

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1013

AN ACT

To repeal sections 620.515, 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof five new sections relating to grants for job training programs.

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

Section A. Sections 620.515, 620.800, 620.803, 620.806, and 620.809, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 620.515, 620.800, 620.803, 620.806, and 620.809, to read as follows:

620.515. 1. This section shall be known and may be cited as the "Show-Me Heroes" program, the purpose of which is to:

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

(2) Assist returning National Guard troops or reserve component service member reservists and recently separated United States military personnel with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of [economic development] higher education and workforce development shall operate the Show-Me heroes program through

existing programs. Eligibility for the program shall be based on the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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

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

(2) "Application", a form developed by and submitted to the department by a local education agency on behalf of a qualified company applying for benefits under section 620.806;

~~[(2)]~~ (3) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;

~~[(3)]~~ (4) "Certificate", a new or retained jobs training certificate issued under section 620.809;

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

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

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

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

~~(8)]~~ "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health

insurance and pays at least fifty percent of such insurance premiums;

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

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

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

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

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

[(14)] (13) "Notice of intent", a form developed by and submitted to the department that states the qualified company's intent to request benefits under [this program] section 620.809;

[(15)] (14) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated[, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located]. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

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

[(17)] (16) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the

owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:

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

(b) Store-front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

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

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

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

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

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

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

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

(g) Educational services (NAICS sector 61);

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

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production.

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

(17) "Recruitment services", promoting workforce opportunities in Missouri;

(18) "Related company":

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

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

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to



vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(19) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(20) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the application or notice of intent or, for the twelve-month period prior to the date of the application or notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(21) "Relocation costs", costs paid by a qualified company for a full-time employee in a new job, excluding costs for residents relocating from a Kansas border county to a Missouri border county, as such terms are defined in subsection 1 of section 135.1670, provided subsection 2 of section 135.1670 is in effect. Relocation costs shall only apply to an employee relocating to Missouri from out of state to work in the new job. Reimbursement for relocation costs shall be limited to fifty percent of the amount paid by the employer to cover actual relocation expenses, including, but not limited to, reasonable moving and related travel expenses. The amount paid to a qualified company shall not exceed three thousand five hundred dollars per

employee, and shall not exceed fifty percent of the total training project award;

(22) "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the application or notice of intent is submitted;

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

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

[(24) "Training program", the Missouri one start program established under sections 620.800 to 620.809;]

(25) "Training project", the project or projects established through the Missouri one start program for the creation or retention of jobs by providing education and training of workers;

(26) "Training project costs", may include all necessary and incidental costs of providing program services through the [training] Missouri one start program, such as:

- (a) Training materials and supplies;
- (b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;
- (c) Subcontracted services;
- (d) On-the-job training;
- (e) Training facilities and equipment;
- (f) Skill assessment;
- (g) Training project and curriculum development;

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

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

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

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

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; **[and]**

(p) Relocation costs;

(q) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates; and

(r) Costs of training project services not otherwise included in this subdivision;

(27) "Training project services", may include, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses at a reasonable amount determined by the department;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a "Missouri One Start Program" to assist [qualified] companies [in the] with recruitment services, training of employees in new jobs, and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The [training] Missouri one start program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the [training] Missouri one start program to assist qualified companies in targeted industries.

2. [There is hereby created the "Missouri One Start Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to qualified companies under the provisions of sections 620.800 to

620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3.] The department shall publish guidelines and may promulgate rules and regulations governing the [training] Missouri one start program. In establishing such guidelines and promulgating such rules and regulations, the department shall consider such factors as the potential number of new jobs to be created or the number of jobs to be retained, the potential number of new minority jobs created, the amount of new capital investment in new or existing facilities and equipment, the significance of state benefits to the qualified company's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the qualified company to the economic development of the state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

[4.] 3. The department shall make Missouri one start program applications and guidelines available online.

[5.] 4. The department may contract with other entities for the purposes of advertising, marketing, or promoting the [training] Missouri one start program established in sections 620.800 to 620.809. Any assistance through the [training] Missouri one start program shall be provided under an agreement.

[6.] 5. Prior to the authorization of any application submitted through the [training] Missouri one start program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

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

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

[9.] 8. The department shall be authorized to contract with other entities, including businesses, industries, other state agencies, and political subdivisions of the state for the purpose of implementing a training project or providing

recruitment services under the provisions of sections 620.800 to 620.809.

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

2. The department may provide financial assistance for training projects through the [training] Missouri one start program from the Missouri one start job development fund to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of a majority of qualified

companies organized to provide common training to the consortium members' employees.

3. Funds in the Missouri one start job development fund shall be appropriated, for recruitment services, and for financial assistance for training projects through the [training] Missouri one start program, by the general assembly to the department [and]. Recruitment services shall be administered by the department. Financial assistance for training projects shall be administered by a local education agency certified by the department for such purpose. [Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri one start job development fund.] No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri one start job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for training assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

[3.] 4. Upon appropriation, a local education agency may petition the department to utilize the Missouri one start job development fund in order to create or improve training facilities, training equipment, training staff, training expertise, training programming, and



administration. The department shall review all petitions and may award funds from the Missouri one start job development fund for reimbursement of training project costs and training project services as it deems necessary.

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

620.809. 1. There is hereby established in the state treasury a fund to be known as the "Missouri One Start Community College New Jobs Training Fund", that shall be administered by the department for training projects in the [training] Missouri one start program. Through June 30, 2023, the department of revenue shall credit to the fund, as received, all new jobs credits. [For existing Missouri businesses creating new jobs, the training project may include retained jobs.] 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 have the discretion to determine the appropriate amount of funds to

allocate per training project.] Through June 30, 2023, the department shall disburse 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] 6 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. All unobligated funds in the Missouri one start community college new jobs training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized pursuant to subsection 3 of this section.

2. There is hereby created in the state treasury a fund to be known as the "Missouri One Start Community College Job Retention Training Fund", that shall be administered by the department for the Missouri one start program. Through June 30, 2023, the department of revenue shall credit to the fund, as received, all retained jobs credits. [For existing Missouri businesses retaining jobs, the training project may include new jobs.] 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 have the discretion to determine the appropriate amount of funds to allocate per training project.] Through June 30, 2023, 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] project 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] 6 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. All unobligated funds in the Missouri One Start Community College Job Retention Training Fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized pursuant to subsection 3 of this section.

3. There is hereby created in the state treasury the "Missouri One Start Community College Training Fund", that shall be administered by the department for training projects in the Missouri one start program. Beginning July 1, 2023, the department of revenue shall credit to the fund, as received, all new and 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. Beginning July 1, 2023, the department shall disburse moneys in the fund 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 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 6 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.

4. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid through June 30, 2023, into the Missouri one start community college new jobs training fund or retained jobs credit paid through June 30, 2023, into the Missouri one start community college job retention training fund. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new or retained jobs credit, or both, as applicable, paid beginning July 1, 2023, into the Missouri one start community college jobs training fund. The new or retained jobs credits, or both, as applicable, shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Through June 30, 2023, reimbursements made by all qualified companies to the Missouri one start community college new jobs training fund and the Missouri one start community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. Beginning July 1, 2023, reimbursements made by all qualified companies to the Missouri one start community college training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, or both, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265. A qualified company's training project may include both new jobs and retained jobs.

[4.] 5. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. The department shall have the discretion to determine the appropriate amount of funds to allocate per training project. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the community college district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 6 of this section for a qualified company applying to receive a new or retained job credit, or both, as applicable, an agreement may provide, but shall not be limited to:

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

(a) Through June 30, 2023, funds appropriated by the general assembly to the Missouri one start community college new jobs training program fund or Missouri one start community college job retention training program fund, as

applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) Beginning July 1, 2023, funds appropriated by the general assembly to the Missouri one start community college jobs training program fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

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

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

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

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

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

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

nonpayment of ordinary taxes. The purchasers at a tax sale shall obtain the property subject to the remaining payments.

[5.] 6. (1) For projects that are funded exclusively under [paragraph] paragraphs (a) and (b) of subdivision (1) of subsection [4] 5 of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) [and], (b), and (c) of subdivision (1) of subsection [4] 5 of this section, the department shall disburse funds appropriated under paragraph [(b)] (c) of subdivision (1) of subsection [4] 5 of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under [paragraph] paragraphs (a) and (b) of subdivision (1) of subsection [4] 5 of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph [(b)] (c) of subdivision (1) of subsection [4] 5 of this section.

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

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

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

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

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

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

[7.] 8. If an agreement provides that all or part of the training [program] project costs are to be met by receipt of new or retained jobs credit, or both, if applicable, such new or retained jobs credit from withholding shall be determined and paid as follows:

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

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit, or both, if applicable, from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than



the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit, or both, if applicable, to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training **[program]** project costs have been paid, the new or retained jobs credits, or both, if applicable, shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under **[subsections 1 and 2 of]** this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

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

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

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

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

~~[8.]~~ 9. To provide funds for the present payment of the training project costs ~~[of new or retained jobs training project]~~ through the ~~[training]~~ Missouri one start program as provided in this section, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the ~~[Missouri one start community college new jobs training fund or the Missouri one start community college job retention training fund]~~ funds established under this section, to the special fund established by the community college district for each training project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013~~[, unless an increased amount is authorized in writing by a majority of members of the committee]~~. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and

interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single training project or multiple training projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

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

**[10.]** 11. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the

decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

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

**[12.]** 13. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection **[4]** 5 of this section which are pledged in the agreement.

**[13.]** 14. Pursuant to section 23.253 of the Missouri sunset act:

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

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

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

~~[14.]~~ 15. Any agreement or obligation entered into by the department that was made under the provisions of sections 620.800 to 620.809 prior to August 28, 2019, shall remain in effect according to the provisions of such agreement or obligation.