

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "620.800. The following additional terms used in  
4 sections 620.800 to 620.809 shall mean:

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

9 (2) "Application", a form developed by and submitted  
10 to the department by a local education agency on behalf of a  
11 qualified company applying for benefits under section  
12 620.806;

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

16 ~~[(3)]~~ (4) "Certificate", a new or retained jobs  
17 training certificate issued under section 620.809;

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

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

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

25 ~~[(7)~~ "Existing Missouri business", a qualified company  
26 that, for the ten-year period preceding submission of a

27 notice of intent to the department, had a physical location  
28 in Missouri and full-time employees who routinely performed  
29 job duties within Missouri;

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

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

39 [(10)] (9) "Missouri one start program", the  
40 [training] program established under sections 620.800 to  
41 620.809;

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

50 [(12)] (11) "New job", the number of full-time  
51 employees located at the project facility that exceeds the  
52 project facility base employment less any decrease in the  
53 number of full-time employees at related facilities below  
54 the related facility base employment. No job that was  
55 created prior to the date of the application or notice of  
56 intent shall be deemed a new job. An employee who spends  
57 less than fifty percent of his or her work time at the  
58 facility is still considered to be located at a facility if  
59 he or she receives his or her directions and control from

60 that facility, is on the facility's payroll, and one hundred  
61 percent of the employee's income from such employment is  
62 Missouri income, and the employee is paid at or above the  
63 applicable percentage of the county's average wage;

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

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

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

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

93 employees for the number of months the project facility has  
94 been in operation prior to the date of the application or  
95 notice of intent;

96 [(17)] (16) "Qualified company", a firm, partnership,  
97 joint venture, association, private or public corporation  
98 whether organized for profit or not, or headquarters of such  
99 entity registered to do business in Missouri that is the  
100 owner or operator of a project facility, offers health  
101 insurance to all full-time employees of all facilities  
102 located in this state, and pays at least fifty percent of  
103 such insurance premiums. For the purposes of sections  
104 620.800 to 620.809, the term "qualified company" shall not  
105 mean:

106 (a) Gambling establishments (NAICS industry group  
107 7132);

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

113 (c) Food services and drinking places (NAICS subsector  
114 722);

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

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

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

125 file for bankruptcy may be a qualified company provided that  
126 such company:

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

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

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

137 (h) Religious organizations (NAICS industry group  
138 8131);

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

140 (j) Ethanol distillation or production; or

141 (k) Biodiesel production.

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

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

154 (18) "Related company":

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

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

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

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

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

186 (21) "Relocation costs", costs paid by a qualified  
187 company for a full-time employee in a new job, excluding  
188 costs for residents relocating from a Kansas border county  
189 to a Missouri border county, as such terms are defined in

190 subsection 1 of section 135.1670, provided subsection 2 of  
191 section 135.1670 is in effect. Relocation costs shall only  
192 apply to an employee relocating to Missouri from out of  
193 state to work in the new job. Reimbursement for relocation  
194 costs shall be limited to fifty percent of the amount paid  
195 by the employer to cover actual relocation expenses,  
196 including, but not limited to, reasonable moving and related  
197 travel expenses. The amount paid to a qualified company  
198 shall not exceed three thousand five hundred dollars per  
199 employee, and shall not exceed fifty percent of the total  
200 training project award;

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

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

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

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

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

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

222 (a) Training materials and supplies;

- 223 (b) Wages and benefits of instructors, who may or may  
224 not be employed by the eligible industry, and the cost of  
225 training such instructors;
- 226 (c) Subcontracted services;
- 227 (d) On-the-job training;
- 228 (e) Training facilities and equipment;
- 229 (f) Skill assessment;
- 230 (g) Training project and curriculum development;
- 231 (h) Travel directly to the training project, including  
232 a coordinated transportation program for training if the  
233 training can be more effectively provided outside the  
234 community where the jobs are to be located;
- 235 (i) Payments to third-party training providers and to  
236 the eligible industry;
- 237 (j) Teaching and assistance provided by educational  
238 institutions in the state of Missouri;
- 239 (k) In-plant training analysis, including fees for  
240 professionals and necessary travel and expenses;
- 241 (l) Assessment and preselection tools;
- 242 (m) Publicity;
- 243 (n) Instructional services;
- 244 (o) Rental of instructional facilities with necessary  
245 utilities; **[and]**
- 246 (p) Relocation costs;
- 247 (q) Payment of the principal, premium, and interest on  
248 certificates, including capitalized interest, issued to  
249 finance a project, and the funding and maintenance of a debt  
250 service reserve fund to secure such certificates; and
- 251 (r) Costs of training project services not otherwise  
252 included in this subdivision;
- 253 (27) "Training project services", may include, but  
254 shall not be limited to, the following:

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

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

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

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

265 (e) On-the-job training;

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

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

271 (h) Contracted or professional services; and

272 (i) Issuance of certificates, when applicable.

273 620.803. 1. The department shall establish a  
274 "Missouri One Start Program" to assist [qualified] companies  
275 [in the] with recruitment services, training of employees in  
276 new jobs, and the retraining or upgrading of skills of full-  
277 time employees in retained jobs as provided in sections  
278 620.800 to 620.809. The [training] Missouri one start  
279 program shall be funded through appropriations to the funds  
280 established under sections 620.806 and 620.809. The  
281 department shall, to the maximum extent practicable,  
282 prioritize funding under the [training] Missouri one start  
283 program to assist qualified companies in targeted industries.

284 2. [There is hereby created the "Missouri One Start  
285 Job Training Joint Legislative Oversight Committee". The  
286 committee shall consist of three members of the Missouri  
287 senate appointed by the president pro tempore of the senate

288 and three members of the house of representatives appointed  
289 by the speaker of the house. No more than two of the  
290 members of the senate and two of the members of the house of  
291 representatives shall be from the same political party.  
292 Members of the committee shall report to the governor, the  
293 president pro tempore of the senate, and the speaker of the  
294 house of representatives on all assistance to qualified  
295 companies under the provisions of sections 620.800 to  
296 620.809 provided during the preceding fiscal year. The  
297 report of the committee shall be delivered no later than  
298 October first of each year. The director of the department  
299 shall report to the committee such information as the  
300 committee may deem necessary for its annual report. Members  
301 of the committee shall receive no compensation in addition  
302 to their salary as members of the general assembly but may  
303 receive their necessary expenses while attending the  
304 meetings of the committee, to be paid out of the joint  
305 contingent fund.

306       3.] The department shall publish guidelines and may  
307 promulgate rules and regulations governing the [training]  
308 Missouri one start program. In establishing such guidelines  
309 and promulgating such rules and regulations, the department  
310 shall consider such factors as the potential number of new  
311 jobs to be created or the number of jobs to be retained, the  
312 potential number of new minority jobs created, the amount of  
313 new capital investment in new or existing facilities and  
314 equipment, the significance of state benefits to the  
315 qualified company's decision to locate or expand in  
316 Missouri, the economic need of the affected community, and  
317 the importance of the qualified company to the economic  
318 development of the state. Any rule or portion of a rule, as  
319 that term is defined in section 536.010, that is created  
320 under the authority delegated in this section shall become

321 effective only if it complies with and is subject to all of  
322 the provisions of chapter 536 and, if applicable, section  
323 536.028. This section and chapter 536 are nonseverable and  
324 if any of the powers vested with the general assembly  
325 pursuant to chapter 536 to review, to delay the effective  
326 date, or to disapprove and annul a rule are subsequently  
327 held unconstitutional, then the grant of rulemaking  
328 authority and any rule proposed or adopted after August 28,  
329 2013, shall be invalid and void.

330 [4.] 3. The department shall make Missouri one start  
331 program applications and guidelines available online.

332 [5.] 4. The department may contract with other  
333 entities for the purposes of advertising, marketing, or  
334 promoting the [training] Missouri one start program  
335 established in sections 620.800 to 620.809. Any assistance  
336 through the [training] Missouri one start program shall be  
337 provided under an agreement.

338 [6.] 5. Prior to the authorization of any application  
339 submitted through the [training] Missouri one start program,  
340 the department shall verify the applicant's tax payment  
341 status and offset any delinquencies as provided in section  
342 135.815.

343 [7.] 6. Any qualified company that is awarded benefits  
344 under sections 620.800 to 620.809 and who files for  
345 bankruptcy under Chapter 7 of the United States Bankruptcy  
346 Code, Title 11 U.S.C., as amended, shall immediately notify  
347 the department, shall forfeit such benefits, and shall repay  
348 the state an amount equal to any state tax credits already  
349 redeemed and any withholding taxes already retained.

350 [8.] 7. The department may require repayment of all  
351 benefits awarded, increased by an additional amount that  
352 shall provide the state a reasonable rate of return, to any  
353 qualified company under sections 620.800 to 620.809 that

354 fails to maintain the new or retained jobs within five years  
355 of approval of the benefits or that leaves the state within  
356 five years of approval of the benefits.

357 [9.] 8. The department shall be authorized to contract  
358 with other entities, including businesses, industries, other  
359 state agencies, and political subdivisions of the state for  
360 the purpose of implementing a training project or providing  
361 recruitment services under the provisions of sections  
362 620.800 to 620.809.

363 620.806. 1. There is hereby created in the state  
364 treasury a fund to be known as the "Missouri One Start Job  
365 Development Fund", that shall be administered by the  
366 department for the purposes of the Missouri one start  
367 program. The fund shall consist of all moneys which may be  
368 appropriated to it by the general assembly and also any  
369 gifts, contributions, grants, or bequests received from  
370 federal, private or other sources, including, but not  
371 limited to, any block grant or other sources of funding  
372 relating to job training, school-to-work transition, welfare  
373 reform, vocational and technical training, housing,  
374 infrastructure, development, and human resource investment  
375 programs which may be provided by the federal government or  
376 other sources. The state treasurer shall be custodian of  
377 the fund and may approve disbursements from the fund in  
378 accordance with sections 30.170 and 30.180. Notwithstanding  
379 the provisions of section 33.080 to the contrary, any moneys  
380 remaining in the fund at the end of the biennium shall not  
381 revert to the credit of the general revenue fund. The state  
382 treasurer shall invest moneys in the fund in the same manner  
383 as other funds are invested. Any interest and moneys earned  
384 on such investments shall be credited to the fund.

385 2. The department may provide financial assistance for  
386 training projects through the [training] Missouri one start

387 program from the Missouri one start job development fund to  
388 qualified companies that create new jobs which will result  
389 in the need for training, or that make new capital  
390 investment relating directly to the retention of jobs in an  
391 amount at least five times greater than the amount of any  
392 financial assistance. Financial assistance may also be  
393 provided to a consortium of a majority of qualified  
394 companies organized to provide common training to the  
395 consortium members' employees.

396 3. Funds in the Missouri one start job development  
397 fund shall be appropriated, for recruitment services, and  
398 for financial assistance for training projects through the  
399 [training] Missouri one start program, by the general  
400 assembly to the department [and]. Recruitment services  
401 shall be administered by the department. Financial  
402 assistance for training projects shall be administered by a  
403 local education agency certified by the department for such  
404 purpose. [Except for state-sponsored preemployment  
405 training, no qualified company shall receive more than fifty  
406 percent of its training program costs from the Missouri one  
407 start job development fund.] No funds shall be awarded or  
408 reimbursed to any qualified company for the training,  
409 retraining, or upgrading of skills of potential employees  
410 with the purpose of replacing or supplanting employees  
411 engaged in an authorized work stoppage. Upon approval by  
412 the department, training project costs, except the purchase  
413 of training equipment and training facilities, shall be  
414 eligible for reimbursement with funds from the Missouri one  
415 start job development fund. Notwithstanding any provision  
416 of law to the contrary, no qualified company within a  
417 service industry shall be eligible for training assistance  
418 under this subsection unless such qualified company provides  
419 services in interstate commerce, which shall mean that the

420 qualified company derives a majority of its annual revenues  
421 from out of the state.

422 [3.] 4. Upon appropriation, a local education agency  
423 may petition the department to utilize the Missouri one  
424 start job development fund in order to create or improve  
425 training facilities, training equipment, training staff,  
426 training expertise, training programming, and  
427 administration. The department shall review all petitions  
428 and may award funds from the Missouri one start job  
429 development fund for reimbursement of training project costs  
430 and training project services as it deems necessary.

431 [4.] 5. The department may promulgate rules to  
432 implement the provisions of this section. Any rule or  
433 portion of a rule, as that term is defined in section  
434 536.010, that is created under the authority delegated in  
435 this section shall become effective only if it complies with  
436 and is subject to all of the provisions of chapter 536 and,  
437 if applicable, section 536.028. This section and chapter  
438 536 are nonseverable and if any of the powers vested with  
439 the general assembly pursuant to chapter 536 to review, to  
440 delay the effective date, or to disapprove and annul a rule  
441 are subsequently held unconstitutional, then the grant of  
442 rulemaking authority and any rule proposed or adopted after  
443 August 28, 2019, shall be invalid and void.

444 620.809. 1. There is hereby established in the state  
445 treasury a fund to be known as the "Missouri One Start  
446 Community College New Jobs Training Fund", that shall be  
447 administered by the department for training projects in the  
448 [training] Missouri one start program. Through June 30,  
449 2023, the department of revenue shall credit to the fund, as  
450 received, all new jobs credits. [For existing Missouri  
451 businesses creating new jobs, the training project may  
452 include retained jobs.] The fund shall also consist of any

453 gifts, contributions, grants, or bequests received from  
454 federal, private, or other sources. The general assembly,  
455 however, shall not provide for any transfer of general  
456 revenue funds into the fund. Moneys in the fund shall be  
457 disbursed to the department under regular appropriations by  
458 the general assembly. [The department shall have the  
459 discretion to determine the appropriate amount of funds to  
460 allocate per training project.] Through June 30, 2023, the  
461 department shall disburse such appropriated funds in a  
462 timely manner into the special funds established by  
463 community college districts for training projects, which  
464 funds shall be used to pay training project costs. Such  
465 disbursements shall be made to the special fund for each  
466 training project as provided under subsection [5] 6 of this  
467 section. All moneys remaining in the fund at the end of any  
468 fiscal year shall not lapse to the general revenue fund, as  
469 provided in section 33.080, but shall remain in the fund.  
470 All unobligated funds in the Missouri one start community  
471 college new jobs training fund on July 1, 2023, shall be  
472 transferred to the Missouri one start community college  
473 training fund authorized pursuant to subsection 3 of this  
474 section.

475 2. There is hereby created in the state treasury a  
476 fund to be known as the "Missouri One Start Community  
477 College Job Retention Training Fund", that shall be  
478 administered by the department for the Missouri one start  
479 program. Through June 30, 2023, the department of revenue  
480 shall credit to the fund, as received, all retained jobs  
481 credits. [For existing Missouri businesses retaining jobs,  
482 the training project may include new jobs.] The fund shall  
483 also consist of any gifts, contributions, grants, or  
484 bequests received from federal, private, or other sources.  
485 The general assembly, however, shall not provide for any

486 transfer of general revenue funds into the fund. Moneys in  
487 the fund shall be disbursed to the department under regular  
488 appropriations by the general assembly. [The department  
489 shall have the discretion to determine the appropriate  
490 amount of funds to allocate per training project.] Through  
491 June 30, 2023, the department shall disburse such  
492 appropriated funds in a timely manner into the special funds  
493 established by community college districts for projects,  
494 which funds shall be used to pay training [program] project  
495 costs[, including the principal, premium, and interest on  
496 certificates issued by the district to finance or refinance,  
497 in whole or in part, a project]. Such disbursements by the  
498 department shall be made to the special fund for each  
499 project as provided under subsection [5] 6 of this section.  
500 All moneys remaining in the fund at the end of any fiscal  
501 year shall not lapse to the general revenue fund, as  
502 provided in section 33.080, but shall remain in the fund.  
503 All unobligated funds in the Missouri One Start Community  
504 College Job Retention Training Fund on July 1, 2023, shall  
505 be transferred to the Missouri one start community college  
506 training fund authorized pursuant to subsection 3 of this  
507 section.

508 3. There is hereby created in the state treasury the  
509 "Missouri One Start Community College Training Fund", that  
510 shall be administered by the department for training  
511 projects in the Missouri one start program. Beginning July  
512 1, 2023, the department of revenue shall credit to the fund,  
513 as received, all new and retained jobs credits. The fund  
514 shall also consist of any gifts, contributions, grants, or  
515 bequests received from federal, private, or other sources.  
516 The general assembly, however, shall not provide for any  
517 transfer of general revenue funds into the fund. Beginning  
518 July 1, 2023, the department shall disburse moneys in the

519 fund under regular appropriations by the general assembly.  
520 The department shall disburse such appropriated funds in a  
521 timely manner into the special funds established by  
522 community college districts for training projects, which  
523 funds shall be used to pay training project costs. Such  
524 disbursements shall be made to the special fund for each  
525 training project as provided under subsection 6 of this  
526 section. All moneys remaining in the fund at the end of any  
527 fiscal year shall not lapse to the general revenue fund, as  
528 provided in section 33.080, but shall remain in the fund.

529 4. The department of revenue shall develop such forms  
530 as are necessary to demonstrate accurately each qualified  
531 company's new jobs credit paid through June 30, 2023, into  
532 the Missouri one start community college new jobs training  
533 fund or retained jobs credit paid through June 30, 2023,  
534 into the Missouri one start community college job retention  
535 training fund. The department of revenue shall develop such  
536 forms as are necessary to demonstrate accurately each  
537 qualified company's new or retained jobs credit, or both, as  
538 applicable, paid beginning July 1, 2023, into the Missouri  
539 one start community college jobs training fund. The new or  
540 retained jobs credits, or both, as applicable, shall be  
541 accounted as separate from the normal withholding tax paid  
542 to the department of revenue by the qualified company.  
543 Through June 30, 2023, reimbursements made by all qualified  
544 companies to the Missouri one start community college new  
545 jobs training fund and the Missouri one start community  
546 college job retention training fund shall be no less than  
547 all allocations made by the department to all community  
548 college districts for all projects. Beginning July 1, 2023,  
549 reimbursements made by all qualified companies to the  
550 Missouri one start community college training fund shall be  
551 no less than all allocations made by the department to all

552 community college districts for all projects. The qualified  
553 company shall remit the amount of the new or retained jobs  
554 credit, or both, as applicable, to the department of revenue  
555 in the same manner as provided in sections 143.191 to  
556 143.265. A qualified company's training project may include  
557 both new jobs and retained jobs.

558 [4.] 5. A community college district, with the  
559 approval of the department in consultation with the office  
560 of administration, may enter into an agreement to establish  
561 a training project and provide training project services to  
562 a qualified company. The department shall have the  
563 discretion to determine the appropriate amount of funds to  
564 allocate per training project. As soon as possible after  
565 initial contact between a community college district and a  
566 potential qualified company regarding the possibility of  
567 entering into an agreement, the community college district  
568 shall inform the department of the potential training  
569 project. The department shall evaluate the proposed  
570 training project within the overall job training efforts of  
571 the state to ensure that the training project will not  
572 duplicate other job training programs. The department shall  
573 have fourteen days from receipt of a notice of intent to  
574 approve or disapprove a training project. If no response is  
575 received by the qualified company within fourteen days, the  
576 training project shall be deemed approved. Disapproval of  
577 any training project shall be made in writing and state the  
578 reasons for such disapproval. If an agreement is entered  
579 into, the district and the qualified company shall notify  
580 the department of revenue within fifteen calendar days. In  
581 addition to any provisions required under subsection 6 of  
582 this section for a qualified company applying to receive a  
583 new or retained job credit, or both, as applicable, an  
584 agreement may provide, but shall not be limited to:

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

587 (a) Through June 30, 2023, funds appropriated by the  
588 general assembly to the Missouri one start community college  
589 new jobs training program fund or Missouri one start  
590 community college job retention training program fund, as  
591 applicable, and disbursed by the department for the purposes  
592 consistent with sections 620.800 to 620.809;

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

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

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

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

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

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

616 (5) Any payment required to be made by a qualified  
617 company. This payment shall constitute a lien upon the

618 qualified company's business property until paid, shall have  
619 equal priority with ordinary taxes and shall not be divested  
620 by a judicial sale. Property subject to such lien may be  
621 sold for sums due and delinquent at a tax sale, with the  
622 same forfeitures, penalties, and consequences as for the  
623 nonpayment of ordinary taxes. The purchasers at a tax sale  
624 shall obtain the property subject to the remaining payments.

625 [5.] 6. (1) For projects that are funded exclusively  
626 under [paragraph] paragraphs (a) and (b) of subdivision (1)  
627 of subsection [4] 5 of this section, the department shall  
628 disburse such funds to the special fund for each training  
629 project in the same proportion as the new jobs or retained  
630 jobs credits remitted by the qualified company participating  
631 in such project bears to the total new jobs or retained jobs  
632 credits from withholding remitted by all qualified companies  
633 participating in projects during the period for which the  
634 disbursement is made.

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

651 amount of funds appropriated under paragraph [(b)] (c) of  
652 subdivision (1) of subsection [4] 5 of this section.

653 [6.] 7. Any qualified company that submits a notice of  
654 intent for retained job credits shall enter into an  
655 agreement, providing that the qualified company has:

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

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

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

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

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

671 [7.] 8. If an agreement provides that all or part of  
672 the training [program] project costs are to be met by  
673 receipt of new or retained jobs credit, or both, if  
674 applicable, such new or retained jobs credit from  
675 withholding shall be determined and paid as follows:

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

678 (2) A portion of the total payments made by the  
679 qualified companies under sections 143.191 to 143.265 shall  
680 be designated as the new or retained jobs credit, or both,  
681 if applicable, from withholding. Such portion shall be an  
682 amount equal to two and one-half percent of the gross wages  
683 paid by the qualified company for each of the first one

684 hundred jobs included in the project and one and one-half  
685 percent of the gross wages paid by the qualified company for  
686 each of the remaining jobs included in the project. If  
687 business or employment conditions cause the amount of the  
688 new or retained jobs credit from withholding to be less than  
689 the amount projected in the agreement for any time period,  
690 then other withholding tax paid by the qualified company  
691 under sections 143.191 to 143.265 shall be credited to the  
692 applicable fund by the amount of such difference. The  
693 qualified company shall remit the amount of the new or  
694 retained jobs credit, or both, if applicable, to the  
695 department of revenue in the manner prescribed in sections  
696 143.191 to 143.265. When all training [program] project  
697 costs have been paid, the new or retained jobs credits, or  
698 both, if applicable, shall cease;

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

713 (4) Any disbursement for training project costs  
714 received from the department under sections 620.800 to  
715 620.809 and deposited into the training project's special  
716 fund may be irrevocably pledged by a community college

717 district for the payment of the principal, premium, and  
718 interest on the certificate issued by a community college  
719 district to finance or refinance, in whole or in part, such  
720 training project;

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

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

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

735 ~~[8.]~~ 9. To provide funds for the present payment of  
736 the training project costs ~~[of new or retained jobs training~~  
737 ~~project]~~ through the ~~[training]~~ Missouri one start program  
738 as provided in this section, a community college district  
739 may borrow money and issue and sell certificates payable  
740 from a sufficient portion of the future receipts of payments  
741 authorized by the agreement including disbursements from the  
742 ~~[Missouri one start community college new jobs training fund~~  
743 ~~or the Missouri one start community college job retention~~  
744 ~~training fund]~~ funds established under this section, to the  
745 special fund established by the community college district  
746 for each training project. The total amount of outstanding  
747 certificates sold by all community college districts shall  
748 not exceed the total amount authorized under law as of  
749 January 1, 2013~~[, unless an increased amount is authorized~~

750 in writing by a majority of members of the committee]. The  
751 certificates shall be marketed through financial  
752 institutions authorized to do business in Missouri. The  
753 receipts shall be pledged to the payment of principal of and  
754 interest on the certificates. Certificates may be sold at  
755 public sale or at private sale at par, premium, or discount  
756 of not less than ninety-five percent of the par value  
757 thereof, at the discretion of the board of trustees, and may  
758 bear interest at such rate or rates as the board of trustees  
759 shall determine, notwithstanding the provisions of section  
760 108.170 to the contrary. However, the provisions of chapter  
761 176 shall not apply to the issuance of such certificates.  
762 Certificates may be issued with respect to a single training  
763 project or multiple training projects and may contain terms  
764 or conditions as the board of trustees may provide by  
765 resolution authorizing the issuance of the certificates.

766 [9.] 10. Certificates issued to refund other  
767 certificates may be sold at public sale or at private sale  
768 as provided in this section, with the proceeds from the sale  
769 to be used for the payment of the certificates being  
770 refunded. The refunding certificates may be exchanged in  
771 payment and discharge of the certificates being refunded, in  
772 installments at different times or an entire issue or series  
773 at one time. Refunding certificates may be sold or  
774 exchanged at any time on, before, or after the maturity of  
775 the outstanding certificates to be refunded. They may be  
776 issued for the purpose of refunding a like, greater, or  
777 lesser principal amount of certificates and may bear a rate  
778 of interest that is higher, lower, or equivalent to that of  
779 the certificates being renewed or refunded.

780 [10.] 11. Before certificates are issued, the board of  
781 trustees shall publish once a notice of its intention to  
782 issue the certificates, stating the amount, the purpose, and

783 the project or projects for which the certificates are to be  
784 issued. A person with standing may, within fifteen days  
785 after the publication of the notice, by action in the  
786 circuit court of a county in the district, appeal the  
787 decision of the board of trustees to issue the  
788 certificates. The action of the board of trustees in  
789 determining to issue the certificates shall be final and  
790 conclusive unless the circuit court finds that the board of  
791 trustees has exceeded its legal authority. An action shall  
792 not be brought which questions the legality of the  
793 certificates, the power of the board of trustees to issue  
794 the certificates, the effectiveness of any proceedings  
795 relating to the authorization of the project, or the  
796 authorization and issuance of the certificates from and  
797 after fifteen days from the publication of the notice of  
798 intention to issue.

799 [11.] 12. The board of trustees shall make a finding  
800 based on information supplied by the qualified company that  
801 revenues provided in the agreement are sufficient to secure  
802 the faithful performance of obligations in the agreement.

803 [12.] 13. Certificates issued under this section shall  
804 not be deemed to be an indebtedness of the state, the  
805 community college district, or any other political  
806 subdivision of the state, and the principal and interest on  
807 any certificates shall be payable only from the sources  
808 provided in subdivision (1) of subsection [4] 5 of this  
809 section which are pledged in the agreement.

810 [13.] 14. Pursuant to section 23.253 of the Missouri  
811 sunset act:

812 (1) The program authorized under sections 620.800 to  
813 620.809 shall be reauthorized as of August 28, 2018, and  
814 shall expire on August 28, 2030; and

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

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

823           [14.] 15. Any agreement or obligation entered into by  
824 the department that was made under the provisions of  
825 sections 620.800 to 620.809 prior to August 28, 2019, shall  
826 remain in effect according to the provisions of such  
827 agreement or obligation."; and

828           Further amend the title and enacting clause accordingly.