

FIRST REGULAR SESSION

SENATE BILL NO. 184

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 19, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1142S.011

AN ACT

To repeal sections 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof four new sections relating to job training.

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

Section A. Sections 620.800, 620.803, 620.806, and 620.809, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 620.800, 620.803, 620.806, and 620.809, to read as follows:

620.800. The following additional terms used in sections 620.800 to
2 620.809 shall mean:

3 (1) "Agreement", the agreement between a qualified company, a
4 community college district, and the department concerning a training
5 project. Any such agreement shall comply with the provisions of section 620.017;

6 (2) "Board of trustees", the board of trustees of a community college
7 district established under the provisions of chapter 178;

8 (3) "Certificate", a new or retained jobs training certificate issued under
9 section 620.809;

10 (4) "Committee", the Missouri [works] **one start** job training joint
11 legislative oversight committee, established under the provisions of section
12 620.803;

13 (5) "Department", the Missouri department of economic development;

14 (6) "Employee", a person employed by a qualified company;

15 (7) "**Existing Missouri business**", a **qualified company that, for the**
16 **ten-year period preceding submission of a notice of intent to the**
17 **department, had a physical location in Missouri and full-time**
18 **employees who routinely performed job duties within Missouri;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **(8)** "Full-time employee", an employee of the qualified company who is
20 scheduled to work an average of at least thirty-five hours per week for a
21 twelve-month period, and one to whom the qualified company offers health
22 insurance and pays at least fifty percent of such insurance premiums;

23 **[(8)] (9)** "Local education agency", a community college **district**, two-year
24 state technical college, or technical career education center;

25 **[(9)] (10)** "Missouri [works training] **one start** program", the training
26 program established under sections 620.800 to 620.809;

27 **[(10)] (11)** "New capital investment", costs incurred by the qualified
28 company at the project facility for real or personal property, that may include the
29 value of finance or capital leases for real or personal property for the term of such
30 lease at the project facility executed after acceptance by the qualified company
31 of the proposal for benefits from the department or approval of the notice of
32 intent;

33 **[(11)] (12)** "New job", the number of full-time employees located at the
34 project facility that exceeds the project facility base employment less any decrease
35 in the number of full-time employees at related facilities below the related facility
36 base employment. No job that was created prior to the date of the notice of intent
37 shall be deemed a new job. An employee who spends less than fifty percent of his
38 or her work time at the facility is still considered to be located at a facility if he
39 or she receives his or her directions and control from that facility, is on the
40 facility's payroll, one hundred percent of the employee's income from such
41 employment is Missouri income, and the employee is paid at or above the
42 applicable percentage of the county's average wage;

43 **[(12)] (13)** "New jobs credit", the credit from withholding remitted by a
44 qualified company provided under subsection 7 of section 620.809;

45 **[(13)] (14)** "Notice of intent", a form developed by [the department,
46 completed by the qualified company,] and submitted to the department that
47 states the qualified company's intent to request benefits under this program;

48 **[(14)] (15)** "Project facility", the building or buildings used by a qualified
49 company at which new or retained jobs and any new capital investment are or
50 will be located. A project facility may include separate buildings located within
51 sixty miles of each other such that their purpose and operations are interrelated,
52 provided that, if the buildings making up the project facility are not located
53 within the same county, the average wage of the new payroll must exceed the
54 applicable percentage of the highest county average wage among the counties in

55 which the buildings are located. Upon approval by the department, a subsequent
56 project facility may be designated if the qualified company demonstrates a need
57 to relocate to the subsequent project facility at any time during the project period;

58 ~~[(15)]~~ **(16)** "Project facility base employment", the greater of the number
59 of full-time employees located at the project facility on the date of the notice of
60 intent or, for the twelve-month period prior to the date of the notice of intent, the
61 average number of full-time employees located at the project facility. In the event
62 the project facility has not been in operation for a full twelve-month period, the
63 average number of full-time employees for the number of months the project
64 facility has been in operation prior to the date of the notice of intent;

65 ~~[(16)]~~ **(17)** "Qualified company", a firm, partnership, joint venture,
66 association, private or public corporation whether organized for profit or not, or
67 headquarters of such entity registered to do business in Missouri that is the
68 owner or operator of a project facility, offers health insurance to all full-time
69 employees of all facilities located in this state, and pays at least fifty percent of
70 such insurance premiums. For the purposes of sections 620.800 to 620.809, the
71 term "qualified company" shall not mean:

72 (a) Gambling establishments (NAICS industry group 7132);

73 (b) Retail trade establishments (NAICS sectors 44 and 45), except with
74 respect to any company headquartered in this state with a majority of its
75 full-time employees engaged in operations not within the NAICS codes specified
76 in this subdivision;

77 (c) Food services and drinking places (NAICS subsector 722);

78 (d) Public utilities (NAICS 221 including water and sewer services);

79 (e) Any company that is delinquent in the payment of any nonprotested
80 taxes or any other amounts due the state or federal government or any other
81 political subdivision of this state;

82 (f) Any company requesting benefits for retained jobs that has filed for or
83 has publicly announced its intention to file for bankruptcy protection. However,
84 a company that has filed for or has publicly announced its intention to file for
85 bankruptcy may be a qualified company provided that such company:

86 a. Certifies to the department that it plans to reorganize and not to
87 liquidate; and

88 b. After its bankruptcy petition has been filed, it produces proof, in a form
89 and at times satisfactory to the department, that it is not delinquent in filing any
90 tax returns or making any payment due to the state of Missouri, including but

91 not limited to all tax payments due after the filing of the bankruptcy petition and
92 under the terms of the plan of reorganization;

93 (g) Educational services (NAICS sector 61);

94 (h) Religious organizations (NAICS industry group 8131);

95 (i) Public administration (NAICS sector 92);

96 (j) Ethanol distillation or production; or

97 (k) Biodiesel production.

98 Notwithstanding any provision of this section to the contrary, the headquarters,
99 administrative offices, or research and development facilities of an otherwise
100 excluded business may qualify for benefits if the offices or facilities serve a
101 multistate territory. In the event a national, state, or regional headquarters
102 operation is not the predominant activity of a project facility, the jobs and
103 investment of such operation shall be considered eligible for benefits under this
104 section if the other requirements are satisfied;

105 ~~[(17)]~~ **(18)** "Related company":

106 (a) A corporation, partnership, trust, or association controlled by the
107 qualified company;

108 (b) An individual, corporation, partnership, trust, or association in control
109 of the qualified company; or

110 (c) Corporations, partnerships, trusts, or associations controlled by an
111 individual, corporation, partnership, trust, or association in control of the
112 qualified company. As used in this subdivision, "control of a corporation" shall
113 mean ownership, directly or indirectly, of stock possessing at least fifty percent
114 of the total combined voting power of all classes of stock entitled to vote; "control
115 of a partnership or association" shall mean ownership of at least fifty percent of
116 the capital or profits interest in such partnership or association; "control of a
117 trust" shall mean ownership, directly or indirectly, of at least fifty percent of the
118 beneficial interest in the principal or income of such trust; and "ownership" shall
119 be determined as provided in Section 318 of the Internal Revenue Code of 1986,
120 as amended;

121 ~~[(18)]~~ **(19)** "Related facility", a facility operated by the qualified company
122 or a related company located in this state that is directly related to the operations
123 of the project facility or in which operations substantially similar to the
124 operations of the project facility are performed;

125 ~~[(19)]~~ **(20)** "Related facility base employment", the greater of the number
126 of full-time employees located at all related facilities on the date of the notice of

127 intent or, for the twelve-month period prior to the date of the notice of intent, the
128 average number of full-time employees located at all related facilities of the
129 qualified company or a related company located in this state;

130 [(20)] **(21)** "Retained jobs", the average number of full-time employees of
131 a qualified company located at the project facility during each month for the
132 calendar year preceding the year in which the notice of intent is submitted;

133 [(21)] **(22)** "Retained jobs credit", the credit from withholding remitted
134 by a qualified company provided under subsection 7 of section 620.809;

135 [(22)] **(23)** "Targeted industry", an industry or one of a cluster of
136 industries identified by the department by rule following a strategic planning
137 process as being critical to the state's economic security and growth;

138 [(23)] **(24)** "Training program", the Missouri [works training] **one start**
139 program established under sections 620.800 to 620.809;

140 [(24)] **(25)** "Training project", the project or projects established through
141 the Missouri [works training] **one start** program for the creation or retention of
142 jobs by providing education and training of workers;

143 [(25)] **(26)** "Training project costs", **may include** all necessary and
144 incidental costs of providing program services through the training program,
145 [including] **such as**:

146 (a) Training materials and supplies;

147 (b) Wages and benefits of instructors, who may or may not be employed
148 by the eligible industry, and the cost of training such instructors;

149 (c) Subcontracted services;

150 (d) On-the-job training;

151 (e) Training facilities and equipment;

152 (f) Skill assessment;

153 (g) Training project and curriculum development;

154 (h) Travel directly to the training project, including a coordinated
155 transportation program for training if the training can be more effectively
156 provided outside the community where the jobs are to be located;

157 (i) Payments to third-party training providers and to the eligible industry;

158 (j) Teaching and assistance provided by educational institutions in the
159 state of Missouri;

160 (k) In-plant training analysis, including fees for professionals and
161 necessary travel and expenses;

162 (l) Assessment and preselection tools;

- 163 (m) Publicity;
- 164 (n) Instructional services;
- 165 (o) Rental of instructional facilities with necessary utilities; and
- 166 (p) Payment of the principal, premium, and interest on certificates,
- 167 including capitalized interest, issued to finance a project, and the funding and
- 168 maintenance of a debt service reserve fund to secure such certificates;
- 169 [(26)] **(27)** "Training project services", [includes] **may include**, but shall
- 170 not be limited to, the following:
- 171 (a) Job training, which may include, but not be limited to, preemployment
- 172 training, analysis of the specified training needs for a qualified company,
- 173 development of training plans, and provision of training through qualified
- 174 training staff;
- 175 (b) Adult basic education and job-related instruction;
- 176 (c) Vocational and skill-assessment services and testing;
- 177 (d) Training facilities, equipment, materials, and supplies;
- 178 (e) On-the-job training;
- 179 (f) Administrative expenses [equal to fifteen percent of the total training
- 180 costs] **at a reasonable amount determined by the department**;
- 181 (g) Subcontracted services with state institutions of higher education,
- 182 private colleges or universities, or other federal, state, or local agencies;
- 183 (h) Contracted or professional services; and
- 184 (i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a "Missouri [Works Training]

2 **One Start** Program" to assist qualified companies in the training of employees

3 in new jobs and the retraining or upgrading of skills of full-time employees in

4 retained jobs as provided in sections 620.800 to 620.809. The training program

5 shall be funded through appropriations to the funds established under sections

6 620.806 and 620.809. The department shall, to the maximum extent practicable,

7 prioritize funding under the training program to assist qualified companies in

8 targeted industries.

9 2. There is hereby created the "Missouri [Works] **One Start** Job Training

10 Joint Legislative Oversight Committee". The committee shall consist of three

11 members of the Missouri senate appointed by the president pro tempore of the

12 senate and three members of the house of representatives appointed by the

13 speaker of the house. No more than two of the members of the senate and two

14 of the members of the house of representatives shall be from the same political

15 party. Members of the committee shall report to the governor, the president pro
16 tempore of the senate, and the speaker of the house of representatives on all
17 assistance to [industries] **qualified companies** under the provisions of sections
18 620.800 to 620.809 provided during the preceding fiscal year. The report of the
19 committee shall be delivered no later than October first of each year. The
20 director of the department shall report to the committee such information as the
21 committee may deem necessary for its annual report. Members of the committee
22 shall receive no compensation in addition to their salary as members of the
23 general assembly but may receive their necessary expenses while attending the
24 meetings of the committee, to be paid out of the joint contingent fund.

25 3. The department shall publish guidelines and may promulgate rules and
26 regulations governing the training program. **In establishing such guidelines**
27 **and promulgating such rules and regulations, the department shall**
28 **consider such factors as the potential number of new jobs to be created,**
29 **the amount of new capital investment in new facilities and equipment,**
30 **the significance of state benefits to the qualified company's decision to**
31 **locate or expand in Missouri, the economic need of the affected**
32 **community, and the importance of the qualified company to the**
33 **economic development of the state.** Any rule or portion of a rule, as that
34 term is defined in section 536.010, that is created under the authority delegated
35 in this section shall become effective only if it complies with and is subject to all
36 of the provisions of chapter 536 and, if applicable, section 536.028. This section
37 and chapter 536 are nonseverable and if any of the powers vested with the
38 general assembly pursuant to chapter 536 to review, to delay the effective date,
39 or to disapprove and annul a rule are subsequently held unconstitutional, then
40 the grant of rulemaking authority and any rule proposed or adopted after August
41 28, 2013, shall be invalid and void.

42 4. The department shall make program applications and guidelines
43 available online.

44 5. The department may contract with other entities[, not to exceed fifty
45 thousand dollars annually,] for the purposes of advertising, marketing, or
46 promoting the training program established in sections 620.800 to 620.809. Any
47 assistance through the training program shall be provided under an agreement.

48 6. Prior to the authorization of any application submitted through the
49 training program, the department shall verify the applicant's tax payment status
50 and offset any delinquencies as provided in section 135.815.

51 7. Any [taxpayer who] **qualified company that** is awarded benefits
52 under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7
53 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall
54 immediately notify the department, shall forfeit such benefits, and shall repay the
55 state an amount equal to any state tax credits already redeemed and any
56 withholding taxes already retained.

57 8. **The department may require repayment of all benefits**
58 **awarded, increased by an additional amount that shall provide the**
59 **state a reasonable rate of return, to any qualified company under**
60 **sections 620.800 to 620.809 that fails to maintain the new or retained**
61 **jobs within five years of approval of the benefits or that leaves the**
62 **state within five years of approval of the benefits.**

63 9. **The department shall be authorized to contract with other**
64 **entities, including businesses, industries, other state agencies, and**
65 **political subdivisions of the state for the purpose of implementing a**
66 **training project under the provisions of sections 620.800 to 620.809.**

620.806. 1. [The Missouri job development fund, formerly established in
2 the state treasury by section 620.478, shall now] **There is hereby created in**
3 **the state treasury a fund to** be known as the "Missouri [Works] **One Start**
4 **Job Development Fund"** and shall be administered by the department for the
5 [training] **purposes of the Missouri one start** program. The fund shall
6 consist of all moneys which may be appropriated to it by the general assembly
7 and also any gifts, contributions, grants, or bequests received from federal,
8 private or other sources, including, but not limited to, any block grant or other
9 sources of funding relating to job training, school-to-work transition, welfare
10 reform, vocational and technical training, housing, infrastructure, development,
11 and human resource investment programs which may be provided by the federal
12 government or other sources. **The state treasurer shall be custodian of the**
13 **fund and may approve disbursements from the fund in accordance with**
14 **sections 30.170 and 30.180. Notwithstanding the provisions of section**
15 **33.080 to the contrary, any moneys remaining in the fund at the end of**
16 **the biennium shall not revert to the credit of the general revenue**
17 **fund. The state treasurer shall invest moneys in the fund in the same**
18 **manner as other funds are invested. Any interest and moneys earned**
19 **on such investments shall be credited to the fund.**

20 2. The department may provide financial assistance through the training

21 program to qualified companies that create new jobs which will result in the need
22 for training, or that make new capital investment relating directly to the
23 retention of jobs in an amount at least five times greater than the amount of any
24 financial assistance. Financial assistance may also be provided to a consortium
25 of a majority of qualified companies organized to provide common training to the
26 consortium members' employees. Funds in the Missouri [works] **one start** job
27 development fund shall be appropriated, for financial assistance through the
28 training program, by the general assembly to the department and shall be
29 administered by a local [educational] **education** agency certified by the
30 department for such purpose. Except for state-sponsored preemployment
31 training, no qualified company shall receive more than fifty percent of its training
32 program costs from the Missouri [works] **one start** job development fund. No
33 funds shall be awarded or reimbursed to any qualified company for the training,
34 retraining, or upgrading of skills of potential employees with the purpose of
35 replacing or supplanting employees engaged in an authorized work
36 stoppage. Upon approval by the department, training project costs, except the
37 purchase of training equipment and training facilities, shall be eligible for
38 reimbursement with funds from the Missouri [works] **one start** job development
39 fund. Notwithstanding any provision of law to the contrary, no qualified company
40 within a service industry shall be eligible for assistance under this subsection
41 unless such qualified company provides services in interstate commerce, which
42 shall mean that the qualified company derives a majority of its annual revenues
43 from out of the state.

44 3. [The department may provide assistance, through appropriations made
45 from the Missouri works job development fund, to business and technology
46 centers. Such assistance shall not include the lending of the state's credit for the
47 payment of any liability of the fund. Such centers may be established by Missouri
48 community colleges, or state-owned postsecondary technical colleges, to provide
49 business and training services for growth industries as determined by current
50 labor market information.] **Upon appropriation, a local education agency**
51 **may petition the department to utilize the Missouri one start job**
52 **development fund in order to create or improve training facilities,**
53 **training equipment, training staff, training expertise, training**
54 **programming, and administration. The department shall review all**
55 **petitions and may award funds from the Missouri one start job**
56 **development fund for reimbursement of training project costs and**

57 training project services as it deems necessary.

58 4. The department may promulgate rules to implement the
59 provisions of this section. Any rule or portion of a rule, as that term is
60 defined in section 536.010 that is created under the authority delegated
61 in this section shall become effective only if it complies with and is
62 subject to all of the provisions of chapter 536, and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable and if any of
64 the powers vested with the general assembly pursuant to chapter 536,
65 to review, to delay the effective date, or to disapprove and annul a rule
66 are subsequently held unconstitutional, then the grant of rulemaking
67 authority and any rule proposed or adopted after August 28, 2019, shall
68 be invalid and void.

620.809. 1. [The Missouri community college job training program fund,
2 formerly established in the state treasury by section 178.896, shall now] **There**
3 **is hereby established in the state treasury a fund** to be known as the
4 "Missouri [Works] **One Start** Community College New Jobs Training Fund"
5 [and] **that** shall be administered by the department for the training
6 program. The department of revenue shall credit to the fund, as received, all new
7 jobs credits. **For existing Missouri businesses creating new jobs, the**
8 **training project may include retained jobs.** The fund shall also consist of
9 any gifts, contributions, grants, or bequests received from federal, private, or
10 other sources. The general assembly, however, shall not provide for any transfer
11 of general revenue funds into the fund. Moneys in the fund shall be disbursed
12 to the department under regular appropriations by the general assembly. **The**
13 **department shall have the discretion to determine the appropriate**
14 **amount of funds to allocate per training project.** The department shall
15 disburse such appropriated funds in a timely manner into the special funds
16 established by community college districts for training projects, which funds shall
17 be used to pay training project costs. Such disbursements shall be made to the
18 special fund for each training project as provided under subsection 5 of this
19 section. All moneys remaining in the fund at the end of any fiscal year shall not
20 lapse to the general revenue fund, as provided in section 33.080, but shall remain
21 in the fund.

22 2. [The Missouri community college job retention training program fund,
23 formerly established in the state treasury by section 178.764, shall now] **There**
24 **is hereby created in the state treasury a fund** to be known as the "Missouri

25 [Works] **One Start** Community College Job Retention Training Fund" [and] **that**
26 shall be administered by the department for the Missouri [works training] **one**
27 **start** program. The department of revenue shall credit to the fund, as received,
28 all retained jobs credits. **For existing Missouri businesses retaining jobs,**
29 **the training project may include new jobs.** The fund shall also consist of
30 any gifts, contributions, grants, or bequests received from federal, private, or
31 other sources. The general assembly, however, shall not provide for any transfer
32 of general revenue funds into the fund. Moneys in the fund shall be disbursed
33 to the department under regular appropriations by the general assembly. **The**
34 **department shall have the discretion to determine the appropriate**
35 **amount of funds to allocate per training project.** The department shall
36 disburse such appropriated funds in a timely manner into the special funds
37 established by community college districts for projects, which funds shall be used
38 to pay training program costs, including the principal, premium, and interest on
39 certificates issued by the district to finance or refinance, in whole or in part, a
40 project. Such disbursements by the department shall be made to the special fund
41 for each project as provided under subsection 5 of this section. All moneys
42 remaining in the fund at the end of any fiscal year shall not lapse to the general
43 revenue fund, as provided in section 33.080, but shall remain in the fund.

44 3. The department of revenue shall develop such forms as are necessary
45 to demonstrate accurately each qualified company's new jobs credit paid into the
46 Missouri [works] **one start** community college new jobs training fund or retained
47 jobs credit paid into the Missouri [works] **one start** community college job
48 retention training fund. The new or retained jobs credits shall be accounted as
49 separate from the normal withholding tax paid to the department of revenue by
50 the qualified company. Reimbursements made by all qualified companies to the
51 Missouri [works] **one start** community college new jobs training fund and the
52 Missouri [works] **one start** community college job retention training fund shall
53 be no less than all allocations made by the department to all community college
54 districts for all projects. The qualified company shall remit the amount of the
55 new or retained jobs credit, as applicable, to the department of revenue in the
56 same manner as provided in sections 143.191 to 143.265.

57 4. A community college district, with the approval of the department in
58 consultation with the office of administration, may enter into an agreement to
59 establish a training project and provide training project services to a qualified
60 company. As soon as possible after initial contact between a community college

61 district and a potential qualified company regarding the possibility of entering
62 into an agreement, the **community college** district shall inform the department
63 of the potential training project. The department shall evaluate the proposed
64 training project within the overall job training efforts of the state to ensure that
65 the training project will not duplicate other job training programs. The
66 department shall have fourteen days from receipt of a notice of intent to approve
67 or disapprove a training project. If no response is received by the qualified
68 company within fourteen days, the training project shall be deemed
69 approved. Disapproval of any training project shall be made in writing and state
70 the reasons for such disapproval. If an agreement is entered into, the district and
71 the qualified company shall notify the department of revenue within fifteen
72 calendar days. In addition to any provisions required under subsection 6 of this
73 section for a qualified company applying to receive a **new or** retained job credit,
74 an agreement may provide, but shall not be limited to:

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

77 (a) Funds appropriated by the general assembly to the Missouri [works]
78 **one start** community college new jobs training program fund or Missouri [works]
79 **one start** community college job retention training program fund, as applicable,
80 and disbursed by the department for the purposes consistent with sections
81 620.800 to 620.809;

82 (b) Funds appropriated by the general assembly from the general revenue
83 fund and disbursed by the department for the purposes consistent with sections
84 620.800 to 620.809;

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

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

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

95 (4) A provision which fixes the minimum amount of new or retained jobs
96 credits, general revenue fund appropriations, or tuition and fee payments which

97 shall be paid for training project costs; and

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

105 5. (1) For projects that are funded exclusively under paragraph (a) of
106 subdivision (1) of subsection 4 of this section, the department shall disburse such
107 funds to the special fund for each training project in the same proportion as the
108 new jobs or retained jobs credits remitted by the qualified company participating
109 in such project bears to the total new jobs or retained jobs credits from
110 withholding remitted by all qualified companies participating in projects during
111 the period for which the disbursement is made.

112 (2) Subject to appropriation, for projects that are funded through a
113 combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection
114 4 of this section, the department shall disburse funds appropriated under
115 paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund
116 for each training project upon commencement of the project. The department
117 shall disburse funds appropriated under paragraph (a) of subdivision (1) of
118 subsection 4 of this section to the special fund for each training project in the
119 same proportion as the new jobs or retained jobs credits remitted by the qualified
120 company participating in such project bears to the total new jobs or retained jobs
121 credits from withholding remitted by all qualified companies participating in
122 projects during the period for which the disbursement is made, reduced by the
123 amount of funds appropriated under paragraph (b) of subdivision (1) of subsection
124 4 of this section.

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

127 (1) Maintained at least one hundred full-time employees per year at the
128 project facility for the calendar year preceding the year in which the application
129 is made; **and**

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

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

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

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

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

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

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

148 (2) A portion of the total payments made by the qualified companies under
149 sections 143.191 to 143.265 shall be designated as the new or retained jobs credit
150 from withholding. Such portion shall be an amount equal to two and one-half
151 percent of the gross wages paid by the qualified company for each of the first one
152 hundred jobs included in the project and one and one-half percent of the gross
153 wages paid by the qualified company for each of the remaining jobs included in
154 the project. If business or employment conditions cause the amount of the new
155 or retained jobs credit from withholding to be less than the amount projected in
156 the agreement for any time period, then other withholding tax paid by the
157 qualified company under sections 143.191 to 143.265 shall be credited to the
158 applicable fund by the amount of such difference. The qualified company shall
159 remit the amount of the new or retained jobs credit to the department of revenue
160 in the manner prescribed in sections 143.191 to 143.265. When all training
161 program costs have been paid, the new or retained jobs credits shall cease;

162 (3) The community college district participating in a project shall
163 establish a special fund for and in the name of the training project. All funds
164 appropriated by the general assembly from the funds established under
165 subsections 1 and 2 of this section and disbursed by the department for the
166 training project and other amounts received by the district for training project
167 costs as required by the agreement shall be deposited in the special
168 fund. Amounts held in the special fund shall be used and disbursed by the

169 district only to pay training project costs for such training project. The special
170 fund may be divided into such accounts and subaccounts as shall be provided in
171 the agreement, and amounts held therein may be invested in the same manner
172 as the district's other funds;

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

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

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

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

188 8. To provide funds for the present payment of the training project costs
189 of new or retained jobs training project through the training program, a
190 community college district may borrow money and issue and sell certificates
191 payable from a sufficient portion of the future receipts of payments authorized by
192 the agreement including disbursements from the Missouri [works] **one start**
193 community college new jobs training fund or the Missouri [works] **one start**
194 community college job retention training fund, to the special fund established by
195 the **community college** district for each project. The total amount of
196 outstanding certificates sold by all community college districts shall not exceed
197 the total amount authorized under law as of January 1, 2013, unless an increased
198 amount is authorized in writing by a majority of members of the committee. The
199 certificates shall be marketed through financial institutions authorized to do
200 business in Missouri. The receipts shall be pledged to the payment of principal
201 of and interest on the certificates. Certificates may be sold at public sale or at
202 private sale at par, premium, or discount of not less than ninety-five percent of
203 the par value thereof, at the discretion of the board of trustees, and may bear
204 interest at such rate or rates as the board of trustees shall determine,

205 notwithstanding the provisions of section 108.170 to the contrary. However, the
206 provisions of chapter 176 shall not apply to the issuance of such
207 certificates. Certificates may be issued with respect to a single project or
208 multiple projects and may contain terms or conditions as the board of trustees
209 may provide by resolution authorizing the issuance of the certificates.

210 9. Certificates issued to refund other certificates may be sold at public
211 sale or at private sale as provided in this section, with the proceeds from the sale
212 to be used for the payment of the certificates being refunded. The refunding
213 certificates may be exchanged in payment and discharge of the certificates being
214 refunded, in installments at different times or an entire issue or series at one
215 time. Refunding certificates may be sold or exchanged at any time on, before, or
216 after the maturity of the outstanding certificates to be refunded. They may be
217 issued for the purpose of refunding a like, greater, or lesser principal amount of
218 certificates and may bear a rate of interest that is higher, lower, or equivalent to
219 that of the certificates being renewed or refunded.

220 10. Before certificates are issued, the board of trustees shall publish once
221 a notice of its intention to issue the certificates, stating the amount, the purpose,
222 and the project or projects for which the certificates are to be issued. A person
223 with standing may, within fifteen days after the publication of the notice, by
224 action in the circuit court of a county in the district, appeal the decision of the
225 board of trustees to issue the certificates. The action of the board of trustees in
226 determining to issue the certificates shall be final and conclusive unless the
227 circuit court finds that the board of trustees has exceeded its legal authority. An
228 action shall not be brought which questions the legality of the certificates, the
229 power of the board of trustees to issue the certificates, the effectiveness of any
230 proceedings relating to the authorization of the project, or the authorization and
231 issuance of the certificates from and after fifteen days from the publication of the
232 notice of intention to issue.

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

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

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

242 (1) The program authorized under sections 620.800 to 620.809 shall be
243 reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

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

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

250 **14. Any agreement or obligation entered into by the department**
251 **that was made under the provisions of sections 620.800 to 620.809 prior**
252 **to the effective date of this section shall remain in effect according to**
253 **the provisions of such agreement or obligation.**

✓

Bill

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