

SECOND REGULAR SESSION

HOUSE BILL NO. 1628

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

5234H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 23.295, 160.575, 173.236, 178.550, 178.585, 186.019, 288.040, 620.010, 620.484, 620.490, 620.511, 620.512, and 620.513, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to higher education.

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

Section A. Sections 23.295, 160.575, 173.236, 178.550, 178.585, 186.019, 288.040, 2 620.010, 620.484, 620.490, 620.511, 620.512, and 620.513, RSMo, and section 167.910 as 3 enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and 4 section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second 5 regular session, are repealed and twelve new sections enacted in lieu thereof, to be known as 6 sections 23.295, 160.575, 173.2565, 173.2566, 173.2570, 173.2571, 173.2572, 178.550, 7 178.585, 186.019, 288.040, and 620.010, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

7 (2) Academic components;

8 (3) Work readiness components;

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

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

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

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

~~[620.490.]~~ **173.2566.** The department of ~~[economie]~~ **higher education and**
2 **workforce** development shall promulgate rules providing for the coordination of state and
3 federal job training resources administered by the department of ~~[economie]~~ **higher**
4 **education and workforce** development, including the local workforce investment areas
5 established in the state to administer federal funds pursuant to the federal Workforce
6 ~~[Investment]~~ **Innovation and Opportunity Act (WIOA), Pub. L. 113-128, as amended,** or
7 its successor, for the provision of assistance to businesses in this state relating to the creation
8 of new jobs in the state. The department shall include in these rules the methods to be
9 followed by any business engaged in the creation of new jobs in state to ensure that
10 economically disadvantaged citizens receive opportunities for employment in the new jobs
11 created. No rule or portion of a rule promulgated pursuant to the authority of this section
12 shall become effective unless it has been promulgated pursuant to the provisions of section
13 536.024.

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

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

10 3. The board shall meet the requirements of the federal Workforce Innovation and
11 Opportunity Act, hereinafter referred to as the "WIOA", P.L. 113-128, as amended. Should
12 another federal law supplant the WIOA, all references in sections ~~[620.511 to 620.513]~~
13 **173.2570 to 173.2572** to the WIOA shall apply as well to the new federal law.

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

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

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

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

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

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

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

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

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

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

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

20 6. The board may promulgate any rules and regulations necessary to administer the
21 provisions of sections ~~[620.511 to 620.513]~~ **173.2570 to 173.2572**. Any rule or portion of a
22 rule, as that term is defined in section 536.010, that is created under the authority delegated in
23 this section shall become effective only if it complies with and is subject to all of the
24 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
25 are nonseverable and if any of the powers vested with the general assembly pursuant to
26 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
28 proposed or adopted after August 28, 2007, shall be invalid and void.

~~[620.513.]~~ **173.2572.** 1. The board shall assist the governor with the functions
2 described in Section 101(d) of the WIOA, 29 U.S.C. Section ~~[311d]~~ **3111(d)**, and any
3 regulations issued pursuant to the WIOA.

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

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

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

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

8 (1) A director or administrator of a career and technical education center;

- 9 (2) An individual from the business community with a background in commerce;
10 (3) A representative from State Technical College of Missouri;
11 (4) Three current or retired career and technical education teachers who also serve or
12 served as an advisor to any of the nationally recognized career and technical education
13 student organizations of:
14 (a) DECA;
15 (b) Future Business Leaders of America (FBLA);
16 (c) FFA;
17 (d) Family, Career and Community Leaders of America (FCCLA);
18 (e) Health Occupations Students of America (HOSA);
19 (f) SkillsUSA; or
20 (g) Technology Student Association (TSA);
21 (5) A representative from a business organization, association of businesses, or a
22 business coalition;
23 (6) A representative from a Missouri community college;
24 (7) A representative from Southeast Missouri State University or the University of
25 Central Missouri;
26 (8) An individual participating in an apprenticeship recognized by the department of
27 labor and industrial relations or approved by the United States Department of Labor's Office
28 of Apprenticeship;
29 (9) A school administrator or school superintendent of a school that offers career and
30 technical education.
- 31 3. Members appointed by the commissioner of education shall serve a term of five
32 years except for the initial appointments, which shall be for the following lengths:
33 (1) One member shall be appointed for a term of one year;
34 (2) Two members shall be appointed for a term of two years;
35 (3) Two members shall be appointed for a term of three years;
36 (4) Three members shall be appointed for a term of four years;
37 (5) Three members shall be appointed for a term of five years.
- 38 4. Four members shall be from the general assembly. The president pro tempore of
39 the senate shall appoint two members of the senate of whom not more than one shall be of the
40 same party. The speaker of the house of representatives shall appoint two members of the
41 house of representatives of whom not more than one shall be of the same party. The
42 legislative members shall serve on the advisory council until such time as they resign, are no
43 longer members of the general assembly, or are replaced by new appointments.
- 44 5. The advisory council shall have three nonvoting ex officio members:

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

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

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

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

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

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

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

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

75 11. The advisory council shall:

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

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

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

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

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

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

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

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

178.585. 1. Under rules and regulations of the state board of education, the
2 commissioner of education, in cooperation with the ~~[director of the division]~~ **office** of
3 workforce development of the department of ~~[economie]~~ **higher education and workforce**
4 development, shall establish procedures to provide grants to public high schools, vocational-
5 technical schools, State Technical College of Missouri, and community colleges solely for the
6 purpose of new programs, curriculum enhancement, equipment and facilities so as to upgrade
7 vocational and technical education in the state.

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

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

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

186.019. 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

38 completion of degree program and subsequent hire, as well as any data available on follow-up
39 salaries.

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

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

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

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

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

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

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

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

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

34

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

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

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

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

55 (a) Providing an orientation to employment office services;

56 (b) Providing job search assistance; and

57 (c) Providing labor market statistics or analysis;

58

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

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

68 (a) The individual has completed such reemployment services; or

69 (b) There is justifiable cause for the claimant's failure to participate in such
70 reemployment services.

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

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

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

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

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

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

(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.

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

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

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

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

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

177 8. Benefits shall not be payable on the basis of services performed by an alien, unless
178 such alien is an individual who was lawfully admitted for permanent residence at the time
179 such services were performed, was lawfully present for purposes of performing such services,
180 or was permanently residing in the United States under color of law at the time such services

181 were performed (including an alien who was lawfully present in the United States as a result
182 of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality
183 Act).

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

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

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

193 10. The directors of the division of employment security and the ~~[division]~~ **office** of
194 workforce development shall submit to the governor, the speaker of the house of
195 representatives, and the president pro tem of the senate no later than October 15, 2006, a
196 report outlining their recommendations for how to improve work search verification and
197 claimant reemployment activities. The recommendations shall include, but not limited to
198 how to best utilize "greathires.org", and how to reduce the average duration of unemployment
199 insurance claims. Each calendar year thereafter, the directors shall submit a report containing
200 their recommendations on these issues by December thirty-first of each year.

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

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

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

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

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

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

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

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

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

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

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

52 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
53 This section and chapter 536 are nonseverable and if any of the powers vested with the
54 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
55 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
56 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid
57 and void.

2 ~~[167.910. 1. There is hereby established the "Career Readiness Course~~
3 ~~Task Force" to explore the possibility of a course covering the topics described~~
4 ~~in this section being offered in the public schools to students in eighth grade or~~
5 ~~ninth grade. Task force members shall be chosen to represent the geographic~~
6 ~~diversity of the state. All task force members shall be appointed before~~
7 ~~October 31, 2018. The task force members shall be appointed as follows:~~
8 ~~(1) A parent of a student attending elementary school, appointed by~~
9 ~~the joint committee on education;~~
10 ~~(2) A parent of a student attending a grade not lower than the sixth nor~~
11 ~~higher than the eighth grade, appointed by the joint committee on education;~~
12 ~~(3) A parent of a student attending high school, appointed by the joint~~
13 ~~committee on education;~~
14 ~~(4) An elementary education professional from an accredited school~~
15 ~~district, appointed by the joint committee on education from names submitted~~
16 ~~by statewide education employee organizations;~~
17 ~~(5) Two education professionals giving instruction in a grade or grades~~
18 ~~not lower than the sixth nor higher than the eighth grade in accredited school~~
19 ~~districts, appointed by the joint committee on education from names submitted~~
20 ~~by statewide education employee organizations;~~
21 ~~(6) Two secondary education professionals from accredited school~~
22 ~~districts, appointed by the joint committee on education from names submitted~~
23 ~~by statewide education employee organizations;~~
24 ~~(7) A career and technical education professional who has experience~~
25 ~~serving as an advisor to a statewide career and technical education~~
26 ~~organization, appointed by a statewide career and technical education~~
27 ~~organization;~~
28 ~~(8) An education professional from an accredited technical high~~
29 ~~school, appointed by a statewide career and technical education organization;~~
30 ~~(9) A public school board member, appointed by a statewide~~
31 ~~association of school boards;~~
32 ~~(10) A secondary school principal, appointed by a statewide~~
33 ~~association of secondary school principals;~~
34 ~~(11) A principal of a school giving instruction in a grade or grades not~~
35 ~~lower than the sixth nor higher than the eighth grade, appointed by a statewide~~
36 ~~association of secondary school principals;~~
37 ~~(12) An elementary school counselor, appointed by a statewide~~
38 ~~association of school counselors;~~
39 ~~(13) Two school counselors from a school giving instruction in a grade~~
40 ~~or grades not lower than the sixth nor higher than the eighth grade, appointed~~
~~by a statewide association of school counselors;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 88 (f) ~~Advising students of any advanced placement courses that they~~
89 ~~may take at the school;~~
90 (g) ~~Describing any opportunities at the school for dual enrollment;~~
91 (h) ~~Advising students of any Project Lead the Way courses offered at~~
92 ~~the school and explaining how Project Lead the Way courses help students~~
93 ~~learn valuable skills;~~
94 (i) ~~Informing students of the availability of funding for postsecondary~~
95 ~~education through the A+ schools program described under section 160.545;~~
96 (j) ~~Describing the availability of virtual courses;~~
97 (k) ~~Describing the types of skills and occupations most in demand in~~
98 ~~the current job market and those skills and occupations likely to be in high~~
99 ~~demand in future years;~~
100 (l) ~~Describing the typical salaries for occupations, salary trends, and~~
101 ~~opportunities for advancement in various occupations;~~
102 (m) ~~Emphasizing the opportunities available in careers involving~~
103 ~~science, technology, engineering, and math;~~
104 (n) ~~Advising students of the resources offered by workforce or job~~
105 ~~centers;~~
106 (o) ~~Preparing students for the ACT assessment or the ACT WorkKeys~~
107 ~~assessments required for the National Career Readiness Certificate;~~
108 (p) ~~Administering a practice ACT assessment or practice ACT~~
109 ~~WorkKeys assessments required for the National Career Readiness Certificate~~
110 ~~to students;~~
111 (q) ~~Advising students of opportunities to take the SAT and the Armed~~
112 ~~Services Vocational Aptitude Battery;~~
113 (r) ~~Administering a basic math test to students so that they can assess~~
114 ~~their math skills;~~
115 (s) ~~Administering a basic writing test to students so that they can~~
116 ~~assess their writing skills;~~
117 (t) ~~Helping each student prepare a personal plan of study that outlines~~
118 ~~a sequence of courses and experiences that concludes with the student reaching~~
119 ~~his or her postsecondary goals; and~~
120 (u) ~~Explaining how to complete college applications and the Free~~
121 ~~Application for Federal Student Aid;~~
122 (2) ~~Focuses on career readiness and emphasizes the importance of~~
123 ~~work ethic, communication, collaboration, critical thinking, and creativity;~~
124 (3) ~~Demonstrates that graduation from a four-year college is not the~~
125 ~~only pathway to success by describing to students at least sixteen pathways to~~
126 ~~success in detail and including guest visitors who represent each pathway~~
127 ~~described. In exploring how these pathways could be covered in the course,~~
128 ~~the task force shall consider how instructors for the course may be able to rely~~
129 ~~on assistance from Missouri's career pathways within the department of~~
130 ~~elementary and secondary education;~~
131 (4) ~~Provides student loan counseling; and~~
132 (5) ~~May include parent-student meetings.~~
133 6. ~~Before December 1, 2019, the task force established under~~
134 ~~subsection 1 of this section shall present its findings and recommendations to~~
135 ~~the speaker of the house of representatives, the president pro tempore of the~~

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.]

[167.910. 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;

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

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

49 ~~(16) An apprenticeship professional, appointed by the division of~~
50 ~~workforce development of the department of economic development;~~

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

53 ~~(18) A representative of the State Technical College of Missouri,~~
54 ~~appointed by the State Technical College of Missouri;~~

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

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

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

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

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

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

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

79 ~~(a) Administering career surveys to students and helping students use~~
80 ~~Missouri Connections to determine their career interests and develop plans to~~
81 ~~meet their career goals;~~

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

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

86 ~~(d) Explaining the courses and educational experiences offered at~~
87 ~~community colleges;~~

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

- 92 (f) ~~Advising students of any advanced placement courses that they~~
93 ~~may take at the school;~~
94 (g) ~~Describing any opportunities at the school for dual enrollment;~~
95 (h) ~~Advising students of any Project Lead the Way courses offered at~~
96 ~~the school and explaining how Project Lead the Way courses help students~~
97 ~~learn valuable skills;~~
98 (i) ~~Informing students of the availability of funding for postsecondary~~
99 ~~education through the A+ schools program described under section 160.545;~~
100 (j) ~~Describing the availability of virtual courses;~~
101 (k) ~~Describing the types of skills and occupations most in demand in~~
102 ~~the current job market and those skills and occupations likely to be in high~~
103 ~~demand in future years;~~
104 (l) ~~Describing the typical salaries for occupations, salary trends, and~~
105 ~~opportunities for advancement in various occupations;~~
106 (m) ~~Emphasizing the opportunities available in careers involving~~
107 ~~science, technology, engineering, and math;~~
108 (n) ~~Advising students of the resources offered by workforce or job~~
109 ~~centers;~~
110 (o) ~~Preparing students for the ACT assessment or the ACT WorkKeys~~
111 ~~assessments required for the National Career Readiness Certificate;~~
112 (p) ~~Administering a practice ACT assessment or practice ACT~~
113 ~~WorkKeys assessments required for the National Career Readiness Certificate~~
114 ~~to students;~~
115 (q) ~~Advising students of opportunities to take the SAT and the Armed~~
116 ~~Services Vocational Aptitude Battery;~~
117 (r) ~~Administering a basic math test to students so that they can assess~~
118 ~~their math skills;~~
119 (s) ~~Administering a basic writing test to students so that they can~~
120 ~~assess their writing skills;~~
121 (t) ~~Helping each student prepare a personal plan of study that outlines~~
122 ~~a sequence of courses and experiences that concludes with the student reaching~~
123 ~~his or her postsecondary goals; and~~
124 (u) ~~Explaining how to complete college applications and the Free~~
125 ~~Application for Federal Student Aid;~~
126 (2) ~~Focuses on career readiness and emphasizes the importance of~~
127 ~~work ethic, communication, collaboration, critical thinking, and creativity;~~
128 (3) ~~Demonstrates that graduation from a four-year college is not the~~
129 ~~only pathway to success by describing to students at least sixteen pathways to~~
130 ~~success in detail and including guest visitors who represent each pathway~~
131 ~~described. In exploring how these pathways could be covered in the course,~~
132 ~~the task force shall consider how instructors for the course may be able to rely~~
133 ~~on assistance from Missouri Career Pathways within the department of~~
134 ~~elementary and secondary education;~~
135 (4) ~~Provides student loan counseling; and~~
136 (5) ~~May include parent-student meetings.~~
137 6. ~~Before December 1, 2019, the task force established under~~
138 ~~subsection 1 of this section shall present its findings and recommendations to~~
139 ~~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.]

[173.236. 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.

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

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

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

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

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

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

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

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

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

✓