Task force members shall be chosen to represent the geographic
 5 diversity of the state. All task force members shall be appointed before
 6 October 31, 2018. The task force members shall be appointed as follows:~~

~~7 (1) A parent of a student attending elementary school, appointed by
 8 the joint committee on education;~~

~~9 (2) A parent of a student attending a grade not lower than the sixth nor
 10 higher than the eighth grade, appointed by the joint committee on education;~~

~~11 (3) A parent of a student attending high school, appointed by the joint
 12 committee on education;~~

~~13 (4) An elementary education professional from an accredited school
 14 district, appointed by the joint committee on education from names submitted
 15 by statewide education employee organizations;~~

~~16 (5) Two education professionals giving instruction in a grade or grades
 17 not lower than the sixth nor higher than the eighth grade in accredited school
 18 districts, appointed by the joint committee on education from names submitted
 19 by statewide education employee organizations;~~

20 ~~(6) Two secondary education professionals from accredited school~~
21 ~~districts, appointed by the joint committee on education from names submitted~~
22 ~~by statewide education employee organizations;~~

23 ~~(7) A career and technical education professional who has experience~~
24 ~~serving as an advisor to a statewide career and technical education~~
25 ~~organization, appointed by a statewide career and technical education~~
26 ~~organization;~~

27 ~~(8) An education professional from an accredited technical high~~
28 ~~school, appointed by a statewide career and technical education organization;~~

29 ~~(9) A public school board member, appointed by a statewide~~
30 ~~association of school boards;~~

31 ~~(10) A secondary school principal, appointed by a statewide~~
32 ~~association of secondary school principals;~~

33 ~~(11) A principal of a school giving instruction in a grade or grades not~~
34 ~~lower than the sixth nor higher than the eighth grade, appointed by a statewide~~
35 ~~association of secondary school principals;~~

36 ~~(12) An elementary school counselor, appointed by a statewide~~
37 ~~association of school counselors;~~

38 ~~(13) Two school counselors from a school giving instruction in a grade~~
39 ~~or grades not lower than the sixth nor higher than the eighth grade, appointed~~
40 ~~by a statewide association of school counselors;~~

41 ~~(14) A secondary school counselor, appointed by a statewide~~
42 ~~association of school counselors;~~

43 ~~(15) A secondary school career and college counselor, appointed by a~~
44 ~~statewide association of school counselors;~~

45 ~~(16) An apprenticeship professional, appointed by the division of~~
46 ~~workforce development of economic development;~~

47 ~~(17) A representative of Missouri Project Lead the Way, appointed by~~
48 ~~the statewide Project Lead the Way organization;~~

49 ~~(18) A representative of the state technical college, appointed by the~~
50 ~~state technical college;~~

51 ~~(19) A representative of a public community college, appointed by a~~
52 ~~statewide organization of community colleges; and~~

53 ~~(20) A representative of a public four-year institution of higher~~
54 ~~education, appointed by the commissioner of higher education.~~

55 ~~2. The members of the task force established under subsection 1 of this~~
56 ~~section shall elect a chair from among the membership of the task force. The~~
57 ~~task force shall meet as needed to complete its consideration of the course~~
58 ~~described in subsection 5 of this section and provide its findings and~~
59 ~~recommendations as described in subsection 6 of this section. Members of the~~
60 ~~task force shall serve without compensation. No school district policy or~~
61 ~~administrative action shall require any education employee member to use~~
62 ~~personal leave or incur a reduction in pay for participating on the task force.~~

63 ~~3. The task force shall hold at least three public hearings to provide an~~
64 ~~opportunity to receive public testimony including, but not limited to, testimony~~
65 ~~from educators, local school boards, parents, representatives from business~~
66 ~~and industry, labor and community leaders, members of the general assembly,~~
67 ~~and the general public.~~

68 4. ~~The department of elementary and secondary education shall~~
69 ~~provide such legal, research, clerical, and technical services as the task force~~
70 ~~may require in the performance of its duties.~~

71 5. ~~The task force established under subsection 1 of this section shall~~
72 ~~consider a course that:~~

73 (1) ~~Gives students an opportunity to explore various career and~~
74 ~~educational opportunities by:~~

75 ~~(a) Administering career surveys to students and helping students use~~
76 ~~Missouri Connections to determine their career interests and develop plans to~~
77 ~~meet their career goals;~~

78 ~~(b) Explaining the differences between types of colleges, including~~
79 ~~two year and four year colleges and noting the availability of registered~~
80 ~~apprenticeship programs as alternatives to college for students;~~

81 ~~(c) Describing technical degrees offered by colleges;~~

82 ~~(d) Explaining the courses and educational experiences offered at~~
83 ~~community colleges;~~

84 ~~(e) Describing the various certificates and credentials available to earn~~
85 ~~at the school or other schools including, but not limited to, career and technical~~
86 ~~education certificates described under section 170.029 and industry-~~
87 ~~recognized certificates and credentials;~~

88 ~~(f) Advising students of any advanced placement courses that they~~
89 ~~may take at the school;~~

90 ~~(g) Describing any opportunities at the school for dual enrollment;~~

91 ~~(h) Advising students of any Project Lead the Way courses offered at~~
92 ~~the school and explaining how Project Lead the Way courses help students~~
93 ~~learn valuable skills;~~

94 ~~(i) Informing students of the availability of funding for postsecondary~~
95 ~~education through the A+ schools program described under section 160.545;~~

96 ~~(j) Describing the availability of virtual courses;~~

97 ~~(k) Describing the types of skills and occupations most in demand in~~
98 ~~the current job market and those skills and occupations likely to be in high~~
99 ~~demand in future years;~~

100 ~~(l) Describing the typical salaries for occupations, salary trends, and~~
101 ~~opportunities for advancement in various occupations;~~

102 ~~(m) Emphasizing the opportunities available in careers involving~~
103 ~~science, technology, engineering, and math;~~

104 ~~(n) Advising students of the resources offered by workforce or job~~
105 ~~centers;~~

106 ~~(o) Preparing students for the ACT assessment or the ACT WorkKeys~~
107 ~~assessments required for the National Career Readiness Certificate;~~

108 ~~(p) Administering a practice ACT assessment or practice ACT~~
109 ~~WorkKeys assessments required for the National Career Readiness Certificate~~
110 ~~to students;~~

111 ~~(q) Advising students of opportunities to take the SAT and the Armed~~
112 ~~Services Vocational Aptitude Battery;~~

113 ~~(r) Administering a basic math test to students so that they can assess~~
114 ~~their math skills;~~

115 ~~(s) Administering a basic writing test to students so that they can~~
 116 ~~assess their writing skills;~~
 117 ~~(t) Helping each student prepare a personal plan of study that outlines~~
 118 ~~a sequence of courses and experiences that concludes with the student reaching~~
 119 ~~his or her postsecondary goals; and~~
 120 ~~(u) Explaining how to complete college applications and the Free~~
 121 ~~Application for Federal Student Aid;~~
 122 ~~(2) Focuses on career readiness and emphasizes the importance of~~
 123 ~~work ethic, communication, collaboration, critical thinking, and creativity;~~
 124 ~~(3) Demonstrates that graduation from a four-year college is not the~~
 125 ~~only pathway to success by describing to students at least sixteen pathways to~~
 126 ~~success in detail and including guest visitors who represent each pathway~~
 127 ~~described. In exploring how these pathways could be covered in the course,~~
 128 ~~the task force shall consider how instructors for the course may be able to rely~~
 129 ~~on assistance from Missouri's career pathways within the department of~~
 130 ~~elementary and secondary education;~~
 131 ~~(4) Provides student loan counseling; and~~
 132 ~~(5) May include parent student meetings.~~
 133 ~~6. Before December 1, 2019, the task force established under~~
 134 ~~subsection 1 of this section shall present its findings and recommendations to~~
 135 ~~the speaker of the house of representatives, the president pro tempore of the~~
 136 ~~senate, the joint committee on education, and the state board of education.~~
 137 ~~Upon presenting the findings and recommendations as described in this~~
 138 ~~subsection, the task force shall dissolve.]~~

2 ~~[167.910. 1. There is hereby established the "Career Readiness Course~~
 3 ~~Task Force" to explore the possibility of a course covering the topics described~~
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 8 ~~(1) A parent of a student attending elementary school, appointed by a~~
 9 ~~statewide association of parents and teachers;~~
 10 ~~(2) A parent of a student attending a grade not lower than the sixth nor~~
 11 ~~higher than the eighth grade, appointed by a statewide association of parents~~
 12 ~~and teachers;~~
 13 ~~(3) A parent of a student attending high school, appointed by a~~
 14 ~~statewide association of parents and teachers;~~
 15 ~~(4) An elementary education professional from an accredited school~~
 16 ~~district, appointed by agreement among the Missouri State Teachers~~
 17 ~~Association, the Missouri National Education Association, and the American~~
 18 ~~Federation of Teachers of Missouri;~~
 19 ~~(5) An education professional giving instruction in a grade or grades~~
 20 ~~not lower than the sixth nor higher than the eighth grade in an accredited~~
 21 ~~school district, appointed by agreement among the Missouri State Teachers~~
 22 ~~Association, the Missouri National Education Association, and the American~~
 Federation of Teachers of Missouri;

23 ~~(6) A secondary education professional from an accredited school~~
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27 ~~(7) A career and technical education professional who has experience~~
28 ~~serving as an advisor to a statewide career and technical education~~
29 ~~organization, appointed by a statewide career and technical education~~
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53 ~~(18) A representative of the State Technical College of Missouri,~~
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59 ~~2. The members of the task force established under subsection 1 of this~~
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71 and the general public.

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88 ~~(e) Describing the various certificates and credentials available to earn~~
89 ~~at the school or other schools including, but not limited to, career and technical~~
90 ~~education certificates described under section 170.029 and industry-~~
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100 ~~(j) Describing the availability of virtual courses;~~

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102 ~~the current job market and those skills and occupations likely to be in high~~
103 ~~demand in future years;~~

104 ~~(l) Describing the typical salaries for occupations, salary trends, and~~
105 ~~opportunities for advancement in various occupations;~~

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107 ~~science, technology, engineering, and math;~~

108 ~~(n) Advising students of the resources offered by workforce or job~~
109 ~~centers;~~

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111 ~~assessments required for the National Career Readiness Certificate;~~

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116 ~~Services Vocational Aptitude Battery;~~

117 ~~(r) Administering a basic math test to students so that they can assess~~
 118 ~~their math skills;~~
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 122 ~~a sequence of courses and experiences that concludes with the student reaching~~
 123 ~~his or her postsecondary goals; and~~
 124 ~~(u) Explaining how to complete college applications and the Free~~
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 140 ~~senate, the joint committee on education, and the state board of education.~~
 141 ~~Upon presenting the findings and recommendations as described in this~~
 142 ~~subsection, the task force shall dissolve.]~~

2 ~~[170.012. 1. Any graduate student who did not receive both his~~
 3 ~~primary and secondary education in a nation or territory in which English is~~
 4 ~~the primary language shall not be given a teaching appointment during his or~~
 5 ~~her first semester of enrollment at any public institution of higher education in~~
 6 ~~the state of Missouri. Exceptions may be granted in special cases upon~~
 7 ~~approval of the chief academic and executive officers of the institution.~~
 8 ~~2. All graduate students who did not receive both their primary and~~
 9 ~~secondary education in a nation or territory in which English is the primary~~
 10 ~~language shall be tested for their ability to communicate orally in English in a~~
 11 ~~classroom setting prior to receiving a teaching appointment. Such testing shall~~
 12 ~~be made available by the public institution at no cost to the graduate student.~~
 13 ~~3. All graduate students prior to filling a teaching assistant position as~~
 14 ~~a graduate student, who have not previously lived in the United States shall be~~
 15 ~~given a cultural orientation to prepare them for such teaching appointment.~~
 16 ~~4. All public institutions of higher education in this state shall provide~~
 17 ~~to the coordinating board for higher education on a biennial basis a report on~~
 18 ~~the number and language background of all teaching assistants, including a~~
 19 ~~copy of the institutions current policy for selection of graduate teaching~~
 assistants.

20 5. ~~The provisions of this section and sections 174.310 and 175.021~~
 21 ~~shall not apply to any person employed under a contract of employment in~~
 22 ~~existence prior to August 13, 1986.]~~

2 ~~[173.095. In recognition of the role of education in modern society and~~
 3 ~~its influence upon whether or not a citizen will beneficially contribute to his~~
 4 ~~state and community by his talents and developed abilities, and in recognition~~
 5 ~~that educational opportunity should not be limited by the financial means of~~
 6 ~~the student, and in further recognition of the public purposes designated by the~~
 7 ~~United States through the Higher Education Act of 1965, P.L. 89-329, as~~
 8 ~~amended, and the National Vocational Student Loan Insurance Act of 1965,~~
 9 ~~P.L. 89-287, the general assembly of the state of Missouri declares that state~~
 10 ~~assistance to postsecondary students will benefit the state economically and~~
~~culturally and is a public purpose of great importance.]~~

2 ~~[173.100. As used in sections 173.095 to 173.187 the following terms~~
 3 ~~mean:~~

- 4 ~~(1) "Board", the Missouri coordinating board for higher education;~~
- 5 ~~(2) "Borrower", any person who has become legally obligated to repay~~
 6 ~~a loan made under the student loan program or that person's guardian, trustee,~~
 7 ~~estate, or other person legally responsible for defending against or satisfying~~
 8 ~~borrower's obligations under the student loan program;~~
- 9 ~~(3) "Department", the Missouri department of higher education and~~
 10 ~~workforce development;~~
- 11 ~~(4) "Earnings", compensation paid or payable for personal services,~~
 12 ~~whether denominated wages, salary, commission, bonus, or otherwise;~~
- 13 ~~(5) "Eligible borrower", any person attending or the parent of a~~
 14 ~~dependent attending an eligible institution;~~
- 15 ~~(6) "Eligible institution", any institution of postsecondary education,~~
 16 ~~including a university, college, vocational and technical school, and other~~
 17 ~~postsecondary institution, which has been approved for purposes of~~
 18 ~~participation in the Missouri student loan program by the department and~~
 19 ~~the United States Secretary of Education;~~
- 20 ~~(7) "Eligible lender", any bank, savings and loan association, credit~~
 21 ~~union, insurance company, pension fund, eligible educational institution~~
 22 ~~lender, or the department, or the federal Student Loan Marketing Association~~
 23 ~~or other secondary market operation;~~
- 24 ~~(8) "Employer", any person, partnership, association, corporation,~~
 25 ~~institution, governmental body, unit or agency, school district or municipal~~
 26 ~~corporation, or any other entity employing one or more persons for a salary,~~
 27 ~~wage, commission or other compensation, or any self employed borrower;~~
- 28 ~~(9) "Fund", the state guaranty student loan fund;~~
- 29 ~~(10) "LLR fund", the lender of last resort revolving fund established in~~
 30 ~~section 173.187;~~
- ~~(11) "Program", the Missouri guaranteed student loan program.]~~

2 ~~[173.105. 1. The board shall determine the basic policies for the loan~~
~~program and shall promulgate rules and regulations necessary to establish the~~

3 loan program and to carry out the purposes of sections 173.095 to 173.180.
 4 ~~The basic policies of the board and all rules and regulations promulgated~~
 5 ~~pursuant to sections 173.095 to 173.180 shall be designed to encourage~~
 6 ~~maximum involvement and participation by lenders and financial institutions~~
 7 ~~in the student loan program. Lenders and financial institutions shall be~~
 8 ~~encouraged by institutions of higher education to maximize the number of~~
 9 ~~loans available to students. It shall be the responsibility of the coordinating~~
 10 ~~board for higher education to establish guidelines and criteria for institutions~~
 11 ~~of higher education for usage in maximizing the availability of student loans.~~
 12 ~~The department shall be the administrative agency for the implementation of~~
 13 ~~the program, and may employ such personnel as is necessary, in excess of the~~
 14 ~~number provided in subsection 2 of section 6 of the omnibus state~~
 15 ~~reorganization act of 1974, to administer the provisions of sections 173.095~~
 16 ~~to 173.230.~~

17 ~~2. All reports relating to the program which are now or may hereafter~~
 18 ~~be required by the federal government shall also be submitted to the director of~~
 19 ~~the office of administration and to the senate and house appropriations~~
 20 ~~committees.]~~

~~[173.110. 1. The department is authorized to issue certificates of~~
 2 ~~guarantee covering student loans by eligible lenders which meet the~~
 3 ~~requirements of sections 173.095 to 173.180 and the regulations of the~~
 4 ~~board adopted hereunder to eligible borrowers, and to pay from the fund to an~~
 5 ~~eligible lender the amount established by federal law in the event the student~~
 6 ~~defaults. Upon payment of the loss the department shall be subrogated to all~~
 7 ~~the rights of the eligible lender.~~

8 ~~2. The department shall charge for each guaranteed loan a special loan~~
 9 ~~insurance premium established by federal law which shall be paid to the~~
 10 ~~department by the borrower. Amounts so received shall be used by the~~
 11 ~~department to pay the costs of administering the program and to guarantee~~
 12 ~~student loans.~~

13 ~~3. The department is authorized to originate loans, including lender of~~
 14 ~~last resort loans. All moneys to originate loans, including lender of last resort~~
 15 ~~loans, shall be paid from a fund established for that purpose, including the~~
 16 ~~lender of last resort revolving fund created under section 173.187.~~

17 ~~4. The total outstanding guaranteed loans shall at no time exceed an~~
 18 ~~amount which, according to sound actuarial judgment as determined by the~~
 19 ~~state auditor, can be guaranteed by the fund.]~~

~~[173.115. 1. After the department has paid a loss on a defaulted loan~~
 2 ~~and has entered a statement of claim in which it determines and sets forth the~~
 3 ~~existence, nature and amount of the money due it by the defaulting borrower~~
 4 ~~and a proposed payment schedule, the department may issue an order directing~~
 5 ~~any employer of the borrower to withhold or pay over to the department~~
 6 ~~money due or to become due to the department.~~

7 ~~2. Before issuing the order as provided in subsection 1 of this section,~~
 8 ~~the department shall serve on the borrower the statement of claim and shall~~
 9 ~~inform the borrower that the department intends to initiate proceedings to~~

10 collect the debt through deductions from earnings. The department shall also
11 provide a copy of this section or an explanation of the borrower's rights under
12 this section.

13 3. The department shall provide the borrower with an opportunity to
14 inspect and copy records related to the defaulted loans.

15 4. The department shall provide the borrower with the opportunity to
16 enter into a written agreement with the department under terms agreeable to
17 the department to establish a schedule for the repayment of the debt.

18 5. The department shall provide the borrower with the opportunity to
19 have a hearing before an impartial hearing officer appointed by the department
20 but who is not under the control or supervision of the board or department.
21 The procedures for the hearing shall be the same as those for contested cases
22 under chapter 536. Upon the borrower's filing of a request for a hearing in
23 compliance with the rules of the board, the department shall stay the
24 commencement of collection proceedings for the debt described in the
25 statement of claim until the department issues an order provided for in
26 subsection 6, 7, or 8, of this section.

27 6. At the earliest practicable date but not later than sixty days after the
28 filing of the request for the hearing, the hearing officer shall file with the
29 department his written decision which states specifically his findings in regard
30 to those matters set forth in the department's statement of claim. The hearing
31 officer shall also determine and include in his decision the terms of the
32 repayment schedule which shall be the same as that set forth by the department
33 in its statement of claim unless he finds no good cause to enter that schedule.
34 Upon receipt of the hearing officer's decision, the department shall issue an
35 order to pay debt which adopts the findings in the decision as to the existence,
36 nature and amount of the debt and as to the repayment schedule.

37 7. When a borrower properly requests a hearing under the board's rules
38 and when the hearing officer does not issue a decision within sixty days of the
39 department's having received the request for the hearing, the department shall
40 issue an order withdrawing the statement of claim and serve it upon the
41 borrower with a copy of this subsection. After such an order is entered, the
42 department shall not use the provisions of this section in regard to the loans set
43 forth in the statement of claim, but may use any other remedy provided by law
44 to recover the moneys owed the department. The order issued by the
45 department shall not have the effect of precluding any other administrative or
46 judicial tribunal from deciding any claim brought by the department or other
47 party against the borrower or from deciding any factual or legal issue relevant
48 to such claim.

49 8. When a borrower does not make a proper timely request for a
50 hearing, the department may issue and serve on the borrower an order to pay
51 debt which contains as its provisions the content of the statement of claim
52 including the proposed repayment schedule.

53 9. The borrower may seek judicial review of any order to pay debt
54 under sections 536.100 to 536.140.

55 10. Upon issuing an order to pay debt, but not less than thirty days
56 after the statement of claim was served on the borrower, the department may
57 issue an order to withhold earnings which directs any employer of the

58 ~~borrower to withhold and pay over to the department money due or to become~~
 59 ~~due the borrower. The employer shall withhold from the earnings the amount~~
 60 ~~specified in the order, except that the total amount withheld shall not exceed~~
 61 ~~ten percent of the borrower's earnings after deduction from those earnings of~~
 62 ~~any amount required by law to be withheld. When the borrower voluntarily~~
 63 ~~makes a written request that money due or to become due him be withheld or~~
 64 ~~applied to the debt or that more than the ten percent maximum be withheld~~
 65 ~~from his earnings, the employer shall comply with that request as if so ordered~~
 66 ~~by the department.~~

67 ~~11. Subject to the provisions of section 454.505, an order to withhold~~
 68 ~~earnings shall have the same force and effect in regard to the employer as any~~
 69 ~~other garnishment.~~

70 ~~12. No employer or other payor who complies with an order to~~
 71 ~~withhold earnings shall be liable to the borrower, or to any other person~~
 72 ~~claiming rights derived from the borrower, for wrongful withholding. An~~
 73 ~~employer who fails or refuses to withhold or pay the amounts as ordered under~~
 74 ~~this section shall be liable to the department in an amount equal to the amount~~
 75 ~~which became due the department during the relevant period and which, under~~
 76 ~~the order, should have been withheld and paid over.~~

77 ~~13. An employer shall not discharge, refuse to hire or otherwise~~
 78 ~~discipline an employee as a result of an order to withhold and pay over certain~~
 79 ~~money authorized by this section. Any employer who does so is guilty of an~~
 80 ~~infraction.~~

81 ~~14. Service on the borrower or on the employer pursuant to this section~~
 82 ~~or pursuant to rules promulgated under this section may be made on the~~
 83 ~~borrower or employer, respectively or on other party in the manner provided~~
 84 ~~for service of process in a civil action by a duly authorized process server~~
 85 ~~appointed by the department, or by certified mail, return receipt requested, to~~
 86 ~~the borrower's last known address or to the employer's address. The~~
 87 ~~department may appoint any disinterested party, including, but not necessarily~~
 88 ~~limited to, employees of the department, to serve such process. For purposes~~
 89 ~~of this section, a borrower or an employer who does not accept receipt of~~
 90 ~~service by certified mail or a borrower who has not provided the department~~
 91 ~~his new or correct address is deemed to have been served as of the date on~~
 92 ~~which the certified mail is mailed.~~

93 ~~15. The board may promulgate rules to carry out the provisions of this~~
 94 ~~section, including, but not limited to, rules pertaining to proceedings before the~~
 95 ~~hearing officer and before the department and rules pertaining to procedures to~~
 96 ~~be followed by employers to comply with the order to withhold and pay over~~
 97 ~~earnings.]~~

2 ~~[173.125. As a condition of receiving state funds, every public~~
 3 ~~institution of higher education shall agree to submit to binding dispute~~
 4 ~~resolution with regard to disputes among public institutions of higher~~
 5 ~~education that involve jurisdictional boundaries or the use or expenditure of~~
 6 ~~any state resources whatsoever, as determined by the coordinating board. In~~
 7 ~~all cases, the arbitrator shall be the commissioner of higher education or his or~~
 7 ~~her designee, whose decision shall be binding on all parties. Any institution~~

8 ~~aggrieved by a decision of the commissioner may appeal such decision, in~~
9 ~~which instance the case shall be reviewed by the full coordinating board, at~~
10 ~~which time the full coordinating board shall have the authority to make a~~
11 ~~binding and final decision, by means of a majority vote, regarding the matter.]~~

2 ~~[173.130. Moneys in the fund, both unobligated and obligated as a~~
3 ~~reserve, which in the judgment of the board are not currently needed for the~~
4 ~~payment of defaults of guaranteed loans, may be invested by the state~~
5 ~~treasurer, and any income therefrom shall be deposited to the credit of the~~
6 ~~fund.]~~

2 ~~[173.141. The board may:~~
3 ~~(1) Enter into agreements with and receive grants from the United~~
4 ~~States government in connection with federal programs of assistance to~~
5 ~~students of postsecondary education;~~
6 ~~(2) Contract with public agencies or private persons or organizations~~
7 ~~for the purpose of carrying out the administrative functions imposed upon it by~~
8 ~~sections 173.095 to 173.180;~~
9 ~~(3) Call upon agencies of the state which have actuarial or financial~~
10 ~~expertise for consultation and advice, and upon any agency of the state for~~
11 ~~assistance in the location of delinquent borrowers.]~~

2 ~~[173.150. The board, by rules and regulations, shall determine the~~
3 ~~policy of collections and recovery of loans, including the use of private~~
4 ~~collection agencies or assigning loans to the United States Secretary of~~
5 ~~Education. Pursuant to the rules and regulations of the board the department~~
6 ~~may institute action to recover any amount due the program in any loan~~
7 ~~transaction, use private collection agencies, or otherwise carry out the policy~~
8 ~~set by the board.]~~

2 ~~[173.160. The board shall adopt and promulgate regulations~~
3 ~~establishing standards for determining eligible institutions, eligible lenders,~~
4 ~~and eligible borrowers under sections 173.095 to 173.180. These standards~~
5 ~~shall include, but are not limited to, the following:~~
6 ~~(1) The student's enrollment in an eligible institution, where his good~~
7 ~~standing and workload meet the criteria of the institution;~~
8 ~~(2) The total guaranteed loans made to a student for one academic~~
9 ~~year;~~
10 ~~(3) The aggregate insured unpaid principal of all guaranteed loans~~
11 ~~made to any student;~~
12 ~~(4) The loans received by the student other than those guaranteed~~
13 ~~under the provisions of sections 173.095 to 173.180;~~
14 ~~(5) The need of the student for the loan;~~
15 ~~(6) The proportion of guaranteed outstanding student loans in default~~
16 ~~or potential default status from individual institutions or lenders;~~
17 ~~(7) The percentage of the enrolled students at an institution who have~~
18 ~~guaranteed student loans and then withdraw; and~~

18 ~~(8) The proportion of students at an institution having received~~
 19 ~~guaranteed loans.]~~

2 ~~[173.170. 1. The board shall adopt regulations establishing standards~~
 3 ~~for determining eligibility of loan agreements to be guaranteed under the~~
 4 ~~provisions of sections 173.095 to 173.180. The regulations shall provide for,~~
 5 ~~but shall not be limited to, the following:~~

- 6 ~~(1) The requirement or nonrequirement of security or endorsement;~~
- 7 ~~(2) The manner and time of repayment of the principal and interest;~~
- 8 ~~(3) The maximum rate of interest;~~
- 9 ~~(4) The right of the borrower to accelerate payments without penalty;~~
- 10 ~~(5) The amount of the guarantee charge;~~
- 11 ~~(6) The effective period of the guarantee;~~
- 12 ~~(7) The percent of the loan covered by the guarantee;~~
- 13 ~~(8) The assignability of loans by the lender;~~
- 14 ~~(9) Procedures in the event of default by the borrower;~~
- 15 ~~(10) The due diligence effort on the part of lenders for collection of~~
 16 ~~guaranteed loans;~~
- 17 ~~(11) Collection assistance and supplemental preclaims assistance to be~~
 18 ~~provided to lenders; and~~
- 19 ~~(12) The extension of the guarantee in consideration of eligible~~
 20 ~~deferments or forbearances.~~

21 ~~2. The eligibility of any person for a student loan under the provisions~~
 22 ~~of sections 173.095 to 173.180 shall not be determined or otherwise affected~~
 23 ~~by any considerations of that person's race, religion, sex, creed, color, location~~
 of residence, or choice of eligible institution.]

2 ~~[173.180. The regulations of the board for the program shall be filed~~
 3 ~~with the secretary of state as provided by statute before they shall become~~
 effective.]

2 ~~[173.186. Independent or private guarantors of student loans of~~
 3 ~~Missouri residents attending Missouri postsecondary educational institutions~~
 4 ~~shall be subject to the following provisions in order to be eligible to guaranty~~
 5 ~~such loans:~~

- 6 ~~(1) No such loan shall be guaranteed for attendance at a~~
 7 ~~correspondence school, at a school which has been suspended or terminated~~
 8 ~~from eligibility for the Missouri guaranteed student loan program by the~~
 9 ~~Missouri guaranty agency, at a school which is not designated as an eligible~~
 10 ~~institution for the Missouri guaranteed student loan program by the Missouri~~
 11 ~~guaranty agency or at a school which has been designated as an eligible~~
 12 ~~institution but does not participate;~~
- 13 ~~(2) Each such guarantor of student loans shall file an annual report by~~
 14 ~~each August fifteenth with the Missouri coordinating board for higher~~
 15 ~~education giving, for the immediately preceding period of July first through~~
 16 ~~June thirtieth and for each month therein and for each Missouri postsecondary~~
 17 ~~institution attended by Missouri residents for which loans were guaranteed, the~~
 total number of loans guaranteed and the total dollar amount of such loans;

18 ~~(3) The coordinating board for higher education shall develop and~~
 19 ~~promulgate rules pursuant to and shall administer the provisions of these~~
 20 ~~requirements. The coordinating board shall take reasonable action to identify~~
 21 ~~and notify affected guaranty agencies, lenders and postsecondary educational~~
 22 ~~institutions.]~~

2 ~~[173.187. 1. The "Lender of Last Resort Revolving Fund" is hereby~~
 3 ~~established in the state treasury and shall consist of funds received from the~~
 4 ~~United States Secretary of Education, charges, gifts, grants, and bequests from~~
 5 ~~federal, private or other sources made for the purpose of assisting students in~~
 6 ~~financing their education. No portion of the fund shall be transferred to the~~
 7 ~~general revenue fund.~~

2. ~~The fund shall be administered by the program.]~~

2 ~~[173.236. 1. As used in this section, unless the context clearly requires~~
 3 ~~otherwise, the following terms mean:~~

3 ~~(1) "Board", the coordinating board for higher education;~~
 4 ~~(2) "Grant", the Vietnam veteran's survivors grant as established in this~~
 5 ~~section;~~

6 ~~(3) "Institution of postsecondary education", any approved public or~~
 7 ~~private institution as defined in section 173.205;~~

8 ~~(4) "Survivor", a child or spouse of a Vietnam veteran as defined in~~
 9 ~~this section;~~

10 ~~(5) "Tuition", any tuition or incidental fee or both charged by an~~
 11 ~~institution of postsecondary education, as defined in this section, for~~
 12 ~~attendance at the institution by a student as a resident of this state;~~

13 ~~(6) "Vietnam veteran", a person who served in the military in Vietnam~~
 14 ~~or the war zone in Southeast Asia and to whom the following criteria shall~~
 15 ~~apply:~~

16 ~~(a) The veteran was a Missouri resident when first entering the~~
 17 ~~military service and at the time of death;~~

18 ~~(b) The veteran's death was attributable to illness that could possibly~~
 19 ~~be a result of exposure to toxic chemicals during the Vietnam Conflict; and~~

20 ~~(c) The veteran served in the Vietnam theater between 1961 and 1972.~~

21 2. ~~Within the limits of the amounts appropriated therefor, the~~
 22 ~~coordinating board for higher education shall award annually up to twelve~~
 23 ~~grants to survivors of Vietnam veterans to attend institutions of postsecondary~~
 24 ~~education in this state. If the waiting list of eligible survivors exceeds fifty, the~~
 25 ~~coordinating board may petition the general assembly to expand the quota. If~~
 26 ~~the quota is not expanded the eligibility of survivors on the waiting list shall be~~
 27 ~~extended.~~

28 3. ~~A survivor may receive a grant pursuant to this section only so long~~
 29 ~~as the survivor is enrolled in a program leading to a certificate, or an associate~~
 30 ~~or baccalaureate degree. In no event shall a survivor receive a grant beyond~~
 31 ~~the completion of the first baccalaureate degree, regardless of age. No~~
 32 ~~survivor shall receive more than one hundred percent of tuition when~~
 33 ~~combined with similar funds made available to such survivor.~~

34 4. ~~The coordinating board for higher education shall:~~

35 ~~(1) Promulgate all necessary rules and regulations for the~~
36 ~~implementation of this section;~~

37 ~~(2) Determine minimum standards of performance in order for a~~
38 ~~survivor to remain eligible to receive a grant under this program;~~

39 ~~(3) Make available on behalf of a survivor an amount toward the~~
40 ~~survivor's tuition which is equal to the grant to which the survivor is entitled~~
41 ~~under the provisions of this section;~~

42 ~~(4) Provide the forms and determine the procedures necessary for a~~
43 ~~survivor to apply for and receive a grant under this program.~~

44 ~~5. In order to be eligible to receive a grant pursuant to this section, a~~
45 ~~survivor shall be certified as eligible by a Missouri state veterans service~~
46 ~~officer. Such certification shall be made upon qualified medical certification~~
47 ~~by a Veterans Administration medical authority that exposure to toxic~~
48 ~~chemicals contributed to or was the cause of death of the veteran, as defined in~~
49 ~~subsection 1 of this section.~~

50 ~~6. A survivor who is enrolled or has been accepted for enrollment as~~
51 ~~an undergraduate postsecondary student at an approved institution of~~
52 ~~postsecondary education shall receive a grant in an amount not to exceed~~
53 ~~the least of the following:~~

54 ~~(1) The actual tuition, as defined in this section, charged at an~~
55 ~~approved institution where the child is enrolled or accepted for enrollment; or~~

56 ~~(2) The average amount of tuition charged a Missouri resident at the~~
57 ~~institutions identified in section 174.020 for attendance as a full-time student,~~
58 ~~as defined in section 173.205.~~

59 ~~7. A survivor who is a recipient of a grant may transfer from one~~
60 ~~approved public or private institution of postsecondary education to another~~
61 ~~without losing his entitlement under this section. The board shall make~~
62 ~~necessary adjustments in the amount of the grant. If a grant recipient at any~~
63 ~~time withdraws from the institution of postsecondary education so that under~~
64 ~~the rules and regulations of that institution he is entitled to a refund of any~~
65 ~~tuition, fees, or other charges, the institution shall pay the portion of the refund~~
66 ~~to which he is entitled attributable to the grant for that semester or similar~~
67 ~~grading period to the board.~~

68 ~~8. If a survivor is granted financial assistance under any other student~~
69 ~~aid program, public or private, the full amount of such aid shall be reported to~~
70 ~~the board by the institution and the eligible survivor.~~

71 ~~9. Nothing in this section shall be construed as a promise or guarantee~~
72 ~~that a person will be admitted to an institution of postsecondary education or to~~
73 ~~a particular institution of postsecondary education, will be allowed to continue~~
74 ~~to attend an institution of postsecondary education after having been admitted,~~
75 ~~or will be graduated from an institution of postsecondary education.~~

76 ~~10. The benefits conferred by this section shall be available to any~~
77 ~~academically qualified surviving children and spouses of Vietnam veterans as~~
78 ~~defined in subsection 1 of this section, regardless of the survivor's age, until~~
79 ~~December 31, 1995. After December 31, 1995, the benefits conferred by this~~
80 ~~section shall not be available to such persons who are twenty-five years of age~~
81 ~~or older, except spouses will remain eligible until the fifth anniversary after the~~
82 ~~death of the veteran.~~

83

~~11. This section shall expire on December 31, 2015.]~~

~~[173.262. 1. There is hereby established the "Marguerite Ross Barnett Competitiveness Scholarship Program", and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.~~

~~2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term "competitiveness scholarship" means an amount of money paid by the state of Missouri to a qualified college or university student pursuant to the provisions of this section.~~

~~3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:~~

~~(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section;~~

~~(2) Prescribe the form and the time and method of awarding competitiveness scholarships, and shall supervise the processing thereof; and~~

~~(3) Select qualified recipients to receive competitiveness scholarships, make such awards of competitiveness scholarships to qualified recipients and determine the manner and method of payment to the recipient.~~

~~4. A student shall be eligible for initial or renewed competitiveness scholarship if, at the time of his application and throughout the period during which he is receiving such assistance, he is a part-time student who:~~

~~(1) Is eighteen years of age or older;~~

~~(2) Is employed twenty hours or more per week;~~

~~(3) Is a citizen or a permanent resident of the United States;~~

~~(4) Is a resident of the state of Missouri, as determined by reference to standards promulgated pursuant to section 173.140;~~

~~(5) Is enrolled, or has been accepted for enrollment, as a part-time undergraduate student in an approved private or public institution; and~~

~~(6) Establishes financial need.~~

~~5. A recipient of competitiveness scholarship awarded under the provisions of this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.]~~

~~[173.264. There is hereby established as a pilot project the "International Economic Development Exchange Program". The department of economic development, with the advice of the advisory committee established in section 173.265, shall administer the program, except that the department shall administer the program without additional staff or salary for such program. The program shall be established to encourage international~~

7 ~~exchanges at industrial and commercial business enterprises for students~~
8 ~~enrolled in institutions of higher education. Full time students who attend~~
9 ~~institutions of higher education in this state shall be eligible for financial~~
10 ~~assistance to attend the student internship exchange portion of the program in~~
11 ~~eligible countries other than the United States. Priority shall be given to~~
12 ~~business internship exchange programs of public and private institutions of~~
13 ~~higher education in this state, where such programs have been in existence for~~
14 ~~at least ten successive years prior to December 23, 1997. The program shall~~
15 ~~include an inventory of the number of students involved in such programs,~~
16 ~~which shall be maintained by the advisory committee. The program shall also~~
17 ~~include the development of methods for fostering international trade through~~
18 ~~exchange programs and through business and entrepreneurial training~~
19 ~~programs. The program may include the provision of scholarships and~~
20 ~~other financial assistance in cooperation with the federal government, public~~
21 ~~and private institutions of higher education, and businesses, to enable students~~
22 ~~and business people from eligible countries to study and attend training~~
23 ~~programs in the United States.]~~

2 ~~[173.265. 1. There is hereby created an "International Economic~~
3 ~~Development Exchange Program Advisory Committee", which shall consist of~~
4 ~~five members, to be appointed by the director of the department of economic~~
5 ~~development. The committee shall include two persons associated with~~
6 ~~institutions of higher education in this state and one resident business person~~
7 ~~who deals with international business. Of the five members, all shall be~~
8 ~~residents of the state, at least one member shall be a resident of one of the two~~
9 ~~largest metropolitan areas of this state, and at least one member shall not be a~~
10 ~~resident of one of the two largest metropolitan areas of this state. The~~
11 ~~members shall serve three year terms. The committee shall meet only in~~
12 ~~Jefferson City. The committee shall review the administration of the~~
13 ~~international economic development exchange program by the department of~~
14 ~~economic development. The director of the department of economic~~
15 ~~development shall make an annual report of the program's activities to the~~
16 ~~governor, the speaker of the house of representatives and the president pro tem~~
17 ~~of the senate. Members of the committee shall serve without compensation~~
18 ~~but may be reimbursed for ordinary and necessary expenses incurred in the~~
19 ~~performance of their official duties.~~

20 ~~2. The program may receive grants, loans and other funding from the~~
21 ~~federal government and from private sources. In addition, the general~~
22 ~~assembly may appropriate up to one hundred thousand dollars in each fiscal~~
23 ~~year for the program; however, such appropriation shall not exceed an amount~~
24 ~~equal to the amounts contributed to the program from nongovernmental~~
~~sources:.]~~

2 ~~[173.475. Notwithstanding any provision of law or policy of a public~~
3 ~~institution of higher education to the contrary, no public college or university,~~
4 ~~as defined in section 173.355, shall reject an applicant for a faculty position~~
~~based solely on the applicant having not earned a graduate degree, provided~~

5 that the applicant has earned an undergraduate baccalaureate degree and has
 6 served for at least eight years in the general assembly.]

2 [~~173.775. 1. Sections 173.775 to 173.796 shall be known as the~~
 3 "~~Advantage Missouri Program~~". This program shall provide loans to and
 4 establish a loan forgiveness program for students in approved educational
 5 programs who become employed in occupational areas of high demand in this
 6 state.

7 2. The "~~Advantage Missouri Trust Fund~~" is hereby created in the state
 8 treasury, to be used by the coordinating board for higher education to provide
 9 loans pursuant to sections 173.775 to 173.796. All appropriations, private
 10 donations, and other funds provided to the board for this program shall be
 11 credited to the fund. All funds generated by loan repayments and any penalties
 12 received pursuant to sections 173.787 and 173.790, shall also be credited to the
 13 fund. Notwithstanding the provisions of section 33.080 to the contrary, any
 unexpended balance in the fund shall not revert to the general revenue fund.]

2 [~~173.778. As used in sections 173.775 to 173.796, the following terms~~
 mean:

- 3 (1) "~~Board~~", the coordinating board for higher education;
- 4 (2) "~~Eligible institution~~", any approved public or private institution of
 5 postsecondary education, as defined in section 173.205 or any other Missouri
 6 private institution that:
 - 7 (a) Is required by statute to be certified to operate by the board;
 - 8 (b) Is institutionally accredited by a United States Department of
 9 Education recognized accrediting commission;
 - 10 (c) Has operated continuously in the state of Missouri for five or more
 11 years;
 - 12 (d) Has no more than fifty percent of its students in correspondence
 13 programs;
 - 14 (e) Offers a one-year or two-year certificate, associate or baccalaureate
 15 degree programs, or graduate or professional degree programs; and
 - 16 (f) Is approved for participation in the advantage Missouri program by
 17 the board;
- 18 (3) "~~Eligible student~~", an individual who is enrolled full time in an
 19 eligible institution, unless the board approves less than full-time enrollment,
 20 who meets the eligibility requirements pursuant to subsection 1 of section
 21 173.215 and who meets the following additional requirements:
 - 22 (a) Has received a high school diploma, general educational
 23 development certificate (GED), or its equivalent;
 - 24 (b) Maintains satisfactory academic progress as determined by the
 25 eligible institution such student attends in pursuing a one-year or two-year
 26 certificate, associate or baccalaureate degree, or graduate or professional
 27 degree. Failure to maintain satisfactory academic progress shall result in
 28 ineligibility for continued participation in the program and ineligibility for
 29 forgiveness of any loan or loans received;
 - 30 (c) Is not currently confined in any federal or state correctional facility
 31 or jail;

- 32 ~~(d) Has not defaulted on the repayment of any previously granted~~
 33 ~~higher education loan; and~~
 34 ~~(e) Submits an application provided by the board for participation in~~
 35 ~~the program;~~
 36 ~~(4) "Fund", the advantage Missouri trust fund, established in section~~
 37 ~~173.775; and~~
 38 ~~(5) "Occupational areas of high demand", specific professions or skill~~
 39 ~~areas for which the board determines that the state is experiencing a shortage~~
 40 ~~of qualified employees;~~
 41 ~~(6) "Program", the advantage Missouri program established pursuant~~
 42 ~~to sections 173.775 to 173.796.]~~

2 ~~[173.781. By August 28, 1998, and by June first of each year~~
 3 ~~thereafter, the board shall designate occupational areas of high demand in the~~
 4 ~~state. The board shall also designate professions and skill areas directly~~
 5 ~~related to the areas of high demand, and the degree programs or certifications~~
 6 ~~directly leading to employment in such areas. In making such designations,~~
 7 ~~the board shall consult with the department of labor and industrial relations,~~
 8 ~~the department of economic development, and private sector business and~~
 9 ~~labor groups. The board shall also consult with other private and public~~
 10 ~~agencies and individuals with expertise related to labor markets, geographic~~
 11 ~~and demographic analysis, and solicit input from interested parties throughout~~
 12 ~~the state, in order to ensure that:~~

- 12 ~~(1) The diverse needs of the state are considered; and~~
 13 ~~(2) That these designations reflect the broad, long term economic,~~
 14 ~~educational, and public policy interests of the state in both the public and~~
 15 ~~private sectors.]~~

2 ~~[173.784. An eligible student may participate in the program for up to~~
 3 ~~ten semesters, or their equivalent, whether consecutive or not, and may be~~
 4 ~~awarded a loan of up to two thousand five hundred dollars per academic year~~
 5 ~~by the board, not to exceed a maximum of ten thousand dollars. No student~~
 6 ~~shall participate in the program more than seven years after beginning such~~
 7 ~~participation.]~~

2 ~~[173.787. Eligible students who are in compliance with program~~
 3 ~~requirements may qualify for forgiveness of a loan or loans received through~~
 4 ~~the program by agreeing to be employed in an occupational area of high~~
 5 ~~demand within the state of Missouri, as determined by the board, with such~~
 6 ~~employment beginning within one calendar year of graduation by the~~
 7 ~~individual from an eligible institution, and as outlined in the contract~~
 8 ~~pursuant to section 173.790. The employment qualifying the eligible student~~
 9 ~~for loan forgiveness shall be approved by the board. The board shall approve~~
 10 ~~loan forgiveness on a year for year basis, with each year of approved~~
 11 ~~employment qualifying the student for the forgiveness of one year's loans.~~
 12 ~~Students electing not to comply with these employment requirements, or~~
 13 ~~students failing to meet these requirements shall be required to repay with~~

13 interest any or all loans received, pursuant to the contractual provisions
 14 described in section 173.790.]

2 ~~[173.790. 1. The board shall enter into a contract with each individual~~
 3 ~~qualifying for participation in the program at the time the individual declares a~~
 4 ~~major or decides on a course of study, if a major is not declared at the~~
 5 ~~institution at which the individual is enrolled. The written contract shall~~
 6 ~~contain, but not be limited to, the following:~~

7 (1) ~~The terms and conditions under which the loan is made, and the~~
 8 ~~requirements for repayment of the loan by the student;~~

9 (2) ~~A stipulation that, the provisions of section 143.811 to the contrary~~
 10 ~~notwithstanding, no interest shall be assessed on any loan provided through the~~
 11 ~~program while the student is enrolled full time, or enrolled part-time with the~~
 12 ~~approval of the board, and meets the eligibility requirements pursuant to~~
 13 ~~section 173.778;~~

14 (3) ~~The terms and conditions for qualifying for forgiveness of loan~~
 15 ~~proceeds received through the program;~~

16 (4) ~~A provision that any financial obligations arising out of a contract~~
 17 ~~entered into, and any obligations of the individual which are conditioned~~
 18 ~~thereon, are contingent upon funds being appropriated to the fund and on the~~
 19 ~~availability of a targeted high demand job; and~~

20 (5) ~~The amount of any penalties assessed, in the event repayment of~~
 21 ~~the loan by the student is not made in accordance with the contract, or the~~
 22 ~~student fails to maintain eligibility or other requirements of the program. All~~
 23 ~~such penalties shall be deposited in the fund.~~

24 2. ~~Sections 173.775 to 173.796 shall not be construed to require the~~
 25 ~~board to enter into contracts with individuals who otherwise qualify for the~~
~~program when funds are not available for such purpose.]~~

2 ~~[173.793. Nothing in sections 173.775 to 173.796 shall be construed~~
 3 ~~as a promise or guarantee by the coordinating board for higher education, or~~
 4 ~~the state of Missouri that a person will be admitted to a state institution of~~
 5 ~~higher education or to a particular state institution of higher education, will be~~
 6 ~~allowed to continue to attend an institution of higher education after having~~
~~been admitted, or will be graduated from an institution of higher education.]~~

2 ~~[173.796. 1. As used in this section, the term "taxpayer" means an~~
 3 ~~individual, a partnership, or a corporation as described in section 143.441 or~~
 4 ~~143.471, and includes any charitable organization which is exempt from~~
 5 ~~federal income tax and whose Missouri unrelated business taxable income, if~~
 6 ~~any, would be subject to the state income tax imposed under chapter 143.~~

7 2. ~~Any taxpayer may make a contribution to the fund. Within the limits~~
 8 ~~specified in subsection 3 of this section, a taxpayer shall be allowed a credit~~
 9 ~~against the taxes imposed pursuant to chapter 143, except for sections 143.191~~
 10 ~~to 143.265, on that individual or entity of up to fifty percent of the total~~
 11 ~~amount contributed to the fund, not to exceed one hundred thousand dollars~~
~~per taxpayer.~~

12 3. ~~The department of revenue shall administer the tax credits pursuant~~
 13 ~~to this section, and shall certify eligibility for the tax credits in the order~~
 14 ~~applications are received. The total amount of tax credits certified in any one~~
 15 ~~calendar year shall not exceed five million dollars annually. Contributions of~~
 16 ~~up to one hundred thousand dollars per annum per taxpayer may be certified~~
 17 ~~by the department of revenue as a qualified contribution for purposes of~~
 18 ~~receiving a tax credit under this program.~~

19 4. ~~If the amount of tax credit exceeds the total tax liability for the year~~
 20 ~~in which the tax credit is claimed, the amount that exceeds the state tax~~
 21 ~~liability may be carried forward for credit against the taxes imposed pursuant~~
 22 ~~to chapter 143, except for sections 143.191 to 143.265, for the succeeding ten~~
 23 ~~years, or until the full credit is used, whichever occurs first.~~

24 5. ~~For all tax years beginning on or after January 1, 2005, no tax~~
 25 ~~credits shall be authorized, awarded, or issued to any person or entity claiming~~
 26 ~~any tax credit under this section.~~

27 6. ~~The provisions of this section shall become effective January 1,~~
 28 ~~1999.]~~

2 ~~[620.552. Sections 620.552 to 620.574 shall be known and may be~~
~~cited as the "Missouri Youth Service and Conservation Corps Act".]~~

2 ~~[620.554. There is hereby established a "Missouri Youth Service and~~
 3 ~~Conservation Corps" which shall provide educational remediation,~~
 4 ~~employability skills training, and meaningful work experience necessary to~~
 5 ~~better prepare the state's youths for meeting basic work requirements and their~~
 6 ~~civic responsibility, while offering them opportunities to explore careers, gain~~
 7 ~~needed work experience and contribute to the general welfare of their~~
~~communities and the state.]~~

2 ~~[620.556. As used in sections 620.552 to 620.574 the following terms~~
~~mean:~~

3 ~~(1) "Corps" and "youth corps", the Missouri youth service and~~
 4 ~~conservation corps;~~

5 ~~(2) "Division", the division of workforce development within the~~
 6 ~~department of economic development;~~

7 ~~(3) "Local workforce investment boards", the local workforce~~
 8 ~~investment boards established under Section 117 of the Workforce~~
 9 ~~Investment Act, Public Law 105 220, as amended, or any other succeeding~~
 10 ~~administrative body established by subsequent federal legislation to provide~~
 11 ~~for the local administration and expenditure of funding for employment and~~
 12 ~~job training and approved by the division of workforce development;~~

13 ~~(4) "Participant", a person who has been hired, or who has been~~
 14 ~~accepted as a volunteer, and who meets the program eligibility criteria~~
 15 ~~established by sections 620.552 to 620.574;~~

16 ~~(5) "Project", an undertaking designed to provide or assist in providing~~
 17 ~~services to promote conservation, public health, education and welfare among~~
 18 ~~the general population. The term includes, but is not limited to:~~

19 ~~(a) The rehabilitation of substandard housing;~~

- 20 ~~(b) The repair, restoration and maintenance of public facilities and~~
- 21 ~~amenities;~~
- 22 ~~(c) Assistance with the organization and delivery of educational and~~
- 23 ~~health services;~~
- 24 ~~(d) Assistance for the elderly homebound;~~
- 25 ~~(e) Delivery of food to the hungry and elderly;~~
- 26 ~~(f) Restoration or development of park facilities;~~
- 27 ~~(g) Trail construction and maintenance;~~
- 28 ~~(h) Litter control;~~
- 29 ~~(i) Land and soil conservation and rehabilitation;~~
- 30 ~~(j) Road repair;~~
- 31 ~~(k) Land reclamation;~~
- 32 ~~(l) Reforestation; and~~
- 33 ~~(m) Other undertakings which benefit the control, management,~~
- 34 ~~restoration and conservation of the bird, fish, game, forestry, or wildlife~~
- 35 ~~resources, and soil or water resources of this state;~~
- 36 ~~(6) "Project sponsor", state agencies, including the departments of~~
- 37 ~~elementary and secondary education, social services, labor and industrial~~
- 38 ~~relations, conservation, and natural resources and the University of Missouri~~
- 39 ~~extension system; any unit of local government, including school districts;~~
- 40 ~~private not for profit corporations or organizations; administrative entities~~
- 41 ~~designated pursuant to the requirements of the Workforce Investment Act and~~
- 42 ~~any subsequent amendments; and community-based organizations.]~~

2 ~~[620.558. 1. The Missouri youth service and conservation corps shall~~

3 ~~consist of the following programs:~~

- 4 ~~(1) A year-round community services and conservation program for~~
- 5 ~~young adults;~~
- 6 ~~(2) A summer employment program;~~
- 7 ~~(3) A volunteer program for youths.~~

8 ~~2. In selecting participants for the youth service and conservation~~

9 ~~corps, the director of the division shall give preference to persons who are high~~

10 ~~school dropouts and who are at risk of not graduating from high school. The~~

11 ~~director may segregate programs and funds to serve such persons to enhance~~

12 ~~the efficiency of administering any federal Workforce Investment Act funds~~

13 ~~which are available to the youth service and conservation corps.~~

14 ~~3. Residents of both urban and rural areas of the state shall be eligible~~

15 ~~to apply to participate in the youth service and conservation corps. No person~~

16 ~~who has been convicted of a felony within the previous two years shall be~~

17 ~~eligible to participate in the youth service and conservation corps. Participants~~

~~shall be unemployed at the time of their enrollment.]~~

2 ~~[620.560. 1. The community services and conservation program for~~

3 ~~young adults shall consist of projects offering participants paid work~~

4 ~~experience integrated with educational activities which may include, but is~~

5 ~~not limited to, employability skills training and educational remediation~~

~~activities.~~

6 2. ~~Participants who are high school dropouts shall work toward the~~
7 ~~completion of their graduate equivalency diploma and shall be excused from~~
8 ~~work according to a planned work schedule proposed by the project sponsor~~
9 ~~and approved by the division of workforce development in its review of a~~
10 ~~project application, to allow them to attend classes or gain instruction. The~~
11 ~~division of workforce development shall work with the department of~~
12 ~~elementary and secondary education to establish criteria for determining~~
13 ~~participants who may be at risk of not earning a high school diploma.~~
14 ~~Participants who meet these criteria shall be required to attend remediation~~
15 ~~classes designed to assist in the retention and successful completion of high~~
16 ~~school according to a planned work schedule proposed by the project sponsor~~
17 ~~and approved by the division in its review of a project application. All~~
18 ~~participants shall be paid a wage according to a work plan approved by the~~
19 ~~division, and commensurate with the number of hours worked by the~~
20 ~~participant. During the last three weeks of employment, all participants may~~
21 ~~be granted eight hours of paid time each week to search for permanent~~
22 ~~employment.]~~

2 ~~[620.562. 1. The summer employment program shall consist of~~
3 ~~projects offering needed paid work experience integrated with educational~~
4 ~~activities which may include, but is not limited to, employability skills training~~
5 ~~and educational remediation activities. Participants shall be unemployed at the~~
6 ~~time of their enrollment.~~

7 2. ~~Participants in the program shall be paid a wage according to a work~~
8 ~~plan approved by the division of workforce development, and commensurate~~
9 ~~with the number of hours worked by the participant. If participants are high~~
10 ~~school dropouts, they shall be required to work toward the completion of their~~
11 ~~graduate equivalency diploma while employed in the summer employment and~~
12 ~~remediation program. The division of workforce development shall work with~~
13 ~~the department of elementary and secondary education to establish criteria for~~
14 ~~determining participants who may be at risk of not earning a high school~~
15 ~~diploma. Participants who meet these criteria shall be required to attend~~
16 ~~remediation classes designed to assist in the retention and successful~~
~~completion of high school.]~~

2 ~~[620.564. The youth volunteer program shall consist of unpaid work in~~
3 ~~projects which provide employability skills training and preemployment work~~
4 ~~experience. Such unpaid work shall not preclude the provision of supportive~~
5 ~~services deemed appropriate. Each volunteer program of the Missouri youth~~
6 ~~service and conservation corps shall demonstrate a high degree of youth input~~
7 ~~into program development, shall provide career related information pertaining~~
8 ~~to volunteer projects, shall provide useful service to the community and shall~~
~~abide by state and federal child labor laws.]~~

2 ~~[620.566. 1. The division of workforce development within the~~
3 ~~department of economic development is hereby authorized to administer the~~
4 ~~Missouri youth service and conservation corps programs and adopt rules and~~
~~regulations governing their operation and participation requirements.~~

5 2. ~~The division shall cooperate with and may directly contract with all~~
 6 ~~state agencies, local units of government and any of the governor's advisory~~
 7 ~~councils or commissions, or their successor agencies, and with private not for-~~
 8 ~~profit organizations in delivery of youth corps programs. For purposes of this~~
 9 ~~section, the contracting process of the division with these entities need not be~~
 10 ~~governed by the provisions of chapter 34.~~

11 3. ~~Upon application to the division and subject to the availability of~~
 12 ~~funds, the division is authorized to provide funding assistance through~~
 13 ~~contracts with administrative entities, designated pursuant to the Workforce~~
 14 ~~Investment Act and any subsequent amendments, and project sponsors. The~~
 15 ~~application shall form the basis for the contract agreement and, at a minimum,~~
 16 ~~shall include:~~

17 (1) ~~A general project description, including the extent to which it~~
 18 ~~satisfies community development or resource conservation objectives and~~
 19 ~~whether or not such objectives are stated within any municipal, county,~~
 20 ~~regional or state agency plan;~~

21 (2) ~~The number of corps members to be assigned to each project, a~~
 22 ~~description of the nature and duration of their employment or volunteer work,~~
 23 ~~and a description of combinations or sequences of education or vocational~~
 24 ~~training to be provided;~~

25 (3) ~~The amount of total funds required to sustain the project,~~
 26 ~~distinguishing between the amounts required for corps members' wages and~~
 27 ~~stipends, if any, and the amounts required for other purposes;~~

28 (4) ~~A statement of the amount and purpose of funding assistance~~
 29 ~~requested from the division and the manner and timing of its disbursement;~~

30 (5) ~~A description of the interagency coordination, technical assistance~~
 31 ~~and financial support which together with the funding assistance, the resources~~
 32 ~~of the applicant and support from any other source, is sufficient to ensure the~~
 33 ~~success of the project. The commitment of financial support from the project~~
 34 ~~sponsor shall be equal to or greater than twenty five percent of the amount of~~
 35 ~~the total project cost.~~

36 4. ~~An application shall only be submitted to the division after review~~
 37 ~~by the private industry council operating within the service delivery area in~~
 38 ~~which the project is to be located, regardless of the actual project sponsor. It~~
 39 ~~shall include the signatures of the workforce investment board chairperson and~~
 40 ~~the designated chief local elected official of the local workforce investment~~
 41 ~~area.~~

42 5. ~~The division shall ensure that all affected state agencies are made~~
 43 ~~aware of the application and are provided the opportunity to offer comments~~
 44 ~~related to the project feasibility, including the identification of other available~~
 45 ~~funds for the project.]~~

2 [620.568. 1. A project sponsor shall administer projects funded under
 3 sections 620.552 to 620.574 in the following manner:

4 (1) Participants, except those enrolled in the youth volunteer program,
 5 shall be paid at least the minimum wage as established by federal or state law
 at the time of employment;

6 ~~(2) Persons employed through any of the corps programs shall be~~
7 ~~exempt from merit system requirements, and shall not be eligible for~~
8 ~~membership in any public employees' retirement system. All participants shall~~
9 ~~be so advised by the project sponsor and the regulating authority;~~

10 ~~(3) Services performed by a participant in any corps program shall not~~
11 ~~constitute "employment" within the meaning of the Missouri employment~~
12 ~~security law in chapter 288, if the program is operated as a work-relief or~~
13 ~~work-training program in accordance with subdivision (5) of subsection 9 of~~
14 ~~section 288.034.~~

15 ~~2. Not more than ten percent of the funds distributed to a project~~
16 ~~sponsor may be expended for administrative expenses. Administrative~~
17 ~~expenses shall be approved by the division.~~

18 ~~3. No funds shall be awarded for any program which replaces or~~
19 ~~supplants employees engaged in any authorized work stoppage or which~~
20 ~~replaces or supplants currently employed workers or which impairs existing~~
21 ~~contracts for services provided by other workers.]~~

2 ~~[620.570. 1. The Missouri training and employment council, as~~
3 ~~established in section 620.523, shall review and recommend criteria for~~
4 ~~evaluating project funding assistance, program criteria, and other requirements~~
5 ~~and priorities to be used by the division in the evaluation and monitoring of~~
6 ~~Missouri youth service and conservation corps projects.~~

7 ~~2. The division shall work with the department of higher education and~~
8 ~~workforce development, the department of elementary and secondary~~
9 ~~education, all colleges, universities and lending institutions throughout the~~
10 ~~state to develop a system of academic credit, tuition grants and deferred loan~~
11 ~~repayment incentives for young adults who enroll and complete participation~~
12 ~~in corps programs. The division shall adopt rules under chapter 536 designed~~
13 ~~to implement any such incentive programs.~~

14 ~~3. The division of workforce development of the department of~~
15 ~~economic development shall establish and promote the recruitment of "Show-~~
16 ~~Me Employers" which shall consist of Missouri-based corporations and~~
17 ~~businesses agreeing to interview, for entry-level jobs, participants successfully~~
18 ~~completing a youth corps program.~~

19 ~~4. The division of workforce development of the department of~~
20 ~~economic development shall recognize and promote within the labor exchange~~
21 ~~system the youth service corps and the potential benefits of hiring participants~~
~~who have successfully completed any of the corps' programs.]~~

2 ~~[620.572. The directors of the departments of conservation, economic~~
3 ~~development, social services, elementary and secondary education, labor and~~
4 ~~industrial relations, and natural resources and the director of the University of~~
5 ~~Missouri extension system shall meet regularly to establish appropriate~~
6 ~~allocations from their respective budgets to be made for the operation of the~~
7 ~~Missouri youth service and conservation corps. Funding for the operation of~~
8 ~~the corps may come from, but not be limited to, moneys available through the~~
9 ~~federal Carl Perkins Act, the federal Workforce Investment Act, the federal~~
~~Wagner Peyser Act, the one eighth of one cent sales tax as authorized by~~

10 ~~Sections 43(a) and 43(b) of Article IV of the Missouri Constitution, and other~~
11 ~~discretionary funds which may be available to the various departments and to~~
12 ~~the governor's office.]~~

2 ~~[620.574. There is hereby created in the state treasury the "Youth~~
3 ~~Service and Conservation Corps Fund". The state treasurer shall deposit to the~~
4 ~~credit of the fund all moneys which may be appropriated to it by the general~~
5 ~~assembly and any gifts, contributions, grants or bequests received from~~
6 ~~federal, private or other sources. The general assembly shall appropriate~~
7 ~~moneys in the youth service and conservation corps fund for the support of the~~
~~corps.]~~

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