

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 469

100TH GENERAL ASSEMBLY

1063H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof five new sections relating to the Missouri one start program.

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

Section A. Sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 620.800, 620.803, 620.806, 620.809, and 620.2475, to read as follows:

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

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

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

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

(4) "Committee", the Missouri works job training joint legislative oversight committee, established under the provisions of section 620.803;

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

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

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

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

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.

17 whom the qualified company offers health insurance and pays at least fifty percent of such  
18 insurance premiums;

19 ~~[(8)]~~ **(9)** "Local education agency", a community college, two-year state technical  
20 college, or technical career education center;

21 ~~[(9)]~~ **(10)** "Missouri ~~[works training]~~ **one start** program", the training program  
22 established under sections 620.800 to 620.809;

23 ~~[(10)]~~ **(11)** "New capital investment", costs incurred by the qualified company at the  
24 project facility for real or personal property, that may include the value of finance or capital  
25 leases for real or personal property for the term of such lease at the project facility executed after  
26 acceptance by the qualified company of the proposal for benefits from the department or  
27 approval of the notice of intent;

28 ~~[(11)]~~ **(12)** "New job", the number of full-time employees located at the project facility  
29 that exceeds the project facility base employment less any decrease in the number of full-time  
30 employees at related facilities below the related facility base employment. No job that was  
31 created prior to the date of the notice of intent shall be deemed a new job. An employee who  
32 spends less than fifty percent of his or her work time at the facility is still considered to be  
33 located at a facility if he or she receives his or her directions and control from that facility, is on  
34 the facility's payroll, one hundred percent of the employee's income from such employment is  
35 Missouri income, and the employee is paid at or above the applicable percentage of the county's  
36 average wage;

37 ~~[(12)]~~ **(13)** "New jobs credit", the credit from withholding remitted by a qualified  
38 company provided under subsection 7 of section 620.809;

39 ~~[(13)]~~ **(14)** "Notice of intent", a form developed by ~~[the department, completed by the~~  
40 ~~qualified company,]~~ and submitted to the department that states the qualified company's intent  
41 to request benefits under this program;

42 ~~[(14)]~~ **(15)** "Project facility", the building or buildings used by a qualified company at  
43 which new or retained jobs and any new capital investment are or will be located. A project  
44 facility may include separate buildings located within sixty miles of each other such that their  
45 purpose and operations are interrelated, provided that, if the buildings making up the project  
46 facility are not located within the same county, the average wage of the new payroll must exceed  
47 the applicable percentage of the highest county average wage among the counties in which the  
48 buildings are located. Upon approval by the department, a subsequent project facility may be  
49 designated if the qualified company demonstrates a need to relocate to the subsequent project  
50 facility at any time during the project period;

51 ~~[(15)]~~ **(16)** "Project facility base employment", the greater of the number of full-time  
52 employees located at the project facility on the date of the notice of intent or, for the

53 twelve-month period prior to the date of the notice of intent, the average number of full-time  
54 employees located at the project facility. In the event the project facility has not been in  
55 operation for a full twelve-month period, the average number of full-time employees for the  
56 number of months the project facility has been in operation prior to the date of the notice of  
57 intent;

58 ~~[(16)]~~ (17) "Qualified company", a firm, partnership, joint venture, association, private  
59 or public corporation whether organized for profit or not, or headquarters of such entity  
60 registered to do business in Missouri that is the owner or operator of a project facility, offers  
61 health insurance to all full-time employees of all facilities located in this state, and pays at least  
62 fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the  
63 term "qualified company" shall not mean:

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

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

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

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

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

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

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

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

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

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

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

84 (j) Ethanol distillation or production; or

85 (k) Biodiesel production.

86

87 Notwithstanding any provision of this section to the contrary, the headquarters, administrative  
88 offices, or research and development facilities of an otherwise excluded business may qualify

89 for benefits if the offices or facilities serve a multistate territory. In the event a national, state,  
90 or regional headquarters operation is not the predominant activity of a project facility, the jobs  
91 and investment of such operation shall be considered eligible for benefits under this section if  
92 the other requirements are satisfied;

93 ~~[(17)]~~ **(18)** "Related company":

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

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

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

106 ~~[(18)]~~ **(19)** "Related facility", a facility operated by the qualified company or a related  
107 company located in this state that is directly related to the operations of the project facility or in  
108 which operations substantially similar to the operations of the project facility are performed;

109 ~~[(19)]~~ **(20)** "Related facility base employment", the greater of the number of full-time  
110 employees located at all related facilities on the date of the notice of intent or, for the  
111 twelve-month period prior to the date of the notice of intent, the average number of full-time  
112 employees located at all related facilities of the qualified company or a related company located  
113 in this state;

114 ~~[(20)]~~ **(21)** "Retained jobs", the average number of full-time employees of a qualified  
115 company located at the project facility during each month for the calendar year preceding the  
116 year in which the notice of intent is submitted;

117 ~~[(21)]~~ **(22)** "Retained jobs credit", the credit from withholding remitted by a qualified  
118 company provided under subsection 7 of section 620.809;

119 ~~[(22)]~~ **(23)** "Targeted industry", an industry or one of a cluster of industries identified by  
120 the department by rule following a strategic planning process as being critical to the state's  
121 economic security and growth;

122 ~~[(23)]~~ **(24)** "Training program", the Missouri ~~[works-training]~~ **one start** program  
123 established under sections 620.800 to 620.809;

124            [~~(24)~~] **(25)** "Training project", the project or projects established through the Missouri  
125 ~~[works training]~~ **one start** program for the creation or retention of jobs by providing education  
126 and training of workers;

127            [~~(25)~~] **(26)** "Training project costs"~~[-, all]~~ **may include** necessary and incidental costs  
128 of providing program services through the training program, including:

129            (a) Training materials and supplies;

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

132            (c) Subcontracted services;

133            (d) On-the-job training;

134            (e) Training facilities and equipment;

135            (f) Skill assessment;

136            (g) Training project and curriculum development;

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

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

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

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

144            (l) Assessment and preselection tools;

145            (m) Publicity;

146            (n) Instructional services;

147            (o) Rental of instructional facilities with necessary utilities; and

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

151            [~~(26)~~] **(27)** "Training project services"~~[-, includes]~~ **may include**, but shall not be limited  
152 to~~[-, the following]~~:

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

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

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

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

159            (e) On-the-job training;

- 160 (f) Administrative expenses [~~equal to fifteen percent of the total training costs~~] **at a**  
161 **reasonable amount determined by the department;**
- 162 (g) Subcontracted services with state institutions of higher education, private colleges  
163 or universities, or other federal, state, or local agencies;
- 164 (h) Contracted or professional services; and
- 165 (i) Issuance of certificates, when applicable.

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

8 2. There is hereby created the "Missouri [~~Works~~] **One Start** Job Training Joint  
9 Legislative Oversight Committee". The committee shall consist of three members of the  
10 Missouri senate appointed by the president pro tempore of the senate and three members of the  
11 house of representatives appointed by the speaker of the house. No more than two of the  
12 members of the senate and two of the members of the house of representatives shall be from the  
13 same political party. Members of the committee shall report to the governor, the president pro  
14 tempore of the senate, and the speaker of the house of representatives on all assistance to  
15 [~~industries~~] **qualified companies** under the provisions of sections 620.800 to 620.809 provided  
16 during the preceding fiscal year. The report of the committee shall be delivered no later than  
17 October first of each year. The director of the department shall report to the committee such  
18 information as the committee may deem necessary for its annual report. Members of the  
19 committee shall receive no compensation in addition to their salary as members of the general  
20 assembly but may receive their necessary expenses while attending the meetings of the  
21 committee, to be paid out of the joint contingent fund.

22 3. **(1)** The department shall publish guidelines and may promulgate rules and regulations  
23 governing the training program. **In establishing guidelines and promulgating rules and**  
24 **regulations, the department shall consider the potential number of new jobs to be created,**  
25 **the amount of new capital investment in new facilities and equipment, the significance of**  
26 **state benefits to the qualified company's decision to locate or expand in Missouri, the**  
27 **economic need of the affected community, and the importance of the qualified company**  
28 **to the economic development of the state.**

29 **(2)** Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
30 under the authority delegated in this section shall become effective only if it complies with and

31 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
32 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
33 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
34 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
35 proposed or adopted after August 28, 2013, shall be invalid and void.

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

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

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

44 7. Any [~~taxpayer who~~] **qualified company that** is awarded benefits under sections  
45 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States  
46 Bankruptcy Code, Title 11 U.S.C., as amended, shall immediately notify the department, shall  
47 forfeit such benefits, and shall repay the state an amount equal to any state tax credits already  
48 redeemed and any withholding taxes already retained.

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

54 **9. The department shall be authorized to contract with other entities including, but**  
55 **not limited to, businesses, industries, other state agencies, and political subdivisions of the**  
56 **state for the purpose of implementing a training project under the provisions of sections**  
57 **620.800 to 620.809.**

620.806. 1. **(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~~] **until August 28, 2019.**

4 **(2)** **Beginning August 28, 2019, the fund described under subdivision (1) of this**  
5 **subsection shall be named and known as the "Missouri One Start Job Development Fund".**

6 **(3)** **The fund** shall be administered by the department for the [~~training~~] **purposes of the**  
7 **Missouri one start** program. The fund shall consist of all moneys which may be appropriated  
8 to it by the general assembly and also any gifts, contributions, grants, or bequests received from  
9 federal, private or other sources, including, but not limited to, any block grant or other sources

10 of funding relating to job training, school-to-work transition, welfare reform, vocational and  
11 technical training, housing, infrastructure, development, and human resource investment  
12 programs which may be provided by the federal government or other sources. **The state**  
13 **treasurer shall be custodian of the fund and may approve disbursements from the fund in**  
14 **accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section**  
15 **33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall**  
16 **not revert to the credit of the general revenue fund. The state treasurer shall invest**  
17 **moneys in the fund in the same manner as other funds are invested. Any interest and**  
18 **moneys earned on such investments shall be credited to the fund.**

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

39 3. ~~[The department may provide assistance, through appropriations made from the~~  
40 ~~Missouri works job development fund, to business and technology centers. Such assistance shall~~  
41 ~~not include the lending of the state's credit for the payment of any liability of the fund. Such~~  
42 ~~centers may be established by Missouri community colleges, or state-owned postsecondary~~  
43 ~~technical colleges, to provide business and training services for growth industries as determined~~  
44 ~~by current labor market information.] **Upon appropriation, a local education agency may**~~  
45 **petition the department to utilize the Missouri one start job development fund to create or**



46 improve training facilities, training equipment, training staff, training expertise, training  
47 programming, and administration. The department shall review all petitions and may  
48 award funds from the Missouri one start job development fund for reimbursement of  
49 training project costs and training project services as it deems necessary.

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

620.809. 1. (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~~ **until August 28, 2019.**

4 **(2) Beginning August 28, 2019, the fund described under subdivision (1) of this**  
5 **subsection shall be named and known as the "Missouri One Start Community College New**  
6 **Jobs Training Fund".**

7 **(3) The fund** shall be administered by the department for the training program. The  
8 department of revenue shall credit to the fund, as received, all new jobs credits. The fund shall  
9 also consist of any gifts, contributions, grants, or bequests received from federal, private, or other  
10 sources. The general assembly, however, shall not provide for any transfer of general revenue  
11 funds into the fund. Moneys in the fund shall be disbursed to the department under regular  
12 appropriations by the general assembly. The department shall disburse such appropriated funds  
13 in a timely manner into the special funds established by community college districts for training  
14 projects, which funds shall be used to pay training project costs. Such disbursements shall be  
15 made to the special fund for each training project as provided under subsection 5 of this section.  
16 All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general  
17 revenue fund, as provided in section 33.080, but shall remain in the fund.

18 **(4) The department shall have discretion to determine the appropriate amount of**  
19 **funds to allocate per training project. For existing Missouri businesses creating new jobs,**  
20 **the training project may include retained jobs.**

21 2. (1) The Missouri community college job retention training program fund, formerly  
22 established in the state treasury by section 178.764, shall now be known as the "Missouri Works  
23 Community College Job Retention Training Fund" ~~and~~ **until August 28, 2019.**

24           **(2) Beginning August 28, 2019, the fund described under subdivision (1) of this**  
25 **subsection shall be named and known as the "Missouri One Start Community College Job**  
26 **Retention Training Fund".**

27           **(3) The fund** shall be administered by the department for the Missouri [~~works training~~]  
28 **one start** program. The department of revenue shall credit to the fund, as received, all retained  
29 jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received  
30 from federal, private, or other sources. The general assembly, however, shall not provide for any  
31 transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the  
32 department under regular appropriations by the general assembly. The department shall disburse  
33 such appropriated funds in a timely manner into the special funds established by community  
34 college districts for projects, which funds shall be used to pay training program costs, including  
35 the principal, premium, and interest on certificates issued by the district to finance or refinance,  
36 in whole or in part, a project. Such disbursements by the department shall be made to the special  
37 fund for each project as provided under subsection 5 of this section. All moneys remaining in  
38 the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in  
39 section 33.080, but shall remain in the fund.

40           **(4) The department shall have discretion to determine the appropriate amount of**  
41 **funds to allocate per training project. For existing Missouri businesses retaining jobs, the**  
42 **training project may include new jobs.**

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

54           4. A community college district, with the approval of the department in consultation with  
55 the office of administration, may enter into an agreement to establish a training project and  
56 provide training project services to a qualified company. As soon as possible after initial contact  
57 between a community college district and a potential qualified company regarding the possibility  
58 of entering into an agreement, the **community college** district shall inform the department of the  
59 potential training project. The department shall evaluate the proposed training project within the

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

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

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

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

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

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

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

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

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

95           5. (1) For projects that are funded exclusively under paragraph (a) of subdivision (1) of  
96 subsection 4 of this section, the department shall disburse such funds to the special fund for each  
97 training project in the same proportion as the new jobs or retained jobs credits remitted by the  
98 qualified company participating in such project bears to the total new jobs or retained jobs credits  
99 from withholding remitted by all qualified companies participating in projects during the period  
100 for which the disbursement is made.

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

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

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

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

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

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

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

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

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

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

132 (2) A portion of the total payments made by the qualified companies under sections  
133 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding.  
134 Such portion shall be an amount equal to two and one-half percent of the gross wages paid by  
135 the qualified company for each of the first one hundred jobs included in the project and one and  
136 one-half percent of the gross wages paid by the qualified company for each of the remaining jobs  
137 included in the project. If business or employment conditions cause the amount of the new or  
138 retained jobs credit from withholding to be less than the amount projected in the agreement for  
139 any time period, then other withholding tax paid by the qualified company under sections  
140 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference.  
141 The qualified company shall remit the amount of the new or retained jobs credit to the  
142 department of revenue in the manner prescribed in sections 143.191 to 143.265. When all  
143 training program costs have been paid, the new or retained jobs credits shall cease;

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

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

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

161 (6) An employee participating in a training project shall receive full credit under section  
162 143.211 for the amount designated as a new or retained jobs credit;

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

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

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

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

195           10. Before certificates are issued, the board of trustees shall publish once a notice of its  
196 intention to issue the certificates, stating the amount, the purpose, and the project or projects for  
197 which the certificates are to be issued. A person with standing may, within fifteen days after the  
198 publication of the notice, by action in the circuit court of a county in the district, appeal the  
199 decision of the board of trustees to issue the certificates. The action of the board of trustees in  
200 determining to issue the certificates shall be final and conclusive unless the circuit court finds

201 that the board of trustees has exceeded its legal authority. An action shall not be brought which  
202 questions the legality of the certificates, the power of the board of trustees to issue the  
203 certificates, the effectiveness of any proceedings relating to the authorization of the project, or  
204 the authorization and issuance of the certificates from and after fifteen days from the publication  
205 of the notice of intention to issue.

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

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

213 13. **Any agreement or obligation made by the department under the provisions of**  
214 **sections 620.800 to 620.809 before August 28, 2019, shall remain in effect according to the**  
215 **provisions of such agreement or obligation.**

216 14. Pursuant to section 23.253 of the Missouri sunset act:

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

219 (2) If such program is reauthorized, the program authorized under sections 620.800 to  
220 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of  
221 sections 620.800 to 620.809; and

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

620.2475. 1. As used in this section, the following terms shall mean:

2 (1) "Aerospace project", a project undertaken by or for the benefit of a qualified  
3 company with a North American Industry Classification System industry classification of 3364  
4 involving the creation of at least two thousand new jobs within ten years following the approval  
5 of a notice of intent pursuant to section 620.2020 and for which the department of economic  
6 development has provided a proposal for benefits under job creation, worker training, and  
7 infrastructure development programs on or before June 10, 2014;

8 (2) "Job creation, worker training, and infrastructure development programs", the  
9 Missouri works program established under sections 620.2000 to 620.2020, the Missouri business  
10 use incentives for large-scale development act established under sections 100.700 to 100.850,  
11 the Missouri ~~works~~ **one start** training program established under sections 620.800 to 620.809,

12 and the real property tax increment allocation redevelopment act established under sections  
13 99.800 to 99.865.

14         2. Provisions of law to the contrary notwithstanding, no benefits authorized under job  
15 creation, worker training, and infrastructure development programs for an aerospace project shall  
16 be considered in determining compliance with applicable limitations on the aggregate amount  
17 of benefits that may be awarded annually or cumulatively under subdivision (3) of subsection  
18 10 of section 99.845, subsection 5 of section 100.850, subsection 8 of section 620.809, and  
19 subsection 7 of section 620.2020. No aerospace project shall be authorized for state benefits  
20 under job creation, worker training, and infrastructure development programs that exceed, in the  
21 aggregate, one hundred fifty million dollars annually under all such programs.

22         3. For any aerospace project receiving state benefits under this section, the department  
23 of economic development shall deliver to the general assembly an annual report providing  
24 detailed information on the state benefits received and projected to be received by the aerospace  
25 project and shall also denote the number of minorities that have been trained under the Missouri  
26 ~~[works]~~ **one start** training program established under sections 620.800 to 620.809.

27         4. Any aerospace project receiving benefits under this section shall annually report to the  
28 general assembly and the department of economic development its minority and women  
29 employment outreach efforts.

30         5. For aerospace projects receiving benefits under this section, in no event shall  
31 disbursements of new state revenues under sections 99.800 to 99.865 be made to satisfy bond  
32 obligations incurred for improvements that do not directly benefit such project.

33         6. For aerospace projects receiving benefits under this section, in the tenth year following  
34 the approval of a notice of intent under sections 620.2000 to 620.2020, the department of  
35 economic development shall determine the net fiscal benefit to the state resulting from such  
36 project and shall take any action necessary to ensure a positive net fiscal benefit to the state by  
37 no later than the last year in which the aerospace project receives benefits under this section.

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