

FIRST REGULAR SESSION

SENATE BILL NO. 339

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time February 18, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1474S.02I

AN ACT

To repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof ten new sections relating to workforce development programs.

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

2 Section A. Sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762,
3 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470,
4 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482,
5 620.1881, and 620.1910, RSMo, are repealed and ten new sections enacted in lieu
6 thereof, to be known as sections 100.293, 135.284, 135.800, 288.040, 620.800,
7 620.803, 620.806, 620.809, 620.1881, and 620.1910, to read as follows:

100.293. 1. This section, section 100.277, **and** sections 135.950 to
2 135.973[, and sections 178.760 to 178.764] shall be known and may be cited as
3 the "Jobs Now Act".

4 2. There shall be created a "Jobs Now Recommendation Committee",
5 comprised of representatives of the department of economic development, the
6 department of agriculture, the department of natural resources, and the
7 department of transportation. The committee shall establish application
8 materials and procedures for development agencies to apply to the board for
9 grants or low-interest or interest-free loans for the purpose of funding jobs now
10 projects.

11 3. Applications shall be submitted simultaneously to the committee and
12 the board. The committee shall review the applications and prepare and submit

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 analyses and recommendations to the board for a determination as to approval
14 or denial of grants or loans from the jobs now fund.

15 4. In reviewing applications, the board shall give preference to
16 redevelopment projects that protect natural resources or rehabilitate existing
17 dilapidated or inadequate infrastructure in areas defined under section 135.530.

18 5. After reviewing applications and such other information as the board
19 may require, the board may grant all or a part of a grant or loan request,
20 provided the board determines:

21 (1) The jobs now project:

22 (a) Will not happen without the grant or loan from the board; or

23 (b) Will have a significant local economic impact; or

24 (c) Demonstrates high levels of job creation;

25 (2) In the case of a low-interest or interest-free loan, the jobs now project
26 will generate sufficient revenues or the borrower will otherwise have sufficient
27 revenues available to enable the borrower to repay the loan to the jobs now fund,
28 along with any interest to be charged; and

29 (3) No loan or grant may exceed two million dollars.

135.284. 1. The repeal and reenactment of sections 100.710[,] **and**
2 100.840, [and 178.892,] and the enactment of sections 135.276, 135.277, 135.279,
3 135.281, and 135.283 shall expire on January 1, 2006, if no essential industry
4 retention projects have been approved by the department of economic
5 development by December 31, 2005. If an essential industry retention project has
6 been approved by the department of economic development by December 31, 2005,
7 the repeal and reenactment of sections 100.710[,] **and** 100.840, [and 178.892,]
8 and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283
9 shall expire on January 1, 2020.

10 2. Notwithstanding any other provision of law to the contrary, the time
11 for approval of essential industry retention projects as identified in subsection 1
12 of this section is extended until December 31, 2007, and if an essential industry
13 retention project has been approved by the department of economic development
14 by December 31, 2007, the provisions of subsection 1 of this section shall expire
15 on January 1, 2020.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known
2 and may be cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with

5 administering a particular tax credit program, as set forth by the program's
6 enacting statute; where no department or agency is set forth, the department of
7 revenue;

8 (2) "Agricultural tax credits", the agricultural product utilization
9 contributor tax credit created pursuant to section 348.430, the new generation
10 cooperative incentive tax credit created pursuant to section 348.432, the family
11 farm breeding livestock loan tax credit created under section 348.505, the
12 qualified beef tax credit created under section 135.679, and the wine and grape
13 production tax credit created pursuant to section 135.700;

14 (3) "All tax credit programs", or "any tax credit program", the tax credit
15 programs included in the definitions of agricultural tax credits, business
16 recruitment tax credits, community development tax credits, domestic and social
17 tax credits, entrepreneurial tax credits, environmental tax credits, financial and
18 insurance tax credits, housing tax credits, redevelopment tax credits, and training
19 and educational tax credits;

20 (4) "Business recruitment tax credits", the business facility tax credit
21 created pursuant to sections 135.110 to 135.150 and section 135.258, the
22 enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the
23 business use incentives for large-scale development programs created pursuant
24 to sections 100.700 to 100.850, the development tax credits created pursuant to
25 sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant
26 to section 135.535, the film production tax credit created pursuant to section
27 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to
28 135.975, and the Missouri quality jobs program created pursuant to sections
29 620.1875 to 620.1900;

30 (5) "Community development tax credits", the neighborhood assistance tax
31 credit created pursuant to sections 32.100 to 32.125, the family development
32 account tax credit created pursuant to sections 208.750 to 208.775, the dry fire
33 hydrant tax credit created pursuant to section 320.093, and the transportation
34 development tax credit created pursuant to section 135.545;

35 (6) "Domestic and social tax credits", the youth opportunities tax credit
36 created pursuant to section 135.460 and sections 620.1100 to 620.1103, the
37 shelter for victims of domestic violence created pursuant to section 135.550, the
38 senior citizen or disabled person property tax credit created pursuant to sections
39 135.010 to 135.035, the special needs adoption tax credit and children in crisis
40 tax credit created pursuant to sections 135.325 to 135.339, the maternity home

41 tax credit created pursuant to section 135.600, the surviving spouse tax credit
42 created pursuant to section 135.090, the residential treatment agency tax credit
43 created pursuant to section 135.1150, the pregnancy resource center tax credit
44 created pursuant to section 135.630, the food pantry tax credit created pursuant
45 to section 135.647, the health care access fund tax credit created pursuant to
46 section 135.575, the residential dwelling access tax credit created pursuant to
47 section 135.562, and the shared care tax credit created pursuant to section
48 660.055;

49 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant
50 to sections 135.400 to 135.429, the certified capital company tax credit created
51 pursuant to sections 135.500 to 135.529, the seed capital tax credit created
52 pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit
53 created pursuant to sections 620.635 to 620.653, the research tax credit created
54 pursuant to section 620.1039, the small business incubator tax credit created
55 pursuant to section 620.495, the guarantee fee tax credit created pursuant to
56 section 135.766, and the new generation cooperative tax credit created pursuant
57 to sections 32.105 to 32.125;

58 (8) "Environmental tax credits", the charcoal producer tax credit created
59 pursuant to section 135.313, the wood energy tax credit created pursuant to
60 sections 135.300 to 135.311, and the alternative fuel stations tax credit created
61 pursuant to section 135.710;

62 (9) "Financial and insurance tax credits", the bank franchise tax credit
63 created pursuant to section 148.030, the bank tax credit for S corporations
64 created pursuant to section 143.471, the exam fee tax credit created pursuant to
65 section 148.400, the health insurance pool tax credit created pursuant to section
66 376.975, the life and health insurance guaranty tax credit created pursuant to
67 section 376.745, the property and casualty guaranty tax credit created pursuant
68 to section 375.774, and the self-employed health insurance tax credit created
69 pursuant to section 143.119;

70 (10) "Housing tax credits", the neighborhood preservation tax credit
71 created pursuant to sections 135.475 to 135.487, the low-income housing tax
72 credit created pursuant to sections 135.350 to 135.363, and the affordable housing
73 tax credit created pursuant to sections 32.105 to 32.125;

74 (11) "Recipient", the individual or entity who is the original applicant for
75 and who receives proceeds from a tax credit program directly from the
76 administering agency, the person or entity responsible for the reporting

77 requirements established in section 135.805;

78 (12) "Redevelopment tax credits", the historic preservation tax credit
79 created pursuant to sections 253.545 to 253.561, the brownfield redevelopment
80 program tax credit created pursuant to sections 447.700 to 447.718, the
81 community development corporations tax credit created pursuant to sections
82 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection
83 6 of section 100.286, the bond guarantee tax credit created pursuant to section
84 100.297, the disabled access tax credit created pursuant to section 135.490, the
85 new markets tax credit created pursuant to section 135.680, and the distressed
86 areas land assemblage tax credit created pursuant to section 99.1205;

87 (13) "Training and educational tax credits", the [community college]
88 **Missouri works** new jobs tax credit **and Missouri works retained jobs**
89 **credit** created pursuant to sections [178.892 to 178.896] **620.800 to 620.809**.

288.040. 1. A claimant who is unemployed and has been determined to
2 be an insured worker shall be eligible for benefits for any week only if the deputy
3 finds that:

4 (1) The claimant has registered for work at and thereafter has continued
5 to report at an employment office in accordance with such regulations as the
6 division may prescribe;

7 (2) The claimant is able to work and is available for work. No person
8 shall be deemed available for work unless such person has been and is actively
9 and earnestly seeking work. Upon the filing of an initial or renewed claim, and
10 prior to the filing of each weekly claim thereafter, the deputy shall notify each
11 claimant of the number of work search contacts required to constitute an active
12 search for work. No person shall be considered not available for work, pursuant
13 to this subdivision, solely because he or she is a substitute teacher or is on jury
14 duty. A claimant shall not be determined to be ineligible pursuant to this
15 subdivision because of not actively and earnestly seeking work if:

16 (a) The claimant is participating in training approved pursuant to Section
17 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

18 (b) The claimant is temporarily unemployed through no fault of his or her
19 own and has a definite recall date within eight weeks of his or her first day of
20 unemployment; however, upon application of the employer responsible for the
21 claimant's unemployment, such eight-week period may be extended not to exceed
22 a total of sixteen weeks at the discretion of the director;

23 (3) The claimant has reported [in person] to an office of the division as

24 directed by the deputy, but at least once every four weeks, except that a claimant
25 shall be exempted from the reporting requirement of this subdivision if:

26 (a) The claimant is claiming benefits in accordance with division
27 regulations dealing with partial or temporary total unemployment; or

28 (b) The claimant is temporarily unemployed through no fault of his or her
29 own and has a definite recall date within eight weeks of his or her first day of
30 unemployment; or

31 (c) [The claimant resides in a county with an unemployment rate, as
32 published by the division, of ten percent or more and in which the county seat is
33 more than forty miles from the nearest division office;

34 (d)] The director of the division of employment security has determined
35 that the claimant belongs to a group or class of workers whose opportunities for
36 reemployment will not be enhanced by reporting [in person], or is prevented from
37 reporting due to emergency conditions that limit access by the general public to
38 an office that serves the area where the claimant resides, but only during the
39 time such circumstances exist.

40 Ineligibility pursuant to this subdivision shall begin on the first day of the week
41 which the claimant was scheduled to claim and shall end on the last day of the
42 week preceding the week during which the claimant does report [in person] to the
43 division's office;

44 (4) Prior to the first week of a period of total or partial unemployment for
45 which the claimant claims benefits he or she has been totally or partially
46 unemployed for a waiting period of one week. No more than one waiting week
47 will be required in any benefit year. During calendar year 2008 and each
48 calendar year thereafter, the one-week waiting period shall become compensable
49 once his or her remaining balance on the claim is equal to or less than the
50 compensable amount for the waiting period. No week shall be counted as a week
51 of total or partial unemployment for the purposes of this subsection unless it
52 occurs within the benefit year which includes the week with respect to which the
53 claimant claims benefits;

54 (5) The claimant has made a claim for benefits within fourteen days from
55 the last day of the week being claimed. The fourteen-day period may, for good
56 cause, be extended to twenty-eight days;

57 (6) The claimant has reported to an employment office to participate in
58 a reemployment assessment and reemployment services as directed by the deputy
59 or designated staff of an employment office, unless the deputy determines that

60 good cause exists for the claimant's failure to participate in such reemployment
61 assessment and reemployment services. For purposes of this section,
62 "reemployment services" may include, but not be limited to, the following:

- 63 (a) Providing an orientation to employment office services;
- 64 (b) Providing job search assistance; and
- 65 (c) Providing labor market statistics or analysis;

66 Ineligibility under this subdivision shall begin on the first day of the week which
67 the claimant was scheduled to report for the reemployment assessment or
68 reemployment services and shall end on the last day of the week preceding the
69 week during which the claimant does report in person to the employment office
70 for such reemployment assessment or reemployment services;

71 (7) The claimant is participating in reemployment services, such as job
72 search assistance services, as directed by the deputy if the claimant has been
73 determined to be likely to exhaust regular benefits and to need reemployment
74 services pursuant to a profiling system established by the division, unless the
75 deputy determines that:

- 76 (a) The individual has completed such reemployment services; or
- 77 (b) There is justifiable cause for the claimant's failure to participate in
78 such reemployment services.

79 2. A claimant shall be ineligible for waiting week credit or benefits for any
80 week for which the deputy finds he or she is or has been suspended by his or her
81 most recent employer for misconduct connected with his or her
82 work. Suspensions of four weeks or more shall be treated as discharges.

83 3. (1) Benefits based on "service in employment", [defined] **described** in
84 subsections 7 and 8 of section 288.034, shall be payable in the same amount, on
85 the same terms and subject to the same conditions as compensation payable on
86 the basis of other service subject to this law; except that:

- 87 (a) With respect to service performed in an instructional, research, or
88 principal administrative capacity for an educational institution, benefits shall not
89 be paid based on such services for any week of unemployment commencing during
90 the period between two successive academic years or terms, or during a similar
91 period between two regular but not successive terms, or during a period of paid
92 sabbatical leave provided for in the individual's contract, to any individual if such
93 individual performs such services in the first of such academic years (or terms)
94 and if there is a contract or a reasonable assurance that such individual will
95 perform services in any such capacity for any educational institution in the

96 second of such academic years or terms;

97 (b) With respect to services performed in any capacity (other than
98 instructional, research, or principal administrative capacity) for an educational
99 institution, benefits shall not be paid on the basis of such services to any
100 individual for any week which commences during a period between two successive
101 academic years or terms if such individual performs such services in the first of
102 such academic years or terms and there is a contract or a reasonable assurance
103 that such individual will perform such services in the second of such academic
104 years or terms;

105 (c) With respect to services described in paragraphs (a) and (b) of this
106 subdivision, benefits shall not be paid on the basis of such services to any
107 individual for any week which commences during an established and customary
108 vacation period or holiday recess if such individual performed such services in the
109 period immediately before such vacation period or holiday recess, and there is
110 reasonable assurance that such individual will perform such services immediately
111 following such vacation period or holiday recess;

112 (d) With respect to services described in paragraphs (a) and (b) of this
113 subdivision, benefits payable on the basis of services in any such capacity shall
114 be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any
115 individual who performed such services at an educational institution while in the
116 employ of an educational service agency, and for this purpose the term
117 "educational service agency" means a governmental agency or governmental
118 entity which is established and operated exclusively for the purpose of providing
119 such services to one or more educational institutions.

120 (2) If compensation is denied for any week pursuant to paragraph (b) or
121 (d) of subdivision (1) of this subsection to any individual performing services at
122 an educational institution in any capacity (other than instructional, research or
123 principal administrative capacity), and such individual was not offered an
124 opportunity to perform such services for the second of such academic years or
125 terms, such individual shall be entitled to a retroactive payment of the
126 compensation for each week for which the individual filed a timely claim for
127 compensation and for which compensation was denied solely by reason of
128 paragraph (b) or (d) of subdivision (1) of this subsection.

129 4. (1) A claimant shall be ineligible for waiting week credit, benefits or
130 shared work benefits for any week for which he or she is receiving or has received
131 remuneration exceeding his or her weekly benefit amount or shared work benefit

132 amount in the form of:

133 (a) Compensation for temporary partial disability pursuant to the workers'
134 compensation law of any state or pursuant to a similar law of the United States;

135 (b) A governmental or other pension, retirement or retired pay, annuity,
136 or other similar periodic payment which is based on the previous work of such
137 claimant to the extent that such payment is provided from funds provided by a
138 base period or chargeable employer pursuant to a plan maintained or contributed
139 to by such employer; but, except for such payments made pursuant to the Social
140 Security Act or the Railroad Retirement Act of 1974 (or the corresponding
141 provisions of prior law), the provisions of this paragraph shall not apply if the
142 services performed for such employer by the claimant after the beginning of the
143 base period (or remuneration for such services) do not affect eligibility for or
144 increase the amount of such pension, retirement or retired pay, annuity or similar
145 payment.

146 (2) If the remuneration referred to in this subsection is less than the
147 benefits which would otherwise be due, the claimant shall be entitled to receive
148 for such week, if otherwise eligible, benefits reduced by the amount of such
149 remuneration, and, if such benefit is not a multiple of one dollar, such amount
150 shall be lowered to the next multiple of one dollar.

151 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
152 subsection, if a claimant has contributed in any way to the Social Security Act or
153 the Railroad Retirement Act of 1974, or the corresponding provisions of prior law,
154 no part of the payments received pursuant to such federal law shall be deductible
155 from the amount of benefits received pursuant to this chapter.

156 5. A claimant shall be ineligible for waiting week credit or benefits for any
157 week for which or a part of which he or she has received or is seeking
158 unemployment benefits pursuant to an unemployment insurance law of another
159 state or the United States; provided, that if it be finally determined that the
160 claimant is not entitled to such unemployment benefits, such ineligibility shall
161 not apply.

162 6. (1) A claimant shall be ineligible for waiting week credit or benefits for
163 any week for which the deputy finds that such claimant's total or partial
164 unemployment is due to a stoppage of work which exists because of a labor
165 dispute in the factory, establishment or other premises in which such claimant
166 is or was last employed. In the event the claimant secures other employment
167 from which he or she is separated during the existence of the labor dispute, the

168 claimant must have obtained bona fide employment as a permanent employee for
169 at least the major part of each of two weeks in such subsequent employment to
170 terminate his or her ineligibility. If, in any case, separate branches of work
171 which are commonly conducted as separate businesses at separate premises are
172 conducted in separate departments of the same premises, each such department
173 shall for the purposes of this subsection be deemed to be a separate factory,
174 establishment or other premises. This subsection shall not apply if it is shown
175 to the satisfaction of the deputy that:

176 (a) The claimant is not participating in or financing or directly interested
177 in the labor dispute which caused the stoppage of work; and

178 (b) The claimant does not belong to a grade or class of workers of which,
179 immediately preceding the commencement of the stoppage, there were members
180 employed at the premises at which the stoppage occurs, any of whom are
181 participating in or financing or directly interested in the dispute.

182 (2) "Stoppage of work" as used in this subsection means a substantial
183 diminution of the activities, production or services at the establishment, plant,
184 factory or premises of the employing unit. This definition shall not apply to a
185 strike where the employees in the bargaining unit who initiated the strike are
186 participating in the strike. Such employees shall not be eligible for waiting week
187 credit or benefits during the period when the strike is in effect, regardless of
188 diminution, unless the employer has been found guilty of an unfair labor practice
189 by the National Labor Relations Board or a federal court of law for an act or
190 actions preceding or during the strike.

191 7. On or after January 1, 1978, benefits shall not be paid to any
192 individual on the basis of any services, substantially all of which consist of
193 participating in sports or athletic events or training or preparing to so
194 participate, for any week which commences during the period between two
195 successive sport seasons (or similar periods) if such individual performed such
196 services in the first of such seasons (or similar periods) and there is a reasonable
197 assurance that such individual will perform such services in the later of such
198 seasons (or similar periods).

199 8. Benefits shall not be payable on the basis of services performed by an
200 alien, unless such alien is an individual who was lawfully admitted for permanent
201 residence at the time such services were performed, was lawfully present for
202 purposes of performing such services, or was permanently residing in the United
203 States under color of law at the time such services were performed (including an

204 alien who was lawfully present in the United States as a result of the application
205 of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

206 (1) Any data or information required of individuals applying for benefits
207 to determine whether benefits are not payable to them because of their alien
208 status shall be uniformly required from all applicants for benefits.

209 (2) In the case of an individual whose application for benefits would
210 otherwise be approved, no determination that benefits to such individual are not
211 payable because of such individual's alien status shall be made except upon a
212 preponderance of the evidence.

213 9. A claimant shall be ineligible for waiting week credit or benefits for any
214 week such claimant has an outstanding penalty which was assessed based upon
215 an overpayment of benefits, as provided for in subsection 9 of section 288.380.

216 10. The directors of the division of employment security and the division
217 of workforce development shall submit to the governor, the speaker of the house
218 of representatives, and the president pro tem of the senate no later than October
219 15, 2006, a report outlining their recommendations for how to improve work
220 search verification and claimant reemployment activities. The recommendations
221 shall include, but not limited to how to best utilize "greathires.org", and how to
222 reduce the average duration of unemployment insurance claims. Each calendar
223 year thereafter, the directors shall submit a report containing their
224 recommendations on these issues by December thirty-first of each year.

225 **11. For purposes of this section, a claimant may satisfy reporting**
226 **requirements provided under this section by reporting by internet**
227 **communication or any other means deemed acceptable by the division**
228 **of employment security.**

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

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

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

10 **(3) "Certificate", new or retained jobs training certificates issued**
11 **under section 620.809;**

11 **(4) "Committee", the Missouri works job training joint legislative**

12 oversight committee, established under the provisions of section
13 620.803;

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

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

17 (7) "Full-time employee", an employee of the qualified company
18 that is scheduled to work an average of at least thirty-five hours per
19 week for a twelve-month period, and one for which the qualified
20 company offers health insurance and pays at least fifty percent of such
21 insurance premiums;

22 (8) "Local education agency", a community college, two-year state
23 technical college, or a technical career education center;

24 (9) "Missouri Works Training Program", the training program
25 established under sections 620.800 to 620.809;

26 (10) "New capital investment", shall include costs incurred by the
27 qualified company at the project facility after acceptance by the
28 qualified company of the proposal for benefits from the department or
29 the approval of the notice of intent, whichever occurs first, for real or
30 personal property, and may include the value of finance or capital
31 leases for real or personal property for the term of such lease at the
32 project facility executed after acceptance by the qualified company of
33 the proposal for benefits from the department or approval of the notice
34 of intent;

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

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

48 (13) "Notice of intent", a form developed by the department,

49 completed by the qualified company and submitted to the department
50 which states the qualified company's intent to request benefits under
51 this program;

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

64 (15) "Project facility base employment", the greater of the
65 number of full-time employees located at the project facility on the date
66 of the notice of intent or, for the twelve-month period prior to the date
67 of the notice of intent, the average number of full-time employees
68 located at the project facility. In the event the project facility has not
69 been in operation for a full twelve-month period, the average number
70 of full-time employees for the number of months the project facility has
71 been in operation prior to the date of the notice of intent;

72 (16) "Qualified company", a firm, partnership, joint venture,
73 association, private or public corporation whether organized for profit
74 or not, or headquarters of such entity registered to do business in
75 Missouri that is the owner or operator of a project facility, offers health
76 insurance to all full-time employees of all facilities located in this state,
77 and pays at least fifty percent of such insurance premiums. For the
78 purposes of sections 620.800 to 620.809, the term "qualified company"
79 shall not include:

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

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

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

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

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

91 (f) Any company requesting benefits for retained jobs that has
92 filed for or has publicly announced its intention to file for bankruptcy
93 protection. However, a company that has filed for or has publicly
94 announced its intention to file for bankruptcy, may be a qualified
95 company provided that such company:

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

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

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

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

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

107 (j) Ethanol distillation or production; or

108 (k) Biodiesel production.

109 Notwithstanding any provision of this subdivision to the contrary, the
110 headquarters, administrative offices, or research and development
111 facilities of an otherwise excluded business may qualify for benefits if
112 the offices or facilities serve a multistate territory. In the event a
113 national, state, or regional headquarters operation is not the
114 predominant activity of a project facility, the jobs and investment of
115 such operation shall be considered eligible for benefits under this
116 section if the other requirements are satisfied;

117 (17) "Related company":

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

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

122 (c) Corporations, partnerships, trusts, or associations controlled

123 by an individual, corporation, partnership, trust, or association in
124 control of the qualified company. As used in this subdivision, "control
125 of a corporation" shall mean ownership, directly or indirectly, of stock
126 possessing at least fifty percent of the total combined voting power of
127 all classes of stock entitled to vote, "control of a partnership or
128 association" shall mean ownership of at least fifty percent of the capital
129 or profits interest in such partnership or association, "control of a
130 trust" shall mean ownership, directly or indirectly, of at least fifty
131 percent of the beneficial interest in the principal or income of such
132 trust, and ownership shall be determined as provided in Section 318 of
133 the Internal Revenue Code of 1986, as amended;

134 (18) "Related facility", a facility operated by the qualified
135 company or a related company located in this state that is directly
136 related to the operations of the project facility or in which operations
137 substantially similar to the operations of the project facility are
138 performed;

139 (19) "Related facility base employment", the greater of the
140 number of full-time employees located at all related facilities on the
141 date of the notice of intent or, for the twelve-month period prior to the
142 date of the notice of intent, the average number of full-time employees
143 located at all related facilities of the qualified company or a related
144 company located in this state;

145 (20) "Retained job", the average number of full-time employees of
146 a qualified company located at the project facility during each month
147 for the calendar year preceding the year in which the notice of intent
148 is submitted;

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

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

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

157 (24) "Training project", the project or projects established
158 through the Missouri works training program for the creation or
159 retention of jobs by providing education and training of workers;

160 **(25) "Training project costs", all necessary and incidental costs**
161 **of providing program services through the training program, including:**

162 **(a) Training materials and supplies;**

163 **(b) Wages and benefits of instructors, who may or may not be**
164 **employed by the eligible industry, and the cost of training such**
165 **instructors;**

166 **(c) Subcontracted services;**

167 **(d) On-the-job training;**

168 **(e) Training facilities and equipment;**

169 **(f) Skill assessment;**

170 **(g) Training project and curriculum development;**

171 **(h) Travel directly to the training project, including a**
172 **coordinated transportation program for training if the training can be**
173 **more effectively provided outside the community where the jobs are to**
174 **be located;**

175 **(i) Payments to third party training providers and to the eligible**
176 **industry;**

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

179 **(k) In-plant training analysis, including fees for professionals**
180 **and necessary travel and expenses;**

181 **(l) Assessment and preselection tools;**

182 **(m) Publicity;**

183 **(n) Instructional services;**

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

185 **(p) Payment of the principal, premium, and interest on**
186 **certificates, including capitalized interest, issued to finance a project,**
187 **and the funding and maintenance of a debt service reserve fund to**
188 **secure such certificates;**

189 **(26) "Training project services", includes, but shall not be limited**
190 **to, the following:**

191 **(a) Job training, which may include, but not be limited to,**
192 **preemployment training, analysis of the specified training needs for a**
193 **qualified company, development of training plans, and provision of**
194 **training through qualified training staff;**

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

196 **(c) Vocational and skill-assessment services and testing;**

- 197 **(d) Training facilities, equipment, materials, and supplies;**
198 **(e) On-the-job training;**
199 **(f) Administrative expenses equal to fifteen percent of the total**
200 **training costs;**
201 **(g) Subcontracted services with state institutions of higher**
202 **education, private colleges or universities, or other federal, state, or**
203 **local agencies;**
204 **(h) Contracted or professional services; and**
205 **(i) Issuance of certificates, when applicable.**

206 **620.803. 1. The department shall establish a "Missouri Works**
2 **Training Program" to assist qualified companies for the training of**
3 **employees in new jobs and the retraining or upgrading of skills of full-**
4 **time employees in retained jobs as provided in sections 620.800 to**
5 **620.809. The training program shall be funded through appropriations**
6 **to the funds established under sections 620.806 and 620.809. The**
7 **department shall, to the maximum extent practicable, prioritize**
8 **funding under the training program to assist qualified companies in**
9 **targeted industries.**

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

28 **3. The department shall publish guidelines and may promulgate**

29 rules and regulations governing the training program. Any rule or
30 portion of a rule, as that term is defined in section 536.010, that is
31 created under the authority delegated in this section shall become
32 effective only if it complies with and is subject to all of the provisions
33 of chapter 536 and, if applicable, section 536.028. This section and
34 chapter 536 are nonseverable and if any of the powers vested with the
35 general assembly pursuant to chapter 536 to review, to delay the
36 effective date, or to disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and any rule
38 proposed or adopted after August 28, 2013, shall be invalid and void.

39 4. The department shall make program applications and
40 guidelines available on-line.

41 5. The department may contract with other entities for the
42 purposes of carrying out the provisions of the training program
43 established in sections 620.800 to 620.809. Any assistance through the
44 training program shall be provided pursuant to an agreement.

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

49 7. Any taxpayer who is awarded benefits under sections 620.800
50 to 620.809 and who files for bankruptcy under Chapter 7 of the United
51 States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the
52 department and shall forfeit such benefits and shall repay the state an
53 amount equal to any state tax credits already redeemed and any
54 withholding taxes already retained.

620.806. 1. The "Missouri Job Development Fund", formerly
2 established in the state treasury by section 620.478, shall now be known
3 as the "Missouri Works Job Development Fund" and shall be
4 administered by the department for the training program. The fund
5 shall consist of all moneys which may be appropriated to it by the
6 general assembly and also any gifts, contributions, grants, or bequests
7 received from federal, private or other sources, including, but not
8 limited to, any block grant or other sources of funding relating to job
9 training, school-to-work transition, welfare reform, vocational and
10 technical training, housing, infrastructure, development, and human
11 resource investment programs which may be provided by the federal

12 government or other sources.

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

40 3. The department may provide assistance, through
41 appropriations made from the Missouri works job development fund, to
42 business and technology centers. Such assistance shall not include the
43 lending of the state's credit for the payment of any liability of the
44 fund. Such centers may be established by Missouri community colleges,
45 or a state-owned postsecondary technical college, to provide business
46 and training services for growth industries as determined by current
47 labor market information.

620.809. 1. The "Missouri Community College Job Training

2 Program Fund", formerly established in the state treasury by section
3 178.896, shall now be known as the "Missouri Works Community College
4 New Jobs Training Fund", and shall be administered by the department
5 for the training program. The department of revenue shall credit to the
6 fund, as received, all new jobs credits. The fund shall also consist of
7 any gifts, contributions, grants, or bequests received from federal,
8 private, or other sources. The general assembly, however, shall not
9 provide for any transfer of general revenue funds into the
10 fund. Moneys in the fund shall be disbursed to the department
11 pursuant to regular appropriations by the general assembly. The
12 department shall disburse such appropriated funds in a timely manner
13 into the special funds established by community college districts for
14 training projects, which funds shall be used to pay training project
15 costs. Such disbursements shall be made to the special fund for each
16 training project in the same proportion as the new jobs credit remitted
17 by the qualified company participating in such project bears to the
18 total new jobs credit from withholding remitted by all qualified
19 companies participating in projects during the period for which the
20 disbursement is made. All moneys remaining in the fund at the end of
21 any fiscal year shall not lapse to the general revenue fund, as provided
22 in section 33.080, but shall remain in the fund.

23 2. The "Missouri Community College Job Retention Training
24 Program Fund", formerly established in the state treasury by section
25 178.764, shall now be known as the "Missouri Works Community College
26 Job Retention Training Fund", and shall be administered by the
27 department for the Missouri works training program. The department
28 of revenue shall credit to the fund, as received, all retained jobs
29 credits. The fund shall also consist of any gifts, contributions, grants,
30 or bequests received from federal, private, or other sources. The
31 general assembly, however, shall not provide for any transfer of general
32 revenue funds into the fund. Moneys in the fund shall be disbursed to
33 the department pursuant to regular appropriations by the general
34 assembly. The department shall disburse such appropriated funds in
35 a timely manner into the special funds established by community
36 college districts for projects, which funds shall be used to pay training
37 program costs, including the principal, premium, and interest on
38 certificates issued by the district to finance or refinance, in whole or

39 in part, a project. Such disbursements by the department shall be made
40 to the special fund for each project in the same proportion as the
41 retained jobs credit from withholding remitted by the qualified
42 company participating in such project bears to the total retained jobs
43 credit from withholding remitted by qualified companies participating
44 in projects during the period for which the disbursement is made. All
45 moneys remaining in the fund at the end of any fiscal year shall not
46 lapse to the general revenue fund, as provided in section 33.080, but
47 shall remain in the fund.

48 3. The department of revenue shall develop such forms as are
49 necessary to demonstrate accurately each qualified company's new jobs
50 credit paid into the Missouri works community college new jobs
51 training fund or retained jobs credit paid into the Missouri works
52 community college job retention training fund. The new or retained
53 jobs credits shall be accounted as separate from the normal
54 withholding tax paid to the department of revenue by the qualified
55 company. Reimbursements made by all qualified companies to the
56 Missouri works community college new jobs training fund and the
57 Missouri works community college job retention training fund shall be
58 no less than all allocations made by the department to all community
59 college districts for all projects. The qualified company shall remit the
60 amount of the new or retained jobs credit, as applicable, to the
61 department of revenue in the same manner as provided in sections
62 143.191 to 143.265.

63 4. A community college district, with the approval of the
64 department in consultation with the office of administration, may enter
65 into an agreement to establish a training project and provide training
66 project services to a qualified company. As soon as possible after
67 initial contact between a community college district and a potential
68 qualified company regarding the possibility of entering into an
69 agreement, the district shall inform the department of the potential
70 training project. The department shall evaluate the proposed training
71 project within the overall job training efforts of the state to ensure that
72 the training project will not duplicate other job training programs. The
73 department shall have fourteen days from receipt of a notice of intent
74 to approve or disapprove training projects. If no response is received
75 by the qualified company within fourteen days, the training project

76 shall be deemed approved. Disapproval of any training project shall be
77 made in writing and state the reasons for such disapproval. If an
78 agreement is entered into, the district and the qualified company shall
79 notify the department of revenue within fifteen calendar days. In
80 addition to any provisions required under subsection 5 of this section
81 for a qualified company applying to receive a retained job credit, an
82 agreement may provide, but shall not be limited to:

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

85 (a) Funds appropriated by the general assembly to the Missouri
86 works community college new jobs training program fund or Missouri
87 works community college job retention training program fund, as
88 applicable, and disbursed by the department for the purposes
89 consistent with sections 620.800 to 620.809;

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

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

94 (3) Costs of on-the-job training for employees shall include wages
95 or salaries of participating employees. Payments for on-the-job
96 training shall not exceed the average of fifty percent of the total wages
97 paid by the qualified company to each participant during the period of
98 training. Payment for on-the-job training may continue for up to six
99 months from the date the training begins;

100 (4) A provision which fixes the minimum amount of new or
101 retained jobs credits, or tuition and fee payments which shall be paid
102 for training project costs;

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

111 5. Any qualified company that submits a notice of intent for
112 retained job credits shall enter into an agreement providing that the

113 **qualified company has:**

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

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

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

124 **(a) Has made substantial investment in new technology requiring**
125 **the upgrading of employee skills; or**

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

128 **(c) Has been determined to represent a substantial risk of**
129 **relocation from the state by the director of the department of economic**
130 **development.**

131 **6. If an agreement provides that all or part of training program**
132 **costs are to be met by receipt of new or retained jobs credit, such new**
133 **or retained jobs credit from withholding shall be determined and paid**
134 **as follows:**

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

137 **(2) A portion of the total payments made by the qualified**
138 **companies under sections 143.191 to 143.265 shall be designated as the**
139 **new or retained jobs credit from withholding. Such portion shall be an**
140 **amount equal to two and one-half percent of the gross wages paid by**
141 **the qualified company for each of the first one hundred jobs included**
142 **in the project and one and one-half percent of the gross wages paid by**
143 **the qualified company for each of the remaining jobs included in the**
144 **project. If business or employment conditions cause the amount of the**
145 **new or retained jobs credit from withholding to be less than the**
146 **amount projected in the agreement for any time period, then other**
147 **withholding tax paid by the qualified company under sections 143.191**
148 **to 143.265 shall be credited to the applicable fund by the amount of**
149 **such difference. The qualified company shall remit the amount of the**

150 new or retained jobs credit to the department of revenue in the manner
151 prescribed in sections 143.191 to 143.265. When all training program
152 costs have been paid, the new or retained jobs credit shall cease;

153 (3) The community college district participating in a project
154 shall establish a special fund for and in the name of the training
155 project. All funds appropriated by the general assembly from the funds
156 established under subsections 1 and 2 of this section, and disbursed by
157 the department for the training project and other amounts received by
158 the district for training project costs as required by the agreement
159 shall be deposited in the special fund. Amounts held in the special fund
160 shall be used and disbursed by the district only to pay training project
161 costs for such training project. The special fund may be divided into
162 such accounts and subaccounts as shall be provided in the agreement,
163 and amounts held therein may be invested in the same manner as the
164 district's other funds;

165 (4) Any disbursement for training project costs, received from
166 the department under sections 620.800 to 620.809 and placed into the
167 training project's special fund may be irrevocably pledged by a
168 community college district for the payment of the principal, premium,
169 and interest on the certificate issued by a community college district
170 to finance or refinance, in whole or in part, such training project;

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

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

178 (7) If an agreement provides that all or part of training program
179 costs are to be met by receipt of new or retained jobs credit, the
180 provisions of this subsection shall also apply to any successor to the
181 original qualified company until such time as the principal and interest
182 on the certificates have been paid.

183 7. To provide funds for the present payment of the training
184 project costs of new or retained jobs training project through the
185 training program, a community college district may borrow money and
186 issue and sell certificates payable from a sufficient portion of the

187 future receipts of payments authorized by the agreement including
188 disbursements from the Missouri works community college new jobs
189 training fund or the Missouri works community college job retention
190 training fund, to the special fund established by the district for each
191 project. The total amount of outstanding certificates sold by all
192 community college districts shall not exceed the total amount
193 authorized pursuant to law as of January 1, 2013, unless an increased
194 amount is authorized in writing by a majority of members of the
195 committee. The certificates shall be marketed through financial
196 institutions authorized to do business in Missouri. The receipts shall
197 be pledged to the payment of principal of and interest on the
198 certificates. Certificates may be sold at public sale or at private sale
199 at par, premium, or discount of not less than ninety-five percent of the
200 par value thereof, at the discretion of the board of trustees, and may
201 bear interest at such rate or rates as the board of trustees shall
202 determine, notwithstanding the provisions of section 108.170 to the
203 contrary. However, the provisions of chapter 176 shall not apply to the
204 issuance of such certificates. Certificates may be issued with respect
205 to a single project or multiple projects and may contain terms or
206 conditions as the board of trustees may provide by resolution
207 authorizing the issuance of the certificates.

208 8. Certificates issued to refund other certificates may be sold at
209 public sale or at private sale as provided in this section with the
210 proceeds from the sale to be used for the payment of the certificates
211 being refunded. The refunding certificates may be exchanged in
212 payment and discharge of the certificates being refunded, in
213 installments at different times or an entire issue or series at one
214 time. Refunding certificates may be sold or exchanged at any time on,
215 before, or after the maturity of the outstanding certificates to be
216 refunded. They may be issued for the purpose of refunding a like,
217 greater, or lesser principal amount of certificates and may bear a
218 higher, lower, or equivalent rate of interest than the certificates being
219 renewed or refunded.

220 9. Before certificates are issued, the board of trustees shall
221 publish once a notice of its intention to issue the certificates, stating
222 the amount, the purpose, and the project or projects for which the
223 certificates are to be issued. A person with standing may, within

224 fifteen days after the publication of the notice, by action in the circuit
225 court of a county in the district, appeal the decision of the board of
226 trustees to issue the certificates. The action of the board of trustees in
227 determining to issue the certificates shall be final and conclusive
228 unless the circuit court finds that the board of trustees has exceeded
229 its legal authority. An action shall not be brought which questions the
230 legality of the certificates, the power of the board of trustees to issue
231 the certificates, the effectiveness of any proceedings relating to the
232 authorization of the project, or the authorization and issuance of the
233 certificates from and after fifteen days from the publication of the
234 notice of intention to issue.

235 10. The board of trustees shall make a finding based on
236 information supplied by the qualified company that revenues provided
237 in the agreement are sufficient to secure the faithful performance of
238 obligations in the agreement.

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

245 12. Pursuant to section 23.253 of the Missouri Sunset Act:

246 (1) The new program authorized under sections 620.800 to
247 620.809 shall automatically sunset July 1, 2019, unless reauthorized by
248 an act of the general assembly; and

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

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

620.1881. 1. The department of economic development shall respond
2 within thirty days to a company who provides a notice of intent with either an
3 approval or a rejection of the notice of intent. The department shall give
4 preference to qualified companies and projects targeted at an area of the state
5 which has recently been classified as a disaster area by the federal

6 government. Failure to respond on behalf of the department of economic
7 development shall result in the notice of intent being deemed an approval for the
8 purposes of this section. A qualified company who is provided an approval for a
9 project shall be allowed a benefit as provided in this program in the amount and
10 duration provided in this section. A qualified company may receive additional
11 periods for subsequent new jobs at the same facility after the full initial period
12 if the minimum thresholds are met as set forth in sections 620.1875 to
13 620.1890. There is no limit on the number of periods a qualified company may
14 participate in the program, as long as the minimum thresholds are achieved and
15 the qualified company provides the department with the required reporting and
16 is in proper compliance for this program or other state programs. A qualified
17 company may elect to file a notice of intent to start a new project period
18 concurrent with an existing project period if the minimum thresholds are
19 achieved and the qualified company provides the department with the required
20 reporting and is in proper compliance for this program and other state programs;
21 however, the qualified company may not receive any further benefit under the
22 original approval for jobs created after the date of the new notice of intent, and
23 any jobs created before the new notice of intent may not be included as new jobs
24 for the purpose of benefit calculation in relation to the new approval. When a
25 qualified company has filed and received approval of a notice of intent and
26 subsequently files another notice of intent, the department shall apply the
27 definition of project facility under subdivision (19) of section 620.1878 to the new
28 notice of intent as well as all previously approved notices of intent and shall
29 determine the application of the definitions of new job, new payroll, project
30 facility base employment, and project facility base payroll accordingly.

31 2. Notwithstanding any provision of law to the contrary, any qualified
32 company that is awarded benefits under this program may not simultaneously
33 receive tax credits or exemptions under sections 135.100 to 135.150, sections
34 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same
35 project facility. The benefits available to the company under any other state
36 programs for which the company is eligible and which utilize withholding tax
37 from the new jobs of the company must first be credited to the other state
38 program before the withholding retention level applicable under the Missouri
39 quality jobs act will begin to accrue. These other state programs include, but are
40 not limited to, the [new] **Missouri works** jobs training program under sections
41 [178.892 to 178.896, the job retention program under sections 178.760 to 178.764]

42 **620.800 to 620.809**, the real property tax increment allocation redevelopment
43 act, sections 99.800 to 99.865, or the Missouri downtown and rural economic
44 stimulus act under sections 99.915 to 99.980. If any qualified company also
45 participates in the [new] **Missouri works** jobs training program in sections
46 [178.892 to 178.896] **620.800 to 620.809**, the company shall retain no
47 withholding tax, but the department shall issue a refundable tax credit for the
48 full amount of benefit allowed under this [subdivision] **subsection**. The
49 calendar year annual maximum amount of tax credits which may be issued to a
50 qualifying company that also participates in the new job training program shall
51 be increased by an amount equivalent to the withholding tax retained by that
52 company under the new jobs training program. However, if the combined benefits
53 of the quality jobs program and the new jobs training program exceed the
54 projected state benefit of the project, as determined by the department of
55 economic development through a cost-benefit analysis, the increase in the
56 maximum tax credits shall be limited to the amount that would not cause the
57 combined benefits to exceed the projected state benefit. Any taxpayer who is
58 awarded benefits under this program who knowingly hires individuals who are
59 not allowed to work legally in the United States shall immediately forfeit such
60 benefits and shall repay the state an amount equal to any state tax credits
61 already redeemed and any withholding taxes already retained.

62 3. The types of projects and the amount of benefits to be provided are:

63 (1) Small and expanding business projects: in exchange for the
64 consideration provided by the new tax revenues and other economic stimuli that
65 will be generated by the new jobs created by the program, a qualified company
66 may retain an amount equal to the withholding tax as calculated under
67 subdivision (33) of section 620.1878 from the new jobs that would otherwise be
68 withheld and remitted by the qualified company under the provisions of sections
69 143.191 to 143.265 for a period of three years from the date the required number
70 of new jobs were created if the average wage of the new payroll equals or exceeds
71 the county average wage or for a period of five years from the date the required
72 number of new jobs were created if the average wage of the new payroll equals
73 or exceeds one hundred twenty percent of the county average wage;

74 (2) Technology business projects: in exchange for the consideration
75 provided by the new tax revenues and other economic stimuli that will be
76 generated by the new jobs created by the program, a qualified company may
77 retain an amount equal to a maximum of five percent of new payroll for a period

78 of five years from the date the required number of jobs were created from the
79 withholding tax of the new jobs that would otherwise be withheld and remitted
80 by the qualified company under the provisions of sections 143.191 to 143.265 if
81 the average wage of the new payroll equals or exceeds the county average wage.
82 An additional one-half percent of new payroll may be added to the five percent
83 maximum if the average wage of the new payroll in any year exceeds one hundred
84 twenty percent of the county average wage in the county in which the project
85 facility is located, plus an additional one-half percent of new payroll may be
86 added if the average wage of the new payroll in any year exceeds one hundred
87 forty percent of the average wage in the county in which the project facility is
88 located. The department shall issue a refundable tax credit for any difference
89 between the amount of benefit allowed under this subdivision and the amount of
90 withholding tax retained by the company, in the event the withholding tax is not
91 sufficient to provide the entire amount of benefit due to the qualified company
92 under this subdivision;

93 (3) High impact projects: in exchange for the consideration provided by
94 the new tax revenues and other economic stimuli that will be generated by the
95 new jobs created by the program, a qualified company may retain an amount from
96 the withholding tax of the new jobs that would otherwise be withheld and
97 remitted by the qualified company under the provisions of sections 143.191 to
98 143.265, equal to three percent of new payroll for a period of five years from the
99 date the required number of jobs were created if the average wage of the new
100 payroll equals or exceeds the county average wage of the county in which the
101 project facility is located. For high-impact projects in a facility located within two
102 adjacent counties, the new payroll shall equal or exceed the higher county
103 average wage of the adjacent counties. The percentage of payroll allowed under
104 this subdivision shall be three and one-half percent of new payroll if the average
105 wage of the new payroll in any year exceeds one hundred twenty percent of the
106 county average wage in the county in which the project facility is located. The
107 percentage of payroll allowed under this subdivision shall be four percent of new
108 payroll if the average wage of the new payroll in any year exceeds one hundred
109 forty percent of the county average wage in the county in which the project
110 facility is located. An additional one percent of new payroll may be added to
111 these percentages if local incentives equal between ten percent and twenty-four
112 percent of the new direct local revenue; an additional two percent of new payroll
113 is added to these percentages if the local incentives equal between twenty-five

114 percent and forty-nine percent of the new direct local revenue; or an additional
115 three percent of payroll is added to these percentages if the local incentives equal
116 fifty percent or more of the new direct local revenue. The department shall issue
117 a refundable tax credit for any difference between the amount of benefit allowed
118 under this subdivision and the amount of withholding tax retained by the
119 company, in the event the withholding tax is not sufficient to provide the entire
120 amount of benefit due to the qualified company under this subdivision;

121 (4) Job retention projects: a qualified company may receive a tax credit
122 for the retention of jobs in this state, provided the qualified company and the
123 project meets all of the following conditions:

124 (a) For each of the twenty-four months preceding the year in which
125 application for the program is made the qualified company must have maintained
126 at least one thousand full-time employees at the employer's site in the state at
127 which the jobs are based, and the average wage of such employees must meet or
128 exceed the county average wage;

129 (b) The qualified company retained at the project facility the level of
130 full-time employees that existed in the taxable year immediately preceding the
131 year in which application for the program is made;

132 (c) The qualified company is considered to have a significant statewide
133 effect on the economy, and has been determined to represent a substantial risk
134 of relocation from the state by the quality jobs advisory task force established in
135 section 620.1887; provided, however, until such time as the initial at-large
136 members of the quality jobs advisory task force are appointed, this determination
137 shall be made by the director of the department of economic development;

138 (d) The qualified company in the project facility will cause to be invested
139 a minimum of seventy million dollars in new investment prior to the end of two
140 years or will cause to be invested a minimum of thirty million dollars in new
141 investment prior to the end of two years and maintain an annual payroll of at
142 least seventy million dollars during each of the years for which a credit is
143 claimed; and

144 (e) The local taxing entities shall provide local incentives of at least fifty
145 percent of the new direct local revenues created by the project over a ten-year
146 period. The quality jobs advisory task force may recommend to the department
147 of economic development that appropriate penalties be applied to the company for
148 violating the agreement. The amount of the job retention credit granted may be
149 equal to up to fifty percent of the amount of withholding tax generated by the

150 full-time jobs at the project facility for a period of five years. The calendar year
151 annual maximum amount of tax credit that may be issued to any qualified
152 company for a job retention project or combination of job retention projects shall
153 be seven hundred fifty thousand dollars per year, but the maximum amount may
154 be increased up to one million dollars if such action is proposed by the
155 department and approved by the quality jobs advisory task force established in
156 section 620.1887; provided, however, until such time as the initial at-large
157 members of the quality jobs advisory task force are appointed, this determination
158 shall be made by the director of the department of economic development. In
159 considering such a request, the task force shall rely on economic modeling and
160 other information supplied by the department when requesting the increased
161 limit on behalf of the job retention project. In no event shall the total amount of
162 all tax credits issued for the entire job retention program under this subdivision
163 exceed three million dollars annually. Notwithstanding the above, no tax credits
164 shall be issued for job retention projects approved by the department after August
165 30, 2013;

166 (5) Small business job retention and flood survivor relief: a qualified
167 company may receive a tax credit under sections 620.1875 to 620.1890 for the
168 retention of jobs and flood survivor relief in this state for each job retained over
169 a three-year period, provided that:

170 (a) The qualified company did not receive any state or federal benefits,
171 incentives, or tax relief or abatement in locating its facility in a flood plain;

172 (b) The qualified company and related companies have fewer than one
173 hundred employees at the time application for the program is made;

174 (c) The average wage of the qualified company's and related companies'
175 employees must meet or exceed the county average wage;

176 (d) All of the qualified company's and related companies' facilities are
177 located in this state;

178 (e) The facilities at the primary business site in this state have been
179 directly damaged by floodwater rising above the level of a five hundred year flood
180 at least two years, but fewer than eight years, prior to the time application is
181 made;

182 (f) The qualified company made significant efforts to protect the facilities
183 prior to any impending danger from rising floodwaters;

184 (g) For each year it receives tax credits under sections 620.1875 to
185 620.1890, the qualified company and related companies retained, at the

186 company's facilities in this state, at least the level of full-time, year-round
187 employees that existed in the taxable year immediately preceding the year in
188 which application for the program is made; and

189 (h) In the years it receives tax credits under sections 620.1875 to
190 620.1890, the company cumulatively invests at least two million dollars in capital
191 improvements in facilities and equipment located at such facilities that are not
192 located within a five hundred year flood plain as designated by the Federal
193 Emergency Management Agency, and amended from time to time. The amount
194 of the small business job retention and flood survivor relief credit granted may
195 be equal to up to one hundred percent of the amount of withholding tax generated
196 by the full-time jobs at the project facility for a period of three years. The
197 calendar year annual maximum amount of tax credit that may be issued to any
198 qualified company for a small business job retention and survivor relief project
199 shall be two hundred fifty thousand dollars per year, but the maximum amount
200 may be increased up to five hundred thousand dollars if such action is proposed
201 by the department and approved by the quality jobs advisory task force
202 established in section 620.1887. In considering such a request, the task force
203 shall rely on economic modeling and other information supplied by the
204 department when requesting an increase in the limit on behalf of the small
205 business job retention and flood survivor relief project. In no event shall the total
206 amount of all tax credits issued for the entire small business job retention and
207 flood survivor relief program under this subdivision exceed five hundred thousand
208 dollars annually. Notwithstanding the provisions of this subdivision to the
209 contrary, no tax credits shall be issued for small business job retention and flood
210 survivor relief projects approved by the department after August 30, 2010.

211 4. The qualified company shall provide an annual report of the number
212 of jobs and such other information as may be required by the department to
213 document the basis for the benefits of this program. The department may
214 withhold the approval of any benefits until it is satisfied that proper
215 documentation has been provided, and shall reduce the benefits to reflect any
216 reduction in full-time employees or new payroll. Upon approval by the
217 department, the qualified company may begin the retention of the withholding
218 taxes when it reaches the minimum number of new jobs and the average wage
219 exceeds the county average wage. Tax credits, if any, may be issued upon
220 satisfaction by the department that the qualified company has exceeded the
221 county average wage and the minimum number of new jobs. In such annual

222 report, if the average wage is below the county average wage, the qualified
223 company has not maintained the employee insurance as required, or if the
224 number of new jobs is below the minimum, the qualified company shall not
225 receive tax credits or retain the withholding tax for the balance of the benefit
226 period. In the case of a qualified company that initially filed a notice of intent
227 and received an approval from the department for high-impact benefits and the
228 minimum number of new jobs in an annual report is below the minimum for
229 high-impact projects, the company shall not receive tax credits for the balance of
230 the benefit period but may continue to retain the withholding taxes if it otherwise
231 meets the requirements of a small and expanding business under this program.

232 5. The maximum calendar year annual tax credits issued for the entire
233 program shall not exceed eighty million dollars. Notwithstanding any provision
234 of law to the contrary, the maximum annual tax credits authorized under section
235 135.535 are hereby reduced from ten million dollars to eight million dollars, with
236 the balance of two million dollars transferred to this program. There shall be no
237 limit on the amount of withholding taxes that may be retained by approved
238 companies under this program.

239 6. The department shall allocate the annual tax credits based on the date
240 of the approval, reserving such tax credits based on the department's best
241 estimate of new jobs and new payroll of the project, and the other factors in the
242 determination of benefits of this program. However, the annual issuance of tax
243 credits is subject to the annual verification of the actual new payroll. The
244 allocation of tax credits for the period assigned to a project shall expire if, within
245 two years from the date of commencement of operations, or approval if applicable,
246 the minimum thresholds have not been achieved. The qualified company may
247 retain authorized amounts from the withholding tax under this section once the
248 minimum new jobs thresholds are met for the duration of the project period. No
249 benefits shall be provided under this program until the qualified company meets
250 the minimum new jobs thresholds. In the event the qualified company does not
251 meet the minimum new job threshold, the qualified company may submit a new
252 notice of intent or the department may provide a new approval for a new project
253 of the qualified company at the project facility or other facilities.

254 7. For a qualified company with flow-through tax treatment to its
255 members, partners, or shareholders, the tax credit shall be allowed to members,
256 partners, or shareholders in proportion to their share of ownership on the last
257 day of the qualified company's tax period.

258 8. Tax credits may be claimed against taxes otherwise imposed by
259 chapters 143 and 148, and may not be carried forward but shall be claimed within
260 one year of the close of the taxable year for which they were issued, except as
261 provided under subdivision (4) of subsection 3 of this section.

262 9. Tax credits authorized by this section may be transferred, sold, or
263 assigned by filing a notarized endorsement thereof with the department that
264 names the transferee, the amount of tax credit transferred, and the value received
265 for the credit, as well as any other information reasonably requested by the
266 department.

267 10. Prior to the issuance of tax credits, the department shall verify
268 through the department of revenue, or any other state department, that the tax
269 credit applicant does not owe any delinquent income, sales, or use tax or interest
270 or penalties on such taxes, or any delinquent fees or assessments levied by any
271 state department and through the department of insurance, financial institutions
272 and professional registration that the applicant does not owe any delinquent
273 insurance taxes. Such delinquency shall not affect the authorization of the
274 application for such tax credits, except that at issuance credits shall be first
275 applied to the delinquency and any amount issued shall be reduced by the
276 applicant's tax delinquency. If the department of revenue or the department of
277 insurance, financial institutions and professional registration, or any other state
278 department, concludes that a taxpayer is delinquent after June fifteenth but
279 before July first of any year and the application of tax credits to such delinquency
280 causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall
281 be granted thirty days to satisfy the deficiency in which interest, penalties, and
282 additions to tax shall be tolled. After applying all available credits toward a tax
283 delinquency, the administering agency shall notify the appropriate department
284 and that department shall update the amount of outstanding delinquent tax owed
285 by the applicant. If any credits remain after satisfying all insurance, income,
286 sales, and use tax delinquencies, the remaining credits shall be issued to the
287 applicant, subject to the restrictions of other provisions of law.

288 11. Except as provided under subdivision (4) of subsection 3 of this
289 section, the director of revenue shall issue a refund to the qualified company to
290 the extent that the amount of credits allowed in this section exceeds the amount
291 of the qualified company's income tax.

292 12. An employee of a qualified company will receive full credit for the
293 amount of tax withheld as provided in section 143.211.

294 13. If any provision of sections 620.1875 to 620.1890 or application thereof
295 to any person or circumstance is held invalid, the invalidity shall not affect other
296 provisions or application of these sections which can be given effect without the
297 invalid provisions or application, and to this end, the provisions of sections
298 620.1875 to 620.1890 are hereby declared severable.

620.1910. 1. This section shall be known and may be cited as the
2 "Manufacturing Jobs Act".

3 2. As used in this section, the following terms mean:

4 (1) "Approval", a document submitted by the department to the qualified
5 manufacturing company or qualified supplier that states the benefits that may
6 be provided under this section;

7 (2) "Capital investment", expenditures made by a qualified manufacturing
8 company to retool or reconfigure a manufacturing facility directly related to the
9 manufacturing of a new product or the expansion or modification of the
10 manufacture of an existing product;

11 (3) "County average wage", the same meaning as such term is defined in
12 section 620.1878;

13 (4) "Department", the department of economic development;

14 (5) "Facility", a building or buildings located in Missouri at which the
15 qualified manufacturing company manufactures a product;

16 (6) "Full-time job", a job for which a person is compensated for an average
17 of at least thirty-five hours per week for a twelve-month period, and one for which
18 the qualified manufacturing company or qualified supplier offers health insurance
19 and pays at least fifty percent of such insurance premiums;

20 (7) "NAICS industry classification", the most recent edition of the North
21 American Industry Classification System as prepared by the Executive Office of
22 the President, Office of Management and Budget;

23 (8) "New job", the same meaning as such term is defined in section
24 620.1878;

25 (9) "New product", a new model or line of a manufactured good that has
26 not been manufactured in Missouri by the qualified manufacturing company at
27 any time prior to the date of the notice of intent, or an existing brand, model, or
28 line of a manufactured good that is redesigned with more than seventy-five
29 percent new exterior body parts and incorporates new powertrain options;

30 (10) "Notice of intent", a form developed by the department, completed by
31 the qualified manufacturing company or qualified supplier and submitted to the

32 department which states the qualified manufacturing company's or qualified
33 supplier's intent to create new jobs or retain current jobs and make additional
34 capital investment, as applicable, and request benefits under this section. The
35 notice of intent shall specify the minimum number of such new or retained jobs
36 and the minimum amount of such capital investment;

37 (11) "Qualified manufacturing company", a business with a NAICS code
38 of 33611 that:

39 (a) Manufactures goods at a facility in Missouri;

40 (b) In the case of the manufacture of a new product, commits to make a
41 capital investment of at least seventy-five thousand dollars per retained job
42 within no more than two years of the date the qualified manufacturing company
43 begins to retain withholding tax under this section, or in the case of the
44 modification or expansion of the manufacture of an existing product, commits to
45 make a capital investment of at least fifty thousand dollars per retained job
46 within no more than two years of the date the qualified manufacturing company
47 begins to retain withholding tax under this section;

48 (c) Manufactures a new product or has commenced making capital
49 improvements to the facility necessary for the manufacturing of such new
50 product, or modifies or expands the manufacture of an existing product or has
51 commenced making capital improvements to the facility necessary for the
52 modification or expansion of the manufacture of such existing product; and

53 (d) Continues to meet the requirements of paragraphs (a) to (c) of this
54 subdivision for the withholding period;

55 (12) "Qualified supplier", a manufacturing company that:

56 (a) Attests to the department that it derives more than ten percent of the
57 total annual sales of the company from sales to a qualified manufacturing
58 company;

59 (b) Adds five or more new jobs;

60 (c) Has an average wage, as defined in section 135.950, for such new jobs
61 that are equal to or exceed the lower of the county average wage for Missouri as
62 determined by the department using NAICS industry classifications, but not
63 lower than sixty percent of the statewide average wage; and

64 (d) Provides health insurance for all full-time jobs and pays at least fifty
65 percent of the premiums of such insurance;

66 (13) "Retained job", the number of full-time jobs of persons employed by
67 the qualified manufacturing company located at the facility that existed as of the

68 last working day of the month immediately preceding the month in which notice
69 of intent is submitted;

70 (14) "Statewide average wage", an amount equal to the quotient of the
71 sum of the total gross wages paid for the corresponding four calendar quarters
72 divided by the average annual employment for such four calendar quarters, which
73 shall be computed using the Quarterly Census of Employment and Wages Data
74 for All Private Ownership Businesses in Missouri, as published by the Bureau of
75 Labor Statistics of the United States Department of Labor;

76 (15) "Withholding period", the seven- or ten-year period in which a
77 qualified manufacturing company may receive benefits under this section;

78 (16) "Withholding tax", the same meaning as such term is defined in
79 section 620.1878.

80 3. The department shall respond within thirty days to a qualified
81 manufacturing company or a qualified supplier who provides a notice of intent
82 with either an approval or a rejection of the notice of intent. Failure to respond
83 on behalf of the department shall result in the notice of intent being deemed an
84 approval for the purposes of this section.

85 4. A qualified manufacturing company that manufactures a new product
86 may, upon the department's approval of a notice of intent and the execution of an
87 agreement that meets the requirements of subsection 9 of this section, but no
88 earlier than January 1, 2012, retain one hundred percent of the withholding tax
89 from full-time jobs at the facility for a period of ten years. A qualified
90 manufacturing company that modifies or expands the manufacture of an existing
91 product may, upon the department's approval of a notice of intent and the
92 execution of an agreement that meets the requirements of subsection 9 of this
93 section, but no earlier than January 1, 2012, retain fifty percent of the
94 withholding tax from full-time jobs at the facility for a period of seven
95 years. Except as otherwise allowed under subsection 7 of this section, the
96 commencement of the withholding period may be delayed by no more than
97 twenty-four months after execution of the agreement at the option of the qualified
98 manufacturing company. Such qualified manufacturing company shall be eligible
99 for participation in the Missouri quality jobs program in sections 620.1875 to
100 620.1890 for any new jobs for which it does not retain withholding tax under this
101 section, provided all qualifications for such program are met.

102 5. A qualified supplier may, upon approval of a notice of intent by the
103 department, retain all withholding tax from new jobs for a period of three years

104 from the date of approval of the notice of intent or for a period of five years if the
105 supplier pays wages for the new jobs equal to or greater than one hundred twenty
106 percent of county average wage. Notwithstanding any other provision of law to
107 the contrary, a qualified supplier that is awarded benefits under this section shall
108 not receive any tax credit or exemption or be entitled to retain withholding under
109 sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to
110 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970,
111 or section 620.1881 for the same jobs.

112 6. Notwithstanding any other provision of law to the contrary, the
113 maximum amount of withholding tax that may be retained by any one qualified
114 manufacturing company under this section shall not exceed ten million dollars
115 per calendar year. The aggregate amount of withholding tax that may be
116 retained by all qualified manufacturing companies under this section shall not
117 exceed fifteen million dollars per calendar year.

118 7. Notwithstanding any other provision of law to the contrary, any
119 qualified manufacturing company that is awarded benefits under this section
120 shall not simultaneously receive tax credits or exemptions under sections 100.700
121 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section
122 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital
123 improvement which qualified for benefits under this section. The benefits
124 available to the qualified manufacturing company under any other state programs
125 for which the qualified manufacturing company is eligible and which utilize
126 withholding tax from the jobs at the facility shall first be credited to the other
127 state program before the applicable withholding period for benefits provided
128 under this section shall begin. These other state programs include, but are not
129 limited to, the [new] **Missouri works** jobs training program under sections
130 [178.892 to 178.896, the job retention program under sections 178.760 to 178.764]
131 **620.800 to 620.809**, the real property tax increment allocation redevelopment act
132 under sections 99.800 to 99.865, or the Missouri downtown and rural economic
133 stimulus act under sections 99.915 to 99.980. If any qualified manufacturing
134 company also participates in the [new] **Missouri works** jobs training program
135 in sections [178.892 to 178.896] **620.800 to 620.809**, such qualified
136 manufacturing company shall not retain any withholding tax that has already
137 been allocated for use in the new jobs training program. Any qualified
138 manufacturing company or qualified supplier that is awarded benefits under this
139 program and knowingly hires individuals who are not allowed to work legally in

140 the United States shall immediately forfeit such benefits and shall repay the
141 state an amount equal to any withholding taxes already retained. Subsection 5
142 of section 285.530 shall not apply to qualified manufacturing companies or
143 qualified suppliers which are awarded benefits under this program.

144 8. The department may promulgate rules to implement the provisions of
145 this section. Any rule or portion of a rule, as that term is defined in section
146 536.010, that is created under the authority delegated in this section shall
147 become effective only if it complies with and is subject to all of the provisions of
148 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
149 nonseverable and if any of the powers vested with the general assembly under
150 chapter 536 to review, to delay the effective date, or to disapprove and annul a
151 rule are subsequently held unconstitutional, then the grant of rulemaking
152 authority and any rule proposed or adopted after the effective date of this section
153 shall be invalid and void.

154 9. Within six months of completion of a notice of intent required under
155 this section, the qualified manufacturing company shall enter into an agreement
156 with the department that memorializes the content of the notice of intent, the
157 requirements of this section, and the consequences for failing to meet such
158 requirements, which shall include the following:

159 (1) If the amount of capital investment made by the qualified
160 manufacturing company is not made within the two-year period provided for such
161 investment, the qualified manufacturing company shall immediately cease
162 retaining any withholding tax with respect to jobs at the facility and it shall
163 forfeit all rights to retain withholding tax for the remainder of the withholding
164 period. In addition, the qualified manufacturing company shall repay any
165 amounts of withholding tax retained plus interest of five percent per
166 annum. However, in the event that such capital investment shortfall is due to
167 economic conditions beyond the control of the qualified manufacturing company,
168 the director may, at the qualified manufacturing company's request, suspend
169 rather than terminate its privilege to retain withholding tax under this section
170 for up to three years. Any such suspension shall extend the withholding period
171 by the same amount of time. No more than one such suspension shall be granted
172 to a qualified manufacturing company;

173 (2) If the qualified manufacturing company discontinues the
174 manufacturing of the new product and does not replace it with a subsequent or
175 additional new product manufactured at the facility at any time during the

176 withholding period, the qualified manufacturing company shall immediately cease
177 retaining any withholding tax with respect to jobs at that facility and it shall
178 forfeit all rights to retain withholding tax for the remainder of the withholding
179 period.

180 10. Prior to March first each year, the department shall provide a report
181 to the general assembly including the names of participating qualified
182 manufacturing companies or qualified suppliers, location of such companies or
183 suppliers, the annual amount of benefits provided, the estimated net state fiscal
184 impact including direct and indirect new state taxes derived, and the number of
185 new jobs created or jobs retained.

186 11. Under section 23.253 of the Missouri sunset act:

187 (1) The provisions of the new program authorized under this section shall
188 automatically sunset October 12, 2016, unless reauthorized by an act of the
189 general assembly; and

190 (2) If such program is reauthorized, the program authorized under this
191 section shall automatically sunset twelve years after the effective date of the
192 reauthorization of this section; and

193 (3) This section shall terminate on September first of the calendar year
194 immediately following the calendar year in which the program authorized under
195 this section is sunset.

2 [178.760. As used in sections 178.760 to 178.764, the
3 following terms mean:

4 (1) "Agreement", the agreement between an employer and
5 a community college district concerning a project. An agreement
6 may be for a period not to exceed ten years when the program
7 services associated with a project are not in excess of five hundred
8 thousand dollars. For a project where the associated program costs
9 are greater than five hundred thousand dollars, the agreement may
10 not exceed a period of eight years;

11 (2) "Board of trustees", the board of trustees of a community
12 college district;

13 (3) "Capital investment", an investment in research and
14 development, working capital, and real and tangible personal
15 business property except inventory or property intended for sale to
16 customers. Trucks, truck trailers, truck semi-trailers, rail and
barge vehicles and other rolling stock for hire, track, switches,

17 barges, bridges, tunnels, rail yards, and spurs shall not qualify as
18 a capital investment. The amount of such investment shall be the
19 original cost of the property if owned, or eight times the net annual
20 rental rate if leased;

21 (4) "Certificate", industrial retained jobs training
22 certificates issued under section 178.763;

23 (5) "Date of commencement of the project", the date of the
24 agreement;

25 (6) "Employee", the person employed in a retained job;

26 (7) "Employer", the person maintaining retained jobs in
27 conjunction with a project;

28 (8) "Industry", a business located within this state which
29 enters into an agreement with a community college district and
30 which is engaged in interstate or intrastate commerce for the
31 purpose of manufacturing, processing, or assembling products,
32 conducting research and development, or providing services in
33 interstate commerce, but excluding retail services;

34 (9) "Program costs", all necessary and incidental costs of
35 providing program services, including payment of the principal,
36 premium, and interest on certificates, including capitalized
37 interest, issued to finance a project, funding and maintenance of a
38 debt service reserve fund to secure such certificates and wages,
39 salaries and benefits of employees participating in on-the-job
40 training;

41 (10) "Program services" includes, but is not limited to, the
42 following:

43 (a) Retained jobs training;

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

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

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

47 (e) On-the-job training;

48 (f) Administrative expenses equal to seventeen percent of
49 the total training costs, two percent to be paid to the department
50 of economic development for deposit into the Missouri job
51 development fund created under section 620.478;

52 (g) Subcontracted services with state institutions of higher

53 education, private colleges or universities, or other federal, state,
54 or local agencies;

55 (h) Contracted or professional services; and

56 (i) Issuance of certificates;

57 (11) "Project", a training arrangement which is the subject
58 of an agreement entered into between the community college
59 district and an employer to provide program services that is not
60 also the subject of an agreement entered into between a community
61 college district and an employer to provide program services under
62 sections 178.892 to 178.896;

63 (12) "Retained job", a job in a stable industry, not including
64 jobs for recalled workers, which was in existence for at least two
65 consecutive calendar years preceding the year in which the
66 application for the retained jobs training program was made;

67 (13) "Retained jobs credit from withholding", the credit as
68 provided in section 178.762;

69 (14) "Retained jobs training program", or "program", the
70 project or projects established by a community college district for
71 the retention of jobs, by providing education and training of
72 workers for existing jobs for stable industry in the state;

73 (15) "Stable industry", a business that otherwise meets the
74 definition of industry and retains existing jobs. To be a stable
75 industry, the business shall have:

76 (a) Maintained at least one hundred employees per year at
77 the employer's site in the state at which the jobs are based, for
78 each of the two calendar years preceding the year in which
79 application for the program is made;

80 (b) Retained at that site the level of employment that
81 existed in the taxable year immediately preceding the year in
82 which application for the program is made; and

83 (c) Made or agree to make a capital investment aggregating
84 at least one million dollars to acquire or improve long-term assets
85 (including leased facilities) such as property, plant, or equipment
86 (excluding program costs) at the employer's site in the state at
87 which jobs are based over a period of three consecutive calendar
88 years, as certified by the employer and:

89 a. Have made substantial investment in new technology
90 requiring the upgrading of worker's skills; or

91 b. Be located in a border county of the state and represent
92 a potential risk of relocation from the state; or

93 c. Be determined to represent a substantial risk of
94 relocation from the state by the director of the department of
95 economic development;

96 (16) "Total training costs", costs of training, including
97 supplies, wages and benefits of instructors, subcontracted services,
98 on-the-job training, training facilities, equipment, skill assessment,
99 and all program services excluding issuance of certificates.]

 [178.761. A community college district, with the approval
2 of the department of economic development in consultation with the
3 office of administration, may enter into an agreement to establish
4 a project and provide program services to an employer. As soon as
5 possible after initial contact between a community college district
6 and a potential employer regarding the possibility of entering into
7 an agreement, the district shall inform the division of workforce
8 development of the department of economic development and the
9 office of administration about the potential project. The division of
10 workforce development shall evaluate the proposed project within
11 the overall job training efforts of the state to ensure that the
12 project will not duplicate other job training programs. The
13 department of economic development shall have fourteen days from
14 receipt of the application to approve or disapprove projects. If no
15 response is received by the community college within fourteen days,
16 the projects are approved. Any project that is disapproved must be
17 in writing stating the reasons for the disapproval. If an agreement
18 is entered into, the district and the employer shall notify the
19 department of revenue within fifteen calendar days. An agreement
20 may provide, but is not limited to:

21 (1) Payment of program costs, including deferred costs,
22 which may be paid from one or a combination of the following
23 sources:

24 (a) Funds appropriated by the general assembly from the
25 Missouri community college job retention program fund and

26 disbursed by the division of workforce development in respect of
27 retained jobs credit from withholding to be received or derived from
28 retained employment resulting from the project;

29 (b) Tuition, student fees, or special charges fixed by the
30 board of trustees to defray program costs in whole or in part;

31 (c) Guarantee of payments to be received under paragraph
32 (a) or (b) of this subdivision;

33 (2) Payment of program costs shall not be deferred for a
34 period longer than ten years if program costs do not exceed five
35 hundred thousand dollars, or eight years if program costs exceed
36 five hundred thousand dollars from the date of commencement of
37 the project;

38 (3) Costs of on-the-job training for employees shall include
39 wages or salaries of participating employees. Payments for
40 on-the-job training shall not exceed the average of fifty percent of
41 the total percent of the total wages paid by the employer to each
42 participant during the period of training. Payment for on-the-job
43 training may continue for up to six months from the date of the
44 employer's capital investment;

45 (4) A provision which fixes the minimum amount of
46 retained jobs credit from withholding, or tuition and fee payments
47 which shall be paid for program costs;

48 (5) Any payment required to be made by an employer is a
49 lien upon the employer's business property until paid and has
50 equal precedence with ordinary taxes and shall not be divested by
51 a judicial sale. Property subject to the lien may be sold for sums
52 due and delinquent at a tax sale, with the same forfeitures,
53 penalties, and consequences as for the nonpayment of ordinary
54 taxes. The purchasers at tax sale obtain the property subject to
55 the remaining payments.]

[178.762. If an agreement provides that all or part of
2 program costs are to be met by receipt of retained jobs credit from
3 withholding, such retained jobs credit from withholding shall be
4 determined and paid as follows:

5 (1) Retained jobs credit from withholding shall be based
6 upon the wages paid to the employees in the retained jobs;

7 (2) A portion of the total payments made by the employer
8 under section 143.221 shall be designated as the retained jobs
9 credit from withholding. Such portion shall be an amount equal to
10 two and one-half percent of the gross wages paid by the employer
11 for each of the first one hundred jobs included in the project and
12 one and one-half percent of the gross wages paid by the employer
13 for each of the remaining jobs included in the project. If business
14 or employment conditions cause the amount of the retained jobs
15 credit from withholding to be less than the amount projected in the
16 agreement for any time period, then other withholding tax paid by
17 the employer under section 143.221 shall be credited to the
18 Missouri community college retained job training fund by the
19 amount of such difference. The employer shall remit the amount
20 of the retained jobs credit to the department of revenue in the
21 manner prescribed in section 178.764. When all program costs,
22 including the principal, premium, and interest on the certificates
23 have been paid, the employer credits shall cease;

24 (3) The community college district participating in a project
25 shall establish a special fund for and in the name of the
26 project. All funds appropriated by the general assembly from the
27 Missouri community college job training retention program fund
28 and disbursed by the division of workforce development for the
29 project and other amounts received by the district in respect of the
30 project and required by the agreement to be used to pay program
31 costs for the project shall be deposited in the special
32 fund. Amounts held in the special fund may be used and disbursed
33 by the district only to pay program costs for the project. The
34 special fund may be divided into such accounts and subaccounts as
35 shall be provided in the agreement, and amounts held therein may
36 be invested in investments which are legal for the investment of
37 the district's other funds;

38 (4) Any disbursement in respect of a project received from
39 the division of workforce development under sections 178.760 to
40 178.764 and the special fund into which it is paid may be
41 irrevocably pledged by a community college district for the payment
42 of the principal, premium, and interest on the certificate issued by

43 a community college district to finance or refinance, in whole or in
44 part, the project;

45 (5) The employer shall certify to the department of revenue
46 that the credit from withholding is in accordance with an
47 agreement and shall provide other information the department may
48 require;

49 (6) An employee participating in a project will receive full
50 credit for the amount designated as a retained jobs credit from
51 withholding and withheld as provided in section 143.221;

52 (7) If an agreement provides that all or part of program
53 costs are to be met by receipt of retained jobs credit from
54 withholding, the provisions of this subsection shall also apply to
55 any successor to the original employer until such time as the
56 principal and interest on the certificates have been paid.]

[178.763. 1. To provide funds for the present payment of
2 the costs of retained jobs training programs, a community college
3 district may borrow money and issue and sell certificates payable
4 from a sufficient portion of the future receipts of payments
5 authorized by the agreement including disbursements from the
6 Missouri community college job retention training program to the
7 special fund established by the district for each project. The total
8 amount of outstanding certificates sold by all community college
9 districts shall not exceed fifteen million dollars, unless an
10 increased amount is authorized in writing by a majority of
11 members of the Missouri job training joint legislative oversight
12 committee. The certificates shall be marketed through financial
13 institutions authorized to do business in Missouri.

14 The receipts shall be pledged to the payment of principal of and
15 interest on the certificates. Certificates may be sold at public sale
16 or at private sale at par, premium, or discount of not less than
17 ninety-five percent of the par value thereof, at the discretion of the
18 board of trustees, and may bear interest at such rate or rates as
19 the board of trustees shall determine, notwithstanding the
20 provisions of section 108.170 to the contrary. However, chapter 176
21 does not apply to the issuance of these certificates. Certificates
22 may be issued with respect to a single project or multiple projects

23 and may contain terms or conditions as the board of trustees may
24 provide by resolution authorizing the issuance of the certificates.

25 2. Certificates issued to refund other certificates may be
26 sold at public sale or at private sale as provided in this section
27 with the proceeds from the sale to be used for the payment of the
28 certificates being refunded. The refunding certificates may be
29 exchanged in payment and discharge of the certificates being
30 refunded, in installments at different times or an entire issue or
31 series at one time. Refunding certificates may be sold or exchanged
32 at any time on, before, or after the maturity of the outstanding
33 certificates to be refunded. They may be issued for the purpose of
34 refunding a like, greater, or lesser principal amount of certificates
35 and may bear a higher, lower, or equivalent rate of interest than
36 the certificates being renewed or refunded.

37 3. Before certificates are issued, the board of trustees shall
38 publish once a notice of its intention to issue the certificates,
39 stating the amount, the purpose, and the project or projects for
40 which the certificates are to be issued. A person may, within
41 fifteen days after the publication of the notice, by action in the
42 circuit court of a county in the district, appeal the decision of the
43 board of trustees to issue the certificates. The action of the board
44 of trustees in determining to issue the certificates is final and
45 conclusive unless the circuit court finds that the board of trustees
46 has exceeded its legal authority. An action shall not be brought
47 which questions the legality of the certificates, the power of the
48 board of trustees to issue the certificates, the effectiveness of any
49 proceedings relating to the authorization of the project, or the
50 authorization and issuance of the certificates from and after fifteen
51 days from the publication of the notice of intention to issue.

52 4. The board of trustees shall make a finding based on
53 information supplied by the employer that revenues provided in the
54 agreement are sufficient to secure the faithful performance of
55 obligations in the agreement.

56 5. Certificates issued under this section shall not be deemed
57 to be an indebtedness of the state or the community college district
58 or of any other political subdivision of the state, and the principal

59 and interest on such certificates shall be payable only from the
60 sources provided in subdivision (1) of section 178.761 which are
61 pledged in the agreement.

62 6. The department of economic development shall
63 coordinate the retained jobs training program, and may promulgate
64 rules that districts will use in developing projects with industrial
65 retained jobs training proposals which shall include rules providing
66 for the coordination of such proposals with the service delivery
67 areas established in the state to administer federal funds pursuant
68 to the federal Workforce Investment Act. No rule or portion of a
69 rule promulgated pursuant to the authority of this section shall
70 become effective unless it has been promulgated pursuant to
71 chapter 536.

72 7. No community college district may sell certificates as
73 described in this section after July 1, 2014.]

[178.764. 1. There is hereby established within the state
2 treasury a special fund, to be known as the "Missouri Community
3 College Job Retention Training Program Fund", to be administered
4 by the division of workforce development. The department of
5 revenue shall credit to the community college job retention training
6 program fund, as received, all retained jobs credit from withholding
7 remitted by employers pursuant to section 178.762. The fund shall
8 also consist of any gifts, contributions, grants, or bequests received
9 from federal, private, or other sources. The general assembly,
10 however, shall not provide for any transfer of general revenue
11 funds into the community college job retention training program
12 fund. Moneys in the Missouri community college job retention
13 training program fund shall be disbursed to the division of
14 workforce development pursuant to regular appropriations by the
15 general assembly. The division shall disburse such appropriated
16 funds in a timely manner into the special funds established by
17 community college districts for projects, which funds shall be used
18 to pay program costs, including the principal, premium, and
19 interest on certificates issued by the district to finance or
20 refinance, in whole or in part, a project. Such disbursements by
21 the division of workforce development shall be made to the special

22 fund for each project in the same proportion as the retained jobs
23 credit from withholding remitted by the employer participating in
24 such project bears to the total retained jobs credit from withholding
25 remitted by all employers participating in projects during the
26 period for which the disbursement is made. Moneys for retained
27 jobs training programs established under sections 178.760 to
28 178.764 shall be obtained from appropriations made by the general
29 assembly from the Missouri community college job retention
30 training program fund. All moneys remaining in the Missouri
31 community college job retention training program fund at the end
32 of any fiscal year shall not lapse to the general revenue fund, as
33 provided in section 33.080, but shall remain in the Missouri
34 community college job retention training program fund.

35 2. The department of revenue shall develop such forms as
36 are necessary to demonstrate accurately each employer's retained
37 jobs credit from withholding paid into the Missouri community
38 college job retention training program fund.

39 The retained jobs credit from withholding shall be accounted as
40 separate from the normal withholding tax paid to the department
41 of revenue by the employer.

42 Reimbursements made by all employers to the Missouri community
43 college job retention training program fund shall be no less than all
44 allocations made by the division of workforce development to all
45 community college districts for all job retention projects. The
46 employer shall remit the amount of the retained job credit to the
47 department of revenue in the same manner as provided in sections
48 143.191 to 143.265.]

2 [178.892. As used in sections 178.892 to 178.896, the
following terms mean:

3 (1) "Agreement", the agreement, between an employer and
4 a community college district, concerning a project. An agreement
5 may be for a period not to exceed ten years when the program
6 services associated with a project are not in excess of five hundred
7 thousand dollars. For a project where associated program costs are
8 greater than five hundred thousand dollars, the agreement may not
9 exceed a period of eight years. No agreement shall be entered into

10 between an employer and a community college district which
11 involves the training of potential employees with the purpose of
12 replacing or supplanting employees engaged in an authorized work
13 stoppage;

14 (2) "Board of trustees", the board of trustees of a community
15 college district;

16 (3) "Certificate", industrial new jobs training certificates
17 issued pursuant to section 178.895;

18 (4) "Date of commencement of the project", the date of the
19 agreement;

20 (5) "Employee", the person employed in a new job;

21 (6) "Employer", the person providing new jobs in
22 conjunction with a project;

23 (7) "Essential industry", a business that otherwise meets
24 the definition of industry but instead of creating new jobs
25 maintains existing jobs. To be an essential industry, the business
26 must have maintained at least two thousand jobs each year for a
27 period of four years preceding the year in which application for the
28 program authorized by sections 178.892 to 178.896 is made and
29 must be located in a home rule city with more than twenty-six
30 thousand but less than twenty-seven thousand inhabitants located
31 in any county with a charter form of government and with more
32 than one million inhabitants;

33 (8) "Existing job", a job in an essential industry that pays
34 wages or salary greater than the average of the county in which the
35 project will be located;

36 (9) "Industry", a business located within the state of
37 Missouri which enters into an agreement with a community college
38 district and which is engaged in interstate or intrastate commerce
39 for the purpose of manufacturing, processing, or assembling
40 products, conducting research and development, or providing
41 services in interstate commerce, but excluding retail
42 services. "Industry" does not include a business which closes or
43 substantially reduces its operation in one area of the state and
44 relocates substantially the same operation in another area of the
45 state. This does not prohibit a business from expanding its

46 operations in another area of the state provided that existing
47 operations of a similar nature are not closed or substantially
48 reduced;

49 (10) "New job", a job in a new or expanding industry not
50 including jobs of recalled workers, or replacement jobs or other jobs
51 that formerly existed in the industry in the state. For an essential
52 industry, an existing job shall be considered a new job for the
53 purposes of the new job training programs;

54 (11) "New jobs credit from withholding", the credit as
55 provided in section 178.894;

56 (12) "New jobs training program" or "program", the project
57 or projects established by a community college district for the
58 creation of jobs by providing education and training of workers for
59 new jobs for new or expanding industry in the state;

60 (13) "Program costs", all necessary and incidental costs of
61 providing program services including payment of the principal of,
62 premium, if any, and interest on certificates, including capitalized
63 interest, issued to finance a project, funding and maintenance of a
64 debt service reserve fund to secure such certificates and wages,
65 salaries and benefits of employees participating in on-the-job
66 training;

67 (14) "Program services" includes, but is not limited to, the
68 following:

69 (a) New jobs training;

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

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

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

73 (e) On-the-job training;

74 (f) Administrative expenses equal to fifteen percent of the
75 total training costs;

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

79 (h) Contracted or professional services; and

80 (i) Issuance of certificates;

81 (15) "Project", a training arrangement which is the subject

82 of an agreement entered into between the community college
83 district and an employer to provide program services;

84 (16) "Total training costs", costs of training, including
85 supplies, wages and benefits of instructors, subcontracted services,
86 on-the-job training, training facilities, equipment, skill assessment
87 and all program services excluding issuance of certificates.]

[178.893. A community college district, with the approval
2 of the department of economic development in consultation with the
3 office of administration, may enter into an agreement to establish
4 a project and provide program services to an employer. As soon as
5 possible after initial contact between a community college district
6 and a potential employer regarding the possibility of entering into
7 an agreement, the district shall inform the division of job
8 development and training of the department of economic
9 development and the office of administration about the potential
10 project. The division of job development and training shall
11 evaluate the proposed project within the overall job training efforts
12 of the state to ensure that the project will not duplicate other job
13 training programs. The department of economic development shall
14 have fourteen days from receipt of the application to approve or
15 disapprove projects. If no response is received by the community
16 college within fourteen days the projects are approved. Any project
17 that is disapproved must be in writing stating the reasons for the
18 disapproval. If an agreement is entered into, the district and the
19 employer shall notify the department of revenue within fifteen
20 calendar days. An agreement may provide, but is not limited to:

21 (1) Payment of program costs, including deferred costs,
22 which may be paid from one or a combination of the following
23 sources:

24 (a) Funds appropriated by the general assembly from the
25 Missouri community college job training program fund and
26 disbursed by the division of job development and training in
27 respect of new jobs credit from withholding to be received or
28 derived from new employment resulting from the project;

29 (b) Tuition, student fees, or special charges fixed by the
30 board of trustees to defray program costs in whole or in part;

31 (c) Guarantee of payments to be received under paragraph
32 (a) or (b) of this subdivision;

33 (2) Payment of program costs shall not be deferred for a
34 period longer than ten years if program costs do not exceed five
35 hundred thousand dollars, or eight years if program costs exceed
36 five hundred thousand dollars from the date of commencement of
37 the project;

38 (3) Costs of on-the-job training for employees, shall include
39 wages or salaries of participating employees. Payments for
40 on-the-job training shall not exceed the average of fifty percent of
41 the total percent of the total wages paid by the employer to each
42 participant during the period of training.

43 Payment for on-the-job training may continue for up to six months
44 after the placement of the participant in the new job;

45 (4) A provision which fixes the minimum amount of new
46 jobs credit from withholding, or tuition and fee payments which
47 shall be paid for program costs;

48 (5) Any payment required to be made by an employer is a
49 lien upon the employer's business property until paid and has
50 equal precedence with ordinary taxes and shall not be divested by
51 a judicial sale. Property subject to the lien may be sold for sums
52 due and delinquent at a tax sale, with the same forfeitures,
53 penalties, and consequences as for the nonpayment of ordinary
54 taxes. The purchasers at tax sale obtain the property subject to
55 the remaining payments.]

2 [178.894. If an agreement provides that all or part of
3 program costs are to be met by receipt of new jobs credit from
4 withholding, such new jobs credit from withholding shall be
5 determined and paid as follows:

6 (1) New jobs credit from withholding shall be based upon
7 the wages paid to the employees in the new jobs;

8 (2) A portion of the total payments made by the employer
9 pursuant to section 143.221 shall be designated as the new jobs
10 credit from withholding. Such portion shall be an amount equal to
11 two and one-half percent of the gross wages paid by the employer
for each of the first one hundred jobs included in the project and

12 one and one-half percent of the gross wages paid by the employer
13 for each of the remaining jobs included in the project. If business
14 or employment conditions cause the amount of the new jobs credit
15 from withholding to be less than the amount projected in the
16 agreement for any time period, then other withholding tax paid by
17 the employer pursuant to section 143.221 shall be credited to the
18 Missouri community college job training fund by the amount of
19 such difference. The employer shall remit the amount of the new
20 jobs credit to the department of revenue in the manner prescribed
21 in section 178.896. When all program costs, including the principal
22 of, premium, if any, and interest on the certificates have been paid,
23 the employer credits shall cease;

24 (3) The community college district participating in a project
25 shall establish a special fund for and in the name of the
26 project. All funds appropriated by the general assembly from the
27 Missouri community college job training program fund and
28 disbursed by the division of job development and training for the
29 project and other amounts received by the district in respect of the
30 project and required by the agreement to be used to pay program
31 costs for the project shall be deposited in the special
32 fund. Amounts held in the special fund may be used and disbursed
33 by the district only to pay program costs for the project. The
34 special fund may be divided into such accounts and subaccounts as
35 shall be provided in the agreement, and amounts held therein may
36 be invested in investments which are legal for the investment of
37 the district's other funds;

38 (4) Any disbursement in respect of a project received from
39 the division of job development and training under the provisions
40 of sections 178.892 to 178.896 and the special fund into which it is
41 paid may be irrevocably pledged by a community college district for
42 the payment of the principal of, premium, if any, and interest on
43 the certificate issued by a community college district to finance or
44 refinance, in whole or in part, the project;

45 (5) The employer shall certify to the department of revenue
46 that the credit from withholding is in accordance with an
47 agreement and shall provide other information the department may

48 require;

49 (6) An employee participating in a project will receive full
50 credit for the amount designated as a new jobs credit from
51 withholding and withheld as provided in section 143.221;

52 (7) If an agreement provides that all or part of program
53 costs are to be met by receipt of new jobs credit from withholding,
54 the provisions of this subsection shall also apply to any successor
55 to the original employer until such time as the principal and
56 interest on the certificates have been paid.]

[178.895. 1. To provide funds for the present payment of
2 the costs of new jobs training programs, a community college
3 district may borrow money and issue and sell certificates payable
4 from a sufficient portion of the future receipts of payments
5 authorized by the agreement including disbursements from the
6 Missouri community college job training program to the special
7 fund established by the district for each project. The total amount
8 of outstanding certificates sold by all community college districts
9 shall not exceed twenty million dollars, unless an increased amount
10 is authorized in writing by a majority of members of the Missouri
11 job training joint legislative oversight committee. The certificates
12 shall be marketed through financial institutions authorized to do
13 business in Missouri. The receipts shall be pledged to the payment
14 of principal of and interest on the certificates. Certificates may be
15 sold at public sale or at private sale at par, premium, or discount
16 of not less than ninety-five percent of the par value thereof, at the
17 discretion of the board of trustees, and may bear interest at such
18 rate or rates as the board of trustees shall determine,
19 notwithstanding the provisions of section 108.170 to the
20 contrary. However, chapter 176 does not apply to the issuance of
21 these certificates. Certificates may be issued with respect to a
22 single project or multiple projects and may contain terms or
23 conditions as the board of trustees may provide by resolution
24 authorizing the issuance of the certificates.

25 2. Certificates issued to refund other certificates may be
26 sold at public sale or at private sale as provided in this section
27 with the proceeds from the sale to be used for the payment of the

28 certificates being refunded. The refunding certificates may be
29 exchanged in payment and discharge of the certificates being
30 refunded, in installments at different times or an entire issue or
31 series at one time. Refunding certificates may be sold or exchanged
32 at any time on, before, or after the maturity of the outstanding
33 certificates to be refunded. They may be issued for the purpose of
34 refunding a like, greater, or lesser principal amount of certificates
35 and may bear a higher, lower, or equivalent rate of interest than
36 the certificates being renewed or refunded.

37 3. Before certificates are issued, the board of trustees shall
38 publish once a notice of its intention to issue the certificates,
39 stating the amount, the purpose, and the project or projects for
40 which the certificates are to be issued. A person may, within
41 fifteen days after the publication of the notice, by action in the
42 circuit court of a county in the district, appeal the decision of the
43 board of trustees to issue the certificates. The action of the board
44 of trustees in determining to issue the certificates is final and
45 conclusive unless the circuit court finds that the board of trustees
46 has exceeded its legal authority. An action shall not be brought
47 which questions the legality of the certificates, the power of the
48 board of trustees to issue the certificates, the effectiveness of any
49 proceedings relating to the authorization of the project, or the
50 authorization and issuance of the certificates from and after fifteen
51 days from the publication of the notice of intention to issue.

52 4. The board of trustees shall determine if revenues
53 provided in the agreement are sufficient to secure the faithful
54 performance of obligations in the agreement.

55 5. Certificates issued under this section shall not be deemed
56 to be an indebtedness of the state or the community college district
57 or of any other political subdivision of the state and the principal
58 and interest on such certificates shall be payable only from the
59 sources provided in subdivision (1) of section 178.893 which are
60 pledged in the agreement.

61 6. The department of economic development shall
62 coordinate the new jobs training program, and may promulgate
63 rules that districts will use in developing projects with new and

64 expanding industrial new jobs training proposals which shall
65 include rules providing for the coordination of such proposals with
66 the service delivery areas established in the state to administer
67 federal funds pursuant to the federal Job Training Partnership
68 Act. No rule or portion of a rule promulgated under the authority
69 of sections 178.892 to 178.896 shall become effective unless it has
70 been promulgated pursuant to the provisions of chapter 536. All
71 rulemaking authority delegated prior to June 27, 1997, is of no
72 force and effect and repealed; however, nothing in this section shall
73 be interpreted to repeal or affect the validity of any rule filed or
74 adopted prior to June 27, 1997, if such rule complied with the
75 provisions of chapter 536. The provisions of this section and
76 chapter 536 are nonseverable and if any of the powers vested with
77 the general assembly pursuant to chapter 536, including the ability
78 to review, to delay the effective date, or to disapprove and annul a
79 rule or portion of a rule, are subsequently held unconstitutional,
80 then the purported grant of rulemaking authority and any rule so
81 proposed and contained in the order of rulemaking shall be invalid
82 and void.

83 7. No community college district may sell certificates as
84 described in this section after July 1, 2018.]

2 [178.896. 1. There is hereby established within the state
3 treasury a special fund, to be known as the "Missouri Community
4 College Job Training Program Fund", to be administered by the
5 division of job development and training. The department of
6 revenue shall credit to the community college job training program
7 fund, as received, all new jobs credit from withholding remitted by
8 employers pursuant to section 178.894. The fund shall also consist
9 of any gifts, contributions, grants or bequests received from federal,
10 private or other sources. The general assembly, however, shall not
11 provide for any transfer of general revenue funds into the
12 community college job training program fund. Moneys in the
13 Missouri community college job training program fund shall be
14 disbursed to the division of job development and training pursuant
15 to regular appropriations by the general assembly. The division
shall disburse such appropriated funds in a timely manner into the

16 special funds established by community college districts for
17 projects, which funds shall be used to pay program costs, including
18 the principal of, premium, if any, and interest on certificates issued
19 by the district to finance or refinance, in whole or in part, a
20 project. Such disbursements by the division of job development and
21 training shall be made to the special fund for each project in the
22 same proportion as the new jobs credit from withholding remitted
23 by the employer participating in such project bears to the total new
24 jobs credit from withholding remitted by all employers
25 participating in projects during the period for which the
26 disbursement is made. Moneys for new jobs training programs
27 established under the provisions of sections 178.892 to 178.896
28 shall be obtained from appropriations made by the general
29 assembly from the Missouri community college job training
30 program fund. All moneys remaining in the Missouri community
31 college job training program fund at the end of any fiscal year shall
32 not lapse to the general revenue fund, as provided in section
33 33.080, but shall remain in the Missouri community college job
34 training program fund.

35 2. The department of revenue shall develop such forms as
36 are necessary to demonstrate accurately each employer's new jobs
37 credit from withholding paid into the Missouri community college
38 job training program fund. The new jobs credit from withholding
39 shall be accounted as separate from the normal withholding tax
40 paid to the department of revenue by the
41 employer. Reimbursements made by all employers to the Missouri
42 community college job training program fund shall be no less than
43 all allocations made by the division of job development and training
44 to all community college districts for all projects. The employer
45 shall remit the amount of the new job credit to the department of
46 revenue in the same manner as provided in sections 143.191 to
47 143.265.

48 3. Sections 178.892 to 178.896 shall expire July 1, 2028.]
[620.470. As used in sections 620.470 to 620.481, unless the
2 context clearly requires otherwise, the following terms mean:

3 (1) "Department", the Missouri department of economic

4 development;

5 (2) "Fund", the Missouri job development fund as
6 established by section 620.478;

7 (3) "Industry", an entity the objective of which is to supply
8 a service or the objective of which is the commercial production and
9 sale of an article of trade or commerce. The term includes a
10 consortium of such entities organized for the purpose of providing
11 for common training to the member entities' employees, provided
12 that the consortium as a whole meets the requirements for
13 participation in this program;

14 (4) "Manufacturing", the making or processing of raw
15 materials into a finished product, especially by means of large-scale
16 machines of industry.]

[620.472. 1. The department shall establish a new or
2 expanding industry training program, the purpose of which is to
3 provide assistance for new or expanding industries for the training,
4 retraining or upgrading of the skills of potential
5 employees. Training may include preemployment training, and
6 services may include analysis of the specified training needs for
7 such company, development of training plans, and provision of
8 training through qualified training staff. Such program may fund
9 in-plant training analysis, curriculum development, assessment
10 and preselection tools, publicity for the program, instructional
11 services, rental of instructional facilities with necessary utilities,
12 access to equipment and supplies, other necessary services, overall
13 program direction, and an adequate staff to carry out an effective
14 training program. In addition, the program may fund a
15 coordinated transportation program for trainings if the training can
16 be more effectively provided outside the community where the jobs
17 are to be located. In-plant training analysis shall include fees for
18 professionals and necessary travel and expenses. Such program
19 may also provide assistance in the locating of skilled employees
20 and in the locating of additional sources of job training
21 funds. Such program shall be operated with appropriations made
22 by the general assembly from the fund.

23 2. Assistance under the new or expanding industry training

24 program may be available only for industries who certify to the
25 department that their investments relate directly to a projected
26 increase in employment which will result in the need for training
27 of newly hired employees or the retraining or upgrading of the
28 skills of existing employees for new jobs created by the new or
29 expanding industry's investment.

30 3. The department shall issue rules and regulations
31 governing the awarding of funds administered through the new or
32 expanding industry training program. When promulgating these
33 rules and regulations, the department shall consider such factors
34 as the potential number of new permanent jobs to be created, the
35 amount of private sector investment in new facilities and
36 equipment, the significance of state funding to the industry's
37 decision to locate or expand in Missouri, the economic need of the
38 affected community, and the importance of the industry to the
39 economic development of Missouri.]

2 [620.474. 1. The department shall establish a basic
3 industry retraining program, the purpose of which is to provide
4 assistance for industries in Missouri for the retraining and
5 upgrading of employees' skills which are required to support new
6 investment. Such program shall be operated with appropriations
7 made by the general assembly from the fund.

8 2. Assistance under the basic industry retraining program
9 may be made available for industries in Missouri which make new
10 investments without the creation of new employment.

11 3. The department shall issue rules and regulations
12 governing the awarding of funds administered through the basic
13 industry retraining fund. When promulgating these rules and
14 regulations, the department shall consider such factors as the
15 number of jobs in jeopardy of being lost if retraining does not occur,
16 the amount of private sector investment in new facilities and
17 equipment, the ratio of jobs retained versus investment, the cost of
18 normal, ongoing training required for the industry, the economic
19 need of the affected community, and the importance of the industry
to the economic development of Missouri.]

[620.475. 1. The department shall establish an industry

2 quality and productivity improvement program to help industries
3 and businesses evaluate and enhance quality and productivity, and
4 to encourage the private sector to develop long-range goals to
5 improve quality and productivity and improve the competitive
6 position of private businesses. The quality and productivity
7 improvement program shall include seminars, workshops and short
8 courses on subjects such as long-range planning, new management
9 techniques, automated manufacturing, innovative uses of new
10 materials and the latest philosophies of management and quality
11 improvement. The program shall be available to existing Missouri
12 manufacturing, distribution and service businesses.

13 2. The department may develop quality and productivity
14 improvement centers at university and community college
15 campuses throughout the state as the demand and need is
16 determined. The department shall have the authority to contract
17 with individuals who possess particular knowledge, ability and
18 expertise in the various subjects which may be essential to the
19 program's goals. Seminars, workshops, short courses and specific
20 not for credit classes shall be developed on and off campus for
21 personnel engaged in manufacturing, distribution and service
22 businesses. At the discretion of the department, the University of
23 Missouri and Lincoln University extension services, the continuing
24 education offices of the regional universities and community
25 colleges may be used for the promotion and coordination of the
26 off-campus courses that are offered.

27 3. Activities eligible for reimbursement in the industry
28 quality and productivity program shall include:

29 (1) The cost of seminars, workshops, short courses and
30 specific not for credit classes;

31 (2) The wages of instructors;

32 (3) Productivity materials and supplies, including the
33 purchase of packaged productivity programs when appropriate;

34 (4) Travel directly related to the program;

35 (5) Tuition payments to third-party productivity providers
36 and to businesses; and

37 (6) Teaching and assistance provided by educational

38 institutions in the state.

39 4. No industry receiving assistance under the industry
40 quality and productivity improvement program shall be reimbursed
41 for more than fifty percent of the total costs of its participation in
42 the program.]

[620.476. Activities eligible for reimbursement by funds
2 administered through the new or expanding industry program and
3 the basic industry retraining program shall include: the wages of
4 instructors, who may or may not be employees of the industry;
5 training development costs, including the cost of training of
6 instructors; training materials and supplies, including the purchase
7 of packaged training programs when appropriate; travel directly
8 related to the training program; tuition payments to third-party
9 training providers and to the industry; teaching and assistance
10 provided by educational institutions in the state of Missouri;
11 on-the-job training; and the leasing, but not the purchase, of
12 training equipment and space.]

[620.478. 1. There is hereby established in the state
2 treasury a special fund to be known as the "Missouri Job
3 Development Fund". The fund shall consist of all moneys which
4 may be appropriated to it by the general assembly and also any
5 gifts, contributions, grants or bequests received from federal,
6 private or other sources. Appropriations made from the fund shall
7 be for the purpose of providing contractual services through the
8 department of elementary and secondary education for vocational
9 related training or retraining provided by public or private training
10 institutions within Missouri; and for contracted services through
11 the department of economic development for vocational related
12 training or retraining provided by public or private training
13 institutions located outside of Missouri; and for vocational related
14 training or retraining provided on site, within Missouri, by any
15 proprietorship, partnership or corporate entity. Except for
16 state-sponsored preemployment training, no applicant shall receive
17 more than fifty percent of its project training or retraining costs
18 from the development fund. Moneys to operate the new or
19 expanding industry training program, the basic industry retraining

20 program, the industry quality and productivity improvement
21 program and assistance to community college business and
22 technology centers shall be obtained from appropriations made by
23 the general assembly from the fund. No funds shall be awarded or
24 reimbursed to any industry for the training, retraining or
25 upgrading of skills of potential employees with the purpose of
26 replacing or supplanting employees engaged in an authorized work
27 stoppage.

28 2. The Missouri job development fund shall be able to
29 receive any block grant or other sources of funding relating to job
30 training, school-to-work transition, welfare reform, vocational and
31 technical training, housing, infrastructure development and human
32 resource investment programs which may be provided by the
33 federal government or other sources.]

[620.479. The department is authorized to contract with
2 other entities, including businesses, industries, other state agencies
3 and the political subdivisions of the state, for the purpose of
4 carrying out the provisions of sections 620.470 to 620.481.]

[620.480. To efficiently carry out the responsibilities of the
2 division of job development and training and to improve job
3 training program coordination, the commissioner of administration
4 shall authorize the division to directly negotiate with and contract
5 for job training and related services with administrative entities
6 designated pursuant to the requirements of the Job Training
7 Partnership Act and any subsequent amendments and any other
8 agencies or entities which may be designated to administer job
9 training and related services pursuant to any succeeding federal or
10 state legislative or regulatory requirements.]

[620.481. There is hereby created the "Missouri Job
2 Training Joint Legislative Oversight Committee". The committee
3 shall consist of three members of the Missouri senate appointed by
4 the president pro tem of the senate; three members of the house of
5 representatives appointed by the speaker of the house. No more
6 than two of the members of the senate and two of the members of
7 the house of representatives shall be from the same political
8 party. Members of the Missouri job training joint legislative

9 oversight committee shall report to the governor, the president pro
10 tem of the senate and the speaker of the house of representatives
11 on all assistance to industries under the provisions of sections
12 620.470 to 620.481 provided during the preceding fiscal year and
13 the customized job training program administered by the
14 department of elementary and secondary education. The report of
15 the committee shall be delivered no later than October first of each
16 year. The director of the department of economic development
17 shall report to the committee such information as the committee
18 may deem necessary for its annual report. Members of the
19 committee shall receive no compensation in addition to their salary
20 as members of the general assembly, but may receive their
21 necessary expenses while attending the meetings of the committee,
22 to be paid out of the joint contingent fund.]

[620.482. 1. The department may provide assistance,
2 through appropriations made from the Missouri job development
3 fund, to business and technology centers. Such assistance may not
4 include the lending of the state's credit for the payment of any
5 liability of the fund. Such centers may be established by Missouri
6 community colleges, or a state-owned postsecondary technical
7 college, to provide business and training services in disciplines
8 which shall include, but not be limited to, environmental health
9 and safety, industrial electrical technology, machine tool
10 technology, industrial management and technology, computer
11 consulting and computer-aided drafting, microcomputer training
12 and telecommunications training.

13 2. The department of economic development shall
14 promulgate rules and regulations as are necessary to implement
15 the provisions of sections 620.470 to 620.482. No rule or portion of
16 a rule promulgated under the authority of sections 620.470 to
17 620.482 shall become effective unless it has been promulgated
18 pursuant to the provisions of section 536.024.]

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