

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 93

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 620.800, 620.803, 620.806, and 620.809,
2 RSMo, are repealed and ten new sections enacted in lieu thereof,
3 to be known as sections 160.2700, 160.2705, 160.2710, 160.2715,
4 160.2720, 160.2725, 620.800, 620.803, 620.806, and 620.809, to
5 read as follows:

6 160.2700. For purposes of sections 160.2700 to 160.2725,
7 "adult high school" means a school that:

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

10 (2) Offers an industry certification program or programs
11 and a high school diploma in a manner that allows students to
12 earn a diploma at the same time that they earn an industry
13 certification;

14 (3) Offers on-site child care for children of enrolled
15 students attending the school; and

16 (4) Is not eligible to receive funding under sections
17 160.415 or 163.031.

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

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

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

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

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

19 2. The department of elementary and secondary education
20 shall grant the authorization described under subsection 1 of
21 this section based on a bid process conducted in accordance with
22 the rules and regulations governing purchasing through the office
23 of administration. The successful bidder shall:

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

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

4 (3) Demonstrate substantial and positive experience in
5 providing services, including industry certifications and job
6 placement services, to adults twenty-one years of age or older
7 whose educational and training opportunities have been limited by
8 educational disadvantages, disabilities, homelessness, criminal
9 history, or similar circumstances;

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

14 (5) Establish a comprehensive plan that sets forth how the
15 adult high schools will help address the need for a sufficiently
16 trained workforce in the surrounding region for each adult high
17 school;

18 (6) Establish partnerships and strategies for engaging the
19 community and business leaders in carrying out the goals of each
20 adult high school;

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

24 (8) Establish a plan for assisting students in overcoming
25 barriers to educational success including, but not limited to,
26 educational disadvantages, homelessness, criminal history,
27 disability, including learning disability such as dyslexia, and
28 similar circumstances;

1 (9) Establish a process for determining outcomes of the
2 adult high school, including outcomes related to a student's
3 ability to find a more rewarding job through the attainment of a
4 high school diploma and job training and certification; and

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

7 3. (1) The department of elementary and secondary
8 education shall establish academic requirements for students to
9 obtain high school diplomas.

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

17 (3) The adult high school authorized under this section
18 shall award high school diplomas to students who successfully
19 meet the established academic requirements. The adult high
20 school authorized under this section shall confer the diploma as
21 though the student earned the diploma at a traditional high
22 school. The diploma shall have no differentiating marks, titles,
23 or other symbols.

24 (4) Students at adult high schools may complete required
25 coursework at their own pace and as available through the adult
26 high school. They shall not be required to satisfy any specific
27 number of class minutes. The adult high school may also make
28 classes available to students online as may be appropriate.

1 However, students shall not complete the majority of instruction
2 of the school's curriculum online or through remote instruction.

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

9 160.2710. 1. Any person who is twenty-one years of age or
10 older may enroll in an adult high school if he or she has not
11 earned a high school diploma.

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

17 160.2715. 1. An adult high school shall not receive state
18 funding under sections 160.415 or 163.031 and shall not receive
19 any local funding that is intended to benefit traditional public
20 schools or charter schools in the state.

21 2. An adult high school may receive funding from public or
22 private sources, including from the nonprofit organization
23 operating the adult high school. If an adult high school
24 receives funding from a public source, it shall operate in a
25 manner so as not to violate the provisions of article IX, section
26 8, or article I, section 7, of the Constitution of Missouri or
27 the first amendment of the Constitution of the United States.

28 3. The nonprofit organization operating an adult high

1 school shall ensure that funding for the adult high school
2 enables it to operate year-round.

3 4. The nonprofit organization operating an adult high
4 school shall set the following outcome expectations for the adult
5 high school:

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

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

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

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

19 160.2720. The nonprofit organization who receives the
20 authorization described under section 160.2705 shall submit to
21 the department of elementary and secondary education, the joint
22 committee on education, and the offices of the governor, speaker
23 of the house of representatives, and president pro tempore of the
24 senate an annual report concerning evaluations of the adult high
25 schools, including the impact the adult high schools have had in
26 meeting industry needs in the state before December first of each
27 year.

28 160.2725. The department of elementary and secondary

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

13 620.800. The following additional terms used in sections
14 620.800 to 620.809 shall mean:

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

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

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

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

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

- 1 (6) "Employee", a person employed by a qualified company;
- 2 (7) "Full-time employee", an employee of the qualified
3 company who is scheduled to work an average of at least
4 thirty-five hours per week for a twelve-month period, and one to
5 whom the qualified company offers health insurance and pays at
6 least fifty percent of such insurance premiums;
- 7 (8) "Local education agency", a community college, two-year
8 state technical college, or technical career education center;
- 9 (9) "Missouri works training program", the training program
10 established under sections 620.800 to 620.809;
- 11 (10) "New capital investment", costs incurred by the
12 qualified company at the project facility [after acceptance by
13 the qualified company of the proposal for benefits from the
14 department or the approval of the notice of intent, whichever
15 occurs first,] for real or personal property, that may include
16 the value of finance or capital leases for real or personal
17 property for the term of such lease at the project facility
18 executed after acceptance by the qualified company of the
19 proposal for benefits from the department or approval of the
20 notice of intent;
- 21 (11) "New job", the number of full-time employees located
22 at the project facility that exceeds the project facility base
23 employment less any decrease in the number of full-time employees
24 at related facilities below the related facility base employment.
25 No job that was created prior to the date of the notice of intent
26 shall be deemed a new job. An employee who spends less than
27 fifty percent of his or her work time at the facility is still
28 considered to be located at a facility if he or she receives his

1 or her directions and control from that facility, is on the
2 facility's payroll, one hundred percent of the employee's income
3 from such employment is Missouri income, and the employee is paid
4 at or above the applicable percentage of the county's average
5 wage;

6 (12) "New jobs credit", the credit from withholding
7 remitted by a qualified company provided under subsection 6 of
8 section 620.809;

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

13 (14) "Project facility", the building or buildings used by
14 a qualified company at which new or retained jobs and any new
15 capital investment are or will be located. A project facility
16 may include separate buildings located within sixty miles of each
17 other such that their purpose and operations are interrelated,
18 provided that, if the buildings making up the project facility
19 are not located within the same county, the average wage of the
20 new payroll must exceed the applicable percentage of the highest
21 county average wage among the counties in which the buildings are
22 located. Upon approval by the department, a subsequent project
23 facility may be designated if the qualified company demonstrates
24 a need to relocate to the subsequent project facility at any time
25 during the project period;

26 (15) "Project facility base employment", the greater of the
27 number of full-time employees located at the project facility on
28 the date of the notice of intent or, for the twelve-month period

1 prior to the date of the notice of intent, the average number of
2 full-time employees located at the project facility. In the
3 event the project facility has not been in operation for a full
4 twelve-month period, the average number of full-time employees
5 for the number of months the project facility has been in
6 operation prior to the date of the notice of intent;

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

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

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

21 (c) Food services and drinking places (NAICS subsector
22 722);

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

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

28 (f) Any company requesting benefits for retained jobs that

1 has filed for or has publicly announced its intention to file for
2 bankruptcy protection. However, a company that has filed for or
3 has publicly announced its intention to file for bankruptcy may
4 be a qualified company provided that such company:

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

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

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

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

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

17 (j) Ethanol distillation or production; or

18 (k) Biodiesel production.

19 Notwithstanding any provision of this section to the contrary,
20 the headquarters, administrative offices, or research and
21 development facilities of an otherwise excluded business may
22 qualify for benefits if the offices or facilities serve a
23 multistate territory. In the event a national, state, or
24 regional headquarters operation is not the predominant activity
25 of a project facility, the jobs and investment of such operation
26 shall be considered eligible for benefits under this section if
27 the other requirements are satisfied;

28 (17) "Related company":

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

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

5 (c) Corporations, partnerships, trusts, or associations
6 controlled by an individual, corporation, partnership, trust, or
7 association in control of the qualified company. As used in this
8 subdivision, "control of a corporation" shall mean ownership,
9 directly or indirectly, of stock possessing at least fifty
10 percent of the total combined voting power of all classes of
11 stock entitled to vote; "control of a partnership or association"
12 shall mean ownership of at least fifty percent of the capital or
13 profits interest in such partnership or association; "control of
14 a trust" shall mean ownership, directly or indirectly, of at
15 least fifty percent of the beneficial interest in the principal
16 or income of such trust; and "ownership" shall be determined as
17 provided in Section 318 of the Internal Revenue Code of 1986, as
18 amended;

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

24 (19) "Related facility base employment", the greater of the
25 number of full-time employees located at all related facilities
26 on the date of the notice of intent or, for the twelve-month
27 period prior to the date of the notice of intent, the average
28 number of full-time employees located at all related facilities

1 of the qualified company or a related company located in this
2 state;

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

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

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

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

16 (24) "Training project", the project or projects
17 established through the Missouri works training program for the
18 creation or retention of jobs by providing education and training
19 of workers;

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

23 (a) Training materials and supplies;

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

27 (c) Subcontracted services;

28 (d) On-the-job training;

- 1 (e) Training facilities and equipment;
- 2 (f) Skill assessment;
- 3 (g) Training project and curriculum development;
- 4 (h) Travel directly to the training project, including a
5 coordinated transportation program for training if the training
6 can be more effectively provided outside the community where the
7 jobs are to be located;
- 8 (i) Payments to third-party training providers and to the
9 eligible industry;
- 10 (j) Teaching and assistance provided by educational
11 institutions in the state of Missouri;
- 12 (k) In-plant training analysis, including fees for
13 professionals and necessary travel and expenses;
- 14 (l) Assessment and preselection tools;
- 15 (m) Publicity;
- 16 (n) Instructional services;
- 17 (o) Rental of instructional facilities with necessary
18 utilities; and
- 19 (p) Payment of the principal, premium, and interest on
20 certificates, including capitalized interest, issued to finance a
21 project, and the funding and maintenance of a debt service
22 reserve fund to secure such certificates;
- 23 (26) "Training project services", includes, but shall not
24 be limited to, the following:
- 25 (a) Job training, which may include, but not be limited to,
26 preemployment training, analysis of the specified training needs
27 for a qualified company, development of training plans, and
28 provision of training through qualified training staff;

- 1 (b) Adult basic education and job-related instruction;
- 2 (c) Vocational and skill-assessment services and testing;
- 3 (d) Training facilities, equipment, materials, and
- 4 supplies;
- 5 (e) On-the-job training;
- 6 (f) Administrative expenses equal to fifteen percent of the
- 7 total training costs;
- 8 (g) Subcontracted services with state institutions of
- 9 higher education, private colleges or universities, or other
- 10 federal, state, or local agencies;
- 11 (h) Contracted or professional services; and
- 12 (i) Issuance of certificates, when applicable.

13 620.803. 1. The department shall establish a "Missouri

14 Works Training Program" to assist qualified companies in the

15 training of employees in new jobs and the retraining or upgrading

16 of skills of full-time employees in retained jobs as provided in

17 sections 620.800 to 620.809. The training program shall be

18 funded through appropriations to the funds established under

19 sections 620.806 and 620.809. The department shall, to the

20 maximum extent practicable, prioritize funding under the training

21 program to assist qualified companies in targeted industries.

22 2. There is hereby created the "Missouri Works Job Training

23 Joint Legislative Oversight Committee". The committee shall

24 consist of three members of the Missouri senate appointed by the

25 president pro tempore of the senate and three members of the

26 house of representatives appointed by the speaker of the house.

27 No more than two of the members of the senate and two of the

28 members of the house of representatives shall be from the same

1 political party. Members of the committee shall report to the
2 governor, the president pro tempore of the senate, and the
3 speaker of the house of representatives on all assistance to
4 industries under the provisions of sections 620.800 to 620.809
5 provided during the preceding fiscal year. The report of the
6 committee shall be delivered no later than October first of each
7 year. The director of the department shall report to the
8 committee such information as the committee may deem necessary
9 for its annual report. Members of the committee shall receive no
10 compensation in addition to their salary as members of the
11 general assembly but may receive their necessary expenses while
12 attending the meetings of the committee, to be paid out of the
13 joint contingent fund.

14 3. The department shall publish guidelines and may
15 promulgate rules and regulations governing the training program.
16 Any rule or portion of a rule, as that term is defined in section
17 536.010, that is created under the authority delegated in this
18 section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after August 28, 2013,
26 shall be invalid and void.

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

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

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

11 7. Any taxpayer who is awarded benefits under sections
12 620.800 to 620.809 and who files for bankruptcy under Chapter 7
13 of the United States Bankruptcy Code, Title 11 U.S.C., as amended
14 shall immediately notify the department, shall forfeit such
15 benefits, and shall repay the state an amount equal to any state
16 tax credits already redeemed and any withholding taxes already
17 retained.

18 620.806. 1. The Missouri job development fund, formerly
19 established in the state treasury by section 620.478, shall now
20 be known as the "Missouri Works Job Development Fund" and shall
21 be administered by the department for the training program. The
22 fund shall consist of all moneys which may be appropriated to it
23 by the general assembly and also any gifts, contributions,
24 grants, or bequests received from federal, private or other
25 sources, including, but not limited to, any block grant or other
26 sources of funding relating to job training, school-to-work
27 transition, welfare reform, vocational and technical training,
28 housing, infrastructure, development, and human resource

1 investment programs which may be provided by the federal
2 government or other sources.

3 2. The department may provide financial assistance through
4 the training program to qualified companies that create new jobs
5 which will result in the need for training, or that make new
6 capital investment relating directly to the retention of jobs in
7 an amount at least five times greater than the amount of any
8 financial assistance. Financial assistance may also be provided
9 to a consortium of a majority of qualified companies organized to
10 provide common training to the consortium members' employees.
11 Funds in the Missouri works job development fund shall be
12 appropriated, for financial assistance through the training
13 program, by the general assembly to the department and shall be
14 administered by a local educational agency certified by the
15 department for such purpose. Except for state-sponsored
16 preemployment training, no qualified company shall receive more
17 than fifty percent of its training program costs from the
18 Missouri works job development fund. No funds shall be awarded
19 or reimbursed to any qualified company for the training,
20 retraining, or upgrading of skills of potential employees with
21 the purpose of replacing or supplanting employees engaged in an
22 authorized work stoppage. Upon approval by the department,
23 training project costs, except the purchase of training equipment
24 and training facilities, shall be eligible for reimbursement with
25 funds from the Missouri works job development fund.
26 Notwithstanding any provision of law to the contrary, no
27 qualified company within a service industry shall be eligible for
28 assistance under this subsection unless such qualified company

1 provides services in interstate commerce, which shall mean that
2 the qualified company derives a majority of its annual revenues
3 from out of the state.

4 3. The department may provide assistance, through
5 appropriations made from the Missouri works job development fund,
6 to business and technology centers. Such assistance shall not
7 include the lending of the state's credit for the payment of any
8 liability of the fund. Such centers may be established by
9 Missouri community colleges, or state-owned postsecondary
10 technical colleges, to provide business and training services for
11 growth industries as determined by current labor market
12 information.

13 620.809. 1. The Missouri community college job training
14 program fund, formerly established in the state treasury by
15 section 178.896, shall now be known as the "Missouri Works
16 Community College New Jobs Training Fund" and shall be
17 administered by the department for the training program. The
18 department of revenue shall credit to the fund, as received, all
19 new jobs credits. The fund shall also consist of any gifts,
20 contributions, grants, or bequests received from federal,
21 private, or other sources. The general assembly, however, shall
22 not provide for any transfer of general revenue funds into the
23 fund. Moneys in the fund shall be disbursed to the department
24 under regular appropriations by the general assembly. The
25 department shall disburse such appropriated funds in a timely
26 manner into the special funds established by community college
27 districts for training projects, which funds shall be used to pay
28 training project costs. Such disbursements shall be made to the

1 special fund for each training project [in the same proportion as
2 the new jobs credit remitted by the qualified company
3 participating in such project bears to the total new jobs credit
4 from withholding remitted by all qualified companies
5 participating in projects during the period for which the
6 disbursement is made] as provided under subsection 5 of this
7 section. All moneys remaining in the fund at the end of any
8 fiscal year shall not lapse to the general revenue fund, as
9 provided in section 33.080, but shall remain in the fund.

10 2. The Missouri community college job retention training
11 program fund, formerly established in the state treasury by
12 section 178.764, shall now be known as the "Missouri Works
13 Community College Job Retention Training Fund" and shall be
14 administered by the department for the Missouri works training
15 program. The department of revenue shall credit to the fund, as
16 received, all retained jobs credits. The fund shall also consist
17 of any gifts, contributions, grants, or bequests received from
18 federal, private, or other sources. The general assembly,
19 however, shall not provide for any transfer of general revenue
20 funds into the fund. Moneys in the fund shall be disbursed to
21 the department under regular appropriations by the general
22 assembly. The department shall disburse such appropriated funds
23 in a timely manner into the special funds established by
24 community college districts for projects, which funds shall be
25 used to pay training program costs, including the principal,
26 premium, and interest on certificates issued by the district to
27 finance or refinance, in whole or in part, a project. Such
28 disbursements by the department shall be made to the special fund

1 for each project [in the same proportion as the retained jobs
2 credit from withholding remitted by the qualified company
3 participating in such project bears to the total retained jobs
4 credit from withholding remitted by qualified companies
5 participating in projects during the period for which the
6 disbursement is made] as provided under subsection 5 of this
7 section. All moneys remaining in the fund at the end of any
8 fiscal year shall not lapse to the general revenue fund, as
9 provided in section 33.080, but shall remain in the fund.

10 3. The department of revenue shall develop such forms as
11 are necessary to demonstrate accurately each qualified company's
12 new jobs credit paid into the Missouri works community college
13 new jobs training fund or retained jobs credit paid into the
14 Missouri works community college job retention training fund.
15 The new or retained jobs credits shall be accounted as separate
16 from the normal withholding tax paid to the department of revenue
17 by the qualified company. Reimbursements made by all qualified
18 companies to the Missouri works community college new jobs
19 training fund and the Missouri works community college job
20 retention training fund shall be no less than all allocations
21 made by the department to all community college districts for all
22 projects. The qualified company shall remit the amount of the
23 new or retained jobs credit, as applicable, to the department of
24 revenue in the same manner as provided in sections 143.191 to
25 143.265.

26 4. A community college district, with the approval of the
27 department in consultation with the office of administration, may
28 enter into an agreement to establish a training project and

1 provide training project services to a qualified company. As
2 soon as possible after initial contact between a community
3 college district and a potential qualified company regarding the
4 possibility of entering into an agreement, the district shall
5 inform the department of the potential training project. The
6 department shall evaluate the proposed training project within
7 the overall job training efforts of the state to ensure that the
8 training project will not duplicate other job training programs.
9 The department shall have fourteen days from receipt of a notice
10 of intent to approve or disapprove a training project. If no
11 response is received by the qualified company within fourteen
12 days, the training project shall be deemed approved. Disapproval
13 of any training project shall be made in writing and state the
14 reasons for such disapproval. If an agreement is entered into,
15 the district and the qualified company shall notify the
16 department of revenue within fifteen calendar days. In addition
17 to any provisions required under subsection 5 of this section for
18 a qualified company applying to receive a retained job credit, an
19 agreement may provide, but shall not be limited to:

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

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

27 (b) Funds appropriated by the general assembly from the
28 general revenue fund and disbursed by the department for the

1 purposes consistent with sections 620.800 to 620.809;

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

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

7 (3) Costs of on-the-job training for employees which shall
8 include wages or salaries of participating employees. Payments
9 for on-the-job training shall not exceed the average of fifty
10 percent of the total wages paid by the qualified company to each
11 participant during the period of training. Payment for
12 on-the-job training may continue for up to six months from the
13 date the training begins;

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

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

27 5. (1) For projects that are funded exclusively under
28 paragraph (a) of subdivision (1) of subsection 4 of this section,

1 the department shall disburse such funds to the special fund for
2 each training project in the same proportion as the new jobs or
3 retained jobs credits remitted by the qualified company
4 participating in such project bears to the total new jobs or
5 retained jobs credits from withholding remitted by all qualified
6 companies participating in projects during the period for which
7 the disbursement is made.

8 (2) Subject to appropriation, for projects that are funded
9 through a combination of funds under paragraphs (a) and (b) of
10 subdivision (1) of subsection 4 of this section, the department
11 shall disburse funds appropriated under paragraph (b) of
12 subdivision (1) of subsection 4 of this section to the special
13 fund for each training project upon commencement of the project.
14 The department shall disburse funds appropriated under paragraph
15 (a) of subdivision (1) of subsection 4 of this section to the
16 special fund for each training project in the same proportion as
17 the new jobs or retained jobs credits remitted by the qualified
18 company participating in such project bears to the total new jobs
19 or retained jobs credits from withholding remitted by all
20 qualified companies participating in projects during the period
21 for which the disbursement is made, reduced by the amount of
22 funds appropriated under paragraph (b) of subdivision (1) of
23 subsection 4 of this section.

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

27 (1) Maintained at least one hundred full-time employees per
28 year at the project facility for the calendar year preceding the

1 year in which the application is made;

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

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

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

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

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

17 [6.] 7. If an agreement provides that all or part of the
18 training program costs are to be met by receipt of new or
19 retained jobs credit, such new or retained jobs credit from
20 withholding shall be determined and paid as follows:

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

23 (2) A portion of the total payments made by the qualified
24 companies under sections 143.191 to 143.265 shall be designated
25 as the new or retained jobs credit from withholding. Such
26 portion shall be an amount equal to two and one-half percent of
27 the gross wages paid by the qualified company for each of the
28 first one hundred jobs included in the project and one and

1 one-half percent of the gross wages paid by the qualified company
2 for each of the remaining jobs included in the project. If
3 business or employment conditions cause the amount of the new or
4 retained jobs credit from withholding to be less than the amount
5 projected in the agreement for any time period, then other
6 withholding tax paid by the qualified company under sections
7 143.191 to 143.265 shall be credited to the applicable fund by
8 the amount of such difference. The qualified company shall remit
9 the amount of the new or retained jobs credit to the department
10 of revenue in the manner prescribed in sections 143.191 to
11 143.265. When all training program costs have been paid, the new
12 or retained jobs credits shall cease;

13 (3) The community college district participating in a
14 project shall establish a special fund for and in the name of the
15 training project. All funds appropriated by the general assembly
16 from the funds established under subsections 1 and 2 of this
17 section and disbursed by the department for the training project
18 and other amounts received by the district for training project
19 costs as required by the agreement shall be deposited in the
20 special fund. Amounts held in the special fund shall be used and
21 disbursed by the district only to pay training project costs for
22 such training project. The special fund may be divided into such
23 accounts and subaccounts as shall be provided in the agreement,
24 and amounts held therein may be invested in the same manner as
25 the district's other funds;

26 (4) Any disbursement for training project costs received
27 from the department under sections 620.800 to 620.809 and
28 deposited into the training project's special fund may be

1 irrevocably pledged by a community college district for the
2 payment of the principal, premium, and interest on the
3 certificate issued by a community college district to finance or
4 refinance, in whole or in part, such training project;

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

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

12 (7) If an agreement provides that all or part of training
13 program costs are to be met by receipt of new or retained jobs
14 credit, the provisions of this subsection shall also apply to any
15 successor to the original qualified company until the principal
16 and interest on the certificates have been paid.

17 **[7.] 8.** To provide funds for the present payment of the
18 training project costs of new or retained jobs training project
19 through the training program, a community college district may
20 borrow money and issue and sell certificates payable from a
21 sufficient portion of the future receipts of payments authorized
22 by the agreement including disbursements from the Missouri works
23 community college new jobs training fund or the Missouri works
24 community college job retention training fund, to the special
25 fund established by the district for each project. The total
26 amount of outstanding certificates sold by all community college
27 districts shall not exceed the total amount authorized under law
28 as of January 1, 2013, unless an increased amount is authorized

1 in writing by a majority of members of the committee. The
2 certificates shall be marketed through financial institutions
3 authorized to do business in Missouri. The receipts shall be
4 pledged to the payment of principal of and interest on the
5 certificates. Certificates may be sold at public sale or at
6 private sale at par, premium, or discount of not less than
7 ninety-five percent of the par value thereof, at the discretion
8 of the board of trustees, and may bear interest at such rate or
9 rates as the board of trustees shall determine, notwithstanding
10 the provisions of section 108.170 to the contrary. However, the
11 provisions of chapter 176 shall not apply to the issuance of such
12 certificates. Certificates may be issued with respect to a
13 single project or multiple projects and may contain terms or
14 conditions as the board of trustees may provide by resolution
15 authorizing the issuance of the certificates.

16 [8.] 9. Certificates issued to refund other certificates
17 may be sold at public sale or at private sale as provided in this
18 section, with the proceeds from the sale to be used for the
19 payment of the certificates being refunded. The refunding
20 certificates may be exchanged in payment and discharge of the
21 certificates being refunded, in installments at different times
22 or an entire issue or series at one time. Refunding certificates
23 may be sold or exchanged at any time on, before, or after the
24 maturity of the outstanding certificates to be refunded. They
25 may be issued for the purpose of refunding a like, greater, or
26 lesser principal amount of certificates and may bear a rate of
27 interest that is higher, lower, or equivalent to that of the
28 certificates being renewed or refunded.

1 [9.] 10. Before certificates are issued, the board of
2 trustees shall publish once a notice of its intention to issue
3 the certificates, stating the amount, the purpose, and the
4 project or projects for which the certificates are to be issued.
5 A person with standing may, within fifteen days after the
6 publication of the notice, by action in the circuit court of a
7 county in the district, appeal the decision of the board of
8 trustees to issue the certificates. The action of the board of
9 trustees in determining to issue the certificates shall be final
10 and conclusive unless the circuit court finds that the board of
11 trustees has exceeded its legal authority. An action shall not
12 be brought which questions the legality of the certificates, the
13 power of the board of trustees to issue the certificates, the
14 effectiveness of any proceedings relating to the authorization of
15 the project, or the authorization and issuance of the
16 certificates from and after fifteen days from the publication of
17 the notice of intention to issue.

18 [10.] 11. The board of trustees shall make a finding based
19 on information supplied by the qualified company that revenues
20 provided in the agreement are sufficient to secure the faithful
21 performance of obligations in the agreement.

22 [11.] 12. Certificates issued under this section shall not
23 be deemed to be an indebtedness of the state, the community
24 college district, or any other political subdivision of the
25 state, and the principal and interest on any certificates shall
26 be payable only from the sources provided in subdivision (1) of
27 subsection 4 of this section which are pledged in the agreement.

28 [12.] 13. Pursuant to section 23.253 of the Missouri sunset

1 act:

2 (1) The new program authorized under sections 620.800 to
3 620.809 shall automatically sunset July 1, 2019, unless
4 reauthorized by an act of the general assembly; and

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

9 (3) Sections 620.800 to 620.809 shall terminate on
10 September first of the calendar year immediately following the
11 calendar year in which a program authorized under sections
12 620.800 to 620.809 is sunset.