

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 ~~["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.