

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758
101ST GENERAL ASSEMBLY

3896H.12C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.250, 8.260, 8.420, 34.055, 34.057, 34.058, 34.100, 34.203, 34.206, 34.209, 34.212, 34.217, 34.218, 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof twenty-one new sections relating to incentives for increased business activities.

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

Section A. Sections 8.250, 8.260, 8.420, 34.055, 34.057, 34.058, 34.100, 34.203, 2 34.206, 34.209, 34.212, 34.217, 34.218, 620.800, 620.803, 620.806, 620.809, and 620.2475, 3 RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as 4 sections 8.250, 8.260, 8.420, 8.690, 8.960, 8.962, 8.964, 8.966, 8.968, 8.970, 8.972, 8.974, 5 34.055, 34.100, 67.5065, 311.028, 620.800, 620.803, 620.806, 620.809, and 620.2475, to read 6 as follows:

8.250. 1. "Project" for the purposes of this chapter means the labor or material 2 necessary for the construction, renovation, or repair of improvements to real property so that 3 the work, when complete, shall be ready for service for its intended purpose and shall require 4 no other work to be a completed system or component.

2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars, 6 entered into by any city containing five hundred thousand inhabitants or more shall be let to 7 the lowest, responsive, responsible bidder or bidders after ~~[notice and]~~ publication of an 8 advertisement for ~~[five days in a daily newspaper in the county where the work is located, or 9 at least twice over]~~ a period of ten days or more in a newspaper in the county where the work 10 is located, ~~[and]~~ in two daily newspapers in the state which do not have less than fifty

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

11 thousand daily circulation, and ~~[by such other means as are determined to be most likely to~~
12 ~~reach potential bidders]~~ **on the website of the city or through an electronic procurement**
13 **system.**

14 3. All contracts for projects, the cost of which exceeds one hundred thousand dollars,
15 entered into by an officer or agency of this state shall be let to the lowest, responsive,
16 responsible bidder or bidders based on preestablished criteria after ~~[notice and]~~ publication of
17 an advertisement for ~~[five days in a daily newspaper in the county where the work is located,~~
18 ~~or at least twice over]~~ a period of ten days or more in a newspaper in the county where the
19 work is located **[and]**, in one daily newspaper in the state which does not have less than fifty
20 thousand daily circulation, and ~~[by such other means as determined to be most likely to reach~~
21 ~~potential bidders]~~ **on the website of the officer or agency or through an electronic**
22 **procurement system.** For all contracts for projects between twenty-five thousand dollars
23 and one hundred thousand dollars, a minimum of three contractors shall be solicited with the
24 award being made to the lowest responsive, responsible bidder based on preestablished
25 criteria.

26 4. The number of such public bids shall not be restricted or curtailed, but shall be
27 open to all persons complying with the terms upon which the bids are requested or solicited
28 unless debarred for cause. No contract shall be awarded when the amount appropriated for
29 same is not sufficient to complete the work ready for service.

30 5. Dividing a project into component labor or material allocations for the purpose of
31 avoiding bidding or advertising provisions required by this section is specifically prohibited.

8.260. All appropriations made by the general assembly amounting to one hundred
2 thousand dollars or more for the construction, renovation, or repair of facilities shall be
3 expended in the following manner:

4 (1) The agency requesting payment shall provide the commissioner of administration
5 with satisfactory evidence that a bona fide contract, procured in accordance with all
6 applicable procedures, exists for the work for which payment is requested;

7 (2) All requests for payment shall be approved by the architect or engineer registered
8 to practice in the state of Missouri who designed the project or who has been assigned to
9 oversee it;

10 (3) In order to guarantee completion of the contract, the agency or officer shall retain
11 a portion of the contract value in accordance with the provisions of section ~~[34.057]~~ **8.960**;

12 (4) A contractor may be paid for materials delivered to the site or to a storage facility
13 approved by the director of the division of facilities management, design and construction as
14 having adequate safeguards against loss, theft or conversion.

15

16 In no case shall the amount contracted for exceed the amount appropriated by the general
17 assembly for the purpose.

8.420. 1. Bonds issued under and pursuant to the provisions of sections 8.370 to
2 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest
3 not to exceed fifteen percent per annum, and shall mature at such time or times within forty
4 years from the date thereof, as the board determines. The bonds may be either serial bonds or
5 term bonds.

6 2. Serial bonds may be issued with or without the reservation of the right to call them
7 for payment and redemption in advance of their maturity, upon the giving of such notice, and
8 with or without a covenant requiring the payment of a premium in the event of such payment
9 and redemption prior to maturity, as the board determines.

10 3. Term bonds shall contain a reservation of the right to call them for payment and
11 redemption prior to maturity at such time or times and upon the giving of such notice, and
12 upon the payment of such premium, if any, as the board determines.

13 4. The bonds, when issued, shall be sold at public sale for the best price obtainable
14 after giving such reasonable notice of such sale as may be determined by the board, but in no
15 event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and
16 accrued interest. Any such bonds may be sold to the United States of America or to any
17 agency or instrumentality thereof, at a price not less than par and accrued interest, without
18 public sale and without the giving of notice as herein provided.

19 5. The bonds, when issued and sold, shall be negotiable instruments within the
20 meaning of the law merchant and the negotiable instruments law, and the interest thereon
21 shall be exempt from income taxes under the laws of the state of Missouri.

22 6. The board shall not issue revenue bonds pursuant to the provisions of sections
23 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par
24 value of one billion one hundred seventy-five million dollars.

25 7. Any bonds which may be issued pursuant to the provisions of sections 8.370 to
26 8.450 shall be issued only for projects which have been approved by a majority of the house
27 members and a majority of the senate members of the committee on legislative research of the
28 general assembly, and the approval by the committee on legislative research required by the
29 provisions of section 8.380 shall be given only in accordance with this provision. For the
30 purposes of approval of a project, the total amount of bonds issued for purposes of energy
31 retrofitting in state-owned facilities shall be treated as a single project.

32 ~~[8. Any bonds which may be issued due to the increase of the cap amount in~~
33 ~~subsection 6 of this section occurring on August 28, 2014, shall not be issued for construction~~
34 ~~of new buildings and shall only be used for repair or renovation of existing buildings and~~
35 ~~facilities, except that bonds may be issued for the construction of a new mental health facility~~

36 ~~in any county of the first classification with more than forty thousand but fewer than fifty~~
37 ~~thousand inhabitants and with a home rule city with more than twelve thousand one hundred~~
38 ~~but fewer than twelve thousand two hundred inhabitants as the county seat.]~~

8.690. 1. The office of administration shall have the authority to utilize:

2 **(1) The construction manager-at-risk delivery method, as provided for in section**
3 **67.5050; and**

4 **(2) The design-build delivery method, as provided for in section 67.5060, only as**
5 **follows:**

6 **(a) For noncivil works projects, as that term is used in section 67.5060, in excess**
7 **of seven million dollars; and**

8 **(b) No more than five noncivil works projects, as that term is used in section**
9 **67.5060, may be contracted for in any fiscal year that are less than seven million dollars.**

10 **2. The office of administration shall not be subject to subsection 15 of section**
11 **67.5050 and subsection 22 of section 67.5060 in executing contracts pursuant to this**
12 **section.**

13 **3. The office of administration shall not be subject to subsection 4 of section**
14 **67.5060. The office of administration shall publish its advertisement for proposals in the**
15 **publications; and on the website of the officer or agency or through an electronic**
16 **procurement system as set forth in subsection 3 of section 8.250. The selection and**
17 **award shall follow sections 67.5050 and 67.5060, as applicable.**

~~[34.057.]~~ **8.960.** 1. Unless contrary to any federal funding requirements or unless
2 funds from a state grant are not timely received by the contracting public municipality but
3 notwithstanding any other law to the contrary, all public works contracts made and awarded
4 by the appropriate officer, board or agency of the state or of a political subdivision of the state
5 or of any district therein, including any municipality, county and any board referred to as the
6 public owner, for construction, reconstruction or alteration of any public works project, shall
7 provide for prompt payment by the public owner to the contractor, and any professional
8 engineer, architect, landscape architect, or land surveyor, as well as prompt payment by the
9 contractor to the subcontractor and material supplier in accordance with the following:

10 (1) A public owner shall make progress payments to the contractor and any
11 professional engineer, architect, landscape architect, or land surveyor on at least a monthly
12 basis as the work progresses, or, on a lump sum basis according to the terms of the lump sum
13 contract. Except in the case of lump sum contracts, payments shall be based upon estimates
14 prepared at least monthly of work performed and material delivered, as determined by the
15 project architect or engineer. Retainage withheld on any construction contract or subcontract
16 for public works projects shall not exceed five percent of the value of the contract or
17 subcontract. If the contractor is not required to obtain a bond under section 107.170 because

18 the cost of the public works contract is not estimated to exceed fifty thousand dollars, the
19 public owner may withhold retainage on the public works project in an amount not to exceed
20 ten percent of the value of the contract or subcontract. The public owner shall pay the
21 contractor the amount due, less a retainage, within thirty days following the latter of the
22 following:

23 (a) The date of delivery of materials or construction services purchased;

24 (b) The date, as designated by the public owner, upon which the invoice is duly
25 delivered to the person or place designated by the public owner; or

26 (c) In those instances in which the contractor approves the public owner's estimate,
27 the date upon which such notice of approval is duly delivered to the person or place
28 designated by the public owner;

29 (2) Payments shall be considered received within the context of this section when
30 they are duly posted with the United States Postal Service or other agreed upon delivery
31 service or when they are hand-delivered to an authorized person or place as agreed to by the
32 contracting parties;

33 (3) If, in the discretion of the owner and the project architect or engineer and the
34 contractor, it is determined that a subcontractor's performance has been completed and the
35 subcontractor can be released prior to substantial completion of the public works contract
36 without risk to the public owner, the contractor shall request such adjustment in retainage, if
37 any, from the public owner as necessary to enable the contractor to pay the subcontractor in
38 full. The public owner may reduce or eliminate retainage on any contract payment if, in the
39 public owner's opinion, the work is proceeding satisfactorily. If retainage is released and
40 there are any remaining minor items to be completed, an amount equal to one hundred fifty
41 percent of the value of each item as determined by the public owner's duly authorized
42 representatives shall be withheld until such item or items are completed;

43 (4) The public owner shall pay at least ninety-eight percent of the retainage, less any
44 offsets or deductions authorized in the contract or otherwise authorized by law, to the
45 contractor. The contractor shall pay the subcontractor or supplier after substantial completion
46 of the contract work and acceptance by the public owner's authorized contract representative,
47 or as may otherwise be provided by the contract specifications for state highway, road or
48 bridge projects administered by the state highways and transportation commission. Such
49 payment shall be made within thirty days after acceptance, and the invoice and all other
50 appropriate documentation and certifications in complete and acceptable form are provided,
51 as may be required by the contract documents. If the public owner or the owner's
52 representative determines the work is not substantially completed and accepted, then the
53 owner or the owner's representative shall provide a written explanation of why the work is not
54 considered substantially completed and accepted within fourteen calendar days to the

55 contractor, who shall then provide such notice to the subcontractor or suppliers responsible
56 for such work. If such written explanation is not given by the public body, the public body
57 shall pay at least ninety-eight percent of the retainage within thirty calendar days. If at that
58 time there are any remaining minor items to be completed, an amount equal to one hundred
59 fifty percent of the value of each item as determined by the public owner's representative shall
60 be withheld until such items are completed;

61 (5) All estimates or invoices for supplies and services purchased, approved and
62 processed, or final payments, shall be paid promptly and shall be subject to late payment
63 charges provided in this section. Except as provided in subsection 4 of this section, if the
64 contractor has not been paid within thirty days as set forth in subdivision (1) of subsection 1
65 of this section, the contracting agency shall pay the contractor, in addition to the payment due
66 him, interest at the rate of one and one-half percent per month calculated from the expiration
67 of the thirty-day period until fully paid;

68 (6) When a contractor receives any payment, the contractor shall pay each
69 subcontractor and material supplier in proportion to the work completed by each
70 subcontractor and material supplier his application less any retention not to exceed five
71 percent. If the contractor receives less than the full payment due under the public
72 construction contract, the contractor shall be obligated to disburse on a pro rata basis those
73 funds received, with the contractor, subcontractors and material suppliers each receiving a
74 prorated portion based on the amount of payment. When, however, the public owner does not
75 release the full payment due under the contract because there are specific areas of work or
76 materials he is rejecting or because he has otherwise determined such areas are not suitable
77 for payment then those specific subcontractors or suppliers involved shall not be paid for that
78 portion of the work rejected or deemed not suitable for payment; provided the public owner or
79 the owner's representative gives a written explanation to the contractor, subcontractor, or
80 supplier involved as to why the work or supplies were rejected or deemed not suitable for
81 payment, and all other subcontractors and suppliers shall be paid in full;

82 (7) If the contractor, without reasonable cause, fails to make any payment to his
83 subcontractors and material suppliers within fifteen days after receipt of payment under the
84 public construction contract, the contractor shall pay to his subcontractors and material
85 suppliers, in addition to the payment due them, interest in the amount of one and one-half
86 percent per month, calculated from the expiration of the fifteen-day period until fully paid.
87 This subdivision shall also apply to any payments made by subcontractors and material
88 suppliers to their subcontractors and material suppliers and to all payments made to lower tier
89 subcontractors and material suppliers throughout the contracting chain;

90 (8) The public owner shall make final payment of all moneys owed to the contractor,
91 including any retainage withheld under subdivision (4) of this subsection, less any offsets or

92 deductions authorized in the contract or otherwise authorized by law, within thirty days of the
93 due date. Final payment shall be considered due upon the earliest of the following events:

94 (a) Completion of the project and filing with the owner of all required documentation
95 and certifications, in complete and acceptable form, in accordance with the terms and
96 conditions of the contract;

97 (b) The project is certified by the architect or engineer authorized to make such
98 certification on behalf of the owner as having been completed, including the filing of all
99 documentation and certifications required by the contract, in complete and acceptable form;

100 or

101 (c) The project is certified by the contracting authority as having been completed,
102 including the filing of all documentation and certifications required by the contract, in
103 complete and acceptable form.

104 2. Nothing in this section shall prevent the contractor or subcontractor, at the time of
105 application or certification to the public owner or contractor, from withholding such
106 applications or certifications to the owner or contractor for payment to the subcontractor or
107 material supplier. Amounts intended to be withheld shall not be included in such applications
108 or certifications to the public owner or contractor. Reasons for withholding such applications
109 or certifications shall include, but not be limited to, the following: unsatisfactory job
110 progress; defective construction work or material not remedied; disputed work; failure to
111 comply with other material provisions of the contract; third-party claims filed or reasonable
112 evidence that a claim will be filed; failure of the subcontractor to make timely payments for
113 labor, equipment and materials; damage to a contractor or another subcontractor or material
114 supplier; reasonable evidence that the contract cannot be completed for the unpaid balance of
115 the subcontract sum or a reasonable amount for retention, not to exceed the initial percentage
116 retained by the owner.

117 3. Should the contractor determine, after application or certification has been made
118 and after payment has been received from the public owner, or after payment has been
119 received by a contractor based upon the public owner's estimate of materials in place and
120 work performed as provided by contract, that all or a portion of the moneys needs to be
121 withheld from a specific subcontractor or material supplier for any of the reasons enumerated
122 in this section, and such moneys are withheld from such subcontractor or material supplier,
123 then such undistributed amounts shall be specifically identified in writing and deducted from
124 the next application or certification made to the public owner or from the next estimate by the
125 public owner of payment due the contractor, until a resolution of the matter has been
126 achieved. Disputes shall be resolved in accordance with the terms of the contract documents.
127 Upon such resolution the amounts withheld by the contractor from the subcontractor or
128 material supplier shall be included in the next application or certification made to the public

129 owner or the next estimate by the public owner and shall be paid promptly in accordance with
130 the provisions of this section. This subsection shall also apply to applications or certifications
131 made by subcontractors or material suppliers to the contractor and throughout the various
132 tiers of the contracting chain.

133 4. The contracts which provide for payments to the contractor based upon the public
134 owner's estimate of materials in place and work performed rather than applications or
135 certifications submitted by the contractor, the public owner shall pay the contractor within
136 thirty days following the date upon which the estimate is required by contract to be completed
137 by the public owner, the amount due less a retainage not to exceed five percent. All such
138 estimates by the public owner shall be paid promptly and shall be subject to late payment
139 charges as provided in this subsection. After the thirtieth day following the date upon which
140 the estimate is required by contract to be completed by the public owner, the contracting
141 agency shall pay the contractor, in addition to the payment due him, interest at a rate of one
142 and one-half percent per month calculated from the expiration of the thirty-day period until
143 fully paid.

144 5. The public owner shall pay or cause to be paid to any professional engineer,
145 architect, landscape architect, or land surveyor the amount due within thirty days following
146 the receipt of an invoice prepared and submitted in accordance with the contract terms. In
147 addition to the payment due, the contracting agency shall pay interest at the rate of one and
148 one-half percent per month calculated from the expiration of the thirty-day period until fully
149 paid.

150 6. Nothing in this section shall prevent the owner from withholding payment or final
151 payment from the contractor, or a subcontractor or material supplier. Reasons for withholding
152 payment or final payment shall include, but not be limited to, the following: liquidated
153 damages; unsatisfactory job progress; defective construction work or material not remedied;
154 disputed work; failure to comply with any material provision of the contract; third party
155 claims filed or reasonable evidence that a claim will be filed; failure to make timely payments
156 for labor, equipment or materials; damage to a contractor, subcontractor or material supplier;
157 reasonable evidence that a subcontractor or material supplier cannot be fully compensated
158 under its contract with the contractor for the unpaid balance of the contract sum; or citation by
159 the enforcing authority for acts of the contractor or subcontractor which do not comply with
160 any material provision of the contract and which result in a violation of any federal, state or
161 local law, regulation or ordinance applicable to that project causing additional costs or
162 damages to the owner.

163 7. Nothing in this section shall be construed to require direct payment by a public
164 owner to a subcontractor or supplier, except in the case of the default, as determined by a
165 court, of the contractor on the contract with the public owner where no performance or

166 payment bond is required or where the surety fails to execute its duties, as determined by a
167 court.

168 8. Notwithstanding any other provisions in this section to the contrary, no late
169 payment interest shall be due and owing for payments which are withheld in good faith for
170 reasonable cause pursuant to subsections 2, 5, and 6 of this section. If it is determined by a
171 court of competent jurisdiction that a payment which was withheld pursuant to subsections 2,
172 5, and 6 of this section was not withheld in good faith for reasonable cause, the court may
173 impose interest at the rate of one and one-half percent per month calculated from the date of
174 the invoice and may, in its discretion, award reasonable attorney fees to the prevailing party.
175 In any civil action or part of a civil action brought pursuant to this section, if a court
176 determines after a hearing for such purpose that the cause was initiated, or a defense was
177 asserted, or a motion was filed, or any proceeding therein was done frivolously and in bad
178 faith, the court shall require the party who initiated such cause, asserted such defense, filed
179 such motion, or caused such proceeding to be had to pay the other party named in such action
180 the amount of the costs attributable thereto and reasonable expenses incurred by such party,
181 including reasonable attorney fees.

[34.058.] **8.962.** 1. As used in this section, the term "public works contract" means a
2 contract of the state, county, city and other political subdivisions of the state, except the
3 Missouri transportation department, for the construction, alteration, repair, or maintenance of
4 any building, structure, highway, bridge, viaduct, pipeline, public works, or any other works
5 dealing with construction, which shall include, but need not be limited to, moving,
6 demolition, or excavation performed in conjunction with such work.

7 2. Any clause in a public works contract that purports to waive, release, or extinguish
8 the rights of a contractor to recover costs or damages, or obtain an equitable adjustment, for
9 delays in performing such contract, if such delay is caused in whole, or in part, by acts or
10 omissions within the control of the contracting public entity or persons acting on behalf
11 thereof, is against public policy and is void and unenforceable.

12 3. Subsection 2 of this section is not intended to render void any contract provision of
13 a public works contract that:

14 (1) Precludes a contractor from recovering that portion of delay costs caused by the
15 acts or omissions of the contractor or its agents;

16 (2) Requires notice of any delay by the party responsible for such delay;

17 (3) Provides for reasonable liquidated damages; or

18 (4) Provides for arbitration or any other procedure designed to settle contract
19 disputes.

[34.203.] **8.964.** The provisions of sections [34.203 to 34.216] **8.964 to 8.974** shall be
2 known and may be cited as the "Fairness in Public Construction Act".

~~[34.206.]~~ **8.966.** The purpose of sections ~~[34.203 to 34.216]~~ **8.964 to 8.974** is to fulfill
2 the state's proprietary objectives in maintaining and promoting the economical,
3 nondiscriminatory, and efficient expenditures of public funds in connection with publicly
4 funded or assisted construction projects. Nothing in sections ~~[34.203 to 34.216]~~ **8.964 to**
5 **8.974** shall prohibit employers or other parties covered by the National Labor Relations Act
6 from entering into agreements or engaging in any other activity arguably protected by law,
7 nor shall any aspect of sections ~~[34.203 to 34.216]~~ **8.964 to 8.974** be interpreted in such a way
8 as to interfere with the labor relations of parties covered by the National Labor Relations Act.

~~[34.209.]~~ **8.968.** 1. The state, any agency of the state, any political subdivision of the
2 state, or any instrumentality thereof, when engaged in procuring or letting contracts for
3 construction, repair, remodeling, or demolition of a facility shall ensure that bid specification,
4 project agreements, and other controlling documents entered into, required, or subject to
5 approval by the state, agency, political subdivision, or instrumentality do not:

6 (1) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or
7 adhere to agreements with one or more labor organizations on the same or related projects; or

8 (2) Discriminate against, encourage, or give preferential treatment to bidders,
9 offerors, contractors, or subcontractors for:

10 (a) Entering or refusing to enter agreements with one or more labor organizations on
11 the same or related construction projects; or

12 (b) Remaining or refusing to remain signatory with one or more labor organizations
13 on the same or related construction projects.

14 2. Nothing in this section shall be construed to prohibit the state, any agency of the
15 state, any political subdivision of the state, or any instrumentality thereof from requiring
16 bidders, offerors, contractors, or subcontractors, as a condition of receiving work or
17 submitting a bid, to test its workers and employees for the presence of illegal drugs.

~~[34.212.]~~ **8.970.** 1. The state, any agency of the state, any political subdivision of the
2 state, or any instrumentality thereof shall not issue or award grants, tax abatements, or tax
3 credits or enter into cooperative agreements for construction projects or for the improvement,
4 maintenance, or renovation of real property or fixtures, a condition of which requires that bid
5 specifications, project agreements, or other controlling documents pertaining to the grant, tax
6 abatement, tax credit, or cooperative agreement contain any of the elements specified in
7 section ~~[34.209]~~ **8.968.**

8 2. The state, any agency of the state, any political subdivision, or any instrumentality
9 thereof shall exercise such authority as may be required to preclude a grant, tax abatement, or
10 tax credit recipient or party to a cooperative agreement from imposing any of the elements
11 specified in section ~~[34.209]~~ **8.968** in connection with any grant or cooperative agreement
12 awarded or entered into. Nothing in sections ~~[34.203 to 34.217]~~ **8.964 to 8.974** shall prohibit

13 contractors or subcontractors from voluntarily entering into agreements described in section
14 ~~[34.209]~~ **8.968**.

~~[34.217.]~~ **8.972**. Notwithstanding the provisions of section 1.140, the provisions of
2 sections 290.095 and 290.250 and sections ~~[34.203 to 34.216]~~ **8.964 to 8.974** shall not be
3 severable. In the event a court of competent jurisdiction rules that any part of this act is
4 unenforceable, the entire act shall be rendered null and void.

~~[34.218.]~~ **8.974**. 1. Any entity which violates the provisions of sections ~~[34.203 to~~
2 ~~34.217]~~ **8.964 to 8.974** shall be liable to the person affected for such equitable relief as may
3 be appropriate, including reasonable attorney's fees.

4 2. Any entity which violates the provisions of sections ~~[34.203 to 34.217]~~ **8.964 to**
5 **8.974** shall not be eligible for any state funding or tax credits issued by the state for two years.

6 3. The prosecuting attorney or circuit attorney with jurisdiction over the location
7 where a violation of sections ~~[34.203 to 34.217]~~ **8.964 to 8.974** occurs, or the attorney general
8 of this state, shall investigate complaints of violation of such sections, and use all means at
9 their command to ensure the effective enforcement of this section.

34.055. 1. Except as otherwise provided in section ~~[34.057]~~ **8.960**, all invoices for
2 supplies and services purchased by the state, duly approved and processed, shall be subject to
3 interest charges or late payment charges as provided in this section.

4 2. After the forty-fifth day following the later of the date of delivery of the supplies
5 and services or the date upon which the invoice is duly approved and processed, interest
6 retroactive to the thirtieth day shall be paid on any unpaid balance, except balances for
7 services provided by a gas corporation, electrical corporation, water corporation, or sewer
8 corporation which has received authorization from the public service commission to impose
9 late payment charges on delinquent utility bills, upon application of the vendor thereof. The
10 rate of such interest shall be three percentage points above the average predominant prime
11 rate quoted by commercial banks to large businesses, as determined by the Board of
12 Governors of the Federal Reserve System.

13 3. The state shall be liable for late payment charges on any delinquent bill for services
14 purchased by the state from a gas corporation, electrical corporation, water corporation, or
15 sewer corporation which has received authorization from the public service commission to
16 impose late payment charges on delinquent utility bills. The rate of such late payment
17 charges shall be as established for each such corporation by order of the public service
18 commission, but bills rendered to the state shall not be considered delinquent until thirty days
19 after rendition of the bill by the corporation.

20 4. Any such interest charges or late payment charges shall be paid from
21 appropriations which were made for the fiscal year in which the supplies or services were
22 delivered to the respective departments purchasing such supplies or services. The

23 commissioner of administration shall be responsible for the timely implementation of this
24 section and all officers, departments, institutions and agencies of state government shall fully
25 cooperate with the commissioner of administration in the implementation of this section. No
26 late payment penalty shall be assessed against, nor payable by, the state unless pursuant to the
27 provisions of this section.

28 5. Notwithstanding any other provision of this section, recipients of funds from the
29 low-income energy assistance program shall be exempt from interest charges imposed by
30 such section for the duration of the recipient's participation in the program.

34.100. The commissioner of administration may, when in the commissioner's best
2 judgment it is in the best interests of the state, delegate the commissioner's procurement
3 authority pursuant to this chapter to an individual department; provided, however, that each
4 instance of single feasible source purchasing authority in excess of ~~five~~ ten thousand dollars
5 under section 34.044 must be specifically delegated by the commissioner. The delegation
6 may allow departments to negotiate in accordance with section 34.042 the purchase of
7 services for patients, residents or clients with funds appropriated for this purpose. In
8 accepting this delegated authority the department acknowledges its ability to, and agrees to,
9 fulfill all of the requirements of this chapter in making purchases and entering into contracts
10 and keeping records. No claim for payment based upon any purchase under this section shall
11 be certified by the commissioner unless accompanied by such documentation of compliance
12 with the provisions of this chapter as the commissioner may require. Any department that
13 fails to fulfill all such requirements may have its delegated authority rescinded by the
14 commissioner of administration.

**67.5065. For purposes of section 67.5050 and section 67.5060, the term "political
2 subdivision" includes any public institution of higher education.**

**311.028. 1. (1) To qualify as "Ozark Highlands" spirits, and to be labeled as
2 such for sale in Missouri, an aged product shall meet the following conditions:**

3 **(a) The product shall be mashed, fermented, distilled, aged, and bottled in the
4 Ozark Highlands region;**

5 **(b) The product shall be aged in barrels manufactured in Missouri;**

6 **(c) The water source shall be untreated or natural from natural springs or deep
7 wells in the Ozarks Highlands, and without chlorination or added chemicals such as
8 fluoride; and**

9 **(d) The minimum age of a whiskey shall be four years.**

10 **(2) To qualify as "Ozark Highlands" spirits, and to be labeled as such for sale in
11 Missouri, an unaged product, such as gin or vodka, shall meet the following conditions:**

12 **(a) The product shall be mashed, fermented, distilled, and bottled in the Ozark
13 Highlands region; and**

14 **(b) The water source shall be untreated or natural from natural springs or deep**
 15 **wells in the Ozarks Highlands, and without chlorination or added chemicals such as**
 16 **fluoride.**

17 **2. To additionally qualify as "Single Malt", the final product shall be distilled**
 18 **and bottled at a single distillery.**

19 **3. The product shall be further certified, by seal or other means, by the "Ozark**
 20 **Highland Distillers Guild" as a qualifying "Ozark Highlands" product.**

21 **4. For the purposes of this section, the Missouri department of natural resources**
 22 **shall produce, in collaboration with the "Ozark Highland Distillers Guild", and publish**
 23 **an official map of the "Ozark Highlands" region.**

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

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

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

9 ~~[(2)]~~ **(3) "Board of trustees", the board of trustees of a community college district**
 10 **established under the provisions of chapter 178;**

11 ~~[(3) "Certificate", a new or retained jobs training certificate issued under section~~
 12 ~~620.809;]~~

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

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

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

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

20 ~~(8)]~~ **(7) "Full-time employee", an employee of the qualified company who is**
 21 **scheduled to work an average of at least thirty-five hours per week for a twelve-month period,**
 22 **and one to whom the qualified company offers health insurance and pays at least fifty percent**
 23 **of such insurance premiums;**

24 ~~[(9)]~~ **(8) "Local education agency", a community college district, two-year state**
 25 **technical college, or technical career education center;**

26 ~~[(10)]~~ **(9) "Missouri one start program", the [training] program established under**
 27 **sections 620.800 to 620.809;**

28 ~~[(11)]~~ **(10)** "New capital investment", costs incurred by the qualified company at the
29 project facility for real or personal property, that may include the value of finance or capital
30 leases for real or personal property for the term of such lease at the project facility executed
31 after acceptance by the qualified company of the proposal for benefits from the department or
32 approval of the **application or** notice of intent;

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

42 ~~[(13)]~~ **(12)** "New jobs credit", the credit from withholding remitted by a qualified
43 company provided under subsection ~~[7]~~ **8** of section 620.809;

44 ~~[(14)]~~ **(13)** "Notice of intent", a form developed by and submitted to the department
45 that states the qualified company's intent to request benefits under ~~[this program]~~ **section**
46 **620.809**;

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

56 ~~[(16)]~~ **(15)** "Project facility base employment", the greater of the number of full-time
57 employees located at the project facility on the date of the **application or** notice of intent or,
58 for the twelve-month period prior to the date of the **application or** notice of intent, the
59 average number of full-time employees located at the project facility. In the event the project
60 facility has not been in operation for a full twelve-month period, the average number of full-
61 time employees for the number of months the project facility has been in operation prior to
62 the date of the **application or** notice of intent;

63 ~~[(17)]~~ **(16)** "Qualified company", a firm, partnership, joint venture, association,
64 private or public corporation whether organized for profit or not, or headquarters of such

65 entity registered to do business in Missouri that is the owner or operator of a project facility,
66 offers health insurance to all full-time employees of all facilities located in this state, and pays
67 at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to
68 620.809, the term "qualified company" shall not mean:

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

70 (b) Retail trade establishments (NAICS sectors 44 and 45) **that have consumer-**
71 **based store fronts**, except with respect to any company headquartered in this state with a
72 majority of its full-time employees engaged in operations not within the NAICS codes
73 specified in this subdivision;

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

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

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

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

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

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

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

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

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

92 (j) Ethanol distillation or production; or

93 (k) Biodiesel production.

94

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

101 ~~[(18)]~~ (17) **"Recruitment services", the promotion of workforce opportunities in**
102 **Missouri;**

103 (18) "Related company":

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

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

108 (c) Corporations, partnerships, trusts, or associations controlled by an individual,
109 corporation, partnership, trust, or association in control of the qualified company. As used in
110 this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of
111 stock possessing at least fifty percent of the total combined voting power of all classes of
112 stock entitled to vote; "control of a partnership or association" shall mean ownership of at
113 least fifty percent of the capital or profits interest in such partnership or association; "control
114 of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the
115 beneficial interest in the principal or income of such trust; and "ownership" shall be
116 determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

117 (19) "Related facility", a facility operated by the qualified company or a related
118 company located in this state that is directly related to the operations of the project facility or
119 in which operations substantially similar to the operations of the project facility are
120 performed;

121 (20) "Related facility base employment", the greater of the number of full-time
122 employees located at all related facilities on the date of the **application or** notice of intent or,
123 for the twelve-month period prior to the date of the **application or** notice of intent, the
124 average number of full-time employees located at all related facilities of the qualified
125 company or a related company located in this state;

126 (21) **"Relocation costs", costs paid by a qualified company for a full-time**
127 **employee who is relocating to Missouri from out of state to work in a new job.**
128 **"Relocation costs" shall exclude costs for residents relocating from a Kansas border**
129 **county to a Missouri border county, as those terms are defined in subsection 1 of section**
130 **135.1670, so long as subsection 2 of section 135.1670 is in effect. Any reimbursement for**
131 **relocation costs shall be limited to fifty percent of the amount paid by the employer to**
132 **cover actual relocation expenses, such as reasonable moving and related travel expenses.**
133 **An amount paid to a qualified company shall not exceed three thousand five hundred**
134 **dollars per employee and shall not exceed fifty percent of the total training project**
135 **award;**

136 ~~[(21)]~~ **(22)** "Retained jobs", the average number of full-time employees of a qualified
137 company located at the project facility during each month for the calendar year preceding the
138 year in which the **application or** notice of intent is submitted;

139 ~~[(22)]~~ **(23)** "Retained jobs credit", the credit from withholding remitted by a qualified
140 company provided under subsection ~~[7]~~ **8** of section 620.809;

141 ~~[(23)]~~ **(24)** "Targeted industry", an industry or one of a cluster of industries identified
142 by the department by rule following a strategic planning process as being critical to the state's
143 economic security and growth;

144 ~~[(24) "Training program", the Missouri one start program established under sections
145 620.800 to 620.809;]~~

146 **(25)** "Training project", the project or projects established through the Missouri one
147 start program for the creation or retention of jobs by providing education and training of
148 workers;

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

151 (a) Training materials and supplies;

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

154 (c) Subcontracted services;

155 (d) On-the-job training;

156 (e) Training facilities and equipment;

157 (f) Skill assessment;

158 (g) Training project and curriculum development;

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

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

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

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

167 (l) Assessment and preselection tools;

168 (m) Publicity;

169 (n) Instructional services;

170 (o) Rental of instructional facilities with necessary utilities; ~~[and]~~

171 **(p) Relocation costs;**

172 ~~[(p)]~~ (q) Payment of the principal, premium, and interest on certificates, including
173 capitalized interest, issued to finance a project, and the funding and maintenance of a debt
174 service reserve fund to secure such certificates; **or**

175 **(r) Costs of training project services not otherwise included in this definition of**
176 **"training project costs";**

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

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

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

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

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

185 (e) On-the-job training;

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

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

189 (h) Contracted or professional services; and

190 (i) Issuance of certificates, when applicable.

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

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

19 ~~committee shall receive no compensation in addition to their salary as members of the general~~
20 ~~assembly but may receive their necessary expenses while attending the meetings of the~~
21 ~~committee, to be paid out of the joint contingent fund.~~

22 3.] The department shall publish guidelines and may promulgate rules and regulations
23 governing the [training] **Missouri one start** program. In establishing such guidelines and
24 promulgating such rules and regulations, the department shall consider such factors as the
25 potential number of new jobs to be created **or number of jobs to be retained**, the potential
26 number of new minority jobs created, the amount of new capital investment in new **or**
27 **existing** facilities and equipment, the significance of state benefits to the qualified company's
28 decision to locate or expand in Missouri, the economic need of the affected community, and
29 the importance of the qualified company to the economic development of the state. Any rule
30 or portion of a rule, as that term is defined in section 536.010, that is created under the
31 authority delegated in this section shall become effective only if it complies with and is
32 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
33 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
34 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
35 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
36 rule proposed or adopted after August 28, 2013, shall be invalid and void.

37 [4.] 3. The department shall make **Missouri one start** program applications and
38 guidelines available online.

39 [5.] 4. The department may contract with other entities for the purposes of
40 advertising, marketing, or promoting the [training] **Missouri one start** program established in
41 sections 620.800 to 620.809. Any assistance through the [training] **Missouri one start**
42 program shall be provided under an agreement.

43 [6.] 5. Prior to the authorization of any application submitted through the [training]
44 **Missouri one start** program, the department shall verify the applicant's tax payment status
45 and offset any delinquencies as provided in section 135.815.

46 [7.] 6. Any qualified company that is awarded benefits under sections 620.800 to
47 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code,
48 Title 11 U.S.C., as amended, shall immediately notify the department, shall forfeit such
49 benefits, and shall repay the state an amount equal to any state tax credits already redeemed
50 and any withholding taxes already retained.

51 [8.] 7. The department may require repayment of all benefits awarded, increased by
52 an additional amount that shall provide the state a reasonable rate of return, to any qualified
53 company under sections 620.800 to 620.809 that fails to maintain the new or retained jobs
54 within five years of approval of the benefits or that leaves the state within five years of
55 approval of the benefits.

56 [9-] 8. The department shall be authorized to contract with other entities, including
57 businesses, industries, other state agencies, and political subdivisions of the state for the
58 purpose of implementing a training project **or providing recruitment services** under the
59 provisions of sections 620.800 to 620.809.

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

15 2. The department may provide financial assistance **for training projects** through the
16 ~~training~~ **Missouri one start** program **from the Missouri one start job development fund**
17 to qualified companies that create new jobs which will result in the need for training, or that
18 make new capital investment relating directly to the retention of jobs in an amount at least
19 five times greater than the amount of any financial assistance. Financial assistance may also
20 be provided to a consortium of a majority of qualified companies organized to provide
21 common training to the consortium members' employees.

22 3. Funds in the Missouri one start job development fund shall be appropriated, for
23 **recruitment services and to provide** financial assistance **for training projects** through the
24 ~~training~~ **Missouri one start** program, by the general assembly to the department ~~and~~.
25 **Recruitment services shall be administered by the department. Financial assistance for**
26 **training projects** shall be administered by a local education agency certified by the
27 department for such purpose. ~~[Except for state-sponsored preemployment training, no~~
28 ~~qualified company shall receive more than fifty percent of its training program costs from the~~
29 ~~Missouri one start job development fund.]~~ No funds shall be awarded or reimbursed to any
30 qualified company for the training, retraining, or upgrading of skills of potential employees
31 with the purpose of replacing or supplanting employees engaged in an authorized work
32 stoppage. Upon approval by the department, training project costs, except the purchase of
33 training equipment and training facilities, shall be eligible for reimbursement with funds from

34 the Missouri one start job development fund. Notwithstanding any provision of law to the
35 contrary, no qualified company within a service industry shall be eligible for **training**
36 assistance under this subsection unless such qualified company provides services in interstate
37 commerce, which shall mean that the qualified company derives a majority of its annual
38 revenues from out of the state.

39 ~~[3-]~~ 4. Upon appropriation, a local education agency may petition the department to
40 utilize the Missouri one start job development fund in order to create or improve training
41 facilities, training equipment, training staff, training expertise, training programming, and
42 administration. The department shall review all petitions and may award funds from the
43 Missouri one start job development fund for reimbursement of training project costs and
44 training project services as it deems necessary.

45 ~~[4-]~~ 5. The department may promulgate rules to implement the provisions of this
46 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
47 created under the authority delegated in this section shall become effective only if it complies
48 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
49 This section and chapter 536 are nonseverable and if any of the powers vested with the
50 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
51 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
52 rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid
53 and void.

620.809. 1. There is hereby established in the state treasury a fund to be known as the
2 "Missouri One Start Community College New Jobs Training Fund", that shall be administered
3 by the department for ~~[the]~~ **training projects in the Missouri one start** program. **Through**
4 **June 30, 2023**, the department of revenue shall credit to the fund, as received, all new jobs
5 credits. ~~[For existing Missouri businesses creating new jobs, the training project may include~~
6 ~~retained jobs.]~~ The fund shall also consist of any gifts, contributions, grants, or bequests
7 received from federal, private, or other sources. The general assembly, however, shall not
8 provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be
9 disbursed to the department under regular appropriations by the general assembly. ~~[The~~
10 ~~department shall have the discretion to determine the appropriate amount of funds to allocate~~
11 ~~per training project.]~~ **Through June 30, 2023**, the department shall disburse such
12 appropriated funds in a timely manner into the special funds established by community
13 college districts for training projects, which funds shall be used to pay training project costs.
14 Such disbursements shall be made to the special fund for each training project as provided
15 under subsection ~~[5]~~ **6** of this section. All moneys remaining in the fund at the end of any
16 fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall
17 remain in the fund. **Any unobligated funds in the Missouri one start community college**

18 **new jobs training fund on July 1, 2023, shall be transferred to the Missouri one start**
19 **community college training fund authorized under subsection 3 of this section.**

20 2. There is hereby created in the state treasury a fund to be known as the "Missouri
21 One Start Community College Job Retention Training Fund", that shall be administered by
22 the department for the Missouri one start program. **Through June 30, 2023**, the department
23 of revenue shall credit to the fund, as received, all retained jobs credits. ~~[For existing~~
24 ~~Missouri businesses retaining jobs, the training project may include new jobs.]~~ The fund shall
25 also consist of any gifts, contributions, grants, or bequests received from federal, private, or
26 other sources. The general assembly, however, shall not provide for any transfer of general
27 revenue funds into the fund. Moneys in the fund shall be disbursed to the department under
28 regular appropriations by the general assembly. ~~[The department shall have the discretion to~~
29 ~~determine the appropriate amount of funds to allocate per training project.]~~ **Through June**
30 **30, 2023**, the department shall disburse such appropriated funds in a timely manner into the
31 special funds established by community college districts for projects, which funds shall be
32 used to pay training ~~[program] project costs~~~~], including the principal, premium, and interest~~
33 ~~on certificates issued by the district to finance or refinance, in whole or in part, a project].~~
34 Such disbursements by the department shall be made to the special fund for each project as
35 provided under subsection ~~[5]~~ **6** of this section. All moneys remaining in the fund at the end
36 of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080,
37 but shall remain in the fund. **All unobligated funds in the Missouri one start community**
38 **college job retention training fund on July 1, 2023, shall be transferred to the Missouri**
39 **one start community college training fund authorized under subsection 3 of this section.**

40 3. There is hereby created in the state treasury the "Missouri One Start
41 Community College Training Fund", which shall be administered by the department for
42 training projects in the Missouri one start program. Beginning July 1, 2023, the
43 department of revenue shall credit to the fund, as received, all new and retained jobs
44 credits. The fund shall also consist of any gifts, contributions, grants, or bequests
45 received from federal, private, or other sources. However, the general assembly shall
46 not authorize any transfer of general revenue funds into the fund. Beginning July 1,
47 **2023**, the department shall disburse moneys in the fund under regular appropriations
48 by the general assembly. The department shall disburse such appropriated funds in a
49 timely manner into the special funds established by community college districts for
50 training projects, which funds shall be used to pay training project costs. Such
51 disbursements shall be made to the special fund for each training project as provided
52 under subsection 6 of this section. All moneys remaining in the fund at the end of any
53 fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but
54 shall remain in the fund.

55 [3-] 4. The department of revenue shall develop such forms as are necessary to
56 demonstrate accurately each qualified company's new jobs credit paid **through June 30,**
57 **2023,** into the Missouri one start community college new jobs training fund or retained jobs
58 credit paid **through June 30, 2023,** into the Missouri one start community college job
59 retention training fund. **The department of revenue shall develop such forms as are**
60 **necessary to demonstrate accurately each qualified company's new or retained jobs**
61 **credit, or both, whichever is applicable, paid beginning July 1, 2023, into the Missouri**
62 **one start community college training fund.** The new or retained jobs credits, **or both,**
63 **whichever is applicable,** shall be accounted as separate from the normal withholding tax paid
64 to the department of revenue by the qualified company. **Through June 30, 2023,**
65 reimbursements made by all qualified companies to the Missouri one start community college
66 new jobs training fund and the Missouri one start community college job retention training
67 fund shall be no less than all allocations made by the department to all community college
68 districts for all projects. **Beginning July 1, 2023, reimbursements made by all qualified**
69 **companies to the Missouri one start community college training fund shall be no less**
70 **than all allocations made by the department to all community college districts for all**
71 **projects.** The qualified company shall remit the amount of the new or retained jobs credit,
72 **[as] or both, whichever is applicable,** to the department of revenue in the same manner as
73 provided in sections 143.191 to 143.265. **A qualified company's training project may**
74 **include both new jobs and retained jobs.**

75 [4-] 5. A community college district, with the approval of the department in
76 consultation with the office of administration, may enter into an agreement to establish a
77 training project and provide training project services to a qualified company. **The**
78 **department shall have the discretion to determine the appropriate amount of funds to**
79 **allocate per training project.** As soon as possible after initial contact between a community
80 college district and a potential qualified company regarding the possibility of entering into an
81 agreement, the community college district shall inform the department of the potential
82 training project. The department shall evaluate the proposed training project within the
83 overall job training efforts of the state to ensure that the training project will not duplicate
84 other job training programs. The department shall have fourteen days from receipt of a notice
85 of intent to approve or disapprove a training project. If no response is received by the
86 qualified company within fourteen days, the training project shall be deemed approved.
87 Disapproval of any training project shall be made in writing and state the reasons for such
88 disapproval. If an agreement is entered into, the district and the qualified company shall
89 notify the department of revenue within fifteen calendar days. In addition to any provisions
90 required under subsection [6] 7 of this section for a qualified company applying to receive a

91 new or retained job credit, **or both, whichever is applicable**, an agreement may provide, but
92 shall not be limited to:

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

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

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

102 ~~[(b)]~~ (c) Funds appropriated by the general assembly from the general revenue fund
103 and disbursed by the department for the purposes consistent with sections 620.800 to
104 620.809;

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

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

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

114 (4) A provision which fixes the minimum amount of new or retained jobs credits, **or**
115 **both, whichever is applicable**, general revenue fund appropriations, or tuition and fee
116 payments which shall be paid for training project costs; and

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

123 ~~[5-]~~ **6.** (1) For projects that are funded exclusively under paragraph (a) **or (b)** of
124 subdivision (1) of subsection ~~[4]~~ **5** of this section, the department shall disburse such funds to
125 the special fund for each training project in the same proportion as the new jobs or retained
126 jobs credits remitted by the qualified company participating in such project bears to the total

127 new jobs or retained jobs credits from withholding remitted by all qualified companies
128 participating in projects during the period for which the disbursement is made.

129 (2) Subject to appropriation, for projects that are funded through a combination of
130 funds under paragraphs (a) ~~and~~, (b), **and (c)** of subdivision (1) of subsection [4] 5 of this
131 section, the department shall disburse funds appropriated under paragraph ~~(b)~~ (c) of
132 subdivision (1) of subsection [4] 5 of this section to the special fund for each training project
133 upon commencement of the project. The department shall disburse funds appropriated under
134 paragraph (a) **or (b)** of subdivision (1) of subsection [4] 5 of this section to the special fund
135 for each training project in the same proportion as the new jobs or retained jobs credits
136 remitted by the qualified company participating in such project bears to the total new jobs or
137 retained jobs credits from withholding remitted by all qualified companies participating in
138 projects during the period for which the disbursement is made, reduced by the amount of
139 funds appropriated under paragraph ~~(b)~~ (c) of subdivision (1) of subsection [4] 5 of this
140 section.

141 ~~[6-]~~ 7. Any qualified company that submits a notice of intent for retained job credits
142 shall enter into an agreement, providing that the qualified company has:

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

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

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

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

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

154 ~~[7-]~~ 8. If an agreement provides that all or part of the training ~~[program]~~ **project** costs
155 are to be met by receipt of new or retained jobs credit, **or both, whichever is applicable**,
156 such new or retained jobs credit from withholding shall be determined and paid as follows:

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

159 (2) A portion of the total payments made by the qualified companies under sections
160 143.191 to 143.265 shall be designated as the new or retained jobs credit, **or both, whichever**
161 **is applicable**, from withholding. Such portion shall be an amount equal to two and one-half
162 percent of the gross wages paid by the qualified company for each of the first one hundred
163 jobs included in the project and one and one-half percent of the gross wages paid by the

164 qualified company for each of the remaining jobs included in the project. If business or
165 employment conditions cause the amount of the new or retained jobs credit, **or both,**
166 **whichever is applicable,** from withholding to be less than the amount projected in the
167 agreement for any time period, then other withholding tax paid by the qualified company
168 under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of
169 such difference. The qualified company shall remit the amount of the new or retained jobs
170 credit, **or both, whichever is applicable,** to the department of revenue in the manner
171 prescribed in sections 143.191 to 143.265. When all training ~~[program]~~ **project** costs have
172 been paid, the new or retained jobs credits, **or both, whichever is applicable,** shall cease;

173 (3) The community college district participating in a project shall establish a special
174 fund for and in the name of the training project. All funds appropriated by the general
175 assembly from the funds established under ~~[subsections 1 and 2 of]~~ this section and disbursed
176 by the department for the training project and other amounts received by the district for
177 training project costs as required by the agreement shall be deposited in the special fund.
178 Amounts held in the special fund shall be used and disbursed by the district only to pay
179 training project costs for such training project. The special fund may be divided into such
180 accounts and subaccounts as shall be provided in the agreement, and amounts held therein
181 may be invested in the same manner as the district's other funds;

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

187 (5) The qualified company shall certify to the department of revenue that the new or
188 retained jobs credit, **or both, whichever is applicable,** is in accordance with an agreement
189 and shall provide other information the department of revenue may require;

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

192 (7) If an agreement provides that all or part of training ~~[program]~~ **project** costs are to
193 be met by receipt of new or retained jobs credit, **or both, whichever is applicable,** the
194 provisions of this subsection shall also apply to any successor to the original qualified
195 company until the principal and interest on the certificates have been paid.

196 ~~[8-]~~ **9.** To provide funds for the present payment of the training project costs ~~[of new~~
197 ~~or retained jobs training project]~~ through the ~~[training]~~ **Missouri one start** program as
198 **provided in this section,** a community college district may borrow money and issue and sell
199 certificates payable from a sufficient portion of the future receipts of payments authorized by
200 the agreement including disbursements from the ~~[Missouri one start community college new~~

201 ~~jobs training fund or the Missouri one start community college job retention training fund]~~
202 **funds established under this section**, to the special fund established by the community
203 college district for each **training** project. The total amount of outstanding certificates sold by
204 all community college districts shall not exceed the total amount authorized under law as of
205 January 1, 2013~~], unless an increased amount is authorized in writing by a majority of~~
206 ~~members of the committee]~~. The certificates shall be marketed through financial institutions
207 authorized to do business in Missouri. The receipts shall be pledged to the payment of
208 principal of and interest on the certificates. Certificates may be sold at public sale or at
209 private sale at par, premium, or discount of not less than ninety-five percent of the par value
210 thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as
211 the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the
212 contrary. However, the provisions of chapter 176 shall not apply to the issuance of such
213 certificates. Certificates may be issued with respect to a single **training** project or multiple
214 **training** projects and may contain terms or conditions as the board of trustees may provide by
215 resolution authorizing the issuance of the certificates.

216 ~~[9.]~~ **10.** Certificates issued to refund other certificates may be sold at public sale or at
217 private sale as provided in this section, with the proceeds from the sale to be used for the
218 payment of the certificates being refunded. The refunding certificates may be exchanged in
219 payment and discharge of the certificates being refunded, in installments at different times or
220 an entire issue or series at one time. Refunding certificates may be sold or exchanged at any
221 time on, before, or after the maturity of the outstanding certificates to be refunded. They may
222 be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates
223 and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates
224 being renewed or refunded.

225 ~~[10.]~~ **11.** Before certificates are issued, the board of trustees shall publish once a
226 notice of its intention to issue the certificates, stating the amount, the purpose, and the project
227 or projects for which the certificates are to be issued. A person with standing may, within
228 fifteen days after the publication of the notice, by action in the circuit court of a county in the
229 district, appeal the decision of the board of trustees to issue the certificates. The action of the
230 board of trustees in determining to issue the certificates shall be final and conclusive unless
231 the circuit court finds that the board of trustees has exceeded its legal authority. An action
232 shall not be brought which questions the legality of the certificates, the power of the board of
233 trustees to issue the certificates, the effectiveness of any proceedings relating to the
234 authorization of the project, or the authorization and issuance of the certificates from and after
235 fifteen days from the publication of the notice of intention to issue.

236 ~~[11-]~~ **12.** The board of trustees shall make a finding based on information supplied by
237 the qualified company that revenues provided in the agreement are sufficient to secure the
238 faithful performance of obligations in the agreement.

239 ~~[12-]~~ **13.** Certificates issued under this section shall not be deemed to be an
240 indebtedness of the state, the community college district, or any other political subdivision of
241 the state, and the principal and interest on any certificates shall be payable only from the
242 sources provided in subdivision (1) of subsection ~~[4]~~ **5** of this section which are pledged in
243 the agreement.

244 ~~[13-]~~ **14.** Pursuant to section 23.253 of the Missouri sunset act:

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

247 (2) If such program is reauthorized, the program authorized under sections 620.800 to
248 620.809 shall automatically sunset twelve years after the effective date of the reauthorization
249 of sections 620.800 to 620.809; and

250 (3) Sections 620.800 to 620.809 shall terminate on September first of the calendar
251 year immediately following the calendar year in which a program authorized under sections
252 620.800 to 620.809 is sunset.

253 ~~[14-]~~ **15.** Any agreement or obligation entered into by the department that was made
254 under the provisions of sections 620.800 to 620.809 prior to August 28, 2019, shall remain in
255 effect according to the provisions of such agreement or obligation.

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

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

8 (2) "Job creation, worker training, and infrastructure development programs", the
9 Missouri works program established under sections 620.2000 to 620.2020, the Missouri
10 business use incentives for large-scale development act established under sections 100.700 to
11 100.850, the Missouri one start training program established under sections 620.800 to
12 620.809, and the real property tax increment allocation redevelopment act established under
13 sections 99.800 to 99.865.

14 2. Provisions of law to the contrary notwithstanding, no benefits authorized under job
15 creation, worker training, and infrastructure development programs for an aerospace project
16 shall be considered in determining compliance with applicable limitations on the aggregate
17 amount of benefits that may be awarded annually or cumulatively under subdivision (3) of

18 subsection 10 of section 99.845, subsection 5 of section 100.850, subsection [8] 9 of section
19 620.809, and subsection 7 of section 620.2020. No aerospace project shall be authorized for
20 state benefits under job creation, worker training, and infrastructure development programs
21 that exceed, in the aggregate, one hundred fifty million dollars annually under all such
22 programs.

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

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

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

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

✓