

Tab 5, Attachment C

Draft Revisions with Explanations

23.295. ~~Division~~ Office of Workforce Development to assist displaced employees. — If an employee is displaced because a program is sunset, reorganized, or continued, the state agency and the ~~division~~ Office of Workforce Development in the Department of ~~economic~~ Higher Education and Workforce Development shall make a reasonable effort to relocate the displaced employee.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed the “Office of Workforce Development.”

160.575. Ready to work endorsement program required — elements — development of standards. — 1. The Department of Elementary and Secondary Education shall develop a “ready to work” endorsement program that enables high schools to endorse a certificate for students who meet certain standards that demonstrate that such students are deemed ready to work. The program shall be available no later than June 30, 2007.

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

- (1) Voluntary participation by high school seniors who choose to participate;
- (2) Academic components;
- (3) Work readiness components;
- (4) Assessment tools and techniques for a third-party, independent, and objective assessment and endorsement of individual student achievement through an existing workforce investment service delivery system; and

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

3. In developing such standards, the department shall involve representatives of the ~~division~~ Office of Workforce Development, employers, students, career center providers, local workforce investment boards, and school district personnel.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed the “Office of Workforce Development.”

~~167.910. Career readiness course task force established, purpose, members, meetings, duties — findings and recommendations.~~ — 1. There is hereby established the “Career Readiness Course Task Force” to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:

— (1) A parent of a student attending elementary school, appointed by a statewide association of parents and teachers;

— (2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of parents and teachers;

- (3) A parent of a student attending high school, appointed by a statewide association of parents and teachers;
 - (4) An elementary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;
 - (5) An education professional giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;
 - (6) A secondary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;
 - (7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;
 - (8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;
 - (9) A public school board member, appointed by a statewide association of school boards;
 - (10) A secondary school principal, appointed by a statewide association of secondary school principals;
 - (11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;
 - (12) An elementary school counselor, appointed by a statewide association of school counselors;
 - (13) A school counselor from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;
 - (14) A secondary school counselor, appointed by a statewide association of school counselors;
 - (15) A secondary school career and college counselor, appointed by a statewide association of school counselors;
 - (16) An apprenticeship professional, appointed by the division of workforce development of the department of economic development;
 - (17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;
 - (18) A representative of the State Technical College of Missouri, appointed by the State Technical College of Missouri;
 - (19) A representative of a public community college, appointed by a statewide organization of community colleges; and
 - (20) A representative of a public four year institution of higher education, appointed by the commissioner of higher education.
- 2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.
- 3. The task force shall hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public.

- 4. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.
- 5. The task force established under subsection 1 of this section shall consider a course that:
 - (1) Gives students an opportunity to explore various career and educational opportunities by:
 - (a) Administering career surveys to students and helping students use Missouri Connections to determine their career interests and develop plans to meet their career goals;
 - (b) Explaining the differences between types of colleges, including two year and four year colleges, and noting the availability of registered apprenticeship programs as alternatives to college for students;
 - (c) Describing technical degrees offered by colleges;
 - (d) Explaining the courses and educational experiences offered at community colleges;
 - (e) Describing the various certificates and credentials available to earn at the school or other schools including, but not limited to, career and technical education certificates described under section 170.029 and industry recognized certificates and credentials;
 - (f) Advising students of any advanced placement courses that they may take at the school;
 - (g) Describing any opportunities at the school for dual enrollment;
 - (h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;
 - (i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;
 - (j) Describing the availability of virtual courses;
 - (k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;
 - (l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;
 - (m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;
 - (n) Advising students of the resources offered by workforce or job centers;
 - (o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;
 - (p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;
 - (q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;
 - (r) Administering a basic math test to students so that they can assess their math skills;
 - (s) Administering a basic writing test to students so that they can assess their writing skills;
 - (t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and
 - (u) Explaining how to complete college applications and the Free Application for Federal Student Aid;
 - (2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;
 - (3) Demonstrates that graduation from a four year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri Career Pathways within the department of elementary and secondary education;
 - (4) Provides student loan counseling; and
 - (5) May include parent student meetings.

— 6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.

Explanation: Section 167.910 created the Career Readiness Course Task Force. The task force is no longer operating and the section is sunset (December 1, 2019).

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

173.100. Definitions. — As used in sections 173.095 to 173.187 the following terms mean:

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

173.105. Board and department duties — required federal reports, submitted to whom. — 1. The board shall determine the basic policies for the loan program and shall promulgate rules and regulations necessary to establish the loan program and to carry out the purposes of sections 173.095 to 173.180. The basic policies of the board and all rules and regulations promulgated pursuant to sections 173.095 to

173.180 shall be designed to encourage maximum involvement and participation by lenders and financial institutions in the student loan program. Lenders and financial institutions shall be encouraged by institutions of higher education to maximize the number of loans available to students. It shall be the responsibility of the coordinating board for higher education to establish guidelines and criteria for institutions of higher education for usage in maximizing the availability of student loans. The department shall be the administrative agency for the implementation of the program, and may employ such personnel as is necessary, in excess of the number provided in subsection 2 of section 6 of the omnibus state reorganization act of 1974, to administer the provisions of sections 173.095 to 173.230.

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

173.110. Department may guarantee student loans — subrogation — charges for guarantee — lender of last resort loans, origination — amount guaranteed, limit.

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

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

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

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

173.115. Defaulted loans — wage withholding orders, issued when, maximum amount, effect — statement of claim, rights of borrower — hearing, procedure, order to pay debt, judicial review — employer duties, liabilities, immune, when — discharge of employee prohibited when, penalty — service of process — rulemaking.

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

— 2. Before issuing the order as provided in subsection 1 of this section, the department shall serve on the borrower the statement of claim and shall inform the borrower that the department intends to initiate proceedings to collect the debt through deductions from earnings. The department shall also provide a copy of this section or an explanation of the borrower's rights under this section.

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

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

— 5. The department shall provide the borrower with the opportunity to have a hearing before an impartial hearing officer appointed by the department but who is not under the control or supervision of

the board or department. The procedures for the hearing shall be the same as those for contested cases under chapter 536. Upon the borrower's filing of a request for a hearing in compliance with the rules of the board, the department shall stay the commencement of collection proceedings for the debt described in the statement of claim until the department issues an order provided for in subsection 6, 7, or 8, of this section.

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

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

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

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

— 10. Upon issuing an order to pay debt, but not less than thirty days after the statement of claim was served on the borrower, the department may issue an order to withhold earnings which directs any employer of the borrower to withhold and pay over to the department money due or to become due the borrower. The employer shall withhold from the earnings the amount specified in the order, except that the total amount withheld shall not exceed ten percent of the borrower's earnings after deduction from those earnings of any amount required by law to be withheld. When the borrower voluntarily makes a written request that money due or to become due him be withheld or applied to the debt or that more than the ten percent maximum be withheld from his earnings, the employer shall comply with that request as if so ordered by the department.

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

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

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

— 14. Service on the borrower or on the employer pursuant to this section or pursuant to rules promulgated under this section may be made on the borrower or employer, respectively or on other

party in the manner provided for service of process in a civil action by a duly authorized process server appointed by the department, or by certified mail, return receipt requested, to the borrower's last known address or to the employer's address. The department may appoint any disinterested party, including, but not necessarily limited to, employees of the department, to serve such process. For purposes of this section, a borrower or an employer who does not accept receipt of service by certified mail or a borrower who has not provided the department his new or correct address is deemed to have been served as of the date on which the certified mail is mailed.

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

173.120. State guaranty student loan fund established — purpose — no transfers from fund, exception — appropriations not to lapse.

—1. The "State Guaranty Student Loan Fund" is established and shall consist of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources made for the purpose of assisting students in financing their education. Notwithstanding the provisions of section 33.080, no portion of the fund shall be transferred to the general revenue fund, except that in appropriations made for the fiscal year beginning July 1, 1982, the general assembly shall transfer six hundred thousand dollars from the fund to the general revenue fund, and any appropriation made to the fund shall not lapse, but the board shall hold the fund in the same manner as the curators of the University of Missouri and the other state educational institutions are directed to hold funds not subject to lapse or transfer.

—2. All moneys recovered by the department for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and credited to the fund.

—3. The fund shall be administered by the department.

173.125. Dispute resolution requirements. — As a condition of receiving state funds, every public institution of higher education shall agree to submit to binding dispute resolution with regard to disputes among public institutions of higher education that involve jurisdictional boundaries or the use or expenditure of any state resources whatsoever, as determined by the coordinating board. In all cases, the arbitrator shall be the commissioner of higher education or his or her designee, whose decision shall be binding on all parties. Any institution aggrieved by a decision of the commissioner may appeal such decision, in which instance the case shall be reviewed by the full coordinating board, at which time the full coordinating board shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter.

173.130. Funds not currently needed may be invested, how. — Moneys in the fund, both unobligated and obligated as a reserve, which in the judgment of the board are not currently needed for the payment of defaults of guaranteed loans, may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

173.141. Authorized actions of the board. — The board may:

—(1) Enter into agreements with and receive grants from the United States government in connection with federal programs of assistance to students of postsecondary education;

—(2) Contract with public agencies or private persons or organizations for the purpose of carrying out the administrative functions imposed upon it by sections 173.095 to 173.180;

—(3) Call upon agencies of the state which have actuarial or financial expertise for consultation and advice, and upon any agency of the state for assistance in the location of delinquent borrowers.

173.150. Recovery of loans. — The board, by rules and regulations, shall determine the policy of collections and recovery of loans, including the use of private collection agencies or assigning loans to the United States Secretary of Education. Pursuant to the rules and regulations of the board the department may institute action to recover any amount due the program in any loan transaction, use private collection agencies, or otherwise carry out the policy set by the board.

173.160. Standards of eligibility for loans. — The board shall adopt and promulgate regulations establishing standards for determining eligible institutions, eligible lenders, and eligible borrowers under sections 173.095 to 173.180. These standards shall include, but are not limited to, the following:

- (1) The student's enrollment in an eligible institution, where his good standing and workload meet the criteria of the institution;
- (2) The total guaranteed loans made to a student for one academic year;
- (3) The aggregate insured unpaid principal of all guaranteed loans made to any student;
- (4) The loans received by the student other than those guaranteed under the provisions of sections 173.095 to 173.180;
- (5) The need of the student for the loan;
- (6) The proportion of guaranteed outstanding student loans in default or potential default status from individual institutions or lenders;
- (7) The percentage of the enrolled students at an institution who have guaranteed student loans and then withdraw; and
- (8) The proportion of students at an institution having received guaranteed loans.

173.170. Standards of eligibility of loan agreements — discrimination prohibited. — 1. The board shall adopt regulations establishing standards for determining eligibility of loan agreements to be guaranteed under the provisions of sections 173.095 to 173.180. The regulations shall provide for, but shall not be limited to, the following:

- (1) The requirement or nonrequirement of security or endorsement;
 - (2) The manner and time of repayment of the principal and interest;
 - (3) The maximum rate of interest;
 - (4) The right of the borrower to accelerate payments without penalty;
 - (5) The amount of the guarantee charge;
 - (6) The effective period of the guarantee;
 - (7) The percent of the loan covered by the guarantee;
 - (8) The assignability of loans by the lender;
 - (9) Procedures in the event of default by the borrower;
 - (10) The due diligence effort on the part of lenders for collection of guaranteed loans;
 - (11) Collection assistance and supplemental preclaims assistance to be provided to lenders; and
 - (12) The extension of the guarantee in consideration of eligible deferments or forbearances.
- 2. The eligibility of any person for a student loan under the provisions of sections 173.095 to 173.180 shall not be determined or otherwise affected by any considerations of that person's race, religion, sex, creed, color, location of residence, or choice of eligible institution.

173.180. Filing of regulations. — The regulations of the board for the program shall be filed with the secretary of state as provided by statute before they shall become effective.

173.186. Guarantors of student loans, eligibility requirements. — Independent or private guarantors of student loans of Missouri residents attending Missouri postsecondary educational institutions shall be

subject to the following provisions in order to be eligible to guaranty such loans:

— (1) No such loan shall be guaranteed for attendance at a correspondence school, at a school which has been suspended or terminated from eligibility for the Missouri guaranteed student loan program by the Missouri guaranty agency, at a school which is not designated as an eligible institution for the Missouri guaranteed student loan program by the Missouri guaranty agency or at a school which has been designated as an eligible institution but does not participate;

— (2) Each such guarantor of student loans shall file an annual report by each August fifteenth with the Missouri coordinating board for higher education giving, for the immediately preceding period of July first through June thirtieth and for each month therein and for each Missouri postsecondary institution attended by Missouri residents for which loans were guaranteed, the total number of loans guaranteed and the total dollar amount of such loans;

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

173.187. Lender of last resort revolving fund, established, administration. — 1. The “Lender of Last Resort Revolving Fund” is hereby established in the state treasury and shall consist of funds received from the United States Secretary of Education, charges, gifts, grants, and bequests from federal, private or other sources made for the purpose of assisting students in financing their education. No portion of the fund shall be transferred to the general revenue fund.

— 2. The fund shall be administered by the program.

Explanation: Sections 173.095 through 173.187 create the State Student Loan Program. The program is no longer operating.

173.232. Urban flight and rural needs scholarship program established — eligible student defined — teaching requirements for recipients — fund established. — 1. There is hereby established the “Urban Flight and Rural Needs Scholarship Program”, which shall be administered by the department of elementary and secondary education. The program shall, upon appropriation, provide scholarships, subject to the eligibility criteria enumerated in this section, for eligible students who enter a teacher education program and make a commitment to teach as a condition of receiving such scholarship.

— 2. Subject to appropriation, each year the department of elementary and secondary education shall make available to eligible students up to one hundred four year urban flight and rural needs scholarships in an amount that encompasses one hundred percent of the total cost of eligible students' tuition and fees at a four year college or university located in Missouri. Such amount shall be paid by funds appropriated to the department.

— 3. As used in this section, the term “eligible student” shall mean an individual who:

— (1) Is a United States citizen and a Missouri resident who attended a Missouri high school;

— (2) Enters and makes a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four year college or university located in Missouri;

— (3) Signs an agreement with the department of elementary and secondary education in which the recipient agrees to teach in a Missouri public school, the population of which includes a higher than average “at-risk student population”, as such term shall be defined by the department of elementary and secondary education, for two years for every one year the recipient received the urban flight and rural

needs scholarship;

— (4) Has graduated from high school with a cumulative grade point average of at least two and one-half on a four point scale or equivalent;

— (5) Maintains a cumulative grade point average of at least two and one-half on a four point scale or equivalent.

— 4. If the number of applicants exceeds the number of scholarships or revenues available, the department of elementary and secondary education may consider the financial needs of the applicant.

— 5. The scholarships provided in this section shall be available to otherwise eligible students who either:

— (1) Are currently enrolled in a community college and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four year college or university located in Missouri; or

— (2) Have completed their baccalaureate degree and agree to enter a teacher education program and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four year college or university located in Missouri.

— 6. Every eligible student receiving scholarships under this section shall teach in an elementary or secondary public school in Missouri as provided in subdivision (3) of subsection 3 of this section. The student shall teach for a period of two years for every one year he or she received an urban flight and rural needs scholarship; otherwise, the scholarship shall be treated as a loan to the eligible student, and interest at the rate of nine and one-half percent per year shall be charged on the unpaid balance of the amount received from the date the eligible student ceases to teach until the amount received is paid back to the state. In order to provide for the servicing of such loans, the department of elementary and secondary education may sell such loans to the higher education loan authority of the state of Missouri created pursuant to sections 173.350 to 173.445. For each year the student teaches, up to eight years, one-eighth of the amount received pursuant to this section shall be applied against the total amount received and shall not be subject to the repayment requirement of this section; provided that twenty-five percent of such amount, not subject to repayment, shall be repaid by the local school district to the department. The department of elementary and secondary education shall have the power to and shall defer interest and principal payments under certain circumstances, which shall include, but need not be limited to, the enrollment in a graduate program or service in any branch of the Armed Forces of the United States.

— 7. There is hereby established in the state treasury a fund to be known as the “Urban Flight and Rural Needs Scholarship Program Fund”, which shall consist of all moneys that may be appropriated to it by the general assembly, and in addition may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the department of elementary and secondary education. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund. Moneys in the fund shall be used solely for the purpose of awarding scholarships under the provisions of this section.

Explanation: Section 173.232 creates The Urban Flight and Rural Needs Scholarship Program, and the program has not been funded since it was created in 2006.

173.236. Survivors of Vietnam veterans scholarship program — eligibility — coordinating board, powers and duties — amount — transfer, withdrawal — expiration date. — 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

— (1) “Board”, the coordinating board for higher education;

~~— (2) “Grant”, the Vietnam veteran's survivors grant as established in this section;~~

~~— (3) “Institution of postsecondary education”, any approved public or private institution as defined in section 173.205;~~

~~— (4) “Survivor”, a child or spouse of a Vietnam veteran as defined in this section;~~

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

~~— (6) “Vietnam veteran”, a person who served in the military in Vietnam or the war zone in Southeast Asia and to whom the following criteria shall apply:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (2) The average amount of tuition charged a Missouri resident at the institutions identified in section 174.020² for attendance as a full time student, as defined in section 173.205.~~

~~— 7. A survivor who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education 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 to which he is entitled attributable to the grant for that semester or similar grading period to the board.

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

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

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

— 11. This section shall expire on December 31, 2015.

Explanation: Section 173.236 expired on December 31, 2015.

173.262. Competitiveness scholarship program (Marguerite Ross Barnett program), definition — duties of coordinating board — eligibility requirements — transfer or withdrawal, effect. — 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.

Explanation: Section 173.262 creates The Marguerite Ross Barnett Competitiveness Scholarship Program. The program is not funded and was replaced with the Fast Track Workforce Incentive Grant.

173.264. International economic development exchange program established — eligible students. —

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

173.265. Advisory committee established — members, appointment, qualifications, terms — program funding. —

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

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

~~amounts contributed to the program from nongovernmental sources.~~

Explanation: Sections 173.264 and 173.265 create the International Economic Development Exchange Program. The program is no longer operating.

~~173.475. No discrimination in hiring based on lack of a graduate degree, when. — Notwithstanding any provision of law or policy of a public institution of higher education to the contrary, no public college or university, 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 that the applicant has earned an undergraduate baccalaureate degree and has served for at least eight years in the general assembly.~~

Explanation: Section 173.475 went into effect over ten years ago to allow legislators to work at an institution of higher education without an advanced degree. We believe this statute can be removed.

178.550. Career and technical education student protection act — council established, members, terms, meetings, duties. — 1. This section shall be known and may be cited as the “Career and Technical Education Student Protection Act.” There is hereby established the “Career and Technical Education Advisory Council” within the Department of Elementary and Secondary Education.

2. The advisory council shall be composed of sixteen members who shall be Missouri residents. The director of the Department of Economic Development, or his or her designee, shall be a member. The commissioner of education shall appoint the following members:

- (1) A director or administrator of a career and technical education center;
- (2) An individual from the business community with a background in commerce;
- (3) A representative from State Technical College of Missouri;
- (4) Three current or retired career and technical education teachers who also serve or served as an

advisor to any of the nationally recognized career and technical education student organizations of:

- (a) DECA;
- (b) Future Business Leaders of America (FBLA);
- (c) FFA;
- (d) Family, Career and Community Leaders of America (FCCLA);
- (e) Health Occupations Students of America (HOSA);
- (f) SkillsUSA; or
- (g) Technology Student Association (TSA);
- (5) A representative from a business organization, association of businesses, or a business coalition;
- (6) A representative from a Missouri community college;
- (7) A representative from Southeast Missouri State University or the University of Central Missouri;
- (8) An individual participating in an apprenticeship recognized by the Department of Labor and Industrial Relations or approved by the United States Department of Labor's Office of Apprenticeship;
- (9) A school administrator or school superintendent of a school that offers career and technical education.

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

- (1) One member shall be appointed for a term of one year;
- (2) Two members shall be appointed for a term of two years;
- (3) Two members shall be appointed for a term of three years;

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

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

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

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

(1) A director of guidance and counseling services at the Department of Elementary and Secondary Education, or a similar position if such position ceases to exist;

(2) The director of the ~~division~~ **Office** of Workforce Development; and

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

6. The assistant commissioner for the office of college and career readiness of the Department of Elementary and Secondary Education shall provide staff assistance to the advisory council.

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

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

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

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

11. The advisory council shall:

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

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

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

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

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

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

12. For purposes of this section, the Department of Elementary and Secondary Education shall provide such documentation and information as to allow the advisory council to be effective.

13. For purposes of this section, “advisory council” shall mean the career and technical education advisory council.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed “Office of Workforce Development.”

178.585. Upgrade of vocational and technical education — advisory committees — listing of demand occupations — use of funds. —

1. Under rules and regulations of the state board of education, the commissioner of education, in cooperation with the ~~director of the division~~ **Office of Workforce Development** of the Department of ~~economic~~ **Higher Education and Workforce Development**, shall establish procedures to provide grants to public high schools, vocational-technical schools, State Technical College of Missouri, and community colleges solely for the purpose of new programs, curriculum enhancement, equipment and facilities so as to upgrade vocational and technical education in the state.

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

3. The ~~director of the~~ Department of ~~economic~~ **Higher Education and Workforce Development** shall provide annually to the commissioner of education a listing of demand occupations in the state including substate projections. The listing shall include those occupations for which, in the judgment of the ~~director of the~~ Department of ~~economic~~ **Higher Education and Workforce Development**, there is a critical shortage to meet present or future employment needs necessary to the economic growth and competitiveness of the state.4. In any fiscal year, at least seventy-five percent of all moneys for the grant awards authorized by this section shall be to public high schools, vocational-technical schools, State Technical College of Missouri, or community colleges for new programs, curriculum enhancement or equipment necessary to address demand occupations identified pursuant to subsection 3 of this section.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed “Office of Workforce Development.”

~~173.775. Citation — fund created. —~~ 1. Sections 173.775 to 173.796 shall be known as the “Advantage Missouri Program”. This program shall provide loans to and establish a loan forgiveness program for students in approved educational programs who become employed in occupational areas of high demand in this state.

2. The “Advantage Missouri Trust Fund” is hereby created in the state treasury, to be used by the coordinating board for higher education to provide loans pursuant to sections 173.775 to 173.796. All appropriations, private donations, and other funds provided to the board for this program shall be credited to the fund. All funds generated by loan repayments and any penalties received pursuant to sections 173.787 and 173.790, shall also be credited to the 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.

173.778. Definitions.—As used in sections 173.775 to 173.796, the following terms mean:

- (1) “Board”, the coordinating board for higher education;
- (2) “Eligible institution”, any approved public or private institution of postsecondary education, as defined in section 173.205 or any other Missouri private institution that:
 - (a) Is required by statute to be certified to operate by the board;
 - (b) Is institutionally accredited by a United States Department of Education recognized accrediting commission;
 - (c) Has operated continuously in the state of Missouri for five or more years;
 - (d) Has no more than fifty percent of its students in correspondence programs;
 - (e) Offers a one year or two year certificate, associate or baccalaureate degree programs, or graduate or professional degree programs; and
 - (f) Is approved for participation in the advantage Missouri program by the board;
- (3) “Eligible student”, an individual who is enrolled full time in an eligible institution, unless the board approves less than full time enrollment, who meets the eligibility requirements pursuant to subsection 1 of section 173.215 and who meets the following additional requirements:
 - (a) Has received a high school diploma, general educational development certificate (GED), or its equivalent;
 - (b) Maintains satisfactory academic progress as determined by the eligible institution such student attends in pursuing a one year or two year certificate, associate or baccalaureate degree, or graduate or professional degree. Failure to maintain satisfactory academic progress shall result in ineligibility for continued participation in the program and ineligibility for forgiveness of any loan or loans received;
 - (c) Is not currently confined in any federal or state correctional facility or jail;
 - (d) Has not defaulted on the repayment of any previously granted higher education loan; and
 - (e) Submits an application provided by the board for participation in the program;
- (4) “Fund”, the advantage Missouri trust fund, established in section 173.775; and
- (5) “Occupational areas of high demand”, specific professions or skill areas for which the board determines that the state is experiencing a shortage of qualified employees;
- (6) “Program”, the advantage Missouri program established pursuant to sections 173.775 to 173.796.

173.781. High demand occupations and areas, board's duties.—By August 28, 1998, and by June first of each year thereafter, the board shall designate occupational areas of high demand in the state. The board shall also designate professions and skill areas directly related to the areas of high demand, and the degree programs or certifications directly leading to employment in such areas. In making such designations, the board shall consult with the department of labor and industrial relations, the department of economic development, and private sector business and labor groups. The board shall also consult with other private and public agencies and individuals with expertise related to labor markets, geographic and demographic analysis, and solicit input from interested parties throughout the state, in order to ensure that:

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

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

173.787. Loan forgiveness, when. — Eligible students who are in compliance with program requirements may qualify for forgiveness of a loan or loans received through the program by agreeing to be employed in an occupational area of high demand within the state of Missouri, as determined by the board, with such employment beginning within one calendar year of graduation by the individual from an eligible institution, and as outlined in the contract pursuant to section 173.790. The employment qualifying the eligible student for loan forgiveness shall be approved by the board. The board shall approve loan forgiveness on a year for year basis, with each year of approved employment qualifying the student for the forgiveness of one year's loans. Students electing not to comply with these employment requirements, or students failing to meet these requirements shall be required to repay with interest any or all loans received, pursuant to the contractual provisions described in section 173.790.

173.790. Contract for participation, terms and conditions. — 1. The board shall enter into a contract with each individual qualifying for participation in the program at the time the individual declares a major or decides on a course of study, if a major is not declared at the institution at which the individual is enrolled. The written contract shall contain, but not be limited to, the following:

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

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

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

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

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

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

173.793. Not a guarantee of admission, attendance, or graduation. — Nothing in sections 173.775 to 173.796 shall be construed as a promise or guarantee by the coordinating board for higher education, or the state of Missouri that a person will be admitted to a state institution of higher education or to a particular state institution of higher education, will be allowed to continue to attend an institution of higher education after having been admitted, or will be graduated from an institution of higher education.

173.796. Tax credit for donations to fund — tax credits prohibited, when. — 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441 or 143.471, and includes any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

— 2. Any taxpayer may make a contribution to the fund. Within the limits specified in subsection 3 of this section, a taxpayer shall be allowed a credit against the taxes imposed pursuant to chapter 143, except for sections 143.191 to 143.265, on that individual or entity of up to fifty percent of the total amount

contributed to the fund, not to exceed one hundred thousand dollars per taxpayer.

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

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

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

— 6. The provisions of this section shall become effective January 1, 1999.

Explanation: Sections 173.775 through 173.796 create the Advantage Missouri Program. The program has not been funded in recent history and has sunset.

186.019. Report from certain state agencies to council and designated officials – contents – due,

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

(1) The Department of Labor and Industrial Relations, and the ~~division~~ **Office** of Workforce Development of the Department of ~~economic~~ **Higher Education and Workforce** Development, who shall assemble all available data and report on all business start-ups and business failures which are fifty-one percent or more owned by women. The reports shall distinguish, as best as possible, those businesses which are sole proprietorships, partnerships, or corporations;

(2) The Department of Economic Development, who shall assemble all available data and report on financial assistance or other incentives given to all businesses which are fifty-one percent or more owned by women. The report shall contain information relating to assistance or incentives awarded for the retention of existing businesses, the expansion of existing businesses, or the start-up of new businesses;

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

(4) The Division of Purchasing of the Office of Administration, who shall assemble all available data and report on businesses which are fifty-one percent or more owned by women which are recipients of contracts awarded by the state of Missouri.

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

(1) The Department of Elementary and Secondary Education shall assemble all available data from the Vocational and Education Data System (VEDS) on class enrollments by Instruction Program Codes

(CIP); by secondary and postsecondary schools; and, secondary, postsecondary, and adult level classes; and by gender. This data shall also be reported by classes of traditional and nontraditional occupational areas;

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

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development."

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

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

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

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

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

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

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

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

(c) The director of the Division of Employment Security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting, or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist. Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report to the division's office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

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

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

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

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is

separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

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

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

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

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

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

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

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

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

10. The directors of the Division of Employment Security and the ~~division~~ **Office** of Workforce Development shall submit to the governor, the speaker of the House of Representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

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

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development."

620.010. Department of economic development created — divisions — agencies — boards and

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

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

3. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the Department of Economic Development. Funding for the general counsel's office shall be by general revenue.

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

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

6. All the powers, duties and functions of the department of community affairs, chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the Department of Economic Development, and the Department of Community Affairs is abolished. The director of the Department of Economic Development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

7. The Missouri housing development commission, chapter 215, is assigned to the Department of Economic Development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

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

agencies shall apply to the transfers provided in this section.

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

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

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development."

~~620.484~~ **173.2560.** Free public employment offices. — 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~~ **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.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development." Chapter 173 is the Department of Higher Education and Workforce chapter.

~~620.490~~ **173.2561.** Rulemaking authority, coordination of state and federal job training resources. — The Department of ~~economic~~ **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~~ **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.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce

Development.” Chapter 173 is the Department of Higher Education and Workforce Development chapter.

~~620.511~~ **173.2570.** Board established, purpose, meetings, members, terms, compensation for expenses. —

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.
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 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.
5. Each member of the board shall serve for a term of four years, subject to the pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled in the same manner as the original appointment and said replacement shall serve the remainder of the original appointee’s unexpired term.
6. Of the members initially appointed to the WIOA, formerly known as the WIA, board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall be appointed for a term of one year.
7. WIOA board members shall receive no compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.
8. The department may include on its website a list of the names of the members of the board, including the names of members of local workforce development boards, along with information on how to contact such boards.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed “Office of Workforce Development.” Chapter 173 is the Department of Higher Education and Workforce Development chapter.

~~620.512~~ **173.2571.** Bylaws to be established — restriction on operations of board — rulemaking authority.

- 1. The board shall establish bylaws governing its organization, operation, and procedure consistent with sections 620.511 to 620.513, and consistent with the WIOA.
2. The board shall meet at least four times each year at the call of the chairperson.
3. In order to assure objective management and oversight, the board shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provisions of such programs and services. A member of the board may not vote on a matter under consideration by the board that regards the provision of services by the member or by an entity that the member represents or would provide direct financial benefit to the member or the immediate family of

the member. A member of the board may not engage in any other activity determined by the governor to constitute a conflict of interest.

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

5. The Department of ~~economic~~ **Higher Education and Workforce Development, Office of Workforce Development**, shall provide professional, technical, and clerical staff for the board.

6. The board may promulgate any rules and regulations necessary to administer the provisions of sections 620.511 to 620.513. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development." Chapter 173 is the Department of Higher Education and Workforce Development chapter.

~~620.513~~ **173.2572.** Duties of the board, report — limitation on authority. — 1. The board shall assist the governor with the functions described in Section 101(d) of the WIOA, 29 U.S.C. Section 311d, and any regulations issued pursuant to the WIOA.

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

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

Explanation: Executive Order 19-03 transferred the Office of Workforce Development to the Department of Higher Education & Workforce Development, and it was renamed "Office of Workforce Development." Chapter 173 is the Department of Higher Education and Workforce Development chapter.

~~**620.552. Citation of law.** — Sections 620.552 to 620.574 shall be known and may be cited as the "Missouri Youth Service and Conservation Corps Act".~~

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

620.556. Definitions. — As used in sections 620.552 to 620.574 the following terms mean:

- (1) ~~“Corps” and “youth corps”, the Missouri youth service and conservation corps;~~
- (2) ~~“Division”, the division of workforce development within the department of economic development;~~
- (3) ~~“Local workforce investment boards”, the local workforce investment boards established under Section 117 of the Workforce Investment Act, Public Law 105-220, as amended, or any other succeeding administrative body established by subsequent federal legislation to provide for the local administration and expenditure of funding for employment and job training and approved by the division of workforce development;~~
- (4) ~~“Participant”, a person who has been hired, or who has been accepted as a volunteer, and who meets the program eligibility criteria established by sections 620.552 to 620.574;~~
- (5) ~~“Project”, an undertaking designed to provide or assist in providing services to promote conservation, public health, education and welfare among the general population. The term includes, but is not limited to:
 - (a) ~~The rehabilitation of substandard housing;~~
 - (b) ~~The repair, restoration and maintenance of public facilities and amenities;~~
 - (c) ~~Assistance with the organization and delivery of educational and health services;~~
 - (d) ~~Assistance for the elderly homebound;~~
 - (e) ~~Delivery of food to the hungry and elderly;~~
 - (f) ~~Restoration or development of park facilities;~~
 - (g) ~~Trail construction and maintenance;~~
 - (h) ~~Litter control;~~
 - (i) ~~Land and soil conservation and rehabilitation;~~
 - (j) ~~Road repair;~~
 - (k) ~~Land reclamation;~~
 - (l) ~~Reforestation; and~~
 - (m) ~~Other undertakings which benefit the control, management, restoration and conservation of the bird, fish, game, forestry, or wildlife resources, and soil or water resources of this state;~~~~
- (6) ~~“Project sponsor”, state agencies, including the departments of elementary and secondary education, social services, labor and industrial relations, conservation, and natural resources and the University of Missouri extension system; any unit of local government, including school districts; private not for profit corporations or organizations; administrative entities designated pursuant to the requirements of the Workforce Investment Act and any subsequent amendments; and community based organizations.~~

620.558. Programs — participation. — 1. The Missouri youth service and conservation corps shall consist of the following programs:

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

2. In selecting participants for the youth service and conservation corps, the director of the division shall give preference to persons who are high school dropouts and who are at risk of not graduating from high school. The director may segregate programs and funds to serve such persons to enhance the efficiency of administering any federal Workforce Investment Act funds which are available to the youth service and conservation corps.

3. Residents of both urban and rural areas of the state shall be eligible to apply to participate in the youth service and conservation corps. No person who has been convicted of a felony within the previous two years shall be eligible to participate in the youth service and conservation corps. Participants shall be unemployed at the time of their enrollment.

620.560. Community services and conservation program.— 1. The community services and conservation program for young adults shall consist of projects offering participants paid work experience integrated with educational activities which may include, but is not limited to, employability skills training and educational remediation activities.

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

620.562. Summer employment program— at risk participants, remediation.— 1. The summer employment program shall consist of projects offering needed paid work experience integrated with educational activities which may include, but is not limited to, employability skills training and educational remediation activities. Participants shall be unemployed at the time of their enrollment.

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

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

620.566. Administration of programs— rules and regulations— application, contents, review.— 1. The division of workforce development within the department of economic development is hereby authorized to administer the Missouri youth service and conservation corps programs and adopt rules and regulations governing their operation and participation requirements.

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

3. Upon application to the division and subject to the availability of funds, the division is authorized to

provide funding assistance through contracts with administrative entities, designated pursuant to the Workforce Investment Act and any subsequent amendments, and project sponsors. The application shall form the basis for the contract agreement and, at a minimum, shall include:

- ~~(1) A general project description, including the extent to which it satisfies community development or resource conservation objectives and whether or not such objectives are stated within any municipal, county, regional or state agency plan;~~
 - ~~(2) The number of corps members to be assigned to each project, a description of the nature and duration of their employment or volunteer work, and a description of combinations or sequences of education or vocational training to be provided;~~
 - ~~(3) The amount of total funds required to sustain the project, distinguishing between the amounts required for corps members' wages and stipends, if any, and the amounts required for other purposes;~~
 - ~~(4) A statement of the amount and purpose of funding assistance requested from the division and the manner and timing of its disbursement;~~
 - ~~(5) A description of the interagency coordination, technical assistance and financial support which together with the funding assistance, the resources of the applicant and support from any other source, is sufficient to ensure the success of the project. The commitment of financial support from the project sponsor shall be equal to or greater than twenty five percent of the amount of the total project cost.~~
4. An application shall only be submitted to the division after review by the private industry council operating within the service delivery area in which the project is to be located, regardless of the actual project sponsor. It shall include the signatures of the workforce investment board chairperson and the designated chief local elected official of the local workforce investment area.
5. The division shall ensure that all affected state agencies are made aware of the application and are provided the opportunity to offer comments related to the project feasibility, including the identification of other available funds for the project.

620.568. Administration by project sponsor — administrative expenses. — 1. A project sponsor shall administer projects funded under sections 620.552 to 620.574 in the following manner:

- ~~(1) Participants, except those enrolled in the youth volunteer program, shall be paid at least the minimum wage as established by federal or state law at the time of employment;~~
 - ~~(2) Persons employed through any of the corps programs shall be exempt from merit system requirements, and shall not be eligible for membership in any public employees' retirement system. All participants shall be so advised by the project sponsor and the regulating authority;~~
 - ~~(3) Services performed by a participant in any corps program shall not constitute "employment" within the meaning of the Missouri employment security law in chapter 288, if the program is operated as a work-relief or work-training program in accordance with subdivision (5) of subsection 9 of section 288.034.~~
2. Not more than ten percent of the funds distributed to a project sponsor may be expended for administrative expenses. Administrative expenses shall be approved by the division.
3. No funds shall be awarded for any program which replaces or supplants employees engaged in any authorized work stoppage or which replaces or supplants currently employed workers or which impairs existing contracts for services provided by other workers.

620.570. Evaluation of programs — interagency cooperation — "Show-Me" employers. — 1. The Missouri training and employment council, as established in section 620.523, shall review and recommend criteria for evaluating project funding assistance, program criteria, and other requirements and priorities to be used by the division in the evaluation and monitoring of Missouri youth service and conservation corps projects.

2. The division shall work with the department of higher education and workforce development, the

department of elementary and secondary education, all colleges, universities and lending institutions throughout the state to develop a system of academic credit, tuition grants and deferred loan repayment incentives for young adults who enroll and complete participation in corps programs. The division shall adopt rules under chapter 536 designed to implement any such incentive programs.

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

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

620.572. Allocations for operation of corps. — The directors of the departments of conservation, economic development, social services, elementary and secondary education, labor and industrial relations, and natural resources and the director of the University of Missouri extension system shall meet regularly to establish appropriate allocations from their respective budgets to be made for the operation of the Missouri youth service and conservation corps. Funding for the operation of the corps may come from, but not be limited to, moneys available through the 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 Sections 43(a) and 43(b) of Article IV of the Missouri Constitution, and other discretionary funds which may be available to the various departments and to the governor's office.

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

Explanation: Sections 620.552 through 620.574 establish the Missouri Youth Service and Conservation Corps Program. The program is no longer operating and has not been funded in recent history.