

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 93
99TH GENERAL ASSEMBLY

0086S.04T

2017

AN ACT

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

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

Section A. Sections 620.800, 620.803, 620.806, and 620.809, RSMo, are repealed and
2 ten new sections enacted in lieu thereof, to be known as sections 160.2700, 160.2705, 160.2710,
3 160.2715, 160.2720, 160.2725, 620.800, 620.803, 620.806, and 620.809, to read as follows:

**160.2700. For purposes of sections 160.2700 to 160.2725, "adult high school" means
2 a school that:**

3 **(1) Is for individuals who do not have a high school diploma and who are twenty-
4 one years of age or older;**

5 **(2) Offers an industry certification program or programs and a high school
6 diploma in a manner that allows students to earn a diploma at the same time that they earn
7 an industry certification;**

8 **(3) Offers on-site child care for children of enrolled students attending the school;
9 and**

10 **(4) Is not eligible to receive funding under sections 160.415 or 163.031.**

**160.2705. 1. The department of elementary and secondary education shall
2 authorize before January 1, 2018, a Missouri-based nonprofit organization meeting the
3 criteria under subsection 2 of this section to establish and operate four adult high schools,
4 with:**

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

5 **(1) One adult high school to be located in a city not within a county;**

6 **(2) One adult high school to be located in a county of the third classification**
7 **without a township form of government and with more than forty-one thousand but fewer**
8 **than forty-five thousand inhabitants or a county contiguous to that county;**

9 **(3) One adult high school to be located in a county of the first classification with**
10 **more than two hundred sixty thousand but fewer than three hundred thousand inhabitants**
11 **or a county contiguous to that county; and**

12 **(4) One adult high school to be located in a county of the first classification with**
13 **more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.**

14 **2. The department of elementary and secondary education shall grant the**
15 **authorization described under subsection 1 of this section based on a bid process conducted**
16 **in accordance with the rules and regulations governing purchasing through the office of**
17 **administration. The successful bidder shall:**

18 **(1) Demonstrate the ability to establish, within twenty-one months of the receipt of**
19 **the authorization, four adult high schools offering high school diplomas, an industry**
20 **certification program or programs, and on-site child care for children of the students**
21 **attending the high schools;**

22 **(2) Commit at least two million dollars in investment for the purpose of establishing**
23 **the necessary infrastructure to operate four adult high schools;**

24 **(3) Demonstrate substantial and positive experience in providing services, including**
25 **industry certifications and job placement services, to adults twenty-one years of age or**
26 **older whose educational and training opportunities have been limited by educational**
27 **disadvantages, disabilities, homelessness, criminal history, or similar circumstances;**

28 **(4) Establish a partnership with a state-supported postsecondary education**
29 **institution or more than one such partnership, if a partnership or partnerships are**
30 **necessary in order to meet the requirements for an adult high school;**

31 **(5) Establish a comprehensive plan that sets forth how the adult high schools will**
32 **help address the need for a sufficiently trained workforce in the surrounding region for**
33 **each adult high school;**

34 **(6) Establish partnerships and strategies for engaging the community and business**
35 **leaders in carrying out the goals of each adult high school;**

36 **(7) Establish the ability to meet quality standards through certified teachers and**
37 **programs that support each student in his or her goal to find a more rewarding job;**

38 **(8) Establish a plan for assisting students in overcoming barriers to educational**
39 **success including, but not limited to, educational disadvantages, homelessness, criminal**

40 history, disability, including learning disability such as dyslexia, and similar circumstances;
41 (9) Establish a process for determining outcomes of the adult high school, including
42 outcomes related to a student's ability to find a more rewarding job through the attainment
43 of a high school diploma and job training and certification; and

44 (10) Bids shall not include an administrative fee greater than ten percent.

45 3. (1) The department of elementary and secondary education shall establish
46 academic requirements for students to obtain high school diplomas.

47 (2) Requirements for a high school diploma shall be based on an adult student's
48 prior high school achievement and the remaining credits and coursework that would be
49 necessary for the student to receive a high school diploma if he or she were in a traditional
50 high school setting. The adult student shall meet the requirements with the same level of
51 academic rigor as would otherwise be necessary to attain such credits.

52 (3) The adult high school authorized under this section shall award high school
53 diplomas to students who successfully meet the established academic requirements. The
54 adult high school authorized under this section shall confer the diploma as though the
55 student earned the diploma at a traditional high school. The diploma shall have no
56 differentiating marks, titles, or other symbols.

57 (4) Students at adult high schools may complete required coursework at their own
58 pace and as available through the adult high school. They shall not be required to satisfy
59 any specific number of class minutes. The adult high school may also make classes
60 available to students online as may be appropriate. However, students shall not complete
61 the majority of instruction of the school's curriculum online or through remote instruction.

62 (5) The department of elementary and secondary education shall not create
63 additional regulations or burdens on the adult high school or the students attending the
64 adult high schools beyond certifying necessary credits and ensuring that students have
65 sufficiently mastered the subject matter to make them eligible for credit.

160.2710. 1. Any person who is twenty-one years of age or older may enroll in an
2 adult high school if he or she has not earned a high school diploma.

3 2. An adult high school shall give a preference in admission to those students who
4 receive any local, state, or federal assistance in which a person or family is required not to
5 exceed a certain income level in order to qualify for the assistance.

160.2715. 1. An adult high school shall not receive state funding under sections
2 160.415 or 163.031 and shall not receive any local funding that is intended to benefit
3 traditional public schools or charter schools in the state.

4 2. An adult high school may receive funding from public or private sources,
5 including from the nonprofit organization operating the adult high school. If an adult high

6 school receives funding from a public source, it shall operate in a manner so as not to
7 violate the provisions of article IX, section 8, or article I, section 7, of the Constitution of
8 Missouri or the first amendment of the Constitution of the United States.

9 **3. The nonprofit organization operating an adult high school shall ensure that**
10 **funding for the adult high school enables it to operate year-round.**

11 **4. The nonprofit organization operating an adult high school shall set the following**
12 **outcome expectations for the adult high school:**

13 **(1) Each year, at least seventy-five percent of the school's students will graduate or**
14 **continue working toward a high school diploma and, if applicable, an industry**
15 **certification;**

16 **(2) At least fifty percent of the school's graduates will attain an industry**
17 **certification or enroll in higher education or more advanced skills training within six**
18 **months of graduation;**

19 **(3) At least eighty-five percent of the school's graduates who do not enroll in higher**
20 **education or more advanced skills training will be employed within six months of**
21 **graduation; and**

22 **(4) The school's graduates who enter the workforce shall have, on average, a wage**
23 **rate at least twenty percent greater than the average Missouri wage rate for individuals**
24 **without high school diplomas.**

160.2720. The nonprofit organization who receives the authorization described
2 **under section 160.2705 shall submit to the department of elementary and secondary**
3 **education, the joint committee on education, and the offices of the governor, speaker of the**
4 **house of representatives, and president pro tempore of the senate an annual report**
5 **concerning evaluations of the adult high schools, including the impact the adult high**
6 **schools have had in meeting industry needs in the state before December first of each year.**

160.2725. The department of elementary and secondary education may promulgate
2 **rules to implement the provisions of sections 160.2700 to 160.2720. Any rule or portion of**
3 **a rule, as that term is defined in section 536.010, that is created under the authority**
4 **delegated in this section shall become effective only if it complies with and is subject to all**
5 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
6 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
7 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
8 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
9 **any rule proposed or adopted after August 28, 2017, shall be invalid and void.**

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

- 2 (1) "Agreement", the agreement between a qualified company, a community college
3 district, and the department concerning a training project. Any such agreement shall comply
4 with the provisions of section 620.017;
- 5 (2) "Board of trustees", the board of trustees of a community college district established
6 under the provisions of chapter 178;
- 7 (3) "Certificate", a new or retained jobs training certificate issued under section 620.809;
- 8 (4) "Committee", the Missouri works job training joint legislative oversight committee,
9 established under the provisions of section 620.803;
- 10 (5) "Department", the Missouri department of economic development;
- 11 (6) "Employee", a person employed by a qualified company;
- 12 (7) "Full-time employee", an employee of the qualified company who is scheduled to
13 work an average of at least thirty-five hours per week for a twelve-month period, and one to
14 whom the qualified company offers health insurance and pays at least fifty percent of such
15 insurance premiums;
- 16 (8) "Local education agency", a community college, two-year state technical college, or
17 technical career education center;
- 18 (9) "Missouri works training program", the training program established under sections
19 620.800 to 620.809;
- 20 (10) "New capital investment", costs incurred by the qualified company at the project
21 facility ~~[after acceptance by the qualified company of the proposal for benefits from the~~
22 ~~department or the approval of the notice of intent, whichever occurs first,]~~ for real or personal
23 property, that may include the value of finance or capital leases for real or personal property for
24 the term of such lease at the project facility executed after acceptance by the qualified company
25 of the proposal for benefits from the department or approval of the notice of intent;
- 26 (11) "New job", the number of full-time employees located at the project facility that
27 exceeds the project facility base employment less any decrease in the number of full-time
28 employees at related facilities below the related facility base employment. No job that was
29 created prior to the date of the notice of intent shall be deemed a new job. An employee who
30 spends less than fifty percent of his or her work time at the facility is still considered to be
31 located at a facility if he or she receives his or her directions and control from that facility, is on
32 the facility's payroll, one hundred percent of the employee's income from such employment is
33 Missouri income, and the employee is paid at or above the applicable percentage of the county's
34 average wage;
- 35 (12) "New jobs credit", the credit from withholding remitted by a qualified company
36 provided under subsection 6 of section 620.809;

37 (13) "Notice of intent", a form developed by the department, completed by the qualified
38 company, and submitted to the department that states the qualified company's intent to request
39 benefits under this program;

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

49 (15) "Project facility base employment", the greater of the number of full-time
50 employees located at the project facility on the date of the notice of intent or, for the
51 twelve-month period prior to the date of the notice of intent, the average number of full-time
52 employees located at the project facility. In the event the project facility has not been in
53 operation for a full twelve-month period, the average number of full-time employees for the
54 number of months the project facility has been in operation prior to the date of the notice of
55 intent;

56 (16) "Qualified company", a firm, partnership, joint venture, association, private or
57 public corporation whether organized for profit or not, or headquarters of such entity registered
58 to do business in Missouri that is the owner or operator of a project facility, offers health
59 insurance to all full-time employees of all facilities located in this state, and pays at least fifty
60 percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term
61 "qualified company" shall not mean:

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

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

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

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

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

70 (f) Any company requesting benefits for retained jobs that has filed for or has publicly
71 announced its intention to file for bankruptcy protection. However, a company that has filed for

72 or has publicly announced its intention to file for bankruptcy may be a qualified company
73 provided that such company:

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

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

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

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

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

82 (j) Ethanol distillation or production; or

83 (k) Biodiesel production.

84

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

91 (17) "Related company":

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

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

95 (c) Corporations, partnerships, trusts, or associations controlled by an individual,
96 corporation, partnership, trust, or association in control of the qualified company. As used in this
97 subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock
98 possessing at least fifty percent of the total combined voting power of all classes of stock entitled
99 to vote; "control of a partnership or association" shall mean ownership of at least fifty percent
100 of the capital or profits interest in such partnership or association; "control of a trust" shall mean
101 ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal
102 or income of such trust; and "ownership" shall be determined as provided in Section 318 of the
103 Internal Revenue Code of 1986, as amended;

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

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

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

115 (21) "Retained jobs credit", the credit from withholding remitted by a qualified company
116 provided under subsection 6 of section 620.809;

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

120 (23) "Training program", the Missouri works training program established under sections
121 620.800 to 620.809;

122 (24) "Training project", the project or projects established through the Missouri works
123 training program for the creation or retention of jobs by providing education and training of
124 workers;

125 (25) "Training project costs", all necessary and incidental costs of providing program
126 services through the training program, including:

127 (a) Training materials and supplies;

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

130 (c) Subcontracted services;

131 (d) On-the-job training;

132 (e) Training facilities and equipment;

133 (f) Skill assessment;

134 (g) Training project and curriculum development;

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

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

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

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

142 (l) Assessment and preselection tools;

- 143 (m) Publicity;
- 144 (n) Instructional services;
- 145 (o) Rental of instructional facilities with necessary utilities; and
- 146 (p) Payment of the principal, premium, and interest on certificates, including capitalized
- 147 interest, issued to finance a project, and the funding and maintenance of a debt service reserve
- 148 fund to secure such certificates;
- 149 (26) "Training project services", includes, but shall not be limited to, the following:
- 150 (a) Job training, which may include, but not be limited to, preemployment training,
- 151 analysis of the specified training needs for a qualified company, development of training plans,
- 152 and provision of training through qualified training staff;
- 153 (b) Adult basic education and job-related instruction;
- 154 (c) Vocational and skill-assessment services and testing;
- 155 (d) Training facilities, equipment, materials, and supplies;
- 156 (e) On-the-job training;
- 157 (f) Administrative expenses equal to fifteen percent of the total training costs;
- 158 (g) Subcontracted services with state institutions of higher education, private colleges
- 159 or universities, or other federal, state, or local agencies;
- 160 (h) Contracted or professional services; and
- 161 (i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a "Missouri Works Training Program" to

2 assist qualified companies in the training of employees in new jobs and the retraining or

3 upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to

4 620.809. The training program shall be funded through appropriations to the funds established

5 under sections 620.806 and 620.809. The department shall, to the maximum extent practicable,

6 prioritize funding under the training program to assist qualified companies in targeted industries.

7 2. There is hereby created the "Missouri Works Job Training Joint Legislative Oversight

8 Committee". The committee shall consist of three members of the Missouri senate appointed

9 by the president pro tempore of the senate and three members of the house of representatives

10 appointed by the speaker of the house. No more than two of the members of the senate and two

11 of the members of the house of representatives shall be from the same political party. Members

12 of the committee shall report to the governor, the president pro tempore of the senate, and the

13 speaker of the house of representatives on all assistance to industries under the provisions of

14 sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the

15 committee shall be delivered no later than October first of each year. The director of the

16 department shall report to the committee such information as the committee may deem necessary

17 for its annual report. Members of the committee shall receive no compensation in addition to

18 their salary as members of the general assembly but may receive their necessary expenses while
19 attending the meetings of the committee, to be paid out of the joint contingent fund.

20 3. The department shall publish guidelines and may promulgate rules and regulations
21 governing the training program. Any rule or portion of a rule, as that term is defined in section
22 536.010, that is created under the authority delegated in this section shall become effective only
23 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
24 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
25 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
26 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
27 and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

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

29 5. The department may contract with other entities, **not to exceed fifty thousand dollars**
30 **annually**, for the purposes of ~~[carrying out the provisions of]~~ **advertising, marketing, or**
31 **promoting** the training program established in sections 620.800 to 620.809. Any assistance
32 through the training program shall be provided under an agreement.

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

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

620.806. 1. The Missouri job development fund, formerly established in the state
2 treasury by section 620.478, shall now be known as the "Missouri Works Job Development
3 Fund" and shall be administered by the department for the training program. The fund shall
4 consist of all moneys which may be appropriated to it by the general assembly and also any gifts,
5 contributions, grants, or bequests received from federal, private or other sources, including, but
6 not limited to, any block grant or other sources of funding relating to job training, school-to-work
7 transition, welfare reform, vocational and technical training, housing, infrastructure,
8 development, and human resource investment programs which may be provided by the federal
9 government or other sources.

10 2. The department may provide financial assistance through the training program to
11 qualified companies that create new jobs which will result in the need for training, or that make
12 new capital investment relating directly to the retention of jobs in an amount at least five times
13 greater than the amount of any financial assistance. Financial assistance may also be provided

14 to a consortium of **a majority of** qualified companies organized to provide common training to
15 the consortium members' employees. Funds in the Missouri works job development fund shall
16 be appropriated, for financial assistance through the training program, by the general assembly
17 to the department and shall be administered by a local educational agency certified by the
18 department for such purpose. Except for state-sponsored preemployment training, no qualified
19 company shall receive more than fifty percent of its training program costs from the Missouri
20 works job development fund. No funds shall be awarded or reimbursed to any qualified
21 company for the training, retraining, or upgrading of skills of potential employees with the
22 purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon
23 approval by the department, training project costs, except the purchase of training equipment and
24 training facilities, shall be eligible for reimbursement with funds from the Missouri works job
25 development fund. Notwithstanding any provision of law to the contrary, no qualified company
26 within a service industry shall be eligible for assistance under this subsection unless such
27 qualified company provides services in interstate commerce, which shall mean that the qualified
28 company derives a majority of its annual revenues from out of the state.

29 3. The department may provide assistance, through appropriations made from the
30 Missouri works job development fund, to business and technology centers. Such assistance shall
31 not include the lending of the state's credit for the payment of any liability of the fund. Such
32 centers may be established by Missouri community colleges, or state-owned postsecondary
33 technical colleges, to provide business and training services for growth industries as determined
34 by current labor market information.

620.809. 1. The Missouri community college job training program fund, formerly
2 established in the state treasury by section 178.896, shall now be known as the "Missouri Works
3 Community College New Jobs Training Fund" and shall be administered by the department for
4 the training program. The department of revenue shall credit to the fund, as received, all new
5 jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received
6 from federal, private, or other sources. The general assembly, however, shall not provide for any
7 transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the
8 department under regular appropriations by the general assembly. The department shall disburse
9 such appropriated funds in a timely manner into the special funds established by community
10 college districts for training projects, which funds shall be used to pay training project costs.
11 Such disbursements shall be made to the special fund for each training project [~~in the same~~
12 ~~proportion as the new jobs credit remitted by the qualified company participating in such project~~
13 ~~bears to the total new jobs credit from withholding remitted by all qualified companies~~
14 ~~participating in projects during the period for which the disbursement is made]~~ **as provided**
15 **under subsection 5 of this section.** All moneys remaining in the fund at the end of any fiscal

16 year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain
17 in the fund.

18 2. The Missouri community college job retention training program fund, formerly
19 established in the state treasury by section 178.764, shall now be known as the "Missouri Works
20 Community College Job Retention Training Fund" and shall be administered by the department
21 for the Missouri works training program. The department of revenue shall credit to the fund, as
22 received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants,
23 or bequests received from federal, private, or other sources. The general assembly, however,
24 shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund
25 shall be disbursed to the department under regular appropriations by the general assembly. The
26 department shall disburse such appropriated funds in a timely manner into the special funds
27 established by community college districts for projects, which funds shall be used to pay training
28 program costs, including the principal, premium, and interest on certificates issued by the district
29 to finance or refinance, in whole or in part, a project. Such disbursements by the department
30 shall be made to the special fund for each project [~~in the same proportion as the retained jobs~~
31 ~~credit from withholding remitted by the qualified company participating in such project bears~~
32 ~~to the total retained jobs credit from withholding remitted by qualified companies participating~~
33 ~~in projects during the period for which the disbursement is made]~~ **as provided under subsection**
34 **5 of this section.** All moneys remaining in the fund at the end of any fiscal year shall not lapse
35 to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

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

47 4. A community college district, with the approval of the department in consultation with
48 the office of administration, may enter into an agreement to establish a training project and
49 provide training project services to a qualified company. As soon as possible after initial contact
50 between a community college district and a potential qualified company regarding the possibility
51 of entering into an agreement, the district shall inform the department of the potential training

52 project. The department shall evaluate the proposed training project within the overall job
53 training efforts of the state to ensure that the training project will not duplicate other job training
54 programs. The department shall have fourteen days from receipt of a notice of intent to approve
55 or disapprove a training project. If no response is received by the qualified company within
56 fourteen days, the training project shall be deemed approved. Disapproval of any training project
57 shall be made in writing and state the reasons for such disapproval. If an agreement is entered
58 into, the district and the qualified company shall notify the department of revenue within fifteen
59 calendar days. In addition to any provisions required under subsection 5 of this section for a
60 qualified company applying to receive a retained job credit, an agreement may provide, but shall
61 not be limited to:

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

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

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

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

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

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

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

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

88 **5. (1) For projects that are funded exclusively under paragraph (a) of subdivision**
89 **(1) of subsection 4 of this section, the department shall disburse such funds to the special**
90 **fund for each training project in the same proportion as the new jobs or retained jobs**
91 **credits remitted by the qualified company participating in such project bears to the total**
92 **new jobs or retained jobs credits from withholding remitted by all qualified companies**
93 **participating in projects during the period for which the disbursement is made.**

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

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

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

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

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

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

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

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

121 **[6-] 7. If an agreement provides that all or part of the training program costs are to be met**
122 **by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall**
123 **be determined and paid as follows:**

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

126 (2) A portion of the total payments made by the qualified companies under sections
127 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding.
128 Such portion shall be an amount equal to two and one-half percent of the gross wages paid by
129 the qualified company for each of the first one hundred jobs included in the project and one and
130 one-half percent of the gross wages paid by the qualified company for each of the remaining jobs
131 included in the project. If business or employment conditions cause the amount of the new or
132 retained jobs credit from withholding to be less than the amount projected in the agreement for
133 any time period, then other withholding tax paid by the qualified company under sections
134 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference.
135 The qualified company shall remit the amount of the new or retained jobs credit to the
136 department of revenue in the manner prescribed in sections 143.191 to 143.265. When all
137 training program costs have been paid, the new or retained jobs credits shall cease;

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

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

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

155 (6) An employee participating in a training project shall receive full credit under section
156 143.211 for the amount designated as a new or retained jobs credit;

157 (7) If an agreement provides that all or part of training program costs are to be met by
158 receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any

159 successor to the original qualified company until the principal and interest on the certificates
160 have been paid.

161 ~~[7-]~~ **8.** To provide funds for the present payment of the training project costs of new or
162 retained jobs training project through the training program, a community college district may
163 borrow money and issue and sell certificates payable from a sufficient portion of the future
164 receipts of payments authorized by the agreement including disbursements from the Missouri
165 works community college new jobs training fund or the Missouri works community college job
166 retention training fund, to the special fund established by the district for each project. The total
167 amount of outstanding certificates sold by all community college districts shall not exceed the
168 total amount authorized under law as of January 1, 2013, unless an increased amount is
169 authorized in writing by a majority of members of the committee. The certificates shall be
170 marketed through financial institutions authorized to do business in Missouri. The receipts shall
171 be pledged to the payment of principal of and interest on the certificates. Certificates may be
172 sold at public sale or at private sale at par, premium, or discount of not less than ninety-five
173 percent of the par value thereof, at the discretion of the board of trustees, and may bear interest
174 at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of
175 section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the
176 issuance of such certificates. Certificates may be issued with respect to a single project or
177 multiple projects and may contain terms or conditions as the board of trustees may provide by
178 resolution authorizing the issuance of the certificates.

179 ~~[8-]~~ **9.** Certificates issued to refund other certificates may be sold at public sale or at
180 private sale as provided in this section, with the proceeds from the sale to be used for the
181 payment of the certificates being refunded. The refunding certificates may be exchanged in
182 payment and discharge of the certificates being refunded, in installments at different times or an
183 entire issue or series at one time. Refunding certificates may be sold or exchanged at any time
184 on, before, or after the maturity of the outstanding certificates to be refunded. They may be
185 issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and
186 may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being
187 renewed or refunded.

188 ~~[9-]~~ **10.** Before certificates are issued, the board of trustees shall publish once a notice
189 of its intention to issue the certificates, stating the amount, the purpose, and the project or
190 projects for which the certificates are to be issued. A person with standing may, within fifteen
191 days after the publication of the notice, by action in the circuit court of a county in the district,
192 appeal the decision of the board of trustees to issue the certificates. The action of the board of
193 trustees in determining to issue the certificates shall be final and conclusive unless the circuit
194 court finds that the board of trustees has exceeded its legal authority. An action shall not be

195 brought which questions the legality of the certificates, the power of the board of trustees to issue
196 the certificates, the effectiveness of any proceedings relating to the authorization of the project,
197 or the authorization and issuance of the certificates from and after fifteen days from the
198 publication of the notice of intention to issue.

199 ~~[10:]~~ **11.** The board of trustees shall make a finding based on information supplied by
200 the qualified company that revenues provided in the agreement are sufficient to secure the
201 faithful performance of obligations in the agreement.

202 ~~[11:]~~ **12.** Certificates issued under this section shall not be deemed to be an indebtedness
203 of the state, the community college district, or any other political subdivision of the state, and
204 the principal and interest on any certificates shall be payable only from the sources provided in
205 subdivision (1) of subsection 4 of this section which are pledged in the agreement.

206 ~~[12:]~~ **13.** Pursuant to section 23.253 of the Missouri sunset act:

207 (1) The new program authorized under sections 620.800 to 620.809 shall automatically
208 sunset July 1, 2019, unless reauthorized by an act of the general assembly; and

209 (2) If such program is reauthorized, the program authorized under sections 620.800 to
210 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of
211 sections 620.800 to 620.809; and

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

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