

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1415
99TH GENERAL ASSEMBLY

4033S.02T

2018

AN ACT

To repeal sections 162.1115, 178.550, 178.930, 620.809, and 620.2020, RSMo, and to enact in lieu thereof nine new sections relating to workforce development, with an emergency clause for certain sections.

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

Section A. Sections 162.1115, 178.550, 178.930, 620.809, and 620.2020, RSMo, are
2 repealed and nine new sections enacted in lieu thereof, to be known as sections 160.572,
3 162.1115, 167.910, 168.024, 170.028, 178.550, 178.931, 620.809, and 620.2020, to read as
4 follows:

160.572. 1. For purposes of this section, the following terms mean:

2 **(1) "ACT assessment", the ACT assessment or the ACT Plus Writing assessment;**
3 **(2) "WorkKeys", the ACT WorkKeys assessments required for the National Career**
4 **Readiness Certificate.**

5 **2. (1) In any school year in which the department of elementary and secondary**
6 **education directs a state-funded census administration of the ACT assessment to any group**
7 **of students, any student who would be allowed or required to participate in the census**
8 **administration shall receive the opportunity, on any date within three months before the**
9 **census administration, to participate in a state-funded administration of WorkKeys.**

10 **(2) Any student who participated in a state-funded administration of WorkKeys**
11 **as described under subdivision (1) of this subsection shall not participate in any state-**
12 **funded census administration of the ACT assessment.**

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.

13 **(3) The department of elementary and secondary education shall not require school**
14 **districts or charter schools to administer the ACT assessment to any student who**
15 **participated in a state-funded administration of WorkKeys as described under subdivision**
16 **(1) of this subsection.**

17 **3. (1) In any school year in which a school district directs the administration of the**
18 **ACT assessment to any group of its students to be funded by the district, any student who**
19 **would be allowed or required to participate in the district-funded administration shall**
20 **receive the opportunity, on any date within three months before the administration, to**
21 **participate in an administration of WorkKeys funded by the school district.**

22 **(2) Nothing in this section shall require a school district to fund the administration**
23 **of the ACT assessment to any student who participated in a district-funded administration**
24 **of WorkKeys as described under subdivision (1) of this subsection.**

162.1115. 1. Notwithstanding any provision of law to the contrary, no district shall be
2 penalized for any reason under the Missouri school improvement program if students who
3 graduate from the district complete career and technical education programs approved by the
4 department of elementary and secondary education but are not placed in occupations directly
5 related to their training within six months of graduating.

6 2. The department of elementary and secondary education shall revise its scoring guide
7 under the Missouri school improvement program to provide additional points to districts that
8 create and enter into a partnership with area career centers, comprehensive high schools,
9 industry, and business to develop and implement a pathway for students to:

10 (1) Enroll in a program of career and technical education while in high school;

11 (2) Participate and complete an internship or apprenticeship during their final year of
12 high school; and

13 (3) Obtain the industry certification or credentials applicable to their program or career
14 and technical education and internship or apprenticeship.

15 3. Each school district shall be authorized to create and enter into a partnership with area
16 career centers, comprehensive high schools, industry, and business to develop and implement
17 a pathway for students to:

18 (1) Enroll in a program of career and technical education while in high school;

19 (2) Participate and complete an internship or apprenticeship during their final year of
20 high school; and

21 (3) Obtain the industry certification or credentials applicable to their program or career
22 and technical education and internship or apprenticeship.

23 4. **In complying with the provisions of subsection 3 of this section, each school**
24 **district may rely on technical coursework and skills assessments developed for industry-**
25 **recognized certificates and credentials.**

26 5. The department of elementary and secondary education shall permit student scores,
27 that are from a nationally recognized examination that demonstrates achievement of workplace
28 employability skills, to count towards credit for college and career readiness standards on the
29 Missouri school improvement program or any subsequent school accreditation or improvement
30 program.

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

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

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

11 (3) **A parent of a student attending high school, appointed by a statewide**
12 **association of parents and teachers;**

13 (4) **An elementary education professional from an accredited school district,**
14 **appointed by agreement among the Missouri State Teachers Association, the Missouri**
15 **National Education Association, and the American Federation of Teachers of Missouri;**

16 (5) **An education professional giving instruction in a grade or grades not lower than**
17 **the sixth nor higher than the eighth grade in an accredited school district, appointed by**
18 **agreement among the Missouri State Teachers Association, the Missouri National**
19 **Education Association, and the American Federation of Teachers of Missouri;**

20 (6) **A secondary education professional from an accredited school district,**
21 **appointed by agreement among the Missouri State Teachers Association, the Missouri**
22 **National Education Association, and the American Federation of Teachers of Missouri;**

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

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

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

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

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

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

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

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

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

44 **(16) An apprenticeship professional, appointed by the division of workforce**
45 **development of the department of economic development;**

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

48 **(18) A representative of the State Technical College of Missouri, appointed by the**
49 **State Technical College of Missouri;**

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

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

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

61 **3. The task force shall hold at least three public hearings to provide an opportunity**
62 **to receive public testimony including, but not limited to, testimony from educators, local**

63 school boards, parents, representatives from business and industry, labor and community
64 leaders, members of the general assembly, and the general public.

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

68 5. The task force established under subsection 1 of this section shall consider a
69 course that:

70 (1) Gives students an opportunity to explore various career and educational
71 opportunities by:

72 (a) Administering career surveys to students and helping students use Missouri
73 Connections to determine their career interests and develop plans to meet their career
74 goals;

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

78 (c) Describing technical degrees offered by colleges;

79 (d) Explaining the courses and educational experiences offered at community
80 colleges;

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

84 (f) Advising students of any advanced placement courses that they may take at the
85 school;

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

87 (h) Advising students of any Project Lead the Way courses offered at the school
88 and explaining how Project Lead the Way courses help students learn valuable skills;

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

91 (j) Describing the availability of virtual courses;

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

94 (l) Describing the typical salaries for occupations, salary trends, and opportunities
95 for advancement in various occupations;

96 (m) Emphasizing the opportunities available in careers involving science,
97 technology, engineering, and math;

98 (n) Advising students of the resources offered by workforce or job centers;

99 **(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments**
100 **required for the National Career Readiness Certificate;**

101 **(p) Administering a practice ACT assessment or practice ACT WorkKeys**
102 **assessments required for the National Career Readiness Certificate to students;**

103 **(q) Advising students of opportunities to take the SAT and the Armed Services**
104 **Vocational Aptitude Battery;**

105 **(r) Administering a basic math test to students so that they can assess their math**
106 **skills;**

107 **(s) Administering a basic writing test to students so that they can assess their**
108 **writing skills;**

109 **(t) Helping each student prepare a personal plan of study that outlines a sequence**
110 **of courses and experiences that concludes with the student reaching his or her**
111 **postsecondary goals; and**

112 **(u) Explaining how to complete college applications and the Free Application for**
113 **Federal Student Aid;**

114 **(2) Focuses on career readiness and emphasizes the importance of work ethic,**
115 **communication, collaboration, critical thinking, and creativity;**

116 **(3) Demonstrates that graduation from a four-year college is not the only pathway**
117 **to success by describing to students at least sixteen pathways to success in detail and**
118 **including guest visitors who represent each pathway described. In exploring how these**
119 **pathways could be covered in the course, the task force shall consider how instructors for**
120 **the course may be able to rely on assistance from Missouri Career Pathways within the**
121 **department of elementary and secondary education;**

122 **(4) Provides student loan counseling; and**

123 **(5) May include parent-student meetings.**

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

168.024. 1. For purposes of this section, "local business externship" means an
2 **experience in which a teacher, supervised by his or her school or school district, gains**
3 **practical experience at a business in the local community in which the teacher is employed**
4 **through observation and interaction with employers and employees who are working on**
5 **issues related to subjects taught by the teacher.**

6 **2. Any hours spent in a local business externship shall count as contact hours of**
7 **professional development under section 168.021.**

170.028. 1. For purposes of this section, the following terms mean:

2 **(1) "Council", the career and technical education advisory council established**
3 **under section 178.550;**

4 **(2) "Industry certification", a full certification from a recognized industry, trade,**
5 **or professional association validating essential skills of a particular occupation, which may**
6 **include, but shall not be limited to:**

7 **(a) Any certification related to a high-demand occupation as described by the**
8 **Missouri economic research and information center (MERIC); and**

9 **(b) Perkins Technical Skills Assessment;**

10 **(3) "Occupational competency assessment", a national standardized assessment of**
11 **skills and knowledge in a specific career or technical area, which may include, but shall not**
12 **be limited to, assessments offered by the National Occupational Competency Testing**
13 **Institute (NOCTI).**

14 **2. The council shall annually review, update, approve, and recommend a list of**
15 **industry certifications, state-issued professional licenses, and occupational competency**
16 **assessments.**

17 **3. A school district may use the list described under subsection 2 of this section as**
18 **a resource in establishing programs of study that meet the district's regional workforce**
19 **needs under section 170.029.**

20 **4. The department of elementary and secondary education shall identify any**
21 **provider of a course that:**

22 **(1) Includes a Perkins Technical Skills Assessment that leads to an industry-**
23 **recognized credential that meets requirements related to college and career readiness**
24 **under the Missouri school improvement program; and**

25 **(2) Is recommended for college credit by a nationally recognized body that provides**
26 **course equivalency information to facilitate decisions on the awarding of course credit.**

27 **5. (1) At least annually, the department of elementary and secondary education**
28 **shall provide the council with a list of all course providers identified under subsection 4 of**
29 **this section. The council may recommend to the department of elementary and secondary**
30 **education that agreements described under subdivision (2) of this subsection be entered**
31 **into with one or more course providers identified in the list.**

32 **(2) The department of elementary and secondary education may enter into an**
33 **agreement with a course provider recommended by the council that governs the conditions**

34 **under which school districts and local educational agencies contract with the course**
35 **provider.**

36 **(3) Any school district or local educational agency may contract with a course**
37 **provider recommended by the council to design or deliver career and technical education**
38 **programs described under section 170.029.**

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

4 2. The advisory council shall be composed of [~~fifteen~~] **sixteen** members who shall be
5 Missouri residents. **The director of the department of economic development, or his or her**
6 **designee, shall be a member.** The commissioner of education shall appoint the following
7 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 student
13 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 of
28 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 the
39 senate shall appoint two members of the senate of whom not more than one shall be of the same
40 party. The speaker of the house of representatives shall appoint two members of the house of
41 representatives of whom not more than one shall be of the same party. The legislative members
42 shall serve on the advisory council until such time as they resign, are no longer members of the
43 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 and
46 secondary education, or a similar position if such position ceases to exist;

47 (2) The director of the division 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 advisory
52 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, and
55 set the terms and duties of its officers. The advisory council shall elect from among its members
56 a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems
57 necessary. Members of the advisory council shall serve without compensation but may be
58 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 advisory
61 council's internet website at least seven business days prior to the start of each meeting. All
62 records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's
63 internet website within forty-eight hours following the conclusion of every meeting. Any
64 materials prepared for the members shall be delivered to the members at least five days before
65 the meeting, and to the extent such materials are public records as defined in section 610.010 and

66 are not permitted to be closed under section 610.021, shall be made available on the advisory
67 council's internet website at least five business days in advance of the meeting.

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

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

74 11. The advisory council shall:

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

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

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

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

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

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

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

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

**178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary
2 and secondary education shall pay monthly, out of the funds appropriated to it for that
3 purpose, to each sheltered workshop a sum equal to the amount calculated under
4 subsection 2 of this section but at least the amount necessary to ensure that at least twenty-
5 one dollars is paid for each six hour or longer day worked by a handicapped employee.**

**6 2. In order to calculate the monthly amount due to each sheltered workshop, the
7 department shall:**

**8 (1) Determine the quotient obtained by dividing the appropriation for the fiscal
9 year by twelve; and**

**10 (2) Divide the amount calculated under subdivision (1) of this subsection among the
11 sheltered workshops in proportion to each sheltered workshop's number of hours
12 submitted to the department for the preceding calendar month.**

13 **3. The department shall accept, as prima facie proof of payment due to a sheltered**
14 **workshop, information as designated by the department, either in paper or electronic**
15 **format. A statement signed by the president, secretary, and manager of the sheltered**
16 **workshop, setting forth the dates worked and the number of hours worked each day by**
17 **each handicapped person employed by that sheltered workshop during the preceding**
18 **calendar month, together with any other information required by the rules or regulations**
19 **of the department, shall be maintained at the workshop location.**

20 620.809. 1. The Missouri community college job training program fund, formerly
21 established in the state treasury by section 178.896, shall now be known as the "Missouri Works
22 Community College New Jobs Training Fund" and shall be administered by the department for
23 the training program. The department of revenue shall credit to the fund, as received, all new
24 jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received
25 from federal, private, or other sources. The general assembly, however, shall not provide for any
26 transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the
27 department under regular appropriations by the general assembly. The department shall disburse
28 such appropriated funds in a timely manner into the special funds established by community
college districts for training projects, which funds shall be used to pay training project costs.
Such disbursements shall be made to the special fund for each training project as provided under
subsection 5 of this section. All moneys remaining in the fund at the end of any fiscal year shall
not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. The Missouri community college job retention training program fund, formerly
established in the state treasury by section 178.764, shall now be known as the "Missouri Works
Community College Job Retention Training Fund" and shall be administered by the department
for the Missouri works training program. The department of revenue shall credit to the fund, as
received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants,
or bequests received from federal, private, or other sources. The general assembly, however,
shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund
shall be disbursed to the department under regular appropriations by the general assembly. The
department shall disburse such appropriated funds in a timely manner into the special funds
established by community college districts for projects, which funds shall be used to pay training
program costs, including the principal, premium, and interest on certificates issued by the district
to finance or refinance, in whole or in part, a project. Such disbursements by the department
shall be made to the special fund for each project as provided under subsection 5 of this section.
All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general
revenue fund, as provided in section 33.080, but shall remain in the fund.

29 3. The department of revenue shall develop such forms as are necessary to demonstrate
30 accurately each qualified company's new jobs credit paid into the Missouri works community
31 college new jobs training fund or retained jobs credit paid into the Missouri works community
32 college job retention training fund. The new or retained jobs credits shall be accounted as
33 separate from the normal withholding tax paid to the department of revenue by the qualified
34 company. Reimbursements made by all qualified companies to the Missouri works community
35 college new jobs training fund and the Missouri works community college job retention training
36 fund shall be no less than all allocations made by the department to all community college
37 districts for all projects. The qualified company shall remit the amount of the new or retained
38 jobs credit, as applicable, to the department of revenue in the same manner as provided in
39 sections 143.191 to 143.265.

40 4. A community college district, with the approval of the department in consultation with
41 the office of administration, may enter into an agreement to establish a training project and
42 provide training project services to a qualified company. As soon as possible after initial contact
43 between a community college district and a potential qualified company regarding the possibility
44 of entering into an agreement, the district shall inform the department of the potential training
45 project. The department shall evaluate the proposed training project within the overall job
46 training efforts of the state to ensure that the training project will not duplicate other job training
47 programs. The department shall have fourteen days from receipt of a notice of intent to approve
48 or disapprove a training project. If no response is received by the qualified company within
49 fourteen days, the training project shall be deemed approved. Disapproval of any training project
50 shall be made in writing and state the reasons for such disapproval. If an agreement is entered
51 into, the district and the qualified company shall notify the department of revenue within fifteen
52 calendar days. In addition to any provisions required under subsection 6 of this section for a
53 qualified company applying to receive a retained job credit, an agreement may provide, but shall
54 not be limited to:

55 (1) Payment of training project costs, which may be paid from one or a combination of
56 the following sources:

57 (a) Funds appropriated by the general assembly to the Missouri works community
58 college new jobs training program fund or Missouri works community college job retention
59 training program fund, as applicable, and disbursed by the department for the purposes consistent
60 with sections 620.800 to 620.809;

61 (b) Funds appropriated by the general assembly from the general revenue fund and
62 disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

63 (c) Tuition, student fees, or special charges fixed by the board of trustees to defray
64 training project costs in whole or in part;

65 (2) Payment of training project costs which shall not be deferred for a period longer than
66 eight years;

67 (3) Costs of on-the-job training for employees which shall include wages or salaries of
68 participating employees. Payments for on-the-job training shall not exceed the average of fifty
69 percent of the total wages paid by the qualified company to each participant during the period
70 of training. Payment for on-the-job training may continue for up to six months from the date the
71 training begins;

72 (4) A provision which fixes the minimum amount of new or retained jobs credits, general
73 revenue fund appropriations, or tuition and fee payments which shall be paid for training project
74 costs; and

75 (5) Any payment required to be made by a qualified company. This payment shall
76 constitute a lien upon the qualified company's business property until paid, shall have equal
77 priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such
78 lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties,
79 and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale shall
80 obtain the property subject to the remaining payments.

81 5. (1) For projects that are funded exclusively under paragraph (a) of subdivision (1) of
82 subsection 4 of this section, the department shall disburse such funds to the special fund for each
83 training project in the same proportion as the new jobs or retained jobs credits remitted by the
84 qualified company participating in such project bears to the total new jobs or retained jobs credits
85 from withholding remitted by all qualified companies participating in projects during the period
86 for which the disbursement is made.

87 (2) Subject to appropriation, for projects that are funded through a combination of funds
88 under paragraphs (a) and (b) of subdivision (1) of subsection 4 of this section, the department
89 shall disburse funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this
90 section to the special fund for each training project upon commencement of the project. The
91 department shall disburse funds appropriated under paragraph (a) of subdivision (1) of
92 subsection 4 of this section to the special fund for each training project in the same proportion
93 as the new jobs or retained jobs credits remitted by the qualified company participating in such
94 project bears to the total new jobs or retained jobs credits from withholding remitted by all
95 qualified companies participating in projects during the period for which the disbursement is
96 made, reduced by the amount of funds appropriated under paragraph (b) of subdivision (1) of
97 subsection 4 of this section.

98 6. Any qualified company that submits a notice of intent for retained job credits shall
99 enter into an agreement, providing that the qualified company has:

100 (1) Maintained at least one hundred full-time employees per year at the project facility
101 for the calendar year preceding the year in which the application is made;

102 (2) Retained, at the project facility, the same number of employees that existed in the
103 taxable year immediately preceding the year in which application is made; and

104 (3) Made or agrees to make a new capital investment of greater than five times the
105 amount of any award under this training program at the project facility over a period of two
106 consecutive calendar years, as certified by the qualified company and:

107 (a) Has made substantial investment in new technology requiring the upgrading of
108 employee skills; or

109 (b) Is located in a border county of the state and represents a potential risk of relocation
110 from the state; or

111 (c) Has been determined to represent a substantial risk of relocation from the state by the
112 director of the department of economic development.

113 7. If an agreement provides that all or part of the training program costs are to be met by
114 receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall
115 be determined and paid as follows:

116 (1) New or retained jobs credit shall be based upon the wages paid to the employees in
117 the new or retained jobs;

118 (2) A portion of the total payments made by the qualified companies under sections
119 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding.
120 Such portion shall be an amount equal to two and one-half percent of the gross wages paid by
121 the qualified company for each of the first one hundred jobs included in the project and one and
122 one-half percent of the gross wages paid by the qualified company for each of the remaining jobs
123 included in the project. If business or employment conditions cause the amount of the new or
124 retained jobs credit from withholding to be less than the amount projected in the agreement for
125 any time period, then other withholding tax paid by the qualified company under sections
126 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference.
127 The qualified company shall remit the amount of the new or retained jobs credit to the
128 department of revenue in the manner prescribed in sections 143.191 to 143.265. When all
129 training program costs have been paid, the new or retained jobs credits shall cease;

130 (3) The community college district participating in a project shall establish a special fund
131 for and in the name of the training project. All funds appropriated by the general assembly from
132 the funds established under subsections 1 and 2 of this section and disbursed by the department
133 for the training project and other amounts received by the district for training project costs as
134 required by the agreement shall be deposited in the special fund. Amounts held in the special
135 fund shall be used and disbursed by the district only to pay training project costs for such training

136 project. The special fund may be divided into such accounts and subaccounts as shall be
137 provided in the agreement, and amounts held therein may be invested in the same manner as the
138 district's other funds;

139 (4) Any disbursement for training project costs received from the department under
140 sections 620.800 to 620.809 and deposited into the training project's special fund may be
141 irrevocably pledged by a community college district for the payment of the principal, premium,
142 and interest on the certificate issued by a community college district to finance or refinance, in
143 whole or in part, such training project;

144 (5) The qualified company shall certify to the department of revenue that the new or
145 retained jobs credit is in accordance with an agreement and shall provide other information the
146 department of revenue may require;

147 (6) An employee participating in a training project shall receive full credit under section
148 143.211 for the amount designated as a new or retained jobs credit;

149 (7) If an agreement provides that all or part of training program costs are to be met by
150 receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any
151 successor to the original qualified company until the principal and interest on the certificates
152 have been paid.

153 8. To provide funds for the present payment of the training project costs of new or
154 retained jobs training project through the training program, a community college district may
155 borrow money and issue and sell certificates payable from a sufficient portion of the future
156 receipts of payments authorized by the agreement including disbursements from the Missouri
157 works community college new jobs training fund or the Missouri works community college job
158 retention training fund, to the special fund established by the district for each project. The total
159 amount of outstanding certificates sold by all community college districts shall not exceed the
160 total amount authorized under law as of January 1, 2013, unless an increased amount is
161 authorized in writing by a majority of members of the committee. The certificates shall be
162 marketed through financial institutions authorized to do business in Missouri. The receipts shall
163 be pledged to the payment of principal of and interest on the certificates. Certificates may be
164 sold at public sale or at private sale at par, premium, or discount of not less than ninety-five
165 percent of the par value thereof, at the discretion of the board of trustees, and may bear interest
166 at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of
167 section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the
168 issuance of such certificates. Certificates may be issued with respect to a single project or
169 multiple projects and may contain terms or conditions as the board of trustees may provide by
170 resolution authorizing the issuance of the certificates.

171 9. Certificates issued to refund other certificates may be sold at public sale or at private
172 sale as provided in this section, with the proceeds from the sale to be used for the payment of the
173 certificates being refunded. The refunding certificates may be exchanged in payment and
174 discharge of the certificates being refunded, in installments at different times or an entire issue
175 or series at one time. Refunding certificates may be sold or exchanged at any time on, before,
176 or after the maturity of the outstanding certificates to be refunded. They may be issued for the
177 purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate
178 of interest that is higher, lower, or equivalent to that of the certificates being renewed or
179 refunded.

180 10. Before certificates are issued, the board of trustees shall publish once a notice of its
181 intention to issue the certificates, stating the amount, the purpose, and the project or projects for
182 which the certificates are to be issued. A person with standing may, within fifteen days after the
183 publication of the notice, by action in the circuit court of a county in the district, appeal the
184 decision of the board of trustees to issue the certificates. The action of the board of trustees in
185 determining to issue the certificates shall be final and conclusive unless the circuit court finds
186 that the board of trustees has exceeded its legal authority. An action shall not be brought which
187 questions the legality of the certificates, the power of the board of trustees to issue the
188 certificates, the effectiveness of any proceedings relating to the authorization of the project, or
189 the authorization and issuance of the certificates from and after fifteen days from the publication
190 of the notice of intention to issue.

191 11. The board of trustees shall make a finding based on information supplied by the
192 qualified company that revenues provided in the agreement are sufficient to secure the faithful
193 performance of obligations in the agreement.

194 12. Certificates issued under this section shall not be deemed to be an indebtedness of
195 the state, the community college district, or any other political subdivision of the state, and the
196 principal and interest on any certificates shall be payable only from the sources provided in
197 subdivision (1) of subsection 4 of this section which are pledged in the agreement.

198 13. Pursuant to section 23.253 of the Missouri sunset act:

199 (1) The ~~[new]~~ program authorized under sections 620.800 to 620.809 shall
200 ~~[automatically sunset July 1, 2019, unless reauthorized by an act of the general assembly]~~ **be**
201 **reauthorized as of the effective date of this act and shall expire on August 28, 2030;** and

202 (2) If such program is reauthorized, the program authorized under sections 620.800 to
203 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of
204 sections 620.800 to 620.809; and

205 (3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year
206 immediately following the calendar year in which a program authorized under sections 620.800
207 to 620.809 is sunset.

620.2020. 1. The department shall respond to a written request, by or on behalf of a
2 qualified company, for a proposed benefit award under the provisions of this program within five
3 business days of receipt of such request. Such response shall contain either a proposal of
4 benefits for the qualified company, or a written response refusing to provide such a proposal and
5 stating the reasons for such refusal. A qualified company that intends to seek benefits under the
6 program shall submit to the department a notice of intent. The department shall respond within
7 thirty days to a notice of intent with an approval or a rejection, provided that the department may
8 withhold approval or provide a contingent approval until it is satisfied that proper documentation
9 of eligibility has been provided. Failure to respond on behalf of the department shall result in
10 the notice of intent being deemed approved. A qualified company receiving approval for
11 program benefits may receive additional benefits for subsequent new jobs at the same facility
12 after the full initial project period if the applicable minimum job requirements are met. There
13 shall be no limit on the number of project periods a qualified company may participate in the
14 program, and a qualified company may elect to file a notice of intent to begin a new project
15 period concurrent with an existing project period if the applicable minimum job requirements
16 are achieved, the qualified company provides the department with the required annual reporting,
17 and the qualified company is in compliance with this program and any other state programs in
18 which the qualified company is currently or has previously participated. However, the qualified
19 company shall not receive any further program benefits under the original approval for any new
20 jobs created after the date of the new notice of intent, and any jobs created before the new notice
21 of intent shall not be included as new jobs for purposes of the benefit calculation for the new
22 approval. When a qualified company has filed and received approval of a notice of intent and
23 subsequently files another notice of intent, the department shall apply the definition of project
24 facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all
25 previously approved notices of intent and shall determine the application of the definitions of
26 new job, new payroll, project facility base employment, and project facility base payroll
27 accordingly.

28 2. Notwithstanding any provision of law to the contrary, the benefits available to the
29 qualified company under any other state programs for which the company is eligible and which
30 utilize withholding tax from the new or retained jobs of the company shall first be credited to the
31 other state program before the withholding retention level applicable under this program will
32 begin to accrue.

33

34 If any qualified company also participates in a job training program utilizing withholding tax,
35 the company shall retain no withholding tax under this program, but the department shall issue
36 a refundable tax credit for the full amount of benefit allowed under this program. The calendar
37 year annual maximum amount of tax credits which may be issued to a qualifying company that
38 also participates in a job training program shall be increased by an amount equivalent to the
39 withholding tax retained by that company under a jobs training program.

40 3. A qualified company receiving benefits under this program shall provide an annual
41 report of the number of jobs and such other information as may be required by the department
42 to document the basis for program benefits available no later than ninety days prior to the end
43 of the qualified company's tax year immediately following the tax year for which the benefits
44 provided under the program are attributed. In such annual report, if the average wage is below
45 the applicable percentage of the county average wage, the qualified company has not maintained
46 the employee insurance as required, or if the number of jobs is below the number required, the
47 qualified company shall not receive tax credits or retain the withholding tax for the balance of
48 the project period. Failure to timely file the annual report required under this section shall result
49 in the forfeiture of tax credits attributable to the year for which the reporting was required and
50 a recapture of withholding taxes retained by the qualified company during such year.

51 4. The department may withhold the approval of any benefits under this program until
52 it is satisfied that proper documentation has been provided, and shall reduce the benefits to
53 reflect any reduction in full-time employees or payroll. Upon approval by the department, the
54 qualified company may begin the retention of the withholding taxes when it reaches the required
55 number of jobs and the average wage meets or exceeds the applicable percentage of county
56 average wage. Tax credits, if any, may be issued upon satisfaction by the department that the
57 qualified company has exceeded the applicable percentage of county average wage and the
58 required number of jobs.

59 5. Any qualified company approved for benefits under this program shall provide to the
60 department, upon request, any and all information and records reasonably required to monitor
61 compliance with program requirements. This program shall be considered a business recruitment
62 tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company
63 approved for benefits under this program shall be subject to the provisions of sections 135.800
64 to 135.830.

65 6. Any taxpayer who is awarded benefits under this program who knowingly hires
66 individuals who are not allowed to work legally in the United States shall immediately forfeit
67 such benefits and shall repay the state an amount equal to any state tax credits already redeemed
68 and any withholding taxes already retained.

69 7. The maximum amount of tax credits that may be authorized under this program for
70 any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated
71 for that fiscal year under any of the tax credit programs referenced in subsection 13 of this
72 section:

73 (1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014,
74 no more than one hundred six million dollars in tax credits may be authorized;

75 (2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015,
76 no more than one hundred eleven million dollars in tax credits may be authorized; and

77 (3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred
78 sixteen million dollars in tax credits may be authorized for each fiscal year.

79 8. For tax credits for the creation of new jobs under section 620.2010, the department
80 shall allocate the annual tax credits based on the date of the approval, reserving such tax credits
81 based on the department's best estimate of new jobs and new payroll of the project, and any other
82 applicable factors in determining the amount of benefits available to the qualified company under
83 this program. However, the annual issuance of tax credits shall be subject to annual verification
84 of actual payroll by the department. Any authorization of tax credits shall expire if, within two
85 years from the date of commencement of operations, or approval if applicable, the qualified
86 company has failed to meet the applicable minimum job requirements. The qualified company
87 may retain authorized amounts from the withholding tax under the project once the applicable
88 minimum job requirements have been met for the duration of the project period. No benefits
89 shall be provided under this program until the qualified company meets the applicable minimum
90 new job requirements. In the event the qualified company does not meet the applicable
91 minimum new job requirements, the qualified company may submit a new notice of intent or the
92 department may provide a new approval for a new project of the qualified company at the project
93 facility or other facilities.

94 9. Tax credits provided under this program may be claimed against taxes otherwise
95 imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within
96 one year of the close of the taxable year for which they were issued. Tax credits provided under
97 this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with
98 the department that names the transferee, the amount of tax credit transferred, and the value
99 received for the credit, as well as any other information reasonably requested by the department.
100 For a qualified company with flow-through tax treatment to its members, partners, or
101 shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion
102 to their share of ownership on the last day of the qualified company's tax period.

103 10. Prior to the issuance of tax credits or the qualified company beginning to retain
104 withholding taxes, the department shall verify through the department of revenue and any other

105 applicable state department that the tax credit applicant does not owe any delinquent income,
106 sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments
107 levied by any state department and through the department of insurance, financial institutions and
108 professional registration that the applicant does not owe any delinquent insurance taxes or other
109 fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be
110 first applied to the delinquency and any amount issued shall be reduced by the applicant's tax
111 delinquency. If the department of revenue, the department of insurance, financial institutions and
112 professional registration, or any other state department concludes that a taxpayer is delinquent
113 after June fifteenth but before July first of any year and the application of tax credits to such
114 delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be
115 granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall
116 be tolled. After applying all available credits toward a tax delinquency, the administering agency
117 shall notify the appropriate department and that department shall update the amount of
118 outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all
119 insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the
120 applicant, subject to the restrictions of other provisions of law.

121 11. The director of revenue shall issue a refund to the qualified company to the extent
122 that the amount of tax credits allowed under this program exceeds the amount of the qualified
123 company's tax liability under chapter 143 or 148.

124 12. An employee of a qualified company shall receive full credit for the amount of tax
125 withheld as provided in section 143.211.

126 13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013,
127 no new benefits shall be authorized for any project that had not received from the department a
128 proposal or approval for such benefits prior to August 28, 2013, under the development tax credit
129 program created under sections 32.100 to 32.125, the rebuilding communities tax credit program
130 created under section 135.535, the enhanced enterprise zone tax credit program created under
131 sections 135.950 to 135.973, and the Missouri quality jobs program created under sections
132 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair
133 the ability of any administering agency to authorize or issue benefits for any project that had
134 received an approval or a proposal from the department under any of the programs referenced
135 in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax
136 credits or to retain any withholding tax under an approval issued prior to that date. The
137 provisions of this subsection shall not be construed to limit or in any way impair the ability of
138 any governing authority to provide any local abatement or designate a new zone under the
139 enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any

140 provision of law to the contrary, no qualified company that is awarded benefits under this
141 program shall:

142 (1) Simultaneously receive benefits under the programs referenced in this subsection at
143 the same capital investment; or

144 (2) Receive benefits under the provisions of section 620.1910 for the same jobs.

145 14. If any provision of sections 620.2000 to 620.2020 or application thereof to any
146 person or circumstance is held invalid, the invalidity shall not affect other provisions or
147 application of these sections which can be given effect without the invalid provisions or
148 application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared
149 severable.

150 15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter,
151 the department shall present a quarterly report to the general assembly detailing the benefits
152 authorized under this program during the immediately preceding calendar quarter to the extent
153 such information may be disclosed under state and federal law. The report shall include, at a
154 minimum:

155 (1) A list of all approved and disapproved applicants for each tax credit;

156 (2) A list of the aggregate amount of new or retained jobs that are directly attributable
157 to the tax credits authorized;

158 (3) A statement of the aggregate amount of new capital investment directly attributable
159 to the tax credits authorized;

160 (4) Documentation of the estimated net state fiscal benefit for each authorized project
161 and, to the extent available, the actual benefit realized upon completion of such project or
162 activity; and

163 (5) The department's response time for each request for a proposed benefit award under
164 this program.

165 16. The department may adopt such rules, statements of policy, procedures, forms, and
166 guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020.
167 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
168 authority delegated in this section shall become effective only if it complies with and is subject
169 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
170 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
171 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
172 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
173 or adopted after August 28, 2013, shall be invalid and void.

174 17. Under section 23.253 of the Missouri sunset act:

175 (1) The provisions of the [new] program authorized under sections 620.2000 to 620.2020
176 shall ~~automatically sunset six years after August 28, 2013, unless reauthorized by an act of the~~
177 ~~general assembly] be reauthorized as of the effective date of this act and shall expire on~~
178 **August 28, 2030**; and

179 (2) If such program is reauthorized, the program authorized under this section shall
180 automatically sunset twelve years after the effective date of this reauthorization of sections
181 620.2000 to 620.2020; and

182 (3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar
183 year immediately following the calendar year in which the program authorized under sections
184 620.2000 to 620.2020 is sunset.

~~[178.930. 1. (1) Beginning July 1, 2009, and until June 30, 2010, the
2 department of elementary and secondary education shall pay monthly, out of the
3 funds appropriated to it for that purpose, to each sheltered workshop a sum equal
4 to ninety dollars for each standard workweek (Monday through Friday) of up to
5 and including thirty hours worked during the preceding calendar month.
6 Eighteen dollars shall be paid for each six-hour or longer day worked by a
7 handicapped employee on Saturdays or Sundays. For each handicapped worker
8 employed by a sheltered workshop for less than a thirty-hour week or a six-hour
9 day on Saturdays or Sundays, the workshop shall receive a percentage of the
10 corresponding amount normally paid based on the percentage of time worked by
11 the handicapped employee.~~

~~12 (2) Beginning July 1, 2010, and thereafter, the department of elementary
13 and secondary education shall pay monthly, out of the funds appropriated to it for
14 that purpose, to each sheltered workshop a sum equal to ninety-five dollars for
15 each standard workweek (Monday through Friday) of up to and including thirty
16 hours worked during the preceding calendar month. Nineteen dollars shall be
17 paid for each six-hour or longer day worked by a handicapped employee on
18 Saturdays or Sundays. For each handicapped worker employed by a sheltered
19 workshop for less than a thirty-hour week or a six-hour day on Saturdays or
20 Sundays, the workshop shall receive a percentage of the corresponding amount
21 normally paid based on the percentage of time worked by the handicapped
22 employee.~~

~~23 2. The department shall accept, as prima facie proof of payment due to
24 a sheltered workshop, information as designated by the department, either in
25 paper or electronic format. A statement signed by the president, secretary, and
26 manager of the sheltered workshop, setting forth the dates worked and the~~

27 ~~number of hours worked each day by each handicapped person employed by that~~
28 ~~sheltered workshop during the preceding calendar month, together with any other~~
29 ~~information required by the rules or regulations of the department, shall be~~
30 ~~maintained at the workshop location.~~

31 ~~3. There is hereby created in the state treasury the "Sheltered Workshop~~
32 ~~Per Diem Revolving Fund" which shall be administered by the commissioner of~~
33 ~~the department of elementary and secondary education. All moneys appropriated~~
34 ~~pursuant to subsection 1 of this section shall be deposited in the fund and~~
35 ~~expended as described in subsection 1 of this section.~~

36 ~~4. The balance of the sheltered workshop per diem revolving fund shall~~
37 ~~not exceed five hundred thousand dollars at the end of each fiscal year and shall~~
38 ~~be exempt from the provisions of section 33.080 relating to the transfer of~~
39 ~~unexpended balances to the general revenue fund. Any unexpended balance in~~
40 ~~the sheltered workshop per diem revolving fund at the end of each fiscal year~~
41 ~~exceeding five hundred thousand dollars shall be deposited in the general revenue~~
42 ~~fund.]~~

43

Section B. Because immediate action is necessary to ensure that as many people can be
2 employed in sheltered workshops as possible, and that the employment of people can occur as
3 soon as possible, the repeal of section 178.930 and the enactment of section 178.931 of this act
4 is deemed necessary for the immediate preservation of the public health, welfare, peace, and
5 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and
6 the repeal of section 178.930 and the enactment of section 178.931 of this act shall be in full
7 force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.

✓