

SENATE BILL NO. 1072

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

5145S.02I

ADRIANE D. CROUSE, Secretary

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 the Missouri one start program.

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

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2 620.809, RSMo, are repealed and four new sections enacted in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

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

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

7 (2) **"Application", a form developed by and submitted**
8 **to the department by a local education agency on behalf of a**
9 **qualified company applying for benefits under section**
10 **620.806;**

11 [(2)] (3) "Board of trustees", the board of trustees
12 of a community college district established under the
13 provisions of chapter 178;

14 [(3)] (4) "Certificate", a new or retained jobs
15 training certificate issued under section 620.809;

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

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

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

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

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

28 (8)] "Full-time employee", an employee of the
29 qualified company who is scheduled to work an average of at
30 least thirty-five hours per week for a twelve-month period,
31 and one to whom the qualified company offers health
32 insurance and pays at least fifty percent of such insurance
33 premiums;

34 [(9)] (8) "Local education agency", a community
35 college district, two-year state technical college, or
36 technical career education center;

37 [(10)] (9) "Missouri one start program", the
38 [training] program established under sections 620.800 to
39 620.809;

40 [(11)] (10) "New capital investment", costs incurred
41 by the qualified company at the project facility for real or
42 personal property, that may include the value of finance or
43 capital leases for real or personal property for the term of
44 such lease at the project facility executed after acceptance
45 by the qualified company of the proposal for benefits from
46 the department or approval of the **application or** notice of
47 intent;

48 [(12)] (11) "New job", the number of full-time
49 employees located at the project facility that exceeds the
50 project facility base employment less any decrease in the
51 number of full-time employees at related facilities below
52 the related facility base employment. No job that was
53 created prior to the date of the **application or** notice of
54 intent shall be deemed a new job. An employee who spends
55 less than fifty percent of his or her work time at the
56 facility is still considered to be located at a facility if
57 he or she receives his or her directions and control from
58 that facility, is on the facility's payroll, **and** one hundred
59 percent of the employee's income from such employment is
60 Missouri income, and the employee is paid at or above the
61 applicable percentage of the county's average wage;

62 [(13)] (12) "New jobs credit", the credit from
63 withholding remitted by a qualified company provided under
64 subsection 7 of section 620.809;

65 [(14)] (13) "Notice of intent", a form developed by
66 and submitted to the department that states the qualified
67 company's intent to request benefits under **[this program]**
68 **section 620.809;**

69 [(15)] (14) "Project facility", the building or
70 buildings used by a qualified company at which new or
71 retained jobs and any new capital investment are or will be
72 located. A project facility may include separate buildings
73 located within sixty miles of each other such that their
74 purpose and operations are interrelated[, provided that, if
75 the buildings making up the project facility are not located
76 within the same county, the average wage of the new payroll
77 must exceed the applicable percentage of the highest county
78 average wage among the counties in which the buildings are
79 located]. Upon approval by the department, a subsequent

80 project facility may be designated if the qualified company
81 demonstrates a need to relocate to the subsequent project
82 facility at any time during the project period;

83 [(16)] (15) "Project facility base employment", the
84 greater of the number of full-time employees located at the
85 project facility on the date of the **application or** notice of
86 intent or, for the twelve-month period prior to the date of
87 the **application or** notice of intent, the average number of
88 full-time employees located at the project facility. In the
89 event the project facility has not been in operation for a
90 full twelve-month period, the average number of full-time
91 employees for the number of months the project facility has
92 been in operation prior to the date of the **application or**
93 notice of intent;

94 [(17)] (16) "Qualified company", a firm, partnership,
95 joint venture, association, private or public corporation
96 whether organized for profit or not, or headquarters of such
97 entity registered to do business in Missouri that is the
98 owner or operator of a project facility, offers health
99 insurance to all full-time employees of all facilities
100 located in this state, and pays at least fifty percent of
101 such insurance premiums. For the purposes of sections
102 620.800 to 620.809, the term "qualified company" shall not
103 mean:

104 (a) Gambling establishments (NAICS industry group
105 7132);

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

111 (c) Food services and drinking places (NAICS subsector
112 722);

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

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

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

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

127 b. After its bankruptcy petition has been filed, it
128 produces proof, in a form and at times satisfactory to the
129 department, that it is not delinquent in filing any tax
130 returns or making any payment due to the state of Missouri,
131 including but not limited to all tax payments due after the
132 filing of the bankruptcy petition and under the terms of the
133 plan of reorganization;

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

135 (h) Religious organizations (NAICS industry group
136 8131);

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

138 (j) Ethanol distillation or production; or

139 (k) Biodiesel production.

140 Notwithstanding any provision of this section to the
141 contrary, the headquarters, administrative offices, or

142 research and development facilities of an otherwise excluded
143 business may qualify for benefits if the offices or
144 facilities serve a multistate territory. In the event a
145 national, state, or regional headquarters operation is not
146 the predominant activity of a project facility, the jobs and
147 investment of such operation shall be considered eligible
148 for benefits under this section if the other requirements
149 are satisfied;

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

152 (18) "Related company":

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

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

157 (c) Corporations, partnerships, trusts, or
158 associations controlled by an individual, corporation,
159 partnership, trust, or association in control of the
160 qualified company. As used in this subdivision, "control of
161 a corporation" shall mean ownership, directly or indirectly,
162 of stock possessing at least fifty percent of the total
163 combined voting power of all classes of stock entitled to
164 vote; "control of a partnership or association" shall mean
165 ownership of at least fifty percent of the capital or
166 profits interest in such partnership or association;
167 "control of a trust" shall mean ownership, directly or
168 indirectly, of at least fifty percent of the beneficial
169 interest in the principal or income of such trust; and
170 "ownership" shall be determined as provided in Section 318
171 of the Internal Revenue Code of 1986, as amended;

172 (19) "Related facility", a facility operated by the
173 qualified company or a related company located in this state

174 that is directly related to the operations of the project
175 facility or in which operations substantially similar to the
176 operations of the project facility are performed;

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

184 (21) "**Relocation costs**", **costs paid by a qualified**
185 **company for a full-time employee in a new job, excluding**
186 **costs for residents relocating from a Kansas border county**
187 **to a Missouri border county, as such terms are defined in**
188 **subsection 1 of section 135.1670, provided subsection 2 of**
189 **section 135.1670 is in effect. Relocation costs shall only**
190 **apply to an employee relocating to Missouri from out of**
191 **state to work in the new job. Reimbursement for relocation**
192 **costs shall be limited to fifty percent of the amount paid**
193 **by the employer to cover actual relocation expenses,**
194 **including, but not limited to, reasonable moving and related**
195 **travel expenses. The amount paid to a qualified company**
196 **shall not exceed three thousand five hundred dollars per**
197 **employee, and shall not exceed fifty percent of the total**
198 **training project award;**

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

204 [(22)] (23) "Retained jobs credit", the credit from
205 withholding remitted by a qualified company provided under
206 subsection 7 of section 620.809;

207 [(23)] (24) "Targeted industry", an industry or one of
208 a cluster of industries identified by the department by rule
209 following a strategic planning process as being critical to
210 the state's economic security and growth;

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

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

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

220 (a) Training materials and supplies;

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

224 (c) Subcontracted services;

225 (d) On-the-job training;

226 (e) Training facilities and equipment;

227 (f) Skill assessment;

228 (g) Training project and curriculum development;

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

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

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

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

239 (l) Assessment and preselection tools;

240 (m) Publicity;

241 (n) Instructional services;

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

244 (p) **Relocation costs;**

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

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

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

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

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

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

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

263 (e) On-the-job training;

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

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

269 (h) Contracted or professional services; and

270 (i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a
2 "Missouri One Start Program" to assist [qualified] companies
3 [in the] **with recruitment services**, training of employees in
4 new jobs, and the retraining or upgrading of skills of full-
5 time employees in retained jobs as provided in sections
6 620.800 to 620.809. The [training] **Missouri one start**
7 program shall be funded through appropriations to the funds
8 established under sections 620.806 and 620.809. The
9 department shall, to the maximum extent practicable,
10 prioritize funding under the [training] **Missouri one start**
11 program to assist qualified companies in targeted industries.

12 2. [There is hereby created the "Missouri One Start
13 Job Training Joint Legislative Oversight Committee". The
14 committee shall consist of three members of the Missouri
15 senate appointed by the president pro tempore of the senate
16 and three members of the house of representatives appointed
17 by the speaker of the house. No more than two of the
18 members of the senate and two of the members of the house of
19 representatives shall be from the same political party.
20 Members of the committee shall report to the governor, the
21 president pro tempore of the senate, and the speaker of the
22 house of representatives on all assistance to qualified
23 companies under the provisions of sections 620.800 to
24 620.809 provided during the preceding fiscal year. The
25 report of the committee shall be delivered no later than
26 October first of each year. The director of the department
27 shall report to the committee such information as the

28 committee may deem necessary for its annual report. Members
29 of the committee shall receive no compensation in addition
30 to their salary as members of the general assembly but may
31 receive their necessary expenses while attending the
32 meetings of the committee, to be paid out of the joint
33 contingent fund.

34 **3.]** The department shall publish guidelines and may
35 promulgate rules and regulations governing the **[training]**
36 **Missouri one start** program. In establishing such guidelines
37 and promulgating such rules and regulations, the department
38 shall consider such factors as the potential number of new
39 jobs to be created **or the number of jobs to be retained**, the
40 potential number of new minority jobs created, the amount of
41 new capital investment in new **or existing** facilities and
42 equipment, the significance of state benefits to the
43 qualified company's decision to locate or expand in
44 Missouri, the economic need of the affected community, and
45 the importance of the qualified company to the economic
46 development of the state. Any rule or portion of a rule, as
47 that term is defined in section 536.010, that is created
48 under the authority delegated in this section shall become
49 effective only if it complies with and is subject to all of
50 the provisions of chapter 536 and, if applicable, section
51 536.028. This section and chapter 536 are nonseverable and
52 if any of the powers vested with the general assembly
53 pursuant to chapter 536 to review, to delay the effective
54 date, or to disapprove and annul a rule are subsequently
55 held unconstitutional, then the grant of rulemaking
56 authority and any rule proposed or adopted after August 28,
57 2013, shall be invalid and void.

58 **[4.] 3.** The department shall make **Missouri one start**
59 program applications and guidelines available online.

60 [5.] 4. The department may contract with other
61 entities for the purposes of advertising, marketing, or
62 promoting the [training] **Missouri one start** program
63 established in sections 620.800 to 620.809. Any assistance
64 through the [training] **Missouri one start** program shall be
65 provided under an agreement.

66 [6.] 5. Prior to the authorization of any application
67 submitted through the [training] **Missouri one start** program,
68 the department shall verify the applicant's tax payment
69 status and offset any delinquencies as provided in section
70 135.815.

71 [7.] 6. Any qualified company that is awarded benefits
72 under sections 620.800 to 620.809 and who files for
73 bankruptcy under Chapter 7 of the United States Bankruptcy
74 Code, Title 11 U.S.C., as amended, shall immediately notify
75 the department, shall forfeit such benefits, and shall repay
76 the state an amount equal to any state tax credits already
77 redeemed and any withholding taxes already retained.

78 [8.] 7. The department may require repayment of all
79 benefits awarded, increased by an additional amount that
80 shall provide the state a reasonable rate of return, to any
81 qualified company under sections 620.800 to 620.809 that
82 fails to maintain the new or retained jobs within five years
83 of approval of the benefits or that leaves the state within
84 five years of approval of the benefits.

85 [9.] 8. The department shall be authorized to contract
86 with other entities, including businesses, industries, other
87 state agencies, and political subdivisions of the state for
88 the purpose of implementing a training project **or providing**
89 **recruitment services** under the provisions of sections
90 620.800 to 620.809.

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

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

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

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

60 **[3.] 4.** Upon appropriation, a local education agency
61 may petition the department to utilize the Missouri one
62 start job development fund in order to create or improve
63 training facilities, training equipment, training staff,

64 training expertise, training programming, and
65 administration. The department shall review all petitions
66 and may award funds from the Missouri one start job
67 development fund for reimbursement of training project costs
68 and training project services as it deems necessary.

69 [4.] 5. The department may promulgate rules to
70 implement the provisions of this section. Any rule or
71 portion of a rule, as that term is defined in section
72 536.010, that is created under the authority delegated in
73 this section shall become effective only if it complies with
74 and is subject to all of the provisions of chapter 536 and,
75 if applicable, section 536.028. This section and chapter
76 536 are nonseverable and if any of the powers vested with
77 the general assembly pursuant to chapter 536 to review, to
78 delay the effective date, or to disapprove and annul a rule
79 are subsequently held unconstitutional, then the grant of
80 rulemaking authority and any rule proposed or adopted after
81 August 28, 2019, shall be invalid and void.

620.809. 1. There is hereby established in the state
2 treasury a fund to be known as the "Missouri One Start
3 Community College New Jobs Training Fund", that shall be
4 administered by the department for **training projects in the**
5 **[training] Missouri one start** program. **Through June 30,**
6 **2023,** the department of revenue shall credit to the fund, as
7 received, all new jobs credits. **[For existing Missouri**
8 **businesses creating new jobs, the training project may**
9 **include retained jobs.]** The fund shall also consist of any
10 gifts, contributions, grants, or bequests received from
11 federal, private, or other sources. The general assembly,
12 however, shall not provide for any transfer of general
13 revenue funds into the fund. Moneys in the fund shall be
14 disbursed to the department under regular appropriations by

15 the general assembly. [The department shall have the
16 discretion to determine the appropriate amount of funds to
17 allocate per training project.] **Through June 30, 2023,** the
18 department shall disburse such appropriated funds in a
19 timely manner into the special funds established by
20 community college districts for training projects, which
21 funds shall be used to pay training project costs. Such
22 disbursements shall be made to the special fund for each
23 training project as provided under subsection [5] 6 of this
24 section. All moneys remaining in the fund at the end of any
25 fiscal year shall not lapse to the general revenue fund, as
26 provided in section 33.080, but shall remain in the fund.
27 **All unobligated funds in the Missouri one start community**
28 **college new jobs training fund on July 1, 2023, shall be**
29 **transferred to the Missouri one start community college**
30 **training fund authorized pursuant to subsection 3 of this**
31 **section.**

32 2. There is hereby created in the state treasury a
33 fund to be known as the "Missouri One Start Community
34 College Job Retention Training Fund", that shall be
35 administered by the department for the Missouri one start
36 program. **Through June 30, 2023,** the department of revenue
37 shall credit to the fund, as received, all retained jobs
38 credits. [For existing Missouri businesses retaining jobs,
39 the training project may include new jobs.] The fund shall
40 also consist of any gifts, contributions, grants, or
41 bequests received from federal, private, or other sources.
42 The general assembly, however, shall not provide for any
43 transfer of general revenue funds into the fund. Moneys in
44 the fund shall be disbursed to the department under regular
45 appropriations by the general assembly. [The department
46 shall have the discretion to determine the appropriate

47 amount of funds to allocate per training project.] **Through**
48 **June 30, 2023,** the department shall disburse such
49 appropriated funds in a timely manner into the special funds
50 established by community college districts for projects,
51 which funds shall be used to pay training [program] **project**
52 costs[, including the principal, premium, and interest on
53 certificates issued by the district to finance or refinance,
54 in whole or in part, a project]. Such disbursements by the
55 department shall be made to the special fund for each
56 project as provided under subsection [5] **6** of this section.
57 All moneys remaining in the fund at the end of any fiscal
58 year shall not lapse to the general revenue fund, as
59 provided in section 33.080, but shall remain in the fund.
60 **All unobligated funds in the Missouri One Start Community**
61 **College Job Retention Training Fund on July 1, 2023, shall**
62 **be transferred to the Missouri one start community college**
63 **training fund authorized pursuant to subsection 3 of this**
64 **section.**

65 3. **There is hereby created in the state treasury the**
66 **"Missouri One Start Community College Training Fund", that**
67 **shall be administered by the department for training**
68 **projects in the Missouri one start program. Beginning July**
69 **1, 2023, the department of revenue shall credit to the fund,**
70 **as received, all new and retained jobs credits. The fund**
71 **shall also consist of any gifts, contributions, grants, or**
72 **bequests received from federal, private, or other sources.**
73 **The general assembly, however, shall not provide for any**
74 **transfer of general revenue funds into the fund. Beginning**
75 **July 1, 2023, the department shall disburse moneys in the**
76 **fund under regular appropriations by the general assembly.**
77 **The department shall disburse such appropriated funds in a**
78 **timely manner into the special funds established by**

79 community college districts for training projects, which
80 funds shall be used to pay training project costs. Such
81 disbursements shall be made to the special fund for each
82 training project as provided under subsection 6 of this
83 section. All moneys remaining in the fund at the end of any
84 fiscal year shall not lapse to the general revenue fund, as
85 provided in section 33.080, but shall remain in the fund.

86 4. The department of revenue shall develop such forms
87 as are necessary to demonstrate accurately each qualified
88 company's new jobs credit paid **through June 30, 2023**, into
89 the Missouri one start community college new jobs training
90 fund or retained jobs credit paid **through June 30, 2023**,
91 into the Missouri one start community college job retention
92 training fund. **The department of revenue shall develop such**
93 **forms as are necessary to demonstrate accurately each**
94 **qualified company's new or retained jobs credit, or both, as**
95 **applicable, paid beginning July 1, 2023, into the Missouri**
96 **one start community college jobs training fund.** The new or
97 retained jobs credits, **or both, as applicable**, shall be
98 accounted as separate from the normal withholding tax paid
99 to the department of revenue by the qualified company.
100 **Through June 30, 2023**, reimbursements made by all qualified
101 companies to the Missouri one start community college new
102 jobs training fund and the Missouri one start community
103 college job retention training fund shall be no less than
104 all allocations made by the department to all community
105 college districts for all projects. **Beginning July 1, 2023,**
106 **reimbursements made by all qualified companies to the**
107 **Missouri one start community college training fund shall be**
108 **no less than all allocations made by the department to all**
109 **community college districts for all projects.** The qualified
110 company shall remit the amount of the new or retained jobs

111 credit, **or both**, as applicable, to the department of revenue
112 in the same manner as provided in sections 143.191 to
113 143.265. **A qualified company's training project may include**
114 **both new jobs and retained jobs.**

115 [4.] 5. A community college district, with the
116 approval of the department in consultation with the office
117 of administration, may enter into an agreement to establish
118 a training project and provide training project services to
119 a qualified company. **The department shall have the**
120 **discretion to determine the appropriate amount of funds to**
121 **allocate per training project.** As soon as possible after
122 initial contact between a community college district and a
123 potential qualified company regarding the possibility of
124 entering into an agreement, the community college district
125 shall inform the department of the potential training
126 project. The department shall evaluate the proposed
127 training project within the overall job training efforts of
128 the state to ensure that the training project will not
129 duplicate other job training programs. The department shall
130 have fourteen days from receipt of a notice of intent to
131 approve or disapprove a training project. If no response is
132 received by the qualified company within fourteen days, the
133 training project shall be deemed approved. Disapproval of
134 any training project shall be made in writing and state the
135 reasons for such disapproval. If an agreement is entered
136 into, the district and the qualified company shall notify
137 the department of revenue within fifteen calendar days. In
138 addition to any provisions required under subsection 6 of
139 this section for a qualified company applying to receive a
140 new or retained job credit, **or both, as applicable**, an
141 agreement may provide, but shall not be limited to:

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

144 (a) **Through June 30, 2023,** funds appropriated by the
145 general assembly to the Missouri one start community college
146 new jobs training program fund or Missouri one start
147 community college job retention training program fund, as
148 applicable, and disbursed by the department for the purposes
149 consistent with sections 620.800 to 620.809;

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

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

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

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

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

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

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

182 [5.] 6. (1) For projects that are funded exclusively
183 under [paragraph] paragraphs (a) and (b) of subdivision (1)
184 of subsection [4] 5 of this section, the department shall
185 disburse such funds to the special fund for each training
186 project in the same proportion as the new jobs or retained
187 jobs credits remitted by the qualified company participating
188 in such project bears to the total new jobs or retained jobs
189 credits from withholding remitted by all qualified companies
190 participating in projects during the period for which the
191 disbursement is made.

192 (2) Subject to appropriation, for projects that are
193 funded through a combination of funds under paragraphs (a)
194 [and], (b), and (c) of subdivision (1) of subsection [4] 5
195 of this section, the department shall disburse funds
196 appropriated under paragraph [(b)] (c) of subdivision (1) of
197 subsection [4] 5 of this section to the special fund for
198 each training project upon commencement of the project. The
199 department shall disburse funds appropriated under
200 [paragraph] paragraphs (a) and (b) of subdivision (1) of
201 subsection [4] 5 of this section to the special fund for
202 each training project in the same proportion as the new jobs
203 or retained jobs credits remitted by the qualified company
204 participating in such project bears to the total new jobs or

205 retained jobs credits from withholding remitted by all
206 qualified companies participating in projects during the
207 period for which the disbursement is made, reduced by the
208 amount of funds appropriated under paragraph [(b)] (c) of
209 subdivision (1) of subsection [4] 5 of this section.

210 [6.] 7. Any qualified company that submits a notice of
211 intent for retained job credits shall enter into an
212 agreement, providing that the qualified company has:

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

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

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

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

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

228 [7.] 8. If an agreement provides that all or part of
229 the training [program] **project** costs are to be met by
230 receipt of new or retained jobs credit, **or both, if**

231 **applicable**, such new or retained jobs credit from

232 withholding shall be determined and paid as follows:

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

235 (2) A portion of the total payments made by the
236 qualified companies under sections 143.191 to 143.265 shall

237 be designated as the new or retained jobs credit, **or both,**
238 **if applicable,** from withholding. Such portion shall be an
239 amount equal to two and one-half percent of the gross wages
240 paid by the qualified company for each of the first one
241 hundred jobs included in the project and one and one-half
242 percent of the gross wages paid by the qualified company for
243 each of the remaining jobs included in the project. If
244 business or employment conditions cause the amount of the
245 new or retained jobs credit from withholding to be less than
246 the amount projected in the agreement for any time period,
247 then other withholding tax paid by the qualified company
248 under sections 143.191 to 143.265 shall be credited to the
249 applicable fund by the amount of such difference. The
250 qualified company shall remit the amount of the new or
251 retained jobs credit, **or both, if applicable,** to the
252 department of revenue in the manner prescribed in sections
253 143.191 to 143.265. When all training [program] **project**
254 costs have been paid, the new or retained jobs credits, **or**
255 **both, if applicable,** shall cease;

256 (3) The community college district participating in a
257 project shall establish a special fund for and in the name
258 of the training project. All funds appropriated by the
259 general assembly from the funds established under
260 [subsections 1 and 2 of] this section and disbursed by the
261 department for the training project and other amounts
262 received by the district for training project costs as
263 required by the agreement shall be deposited in the special
264 fund. Amounts held in the special fund shall be used and
265 disbursed by the district only to pay training project costs
266 for such training project. The special fund may be divided
267 into such accounts and subaccounts as shall be provided in

268 the agreement, and amounts held therein may be invested in
269 the same manner as the district's other funds;

270 (4) Any disbursement for training project costs
271 received from the department under sections 620.800 to
272 620.809 and deposited into the training project's special
273 fund may be irrevocably pledged by a community college
274 district for the payment of the principal, premium, and
275 interest on the certificate issued by a community college
276 district to finance or refinance, in whole or in part, such
277 training project;

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

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

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

292 **[8.] 9.** To provide funds for the present payment of
293 the training project costs **[of new or retained jobs training**
294 **project]** through the **[training] Missouri one start** program
295 **as provided in this section**, a community college district
296 may borrow money and issue and sell certificates payable
297 from a sufficient portion of the future receipts of payments
298 authorized by the agreement including disbursements from the
299 **[Missouri one start community college new jobs training fund**

300 or the Missouri one start community college job retention
301 training fund] **funds established under this section**, to the
302 special fund established by the community college district
303 for each **training** project. The total amount of outstanding
304 certificates sold by all community college districts shall
305 not exceed the total amount authorized under law as of
306 January 1, 2013[, unless an increased amount is authorized
307 in writing by a majority of members of the committee]. The
308 certificates shall be marketed through financial
309 institutions authorized to do business in Missouri. The
310 receipts shall be pledged to the payment of principal of and
311 interest on the certificates. Certificates may be sold at
312 public sale or at private sale at par, premium, or discount
313 of not less than ninety-five percent of the par value
314 thereof, at the discretion of the board of trustees, and may
315 bear interest at such rate or rates as the board of trustees
316 shall determine, notwithstanding the provisions of section
317 108.170 to the contrary. However, the provisions of chapter
318 176 shall not apply to the issuance of such certificates.
319 Certificates may be issued with respect to a single **training**
320 project or multiple **training** projects and may contain terms
321 or conditions as the board of trustees may provide by
322 resolution authorizing the issuance of the certificates.

323 [9.] **10.** Certificates issued to refund other
324 certificates may be sold at public sale or at private sale
325 as provided in this section, with the proceeds from the sale
326 to be used for the payment of the certificates being
327 refunded. The refunding certificates may be exchanged in
328 payment and discharge of the certificates being refunded, in
329 installments at different times or an entire issue or series
330 at one time. Refunding certificates may be sold or
331 exchanged at any time on, before, or after the maturity of

332 the outstanding certificates to be refunded. They may be
333 issued for the purpose of refunding a like, greater, or
334 lesser principal amount of certificates and may bear a rate
335 of interest that is higher, lower, or equivalent to that of
336 the certificates being renewed or refunded.

337 [10.] 11. Before certificates are issued, the board of
338 trustees shall publish once a notice of its intention to
339 issue the certificates, stating the amount, the purpose, and
340 the project or projects for which the certificates are to be
341 issued. A person with standing may, within fifteen days
342 after the publication of the notice, by action in the
343 circuit court of a county in the district, appeal the
344 decision of the board of trustees to issue the
345 certificates. The action of the board of trustees in
346 determining to issue the certificates shall be final and
347 conclusive unless the circuit court finds that the board of
348 trustees has exceeded its legal authority. An action shall
349 not be brought which questions the legality of the
350 certificates, the power of the board of trustees to issue
351 the certificates, the effectiveness of any proceedings
352 relating to the authorization of the project, or the
353 authorization and issuance of the certificates from and
354 after fifteen days from the publication of the notice of
355 intention to issue.

356 [11.] 12. The board of trustees shall make a finding
357 based on information supplied by the qualified company that
358 revenues provided in the agreement are sufficient to secure
359 the faithful performance of obligations in the agreement.

360 [12.] 13. Certificates issued under this section shall
361 not be deemed to be an indebtedness of the state, the
362 community college district, or any other political
363 subdivision of the state, and the principal and interest on

364 any certificates shall be payable only from the sources
365 provided in subdivision (1) of subsection [4] 5 of this
366 section which are pledged in the agreement.

367 [13.] 14. Pursuant to section 23.253 of the Missouri
368 sunset act:

369 (1) The program authorized under sections 620.800 to
370 620.809 shall be reauthorized as of August 28, 2018, and
371 shall expire on August 28, 2030; and

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

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

380 [14.] 15. Any agreement or obligation entered into by
381 the department that was made under the provisions of
382 sections 620.800 to 620.809 prior to August 28, 2019, shall
383 remain in effect according to the provisions of such
384 agreement or obligation.

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