

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 68

100TH GENERAL ASSEMBLY

2019

0509H.03T

AN ACT

To repeal sections 135.100, 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof twelve new sections relating to workforce development.

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

Section A. Sections 135.100, 620.511, 620.800, 620.803, 620.806, 620.809, 2 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, are repealed and twelve new 3 sections enacted in lieu thereof, to be known as sections 135.100, 173.2553, 4 173.2554, 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 5 620.2020, and 620.2475, to read as follows:

135.100. As used in sections 135.100 to 135.150 the following terms shall 2 mean:

3 (1) "Commencement of commercial operations" shall be deemed to occur 4 during the first **[taxable] tax** year for which the new business facility is first 5 available for use by the taxpayer, or first capable of being used by the taxpayer, 6 in the revenue-producing enterprise in which the taxpayer intends to use the new 7 business facility;

8 (2) "Existing business facility", any facility in this state which was 9 employed by the taxpayer claiming the credit in the operation of a revenue- 10 producing enterprise immediately prior to an expansion, acquisition, addition, or 11 replacement;

12 (3) "Facility", any building used as a revenue-producing enterprise located 13 within the state, including the land on which the facility is located and all 14 machinery, equipment and other real and depreciable tangible personal property 15 acquired for use at and located at or within such facility and used in connection

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

16 with the operation of such facility;

17 (4) "NAICS", the North American Industrial Classification System as such
18 classifications are defined in the 2007 edition of the North American Industrial
19 Classification System;

20 (5) "New business facility", a facility which satisfies the following
21 requirements:

22 (a) Such facility is employed by the taxpayer in the operation of a
23 revenue-producing enterprise. Such facility shall not be considered a new
24 business facility in the hands of the taxpayer if the taxpayer's only activity with
25 respect to such facility is to lease it to another person or persons. If the taxpayer
26 employs only a portion of such facility in the operation of a revenue-producing
27 enterprise, and leases another portion of such facility to another person or
28 persons or does not otherwise use such other portions in the operation of a
29 revenue-producing enterprise, the portion employed by the taxpayer in the
30 operation of a revenue-producing enterprise shall be considered a new business
31 facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision
32 are satisfied;

33 (b) Such facility is acquired by, or leased to, the taxpayer after December
34 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the
35 taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the
36 transfer of possession pursuant to a binding contract to transfer title to the
37 taxpayer, or the commencement of the term of the lease to the taxpayer occurs
38 after December 31, 1983, or, if the facility is constructed, erected or installed by
39 or on behalf of the taxpayer, such construction, erection or installation is
40 commenced after December 31, 1983;

41 (c) If such facility was acquired by the taxpayer from another person or
42 persons and such facility was employed immediately prior to the transfer of title
43 to such facility to the taxpayer, or to the commencement of the term of the lease
44 of such facility to the taxpayer, by any other person or persons in the operation
45 of a revenue-producing enterprise, the operation of the same or a substantially
46 similar revenue-producing enterprise is not continued by the taxpayer at such
47 facility;

48 (d) Such facility is not a replacement business facility, as defined in
49 subdivision (11) of this section; and

50 (e) The new business facility investment exceeds one hundred thousand
51 dollars during the tax period in which the credits are claimed;

52 (6) "New business facility employee", a person employed by the taxpayer
53 in the operation of a new business facility during the [taxable] tax year for which
54 the credit allowed by section 135.110 is claimed, except that truck drivers and
55 rail and barge vehicle operators shall not constitute new business facility
56 employees. A person shall be deemed to be so employed if such person performs
57 duties in connection with the operation of the new business facility on:

58 (a) A regular, full-time basis; or

59 (b) A part-time basis, provided such person is customarily performing
60 such duties an average of at least twenty hours per week; or

61 (c) A seasonal basis, provided such person performs such duties for at
62 least eighty percent of the season customary for the position in which such person
63 is employed;

64 (7) "New business facility income", the Missouri taxable income, as
65 defined in chapter 143, derived by the taxpayer from the operation of the new
66 business facility. For the purpose of apportionment as prescribed in this
67 subdivision, the term "Missouri taxable income" means, in the case of insurance
68 companies, direct premiums as defined in chapter 148. If a taxpayer has income
69 derived from the operation of a new business facility as well as from other
70 activities conducted within this state, the Missouri taxable income derived by the
71 taxpayer from the operation of the new business facility shall be determined by
72 multiplying the taxpayer's Missouri taxable income, computed in accordance with
73 chapter 143, or in the case of an insurance company, computed in accordance with
74 chapter 148, by a fraction, the numerator of which is the property factor, as
75 defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in
76 paragraph (b) of this subdivision, and the denominator of which is two:

77 (a) The property factor is a fraction, the numerator of which is the new
78 business facility investment certified for the tax period, and the denominator of
79 which is the average value of all the taxpayer's real and depreciable tangible
80 personal property owned or rented and used in this state during the tax
81 period. The average value of all such property shall be determined as provided
82 in chapter 32;

83 (b) The payroll factor is a fraction, the numerator of which is the total
84 amount paid during the tax period by the taxpayer for compensation to persons
85 qualifying as new business facility employees, as determined by subsection 4 of
86 section 135.110, at the new business facility, and the denominator of which is the
87 total amount paid in this state during the tax period by the taxpayer for

88 compensation. The compensation paid in this state shall be determined as
89 provided in chapter 32. For the purpose of this subdivision, "other activities
90 conducted within this state" shall include activities previously conducted at the
91 expanded, acquired or replaced facility at any time during the tax period
92 immediately prior to the tax period in which commencement of commercial
93 operations occurred;

94 (8) "New business facility investment", the value of [real and depreciable
95 tangible personal] property, acquired by the taxpayer as part of the new business
96 facility, which is used by the taxpayer in the operation of the new business
97 facility, during the [taxable] tax year for which the credit allowed by section
98 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail
99 vehicles, barge vehicles, aircraft, and other rolling stock for hire, track, switches,
100 barges, bridges, tunnels, and rail yards and spurs shall not constitute new
101 business facility investments. **For the purposes of sections 135.100 to**
102 **135.150, property may be acquired by the taxpayer by purchase, lease,**
103 **or license, including the right to use software and hardware via on-**
104 **demand network access to a shared pool of configurable computing**
105 **resources as long as the rights are used at the new business**
106 **facility.** The total value of such property during such [taxable] tax year shall
107 be:

108 (a) Its original cost if owned by the taxpayer; or

109 (b) Eight times the net annual rental rate **or license**, if leased **or**
110 **licensed** by the taxpayer. The net annual rental **or license** rate shall be the
111 annual rental **or license** rate paid by the taxpayer less any annual rental **or**
112 **license** rate received by the taxpayer from subrentals **or sublicenses**. The new
113 business facility investment shall be determined by dividing by twelve the sum
114 of the total value of such property on the last business day of each calendar
115 month of the [taxable] tax year. If the new business facility is in operation for
116 less than an entire [taxable] tax year, the new business facility investment shall
117 be determined by dividing the sum of the total value of such property on the last
118 business day of each full calendar month during the portion of such [taxable] tax
119 year during which the new business facility was in operation by the number of
120 full calendar months during such period;

121 (9) "Office", a regional, national, or international headquarters, a
122 telemarketing operation, a computer operation, an insurance company, a
123 passenger transportation ticket/reservation system, or a credit card billing and

124 processing center. For the purposes of this subdivision, "headquarters" means the
125 administrative management of at least four integrated facilities operated by the
126 taxpayer or related taxpayer. An office, as defined in this subdivision, when
127 established must create and maintain positions for a minimum number of twenty-
128 five new business facility employees as defined in subdivision (6) of this section;

129 (10) "Related taxpayer" shall mean:

130 (a) A corporation, partnership, trust, or association controlled by the
131 taxpayer;

132 (b) An individual, corporation, partnership, trust, or association in control
133 of the taxpayer; or

134 (c) A corporation, partnership, trust, or association controlled by an
135 individual, corporation, partnership, trust, or association in control of the
136 taxpayer. For the purposes of sections 135.100 to 135.150, "control of a
137 corporation" shall mean ownership, directly or indirectly, of stock possessing at
138 least fifty percent of the total combined voting power of all classes of stock
139 entitled to vote; "control of a partnership or association" shall mean ownership
140 of at least fifty percent of the capital or profits interest in such partnership or
141 association; and "control of a trust" shall mean ownership, directly or indirectly,
142 of at least fifty percent of the beneficial interest in the principal or income of such
143 trust; ownership shall be determined as provided in Section 318 of the U.S.
144 Internal Revenue Code;

145 (11) "Replacement business facility", a facility otherwise described in
146 subdivision (3) of this section, hereafter referred to in this subdivision as "new
147 facility", which replaces another facility, hereafter referred to in this subdivision
148 as "old facility", located within the state, which the taxpayer or a related taxpayer
149 previously operated but discontinued operating on or before the close of the first
150 [taxable] tax year in which the credit allowed by this section is claimed. A new
151 facility shall be deemed to replace an old facility if the following conditions are
152 met:

153 (a) The old facility was operated by the taxpayer or a related taxpayer
154 during the taxpayer's or related taxpayer's [taxable] tax period immediately
155 preceding the [taxable] tax year in which commencement of commercial
156 operations occurs at the new facility; and

157 (b) The old facility was employed by the taxpayer or a related taxpayer
158 in the operation of a revenue-producing enterprise and the taxpayer continues the
159 operation of the same or substantially similar revenue-producing enterprise at the

160 new facility.

161 Notwithstanding the preceding provisions of this subdivision, a facility shall not
162 be considered a replacement business facility if the taxpayer's new business
163 facility investment, as computed in subsection 5 of section 135.110, in the new
164 facility during the tax period in which the credits allowed in sections 135.110,
165 135.225, and 135.235 and the exemption allowed in section 135.220 are claimed
166 exceed one million dollars or, if less, two hundred percent of the investment in
167 the old facility by the taxpayer or related taxpayer, and if the total number of
168 employees at the new facility exceeds the total number of employees at the old
169 facility by at least two except that the total number of employees at the new
170 facility exceeds the total number of employees at the old facility by at least
171 twenty-five if an office as defined in subdivision (9) of this section is established
172 by a revenue-producing enterprise other than a revenue-producing enterprise
173 defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

174 (12) "Revenue-producing enterprise" means:

175 (a) Manufacturing activities classified as NAICS 31-33;

176 (b) Agricultural activities classified as NAICS 11;

177 (c) Rail transportation terminal activities classified as NAICS 482;

178 (d) Motor freight transportation terminal activities classified as NAICS
179 484 and NAICS 4884;

180 (e) Public warehousing and storage activities classified as NAICS 493,
181 miniwarehouse warehousing and warehousing self-storage;

182 (f) Water transportation terminal activities classified as NAICS 4832;

183 (g) Airports, flying fields, and airport terminal services classified as
184 NAICS 481;

185 (h) Wholesale trade activities classified as NAICS 42;

186 (i) Insurance carriers activities classified as NAICS 524;

187 (j) Research and development activities classified as NAICS 5417;

188 (k) Farm implement dealer activities classified as NAICS 42382;

189 (l) Interexchange telecommunications services as defined in subdivision
190 (20) of section 386.020 or training activities conducted by an interexchange
191 telecommunications company as defined in subdivision (19) of section 386.020;

192 (m) Recycling activities classified as NAICS 42393;

193 (n) Office activities as defined in subdivision (9) of this section,
194 notwithstanding NAICS classification;

195 (o) Mining activities classified as NAICS 21;

196 (p) Computer programming, data processing, and other computer-related
197 activities classified as NAICS 5415;

198 (q) The administrative management of any of the foregoing activities; or

199 (r) Any combination of any of the foregoing activities;

200 (13) "Same or substantially similar revenue-producing enterprise", a
201 revenue-producing enterprise in which the nature of the products produced or
202 sold, or activities conducted, are similar in character and use or are produced,
203 sold, performed, or conducted in the same or similar manner as in another
204 revenue-producing enterprise;

205 (14) "Taxpayer", an individual proprietorship, corporation described in
206 section 143.441 or 143.471, and partnership or an insurance company subject to
207 the tax imposed by chapter 148, or in the case of an insurance company exempt
208 from the thirty-percent employee requirement of section 135.230, to any
209 obligation imposed [pursuant to] **under** section 375.916.

**173.2553. 1. There is hereby established a "Fast Track Workforce
2 Incentive Grant", and any moneys appropriated by the general assembly
3 for this program shall be used to provide grants for Missouri citizens
4 to attend an approved Missouri postsecondary institution of their
5 choice in accordance with the provisions of this section.**

**6 2. The definitions of terms set forth in section 173.1102 shall be
7 applicable to such terms as used in this section and section 173.2554. In
8 addition, the following terms shall mean:**

9 (1) "Board", the coordinating board for higher education;

10 (2) "Eligible student", an individual who:

**11 (a) Has completed and submitted a FAFSA for the academic year
12 for which the grant is requested;**

13 (b) Is a citizen or permanent resident of the United States;

**14 (c) Is a Missouri resident as determined by reference to
15 standards promulgated by the coordinating board;**

**16 (d) Is enrolled, or plans to enroll, at least half-time as a student
17 in an eligible undergraduate program of study offered by an approved
18 public, private, or virtual institution, as defined in section 173.1102;**

**19 (e) Has an adjusted gross income, as reported on the FAFSA, that
20 does not exceed eighty thousand dollars for married filing joint
21 taxpayers or forty thousand dollars for all other taxpayers; and**

22 (f) Is twenty-five years of age or older at the time of enrollment

23 or has not been enrolled in an educational program for the prior two
24 academic years;

25 (3) "Eligible program of study", a program of instruction:

26 (a) Resulting in the award of a certificate, undergraduate degree,
27 or other industry-recognized credential; and

28 (b) That has been designated by the coordinating board as
29 preparing students to enter an area of occupational shortage as
30 determined by the board;

31 (4) "FAFSA", the Free Application for Federal Student Aid, as
32 maintained by the United States Department of Education;

33 (5) "Fast track grant", an amount of moneys paid by the state of
34 Missouri to a student under the provisions of this section;

35 (6) "Graduation", completion of a program of study as indicated
36 by the award of a certificate, undergraduate degree, or other industry-
37 recognized credential;

38 (7) "Qualifying employment", full-time employment of a Missouri
39 resident at a workplace located within the state of Missouri, or self-
40 employment while a Missouri resident, with at least fifty percent of an
41 individual's annual income coming from self-employment, either of
42 which result in required returns of income in accordance with section
43 143.481;

44 (8) "Recipient", an eligible student or renewal student who
45 receives a fast track grant under the provisions of this section;

46 (9) "Renewal student", an eligible student who remains in
47 compliance with the provisions of this section, has received a grant as
48 an initial recipient, maintains a cumulative grade-point average of at
49 least two and one-half on a four-point scale or the equivalent, makes
50 satisfactory academic degree progress as defined by the institution,
51 with the exception of grade-point average, and has not received a
52 bachelor's degree.

53 3. Standards of eligibility for renewed assistance shall be the
54 same as for an initial award of financial assistance; except that, for
55 renewal, an applicant shall demonstrate a grade-point average of two
56 and one-half on a four-point scale, or the equivalent on another scale.

57 4. Eligibility for a grant expires upon the earliest of:

58 (1) Receipt of the grant for four semesters or the equivalent;

59 (2) Receipt of a bachelor's degree; or

60 **(3) Reaching two hundred percent of the time typically required**
61 **to complete the program of study.**

62 **5. The coordinating board shall initially designate eligible**
63 **programs of study by January 1, 2020, in connection with local**
64 **education institutions, regional business organizations, and other**
65 **stakeholders. The coordinating board shall annually review the list of**
66 **eligible programs of study and make changes to the program list as it**
67 **determines appropriate.**

68 **6. The coordinating board shall be the administrative agency for**
69 **the implementation of the program established by this section and**
70 **section 173.2554. The coordinating board shall promulgate reasonable**
71 **rules and regulations for the exercise of its functions and the**
72 **effectuation of the purposes of this section and section 173.2554. The**
73 **coordinating board shall prescribe the form and the time and method**
74 **of filing applications and supervise the processing thereof. The**
75 **coordinating board shall determine the criteria for eligibility of**
76 **applicants and shall evaluate each applicant's eligibility. The**
77 **coordinating board shall select qualified recipients to receive grants,**
78 **make such awards of financial assistance to qualified recipients, and**
79 **determine the manner and method of payment to the recipients.**

80 **7. The coordinating board shall determine eligibility for renewed**
81 **assistance on the basis of annual applications. As a condition to**
82 **consideration for initial or renewed assistance, the coordinating board**
83 **may require the applicant and the applicant's spouse to execute forms**
84 **of consent authorizing the director of revenue to compare financial**
85 **information submitted by the applicant with the Missouri individual**
86 **income tax returns of the applicant, and the applicant's spouse, for the**
87 **taxable year immediately preceding the year for which application is**
88 **made, and to report any discrepancies to the coordinating board.**

89 **8. Grants shall be awarded in an amount equal to the actual**
90 **tuition and general fees charged of an eligible student, after all federal**
91 **nonloan aid, state student aid, and any other governmental student**
92 **financial aid are applied. If a grant amount is reduced to zero due to**
93 **the receipt of other aid, the eligible student shall receive an award of**
94 **up to five hundred dollars or the remaining cost of attendance as**
95 **calculated by the institution after all nonloan student aid has been**
96 **applied, whichever is less, per academic term.**

97 **9. If appropriated funds are insufficient to fund the program as**
98 **described, students applying for renewed assistance shall be given**
99 **priority until all funds are expended.**

100 **10. A recipient of financial assistance may transfer from one**
101 **approved public, private, or virtual institution to another without**
102 **losing eligibility for assistance under this section, but the coordinating**
103 **board shall make any necessary adjustments in the amount of the**
104 **award. If a recipient of financial assistance at any time is entitled to**
105 **a refund of any tuition or fees under the rules and regulations of the**
106 **institution in which he or she is enrolled, the institution shall pay the**
107 **portion of the refund that may be attributed to the grant to the**
108 **coordinating board. The coordinating board shall use these refunds to**
109 **make additional awards under the provisions of this section.**

110 **11. Subject to the requirements of subsections 2, 3, and 4 of this**
111 **section, a student is eligible for a fast track grant under this section if**
112 **the student meets all of the following criteria:**

113 **(1) The student has successfully completed counseling explaining**
114 **the benefits and obligations of the program under this section,**
115 **including the terms and conditions of the promissory note under**
116 **subdivision (2) of this subsection and the consequences of**
117 **noncompliance specified in section 173.2554; and**

118 **(2) The student executes a promissory note acknowledging that**
119 **the fast track grant moneys awarded under this section will be**
120 **converted to a loan, and agreeing to repay that loan if he or she fails**
121 **to satisfy the following conditions:**

122 **(a) Maintenance of at least half-time enrollment in an eligible**
123 **program, with an interruption of qualifying enrollment of no more than**
124 **twelve consecutive months from the last day of the most recent**
125 **payment period during which the student received a fast track award;**

126 **(b) Graduation from an approved institution; or**

127 **(c) Residency within the state of Missouri within twelve months**
128 **after the date of the student's graduation and for a period of not less**
129 **than three years and qualifying employment within twelve months of**
130 **the student's graduation and for a period of not less than three**
131 **years. Residency and qualifying employment obligations may be**
132 **deferred if the recipient's studies continue after graduation.**

133 **12. Persons who receive fast track grants under this section shall**

134 be required to submit proof of residency and qualifying employment to
135 the coordinating board for higher education within thirty days of
136 completing each twelve months of qualifying employment until the
137 three year employment obligation is fulfilled.

138 13. Under section 23.253 of the Missouri sunset act:

139 (1) The provisions of the new program authorized under this
140 section shall sunset automatically three years after the effective date
141 of this section, unless reauthorized by an act of the general assembly;
142 and

143 (2) If such program is reauthorized, the program authorized
144 under this section shall sunset automatically six years after the
145 effective date of the reauthorization; and

146 (3) This section shall terminate on December thirty-first of the
147 calendar year immediately following the calendar year in which the
148 program authorized under this section is sunset.

173.2554. 1. Except as provided in subsection 2 of this section,
2 if a student who received a fast track grant under section 173.2553 fails
3 to comply with the terms of the promissory note under subdivision (2)
4 of subsection 11 of section 173.2553, including failure to satisfy the
5 conditions in paragraphs (a), (b), or (c) of such subdivision, the fast
6 track grant shall be converted to a loan. This loan shall accrue interest
7 at the federal direct loan interest rate for Direct Subsidized
8 Undergraduate Loans in effect at the time the student enters the
9 eligible program. Interest shall be calculated from the date the
10 recipient enters repayment. For a recipient who fulfills some, but not
11 all, of his or her three-year residency and employment obligations, the
12 amount of the fast track grant that is converted to a loan shall be
13 reduced by one-third for each period of twelve months of residency and
14 employment as verified by the proof of residency and qualifying
15 employment required in subsection 12 of section 173.2553.

16 2. The coordinating board shall provide for a waiver under the
17 fast track grant if the grant is not converted to a loan under subsection
18 1 of this section for a recipient who fails to comply with terms of the
19 agreement under paragraphs (a), (b), or (c) of subdivision (2) of
20 subsection 11 of section 173.2553 due to his or her total and permanent
21 disability or death, the total and permanent disability or death of his
22 or her spouse or child, or if such recipient or recipient's spouse is

23 providing service to any branch of the Armed Forces of the United
24 States and is transferred out of state and is no longer able to maintain
25 Missouri residency as a result of such service. The waiver shall specify
26 standards for the board's determination of total and permanent
27 disability or death standards for the board's determination of total and
28 permanent disability or death, or military transfer status, and a process
29 for seeking a waiver under this subsection.

30 3. The coordinating board shall deposit in the fast track
31 workforce incentive grant fund all repayments of principal and interest
32 on the loans under subsection 1 of this section.

33 4. The coordinating board shall establish a procedure and
34 guidelines for granting deferments or forbearances of fast track grants
35 that have converted to loans and are in repayment status for recipients
36 who:

37 (1) Are enrolled at least half-time at an institution of higher
38 education;

39 (2) Experience economic hardship;

40 (3) Have a medical condition limiting their ability to continue
41 repayment including, but not limited to, illness, disability, or
42 pregnancy; or

43 (4) Are providing service to any branch of the Armed Forces of
44 the United States.

45 5. The coordinating board shall establish a procedure and
46 guidelines for granting loan discharge for fast track grants that have
47 been converted to loans and are in repayment for recipients who are
48 unable to fulfill the repayment obligation due to their total and
49 permanent disability or death or the total and permanent disability or
50 death of their spouse or child.

51 6. (1) There is hereby created in the state treasury the "Fast
52 Track Workforce Incentive Grant Fund". The state treasurer shall be
53 custodian of the fund. In accordance with sections 30.170 and 30.180,
54 the state treasurer may approve disbursements. The fund shall be a
55 dedicated fund and, upon appropriation, moneys in the fund shall be
56 used solely by the coordinating board for the purposes of this section
57 and section 173.2553.

58 (2) Notwithstanding the provisions of section 33.080 to the
59 contrary, any moneys remaining in the fund at the end of the biennium

60 shall not revert to the credit of the general revenue fund.

61 (3) The state treasurer shall invest moneys in the fund in the
62 same manner as other funds are invested. Any interest and moneys
63 earned on such investments shall be credited to the fund.

64 7. The coordinating board shall have the authority to promulgate
65 rules to implement the provisions of this section and section
66 173.2553. Any rule or portion of a rule, as that term is defined in
67 section 536.010, that is created under the authority delegated in this
68 section shall become effective only if it complies with and is subject to
69 all of the provisions of chapter 536, and, if applicable, section
70 536.028. This section and chapter 536 are nonseverable, and if any of
71 the powers vested with the general assembly pursuant to chapter 536
72 to review, to delay the effective date, or to disapprove and annul a rule
73 are subsequently held unconstitutional, then the grant of rulemaking
74 authority and any rule proposed or adopted after August 28, 2019, shall
75 be invalid and void.

620.511. 1. There is hereby established the "Missouri Workforce
2 Development Board", formerly known as the Missouri workforce investment
3 board, and hereinafter referred to as "the board" in sections 620.511 to 620.513.

4 2. The purpose of the board is to provide workforce investment activities,
5 through statewide and local workforce investment systems, that increase the
6 employment, retention, and earnings of participants, and increase occupational
7 skill attainment by participants, and, as a result, improve the quality of the
8 workforce, reduce welfare dependency, and enhance the productivity and
9 competitiveness of the state of Missouri. The board shall be the state's advisory
10 board pertaining to workforce preparation policy.

11 3. The board shall meet the requirements of the federal Workforce
12 Innovation and Opportunity Act [of 2014], hereinafter referred to as the "WIOA",
13 P.L. 113-128, as amended. Should another federal law supplant the WIOA, all
14 references in sections 620.511 to 620.513 to the WIOA shall apply as well to the
15 new federal law.

16 4. Composition of the board shall comply with the WIOA. Board members
17 appointed by the governor shall be subject to the advice and consent of the
18 senate. Consistent with the requirements of the WIOA, the governor shall
19 designate one member of the board to be its chairperson.

20 5. Each member of the board shall serve for a term of four years, subject

21 to the pleasure of the governor, and until a successor is duly appointed. In the
22 event of a vacancy on the board, the vacancy shall be filled in the same manner
23 as the original appointment and said replacement shall serve the remainder of
24 the original appointee's unexpired term.

25 6. Of the members initially appointed to the WIOA, formerly known as the
26 WIA, board, one-fourth shall be appointed for a term of four years, one-fourth
27 shall be appointed for a term of three years, one-fourth shall be appointed for a
28 term of two years, and one-fourth shall be appointed for a term of one year.

29 7. WIOA board members shall receive no compensation, but shall be
30 reimbursed for all necessary expenses actually incurred in the performance of
31 their duties.

32 8. **The department may include on its website a list of the names**
33 **of the members of the board, including the names of members of local**
34 **workforce development boards, along with information on how to**
35 **contact such boards.**

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

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

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

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

10 (4) "Committee", the Missouri [works] **one start** job training joint
11 legislative oversight committee, established under the provisions of section
12 620.803;

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

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

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

19 (8) "Full-time employee", an employee of the qualified company who is
20 scheduled to work an average of at least thirty-five hours per week for a
21 twelve-month period, and one to whom the qualified company offers health

22 insurance and pays at least fifty percent of such insurance premiums;

23 [(8)] (9) "Local education agency", a community college **district**, two-year
24 state technical college, or technical career education center;

25 [(9)] (10) "Missouri [works training] **one start** program", the training
26 program established under sections 620.800 to 620.809;

27 [(10)] (11) "New capital investment", costs incurred by the qualified
28 company at the project facility for real or personal property, that may include the
29 value of finance or capital leases for real or personal property for the term of such
30 lease at the project facility executed after acceptance by the qualified company
31 of the proposal for benefits from the department or approval of the notice of
32 intent;

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

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

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

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

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

65 [(16)] **(17)** "Qualified company", a firm, partnership, joint venture,
66 association, private or public corporation whether organized for profit or not, or
67 headquarters of such entity registered to do business in Missouri that is the
68 owner or operator of a project facility, offers health insurance to all full-time
69 employees of all facilities located in this state, and pays at least fifty percent of
70 such insurance premiums. For the purposes of sections 620.800 to 620.809, the
71 term "qualified company" shall not mean:

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

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

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

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

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

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

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

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

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

- 94 (h) Religious organizations (NAICS industry group 8131);
95 (i) Public administration (NAICS sector 92);
96 (j) Ethanol distillation or production; or
97 (k) Biodiesel production.

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

105 ~~[(17)]~~ **(18)** "Related company":

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

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

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

121 ~~[(18)]~~ **(19)** "Related facility", a facility operated by the qualified company
122 or a related company located in this state that is directly related to the operations
123 of the project facility or in which operations substantially similar to the
124 operations of the project facility are performed;

125 ~~[(19)]~~ **(20)** "Related facility base employment", the greater of the number
126 of full-time employees located at all related facilities on the date of the notice of
127 intent or, for the twelve-month period prior to the date of the notice of intent, the
128 average number of full-time employees located at all related facilities of the
129 qualified company or a related company located in this state;

130 [(20)] **(21)** "Retained jobs", the average number of full-time employees of
131 a qualified company located at the project facility during each month for the
132 calendar year preceding the year in which the notice of intent is submitted;

133 [(21)] **(22)** "Retained jobs credit", the credit from withholding remitted
134 by a qualified company provided under subsection 7 of section 620.809;

135 [(22)] **(23)** "Targeted industry", an industry or one of a cluster of
136 industries identified by the department by rule following a strategic planning
137 process as being critical to the state's economic security and growth;

138 [(23)] **(24)** "Training program", the Missouri [works training] **one start**
139 program established under sections 620.800 to 620.809;

140 [(24)] **(25)** "Training project", the project or projects established through
141 the Missouri [works training] **one start** program for the creation or retention of
142 jobs by providing education and training of workers;

143 [(25)] **(26)** "Training project costs", **may include** all necessary and
144 incidental costs of providing program services through the training program,
145 [including] **such as**:

146 (a) Training materials and supplies;

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

149 (c) Subcontracted services;

150 (d) On-the-job training;

151 (e) Training facilities and equipment;

152 (f) Skill assessment;

153 (g) Training project and curriculum development;

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

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

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

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

162 (l) Assessment and preselection tools;

163 (m) Publicity;

164 (n) Instructional services;

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

166 (p) Payment of the principal, premium, and interest on certificates,
167 including capitalized interest, issued to finance a project, and the funding and
168 maintenance of a debt service reserve fund to secure such certificates;

169 [(26)] **(27)** "Training project services", [includes] **may include**, but shall
170 not be limited to, the following:

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

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

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

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

178 (e) On-the-job training;

179 (f) Administrative expenses [equal to fifteen percent of the total training
180 costs] **at a reasonable amount determined by the department**;

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

183 (h) Contracted or professional services; and

184 (i) Issuance of certificates, when applicable.

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

9 2. There is hereby created the "Missouri [Works] **One Start** Job Training
10 Joint Legislative Oversight Committee". The committee shall consist of three
11 members of the Missouri senate appointed by the president pro tempore of the
12 senate and three members of the house of representatives appointed by the
13 speaker of the house. No more than two of the members of the senate and two
14 of the members of the house of representatives shall be from the same political
15 party. Members of the committee shall report to the governor, the president pro
16 tempore of the senate, and the speaker of the house of representatives on all
17 assistance to [industries] **qualified companies** under the provisions of sections

18 620.800 to 620.809 provided during the preceding fiscal year. The report of the
19 committee shall be delivered no later than October first of each year. The
20 director of the department shall report to the committee such information as the
21 committee may deem necessary for its annual report. Members of the committee
22 shall receive no compensation in addition to their salary as members of the
23 general assembly but may receive their necessary expenses while attending the
24 meetings of the committee, to be paid out of the joint contingent fund.

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

43 4. The department shall make program applications and guidelines
44 available online.

45 5. The department may contract with other entities[, not to exceed fifty
46 thousand dollars annually,] for the purposes of advertising, marketing, or
47 promoting the training program established in sections 620.800 to 620.809. Any
48 assistance through the training program shall be provided under an agreement.

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

52 7. Any [taxpayer who] **qualified company that** is awarded benefits
53 under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7

54 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall
55 immediately notify the department, shall forfeit such benefits, and shall repay the
56 state an amount equal to any state tax credits already redeemed and any
57 withholding taxes already retained.

58 **8. The department may require repayment of all benefits**
59 **awarded, increased by an additional amount that shall provide the**
60 **state a reasonable rate of return, to any qualified company under**
61 **sections 620.800 to 620.809 that fails to maintain the new or retained**
62 **jobs within five years of approval of the benefits or that leaves the**
63 **state within five years of approval of the benefits.**

64 **9. The department shall be authorized to contract with other**
65 **entities, including businesses, industries, other state agencies, and**
66 **political subdivisions of the state for the purpose of implementing a**
67 **training project under the provisions of sections 620.800 to 620.809.**

620.806. 1. [The Missouri job development fund, formerly established in
2 the state treasury by section 620.478, shall now] **There is hereby created in**
3 **the state treasury a fund to be known as the "Missouri [Works] One Start**
4 **Job Development Fund" [and], that shall be administered by the department for**
5 **the [training] purposes of the Missouri one start program. The fund shall**
6 **consist of all moneys which may be appropriated to it by the general assembly**
7 **and also any gifts, contributions, grants, or bequests received from federal,**
8 **private or other sources, including, but not limited to, any block grant or other**
9 **sources of funding relating to job training, school-to-work transition, welfare**
10 **reform, vocational and technical training, housing, infrastructure, development,**
11 **and human resource investment programs which may be provided by the federal**
12 **government or other sources. The state treasurer shall be custodian of the**
13 **fund and may approve disbursements from the fund in accordance with**
14 **sections 30.170 and 30.180. Notwithstanding the provisions of section**
15 **33.080 to the contrary, any moneys remaining in the fund at the end of**
16 **the biennium shall not revert to the credit of the general revenue**
17 **fund. The state treasurer shall invest moneys in the fund in the same**
18 **manner as other funds are invested. Any interest and moneys earned**
19 **on such investments shall be credited to the fund.**

20 2. The department may provide financial assistance through the training
21 program to qualified companies that create new jobs which will result in the need
22 for training, or that make new capital investment relating directly to the

23 retention of jobs in an amount at least five times greater than the amount of any
24 financial assistance. Financial assistance may also be provided to a consortium
25 of a majority of qualified companies organized to provide common training to the
26 consortium members' employees. Funds in the Missouri [works] **one start** job
27 development fund shall be appropriated, for financial assistance through the
28 training program, by the general assembly to the department and shall be
29 administered by a local [educational] **education** agency certified by the
30 department for such purpose. Except for state-sponsored preemployment
31 training, no qualified company shall receive more than fifty percent of its training
32 program costs from the Missouri [works] **one start** job development fund. No
33 funds shall be awarded or reimbursed to any qualified company for the training,
34 retraining, or upgrading of skills of potential employees with the purpose of
35 replacing or supplanting employees engaged in an authorized work
36 stoppage. Upon approval by the department, training project costs, except the
37 purchase of training equipment and training facilities, shall be eligible for
38 reimbursement with funds from the Missouri [works] **one start** job development
39 fund. Notwithstanding any provision of law to the contrary, no qualified company
40 within a service industry shall be eligible for assistance under this subsection
41 unless such qualified company provides services in interstate commerce, which
42 shall mean that the qualified company derives a majority of its annual revenues
43 from out of the state.

44 3. [The department may provide assistance, through appropriations made
45 from the Missouri works job development fund, to business and technology
46 centers. Such assistance shall not include the lending of the state's credit for the
47 payment of any liability of the fund. Such centers may be established by Missouri
48 community colleges, or state-owned postsecondary technical colleges, to provide
49 business and training services for growth industries as determined by current
50 labor market information.] **Upon appropriation, a local education agency**
51 **may petition the department to utilize the Missouri one start job**
52 **development fund in order to create or improve training facilities,**
53 **training equipment, training staff, training expertise, training**
54 **programming, and administration. The department shall review all**
55 **petitions and may award funds from the Missouri one start job**
56 **development fund for reimbursement of training project costs and**
57 **training project services as it deems necessary.**

58 4. The department may promulgate rules to implement the

59 provisions of this section. Any rule or portion of a rule, as that term is
60 defined in section 536.010 that is created under the authority delegated
61 in this section shall become effective only if it complies with and is
62 subject to all of the provisions of chapter 536 and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable and if any of
64 the powers vested with the general assembly pursuant to chapter 536
65 to review, to delay the effective date, or to disapprove and annul a rule
66 are subsequently held unconstitutional, then the grant of rulemaking
67 authority and any rule proposed or adopted after August 28, 2019, shall
68 be invalid and void.

620.809. 1. [The Missouri community college job training program fund,
2 formerly established in the state treasury by section 178.896, shall now] **There**
3 **is hereby established in the state treasury a fund** to be known as the
4 "Missouri [Works] **One Start** Community College New Jobs Training Fund"
5 [and], that shall be administered by the department for the training
6 program. The department of revenue shall credit to the fund, as received, all new
7 jobs credits. **For existing Missouri businesses creating new jobs, the**
8 **training project may include retained jobs.** The fund shall also consist of
9 any gifts, contributions, grants, or bequests received from federal, private, or
10 other sources. The general assembly, however, shall not provide for any transfer
11 of general revenue funds into the fund. Moneys in the fund shall be disbursed
12 to the department under regular appropriations by the general assembly. **The**
13 **department shall have the discretion to determine the appropriate**
14 **amount of funds to allocate per training project.** The department shall
15 disburse such appropriated funds in a timely manner into the special funds
16 established by community college districts for training projects, which funds shall
17 be used to pay training project costs. Such disbursements shall be made to the
18 special fund for each training project as provided under subsection 5 of this
19 section. All moneys remaining in the fund at the end of any fiscal year shall not
20 lapse to the general revenue fund, as provided in section 33.080, but shall remain
21 in the fund.

22 2. [The Missouri community college job retention training program fund,
23 formerly established in the state treasury by section 178.764, shall now] **There**
24 **is hereby created in the state treasury a fund** to be known as the "Missouri
25 [Works] **One Start** Community College Job Retention Training Fund" [and],
26 **that** shall be administered by the department for the Missouri [works training]

27 **one start** program. The department of revenue shall credit to the fund, as
28 received, all retained jobs credits. **For existing Missouri businesses**
29 **retaining jobs, the training project may include new jobs.** The fund shall
30 also consist of any gifts, contributions, grants, or bequests received from federal,
31 private, or other sources. The general assembly, however, shall not provide for
32 any transfer of general revenue funds into the fund. Moneys in the fund shall be
33 disbursed to the department under regular appropriations by the general
34 assembly. **The department shall have the discretion to determine the**
35 **appropriate amount of funds to allocate per training project.** The
36 department shall disburse such appropriated funds in a timely manner into the
37 special funds established by community college districts for projects, which funds
38 shall be used to pay training program costs, including the principal, premium,
39 and interest on certificates issued by the district to finance or refinance, in whole
40 or in part, a project. Such disbursements by the department shall be made to the
41 special fund for each project as provided under subsection 5 of this section. All
42 moneys remaining in the fund at the end of any fiscal year shall not lapse to the
43 general revenue fund, as provided in section 33.080, but shall remain in the fund.

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

57 4. A community college district, with the approval of the department in
58 consultation with the office of administration, may enter into an agreement to
59 establish a training project and provide training project services to a qualified
60 company. As soon as possible after initial contact between a community college
61 district and a potential qualified company regarding the possibility of entering
62 into an agreement, the **community college** district shall inform the department

63 of the potential training project. The department shall evaluate the proposed
64 training project within the overall job training efforts of the state to ensure that
65 the training project will not duplicate other job training programs. The
66 department shall have fourteen days from receipt of a notice of intent to approve
67 or disapprove a training project. If no response is received by the qualified
68 company within fourteen days, the training project shall be deemed
69 approved. Disapproval of any training project shall be made in writing and state
70 the reasons for such disapproval. If an agreement is entered into, the district and
71 the qualified company shall notify the department of revenue within fifteen
72 calendar days. In addition to any provisions required under subsection 6 of this
73 section for a qualified company applying to receive a **new or** retained job credit,
74 an agreement may provide, but shall not be limited to:

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

77 (a) Funds appropriated by the general assembly to the Missouri [works]
78 **one start** community college new jobs training program fund or Missouri [works]
79 **one start** community college job retention training program fund, as applicable,
80 and disbursed by the department for the purposes consistent with sections
81 620.800 to 620.809;

82 (b) Funds appropriated by the general assembly from the general revenue
83 fund and disbursed by the department for the purposes consistent with sections
84 620.800 to 620.809;

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

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

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

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

98 (5) Any payment required to be made by a qualified company. This

99 payment shall constitute a lien upon the qualified company's business property
100 until paid, shall have equal priority with ordinary taxes and shall not be divested
101 by a judicial sale. Property subject to such lien may be sold for sums due and
102 delinquent at a tax sale, with the same forfeitures, penalties, and consequences
103 as for the nonpayment of ordinary taxes. The purchasers at a tax sale shall
104 obtain the property subject to the remaining payments.

105 5. (1) For projects that are funded exclusively under paragraph (a) of
106 subdivision (1) of subsection 4 of this section, the department shall disburse such
107 funds to the special fund for each training project in the same proportion as the
108 new jobs or retained jobs credits remitted by the qualified company participating
109 in such project bears to the total new jobs or retained jobs credits from
110 withholding remitted by all qualified companies participating in projects during
111 the period for which the disbursement is made.

112 (2) Subject to appropriation, for projects that are funded through a
113 combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection
114 4 of this section, the department shall disburse funds appropriated under
115 paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund
116 for each training project upon commencement of the project. The department
117 shall disburse funds appropriated under paragraph (a) of subdivision (1) of
118 subsection 4 of this section to the special fund for each training project in the
119 same proportion as the new jobs or retained jobs credits remitted by the qualified
120 company participating in such project bears to the total new jobs or retained jobs
121 credits from withholding remitted by all qualified companies participating in
122 projects during the period for which the disbursement is made, reduced by the
123 amount of funds appropriated under paragraph (b) of subdivision (1) of subsection
124 4 of this section.

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

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

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

133 (3)] Made or agrees to make a new capital investment of greater than five
134 times the amount of any award under this training program at the project facility

135 over a period of two consecutive [calendar] years, as certified by the qualified
136 company and:

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

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

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

143 7. If an agreement provides that all or part of the training program costs
144 are to be met by receipt of new or retained jobs credit, such new or retained jobs
145 credit from withholding shall be determined and paid as follows:

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

148 (2) A portion of the total payments made by the qualified companies under
149 sections 143.191 to 143.265 shall be designated as the new or retained jobs credit
150 from withholding. Such portion shall be an amount equal to two and one-half
151 percent of the gross wages paid by the qualified company for each of the first one
152 hundred jobs included in the project and one and one-half percent of the gross
153 wages paid by the qualified company for each of the remaining jobs included in
154 the project. If business or employment conditions cause the amount of the new
155 or retained jobs credit from withholding to be less than the amount projected in
156 the agreement for any time period, then other withholding tax paid by the
157 qualified company under sections 143.191 to 143.265 shall be credited to the
158 applicable fund by the amount of such difference. The qualified company shall
159 remit the amount of the new or retained jobs credit to the department of revenue
160 in the manner prescribed in sections 143.191 to 143.265. When all training
161 program costs have been paid, the new or retained jobs credits shall cease;

162 (3) The community college district participating in a project shall
163 establish a special fund for and in the name of the training project. All funds
164 appropriated by the general assembly from the funds established under
165 subsections 1 and 2 of this section and disbursed by the department for the
166 training project and other amounts received by the district for training project
167 costs as required by the agreement shall be deposited in the special
168 fund. Amounts held in the special fund shall be used and disbursed by the
169 district only to pay training project costs for such training project. The special
170 fund may be divided into such accounts and subaccounts as shall be provided in

171 the agreement, and amounts held therein may be invested in the same manner
172 as the district's other funds;

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

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

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

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

188 8. To provide funds for the present payment of the training project costs
189 of new or retained jobs training project through the training program, a
190 community college district may borrow money and issue and sell certificates
191 payable from a sufficient portion of the future receipts of payments authorized by
192 the agreement including disbursements from the Missouri [works] **one start**
193 community college new jobs training fund or the Missouri [works] **one start**
194 community college job retention training fund, to the special fund established by
195 the **community college** district for each project. The total amount of
196 outstanding certificates sold by all community college districts shall not exceed
197 the total amount authorized under law as of January 1, 2013, unless an increased
198 amount is authorized in writing by a majority of members of the committee. The
199 certificates shall be marketed through financial institutions authorized to do
200 business in Missouri. The receipts shall be pledged to the payment of principal
201 of and interest on the certificates. Certificates may be sold at public sale or at
202 private sale at par, premium, or discount of not less than ninety-five percent of
203 the par value thereof, at the discretion of the board of trustees, and may bear
204 interest at such rate or rates as the board of trustees shall determine,
205 notwithstanding the provisions of section 108.170 to the contrary. However, the
206 provisions of chapter 176 shall not apply to the issuance of such

207 certificates. Certificates may be issued with respect to a single project or
208 multiple projects and may contain terms or conditions as the board of trustees
209 may provide by resolution authorizing the issuance of the certificates.

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

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

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

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

241 13. Pursuant to section 23.253 of the Missouri sunset act:

242 (1) The program authorized under sections 620.800 to 620.809 shall be

243 reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

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

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

250 **14. Any agreement or obligation entered into by the department**
251 **that was made under the provisions of sections 620.800 to 620.809 prior**
252 **to the effective date of this section shall remain in effect according to**
253 **the provisions of such agreement or obligation.**

620.2005. As used in sections 620.2000 to 620.2020, the following terms
2 mean:

3 (1) "Average wage", the new payroll divided by the number of new jobs,
4 or the payroll of the retained jobs divided by the number of retained jobs;

5 (2) "Commencement of operations", the starting date for the qualified
6 company's first new employee, which shall be no later than twelve months from
7 the date of the approval;

8 **(3) "Contractor", a person, employer, or business entity that**
9 **enters into an agreement to perform any service or work or to provide**
10 **a certain product in exchange for valuable consideration. This**
11 **definition shall include but not be limited to a general contractor,**
12 **subcontractor, independent contractor, contract employee, project**
13 **manager, or a recruiting or staffing entity;**

14 ~~[(3)]~~ (4) "County average wage", the average wages in each county as
15 determined by the department for the most recently completed full calendar
16 year. However, if the computed county average wage is above the statewide
17 average wage, the statewide average wage shall be deemed the county average
18 wage for such county for the purpose of determining eligibility. The department
19 shall publish the county average wage for each county at least
20 annually. Notwithstanding the provisions of this subdivision to the contrary, for
21 any qualified company that in conjunction with their project is relocating
22 employees from a Missouri county with a higher county average wage, the
23 company shall obtain the endorsement of the governing body of the community
24 from which jobs are being relocated or the county average wage for their project
25 shall be the county average wage for the county from which the employees are

26 being relocated;

27 [(4)] (5) "Department", the Missouri department of economic
28 development;

29 [(5)] (6) "Director", the director of the department of economic
30 development;

31 [(6)] (7) "Employee", a person employed by a qualified company,
32 excluding:

33 (a) Owners of the qualified company unless the qualified company is
34 participating in an employee stock ownership plan; or

35 (b) Owners of a noncontrolling interest in stock of a qualified company
36 that is publicly traded;

37 [(7)] (8) "Existing Missouri business", a qualified company that, for the
38 ten-year period preceding submission of a notice of intent to the department, had
39 a physical location in Missouri and full-time employees who routinely [perform]
40 **performed** job duties within Missouri;

41 [(8)] (9) "Full-time employee", an employee of the qualified company that
42 is scheduled to work an average of at least thirty-five hours per week for a
43 twelve-month period, and one for which the qualified company offers health
44 insurance and pays at least fifty percent of such insurance premiums. An
45 employee that spends less than fifty percent of the employee's work time at the
46 facility shall be considered to be located at a facility if the employee receives his
47 or her directions and control from that facility, is on the facility's payroll, one
48 hundred percent of the employee's income from such employment is Missouri
49 income, and the employee is paid at or above the applicable percentage of the
50 county average wage;

51 [(9)] (10) "**Infrastructure projects**", **highways, roads, streets,**
52 **bridges, sewers, traffic control systems and devices, water distribution**
53 **and supply systems, curbing, sidewalks, storm water and drainage**
54 **systems, broadband internet infrastructure, and any other similar**
55 **public improvements, but in no case shall infrastructure projects**
56 **include private structures;**

57 (11) "Local incentives", the present value of the dollar amount of direct
58 benefit received by a qualified company for a project facility from one or more
59 local political subdivisions, but this term shall not include loans or other funds
60 provided to the qualified company that shall be repaid by the qualified company
61 to the political subdivision;

62 **(12) "Manufacturing capital investment", expenditures made by**
63 **a qualified manufacturing company to retool or reconfigure a**
64 **manufacturing project facility directly related to the manufacturing of**
65 **a new product or the expansion or modification of the manufacture of**
66 **an existing product;**

67 [(10)] **(13) "NAICS" or "NAICS industry classification", the classification**
68 **provided by the most recent edition of the North American Industry Classification**
69 **System as prepared by the Executive Office of the President, Office of**
70 **Management and Budget;**

71 [(11)] **(14) "New capital investment", shall include costs incurred by the**
72 **qualified company at the project facility after acceptance by the qualified**
73 **company of the proposal for benefits from the department or the approval notice**
74 **of intent, whichever occurs first, for real or personal property, and may include**
75 **the value of finance or capital leases for real or personal property for the term of**
76 **such lease at the project facility executed after acceptance by the qualified**
77 **company of the proposal for benefits from the department or the approval of the**
78 **notice of intent;**

79 [(12)] **(15) "New direct local revenue", the present value of the dollar**
80 **amount of direct net new tax revenues of the local political subdivisions likely to**
81 **be produced by the project over a ten-year period as calculated by the**
82 **department, excluding local earnings tax, and net new utility revenues, provided**
83 **the local incentives include a discount or other direct incentives from utilities**
84 **owned or operated by the political subdivision;**

85 [(13)] **(16) "New job", the number of full-time employees located at the**
86 **project facility that exceeds the project facility base employment less any decrease**
87 **in the number of full-time employees at related facilities below the related facility**
88 **base employment. No job that was created prior to the date of the notice of intent**
89 **shall be deemed a new job;**

90 [(14)] **(17) "New payroll", the amount of wages paid for all new jobs,**
91 **located at the project facility during the qualified company's tax year that exceeds**
92 **the project facility base payroll;**

93 **(18) "New product", a new model or line of a manufactured good**
94 **that has not been manufactured in Missouri by a qualified**
95 **manufacturing company at any time prior to the date of the notice of**
96 **intent, or an existing brand, model, or line of a manufactured good that**
97 **is redesigned;**

98 [(15)] **(19)** "Notice of intent", a form developed by the department and
99 available online, completed by the qualified company, and submitted to the
100 department stating the qualified company's intent to request benefits under this
101 program. **The notice of intent shall be accompanied with a detailed plan**
102 **by the qualifying company to make good faith efforts to employ, at a**
103 **minimum, commensurate with the percentage of minority populations**
104 **in the state of Missouri, as reported in the previous decennial census,**
105 **the following: racial minorities, contractors who are racial minorities,**
106 **and contractors that, in turn, employ at a minimum racial minorities**
107 **commensurate with the percentage of minority populations in the state**
108 **of Missouri, as reported in the previous decennial census. At a**
109 **minimum, such plan shall include monitoring the effectiveness of**
110 **outreach and recruitment strategies in attracting diverse applicants**
111 **and linking with different or additional referral sources in the event**
112 **that recruitment efforts fail to produce a diverse pipeline of applicants;**

113 [(16)] **(20)** "Percent of local incentives", the amount of local incentives
114 divided by the amount of new direct local revenue;

115 [(17)] **(21)** "Program", the Missouri works program established in
116 sections 620.2000 to 620.2020;

117 [(18)] **(22)** "Project facility", the building or buildings used by a qualified
118 company at which new or retained jobs and any new capital investment are or
119 will be located **or by a qualified manufacturing company at which a**
120 **manufacturing capital investment is or will be located.** A project facility
121 may include separate buildings located within sixty miles of each other such that
122 their purpose and operations are interrelated; provided that where the buildings
123 making up the project facility are not located within the same county, the average
124 wage of the new payroll shall exceed the applicable percentage of the highest
125 county average wage among the counties in which the buildings are
126 located. Upon approval by the department, a subsequent project facility may be
127 designated if the qualified company demonstrates a need to relocate to the
128 subsequent project facility at any time during the project period;

129 [(19)] **(23)** "Project facility base employment", the greater of the number
130 of full-time employees located at the project facility on the date of the notice of
131 intent or, for the twelve-month period prior to the date of the notice of intent, the
132 average number of full-time employees located at the project facility. In the event
133 the project facility has not been in operation for a full twelve-month period, the

134 average number of full-time employees for the number of months the project
135 facility has been in operation prior to the date of the notice of intent;

136 [(20)] **(24)** "Project facility base payroll", the annualized payroll for the
137 project facility base employment or the total amount of wages paid by the
138 qualified company to full-time employees of the qualified company located at the
139 project facility in the twelve months prior to the notice of intent. For purposes
140 of calculating the benefits under this program, the amount of base payroll shall
141 increase each year based on an appropriate measure, as determined by the
142 department;

143 [(21)] **(25)** "Project period", the time period within which benefits are
144 awarded to a qualified company or within which the qualified company is
145 obligated to perform under an agreement with the department, whichever is
146 greater;

147 [(22)] **(26)** "Projected net fiscal benefit", the total fiscal benefit to the
148 state less any state benefits offered to the qualified company, as determined by
149 the department;

150 [(23)] **(27)** "Qualified company", a firm, partnership, joint venture,
151 association, private or public corporation whether organized for profit or not, or
152 headquarters of such entity registered to do business in Missouri that is the
153 owner or operator of a project facility, certifies that it offers health insurance to
154 all full-time employees of all facilities located in this state, and certifies that it
155 pays at least fifty percent of such insurance premiums. For the purposes of
156 sections 620.2000 to 620.2020, the term "qualified company" shall not include:

- 157 (a) Gambling establishments (NAICS industry group 7132);
158 (b) Store front consumer-based retail trade establishments (under NAICS
159 sectors 44 and 45), except with respect to any company headquartered in this
160 state with a majority of its full-time employees engaged in operations not within
161 the NAICS codes specified in this subdivision;
162 (c) Food and drinking places (NAICS subsector 722);
163 (d) Public utilities (NAICS 221 including water and sewer services);
164 (e) Any company that is delinquent in the payment of any nonprotested
165 taxes or any other amounts due the state or federal government or any other
166 political subdivision of this state;
167 (f) Any company requesting benefits for retained jobs that has filed for or
168 has publicly announced its intention to file for bankruptcy protection. However,
169 a company that has filed for or has publicly announced its intention to file for

170 bankruptcy may be a qualified company provided that such company:

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

173 b. After its bankruptcy petition has been filed, it produces proof, in a form
174 and at times satisfactory to the department, that it is not delinquent in filing any
175 tax returns or making any payment due to the state of Missouri, including but
176 not limited to all tax payments due after the filing of the bankruptcy petition and
177 under the terms of the plan of reorganization. Any taxpayer who is awarded
178 benefits under this subsection and who files for bankruptcy under Chapter 7 of
179 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the
180 department and shall forfeit such benefits and shall repay the state an amount
181 equal to any state tax credits already redeemed and any withholding taxes
182 already retained;

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

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

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

186 (j) Ethanol distillation or production;

187 (k) Biodiesel production; or

188 (l) Health care and social services (NAICS sector 62).

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

196 **(28) “Qualified manufacturing company”, a company that:**

197 **(a) Is a qualified company that manufactures motor vehicles**
198 **(NAICS group 3361);**

199 **(b) Manufactures goods at a facility in Missouri;**

200 **(c) Manufactures a new product or has commenced making a**
201 **manufacturing capital investment to the project facility necessary for**
202 **the manufacturing of such new product, or modifies or expands the**
203 **manufacture of an existing product or has commenced making a**
204 **manufacturing capital investment for the project facility necessary for**
205 **the modification or expansion of the manufacture of such existing**

206 **product; and**

207 **(d) Continues to meet the requirements of paragraphs (a) to (c)**
208 **of this subdivision for the project period;**

209 [(24)] **(29)** "Related company", shall mean:

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

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

214 (c) Corporations, partnerships, trusts or associations controlled by an
215 individual, corporation, partnership, trust, or association in control of the
216 qualified company. As used in this paragraph, "control of a qualified company"
217 shall mean:

218 a. Ownership, directly or indirectly, of stock possessing at least fifty
219 percent of the total combined voting power of all classes of stock entitled to vote
220 in the case of a qualified company that is a corporation;

221 b. Ownership of at least fifty percent of the capital or profits interest in
222 such qualified company if it is a partnership or association;

223 c. Ownership, directly or indirectly, of at least fifty percent of the
224 beneficial interest in the principal or income of such qualified company if it is a
225 trust, and ownership shall be determined as provided in Section 318 of the
226 Internal Revenue Code of 1986, as amended;

227 [(25)] **(30)** "Related facility", a facility operated by the qualified company
228 or a related company located in this state that is directly related to the operations
229 of the project facility or in which operations substantially similar to the
230 operations of the project facility are performed;

231 [(26)] **(31)** "Related facility base employment", the greater of the number
232 of full-time employees located at all related facilities on the date of the notice of
233 intent or, for the twelve-month period prior to the date of the notice of intent, the
234 average number of full-time employees located at all related facilities of the
235 qualified company or a related company located in this state;

236 [(27)] **(32)** "Related facility base payroll", the annualized payroll of the
237 related facility base payroll or the total amount of taxable wages paid by the
238 qualified company to full-time employees of the qualified company located at a
239 related facility in the twelve months prior to the filing of the notice of intent. For
240 purposes of calculating the benefits under this program, the amount of related
241 facility base payroll shall increase each year based on an appropriate measure,

242 as determined by the department;

243 [(28)] **(33)** "Rural area", a county in Missouri with a population less than
244 seventy-five thousand or that does not contain an individual city with a
245 population greater than fifty thousand according to the most recent federal
246 decennial census;

247 [(29)] **(34)** "Tax credits", tax credits issued by the department to offset
248 the state taxes imposed by chapters 143 and 148, or which may be sold or
249 refunded as provided for in this program;

250 [(30)] **(35)** "Withholding tax", the state tax imposed by sections 143.191
251 to 143.265. For purposes of this program, the withholding tax shall be computed
252 using a schedule as determined by the department based on average wages; and

253 [(31)] **(36)** This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax
2 revenues and other economic stimuli that will be generated by the new jobs
3 created, a qualified company may, for a period of five years from the date the new
4 jobs are created, or for a period of six years from the date the new jobs are
5 created if the qualified company is an existing Missouri business, retain an
6 amount equal to the withholding tax as calculated under subdivision [(30)] **(35)**
7 of section 620.2005 from the new jobs that would otherwise be withheld and
8 remitted by the qualified company under the provisions of sections 143.191 to
9 143.265 if:

10 (1) The qualified company creates ten or more new jobs, and the average
11 wage of the new payroll equals or exceeds ninety percent of the county average
12 wage;

13 (2) The qualified company creates two or more new jobs at a project
14 facility located in a rural area, the average wage of the new payroll equals or
15 exceeds ninety percent of the county average wage, and the qualified company
16 commits to making at least one hundred thousand dollars of new capital
17 investment at the project facility within two years; or

18 (3) The qualified company creates two or more new jobs at a project
19 facility located within a zone designated under sections 135.950 to 135.963, the
20 average wage of the new payroll equals or exceeds eighty percent of the county
21 average wage, and the qualified company commits to making at least one hundred
22 thousand dollars in new capital investment at the project facility within two years
23 of approval.

24 2. In addition to any benefits available under subsection 1 of this section,

25 the department may award a qualified company that satisfies subdivision (1) of
26 subsection 1 of this section additional tax credits, issued each year for a period
27 of five years from the date the new jobs are created, or for a period of six years
28 from the date the new jobs are created if the qualified company is an existing
29 Missouri business, in an amount equal to or less than six percent of new payroll;
30 provided that in no event may the total amount of benefits awarded to a qualified
31 company under this section exceed nine percent of new payroll in any calendar
32 year. The amount of tax credits awarded to a qualified company under this
33 subsection shall not exceed the projected net fiscal benefit to the state, as
34 determined by the department, and shall not exceed the least amount necessary
35 to obtain the qualified company's commitment to initiate the project. In
36 determining the amount of tax credits to award to a qualified company under this
37 subsection **or a qualified manufacturing company under subsection 3 of**
38 **this section**, the department shall consider the following factors:

- 39 (1) The significance of the qualified company's need for program benefits;
- 40 (2) The amount of projected net fiscal benefit to the state of the project
41 and the period in which the state would realize such net fiscal benefit;
- 42 (3) The overall size and quality of the proposed project, including the
43 number of new jobs, new capital investment, **manufacturing capital**
44 **investment**, proposed wages, growth potential of the qualified company, the
45 potential multiplier effect of the project, and similar factors;
- 46 (4) The financial stability and creditworthiness of the qualified company;
- 47 (5) The level of economic distress in the area;
- 48 (6) An evaluation of the competitiveness of alternative locations for the
49 project facility, as applicable; and
- 50 (7) The percent of local incentives committed.

51 **3. The department may award tax credits to a qualified**
52 **manufacturing company that makes a manufacturing capital**
53 **investment of at least five hundred million dollars not more than three**
54 **years following the department's approval of a notice of intent and the**
55 **execution of an agreement that meets the requirements of subsection**
56 **4 of this section. Such tax credits shall be issued no earlier than**
57 **January 1, 2023, and may be issued each year for a period of five years.**
58 **A qualified manufacturing company may qualify for an additional five-**
59 **year period under this subsection if it makes an additional**
60 **manufacturing capital investment of at least two hundred fifty million**

61 dollars within five years of the department's approval of the original
62 notice of intent.

63 (1) The maximum amount of tax credits that any one qualified
64 manufacturing company may receive under this subsection shall not
65 exceed five million dollars per calendar year. The aggregate amount
66 of tax credits awarded to all qualified manufacturing companies under
67 this subsection shall not exceed ten million dollars per calendar year.

68 (2) If, at the project facility at any time during the project
69 period, the qualified manufacturing company discontinues the
70 manufacturing of the new product, or discontinues the modification or
71 expansion of an existing product, and does not replace it with a
72 subsequent or additional new product or with a modification or
73 expansion of an existing product, the company shall immediately cease
74 receiving any benefit awarded under this subsection for the remainder
75 of the project period and shall forfeit all rights to retain or receive any
76 benefit awarded under this subsection for the remainder of such
77 period.

78 (3) Notwithstanding any other provision of law to the contrary,
79 any qualified manufacturing company that is awarded benefits under
80 this section shall not simultaneously receive tax credits or exemptions
81 under sections 100.700 to 100.850 for the jobs created or retained or
82 capital improvement that qualified for benefits under this section. The
83 provisions of subsection 5 of section 285.530 shall not apply to a
84 qualified manufacturing company that is awarded benefits under this
85 section.

86 [3.] 4. Upon approval of a notice of intent to receive tax credits under
87 [subsections 2 and 5] **subsection 2, 3, 6, or 7** of this section, the department
88 and the qualified company shall enter into a written agreement covering the
89 applicable project period. The agreement shall specify, at a minimum:

90 (1) The committed number of new jobs, new payroll, and new capital
91 investment, **or the manufacturing capital investment and committed**
92 **percentage of retained jobs** for each year during the project period;

93 (2) The date or time period during which the tax credits shall be issued,
94 which may be immediately or over a period not to exceed two years from the date
95 of approval of the notice of intent;

96 (3) Clawback provisions, as may be required by the department; [and]

97 (4) **Financial guarantee provisions as may be required by the**

98 **department, provided that financial guarantee provisions shall be**
99 **required by the department for tax credits awarded under subsection**
100 **7 of this section; and**

101 **(5)** Any other provisions the department may require.

102 **[4.] 5.** In lieu of the benefits available under sections 1 and 2 of this
103 section, and in exchange for the consideration provided by the new tax revenues
104 and other economic stimuli that will be generated by the new jobs created by the
105 program, a qualified company may, for a period of five years from the date the
106 new jobs are created, or for a period of six years from the date the new jobs are
107 created if the qualified company is an existing Missouri business, retain an
108 amount equal to the withholding tax as calculated under subdivision ~~[(30)]~~ **(35)**
109 of section 620.2005 from the new jobs that would otherwise be withheld and
110 remitted by the qualified company under the provisions of sections 143.191 to
111 143.265 equal to:

112 (1) Six percent of new payroll for a period of five years from the date the
113 required number of new jobs were created if the qualified company creates one
114 hundred or more new jobs and the average wage of the new payroll equals or
115 exceeds one hundred twenty percent of the county average wage of the county in
116 which the project facility is located; or

117 (2) Seven percent of new payroll for a period of five years from the date
118 the required number of jobs were created if the qualified company creates one
119 hundred or more new jobs and the average wage of the new payroll equals or
120 exceeds one hundred forty percent of the county average wage of the county in
121 which the project facility is located.

122 The department shall issue a refundable tax credit for any difference between the
123 amount of benefit allowed under this subsection and the amount of withholding
124 tax retained by the company, in the event the withholding tax is not sufficient to
125 provide the entire amount of benefit due to the qualified company under this
126 subsection.

127 **[5.] 6.** In addition to the benefits available under subsection **[4] 5** of this
128 section, the department may award a qualified company that satisfies the
129 provisions of subsection **[4] 5** of this section additional tax credits, issued each
130 year for a period of five years from the date the new jobs are created, or for a
131 period of six years from the date the new jobs are created if the qualified company
132 is an existing Missouri business, in an amount equal to or less than three percent
133 of new payroll; provided that in no event may the total amount of benefits

134 awarded to a qualified company under this section exceed nine percent of new
135 payroll in any calendar year. The amount of tax credits awarded to a qualified
136 company under this subsection shall not exceed the projected net fiscal benefit to
137 the state, as determined by the department, and shall not exceed the least
138 amount necessary to obtain the qualified company's commitment to initiate the
139 project. In determining the amount of tax credits to award to a qualified
140 company under this subsection, the department shall consider the factors
141 provided under subsection 2 of this section.

142 **[6.] 7. In lieu of the benefits available under subsections 1, 2, 5,**
143 **and 6 of this section, and in exchange for the consideration provided**
144 **by the new tax revenues and other economic stimuli that will be**
145 **generated by the new jobs and new capital investment created by the**
146 **program, the department may award a qualified company that satisfies**
147 **the provisions of subdivision (1) of subsection 1 of this section tax**
148 **credits, issued within one year following the qualified company's**
149 **acceptance of the department's proposal for benefits, in an amount**
150 **equal to or less than nine percent of new payroll. The amount of tax**
151 **credits awarded to a qualified company under this subsection shall not**
152 **exceed the projected net fiscal benefit to the state, as determined by**
153 **the department, and shall not exceed the least amount necessary to**
154 **obtain the qualified company's commitment to initiate the project. In**
155 **determining the amount of tax credits to award to a qualified company**
156 **under this subsection, the department shall consider the factors**
157 **provided under subsection 2 of this section and the qualified company's**
158 **commitment to new capital investment and new job creation within the**
159 **state for a period of not less than ten years. For the purposes of this**
160 **subsection, each qualified company shall have an average wage of the**
161 **new payroll that equals or exceeds one hundred percent of the county**
162 **average wage. Notwithstanding the provisions of section 620.2020 to**
163 **the contrary, this subsection, shall expire on June 30, 2025.**

164 **8. No benefits shall be available under this section for any qualified**
165 **company that has performed significant, project-specific site work at the project**
166 **facility, purchased machinery or equipment related to the project, or has publicly**
167 **announced its intention to make new capital investment or manufacturing**
168 **capital investment at the project facility prior to receipt of a proposal for**
169 **benefits under this section or approval of its notice of intent, whichever occurs**

170 first.

620.2020. 1. The department shall respond to a written request, by or on
2 behalf of a qualified company, for a proposed benefit award under the provisions
3 of this program within five business days of receipt of such request. **The**
4 **department shall respond to a written request, by or on behalf of a**
5 **qualified manufacturing company, for a proposed benefit award under**
6 **the provisions of this program within fifteen business days of receipt**
7 **of such request.** Such response shall contain either a proposal of benefits for
8 the qualified company, or a written response refusing to provide such a proposal
9 and stating the reasons for such refusal. A qualified company that intends to
10 seek benefits under the program shall submit to the department a notice of
11 intent. The department shall respond within thirty days to a notice of intent
12 with an approval or a rejection, provided that the department may withhold
13 approval or provide a contingent approval until it is satisfied that proper
14 documentation of eligibility has been provided. **The department shall certify**
15 **or reject the qualifying company's plan outlined in their notice of**
16 **intent as satisfying good faith efforts made to employ, at a minimum,**
17 **commensurate with the percentage of minority populations in the state**
18 **of Missouri, as reported in the previous decennial census, the following:**
19 **racial minorities, contractors who are racial minorities, and**
20 **contractors that, in turn, employ at a minimum racial minorities**
21 **commensurate with the percentage of minority populations in the state**
22 **of Missouri, as reported in the previous decennial census.** Failure to
23 respond on behalf of the department shall result in the notice of intent being
24 deemed approved. A qualified company receiving approval for program benefits
25 may receive additional benefits for subsequent new jobs at the same facility after
26 the full initial project period if the applicable minimum job requirements are
27 met. There shall be no limit on the number of project periods a qualified
28 company may participate in the program, and a qualified company may elect to
29 file a notice of intent to begin a new project period concurrent with an existing
30 project period if the applicable minimum job requirements are achieved, the
31 qualified company provides the department with the required annual reporting,
32 and the qualified company is in compliance with this program and any other state
33 programs in which the qualified company is currently or has previously
34 participated. However, the qualified company shall not receive any further
35 program benefits under the original approval for any new jobs created after the

36 date of the new notice of intent, and any jobs created before the new notice of
37 intent shall not be included as new jobs for purposes of the benefit calculation for
38 the new approval. When a qualified company has filed and received approval of
39 a notice of intent and subsequently files another notice of intent, the department
40 shall apply the definition of project facility under subdivision [(19)] **22** of section
41 620.2005 to the new notice of intent as well as all previously approved notices of
42 intent and shall determine the application of the definitions of new job, new
43 payroll, project facility base employment, and project facility base payroll
44 accordingly.

45 2. Notwithstanding any provision of law to the contrary, the benefits
46 available to the qualified company under any other state programs for which the
47 company is eligible and which utilize withholding tax from the new or retained
48 jobs of the company shall first be credited to the other state program before the
49 withholding retention level applicable under this program will begin to accrue.
50 If any qualified company also participates in a job training program utilizing
51 withholding tax, the company shall retain no withholding tax under this program,
52 but the department shall issue a refundable tax credit for the full amount of
53 benefit allowed under this program. The calendar year annual maximum amount
54 of tax credits which may be issued to a qualifying company that also participates
55 in a job training program shall be increased by an amount equivalent to the
56 withholding tax retained by that company under a jobs training program.

57 3. A qualified company receiving benefits under this program shall
58 provide an annual report of the number of jobs, **along with minority jobs**
59 **created or retained**, and such other information as may be required by the
60 department to document the basis for program benefits available no later than
61 ninety days prior to the end of the qualified company's tax year immediately
62 following the tax year for which the benefits provided under the program are
63 attributed. In such annual report, if the average wage is below the applicable
64 percentage of the county average wage, the qualified company has not maintained
65 the employee insurance as required, **if the department after a review**
66 **determines the qualifying company fails to satisfy other aspects of their**
67 **notice of intent, including failure to make good faith efforts to employ,**
68 **at a minimum, commensurate with the percentage of minority**
69 **populations in the state of Missouri, as reported in the previous**
70 **decennial census, the following: racial minorities, contractors who are**
71 **racial minorities, and contractors that, in turn, employ at a minimum**

72 **racial minorities commensurate with the percentage of minority**
73 **populations in the state of Missouri, as reported in the previous**
74 **decennial census**, or if the number of jobs is below the number required, the
75 qualified company shall not receive tax credits or retain the withholding tax for
76 the balance of the project period. Failure to timely file the annual report
77 required under this section shall result in the forfeiture of tax credits attributable
78 to the year for which the reporting was required and a recapture of withholding
79 taxes retained by the qualified company during such year.

80 4. The department may withhold the approval of any benefits under this
81 program until it is satisfied that proper documentation has been provided, and
82 shall reduce the benefits to reflect any reduction in full-time employees or
83 payroll. Upon approval by the department, the qualified company may begin the
84 retention of the withholding taxes when it reaches the required number of jobs
85 and the average wage meets or exceeds the applicable percentage of county
86 average wage. Tax credits, if any, may be issued upon satisfaction by the
87 department that the qualified company has exceeded the applicable percentage
88 of county average wage and the required number of jobs; **provided that, tax**
89 **credits awarded under subsection 7 of section 620.2010 may be issued**
90 **following the qualified company's acceptance of the department's**
91 **proposal and pursuant to the requirements set forth in the written**
92 **agreement between the department and the qualified company under**
93 **subsection 4 of section 620.2010.**

94 5. Any qualified company approved for benefits under this program shall
95 provide to the department, upon request, any and all information and records
96 reasonably required to monitor compliance with program requirements. This
97 program shall be considered a business recruitment tax credit under subdivision
98 (4) of subsection 2 of section 135.800, and any qualified company approved for
99 benefits under this program shall be subject to the provisions of sections 135.800
100 to 135.830.

101 6. Any taxpayer who is awarded benefits under this program who
102 knowingly hires individuals who are not allowed to work legally in the United
103 States shall immediately forfeit such benefits and shall repay the state an
104 amount equal to any state tax credits already redeemed and any withholding
105 taxes already retained.

106 7. **(1)** The maximum amount of tax credits that may be authorized under
107 this program for any fiscal year shall be limited as follows, less the amount of any

108 tax credits previously obligated for that fiscal year under any of the tax credit
109 programs referenced in subsection [13] 14 of this section:

110 **[(1)] (a)** For the fiscal year beginning on July 1, 2013, but ending on or
111 before June 30, 2014, no more than one hundred six million dollars in tax credits
112 may be authorized;

113 **[(2)] (b)** For the fiscal year beginning on July 1, 2014, but ending on or
114 before June 30, 2015, no more than one hundred eleven million dollars in tax
115 credits may be authorized; [and]

116 **[(3)] (c)** For [any] fiscal [year] years beginning on or after July 1, 2015,
117 **but ending on or before June 30, 2020**, no more than one hundred sixteen
118 million dollars in tax credits may be authorized for each fiscal year; **and**

119 **(d)** For all fiscal years beginning on or after July 1, 2020, no
120 more than one hundred six million dollars in tax credits may be
121 authorized for each fiscal year. The provisions of this paragraph shall
122 not apply to tax credits issued to qualified companies under a notice of
123 intent filed prior to July 1, 2020.

124 **(2)** For all fiscal years beginning on or after July 1, 2020, in
125 addition to the amount of tax credits that may be authorized under
126 paragraph (d) of subdivision (1) of this subsection, an additional ten
127 million dollars in tax credits may be authorized for each fiscal year for
128 the purpose of the completion of infrastructure projects directly
129 connected with the creation or retention of jobs under the provisions
130 of section 620.2000 to 620.2020 and an additional ten million dollars in
131 tax credits may be authorized for each fiscal year for a qualified
132 manufacturing company based on a manufacturing capital investment
133 as set forth in section 620.2010.

134 **8.** For all fiscal years beginning on or after July 1, 2020, the
135 maximum total amount of withholding tax that may be authorized for
136 retention for the creation of new jobs under the provisions of sections
137 620.2000 to 620.2020 by qualified companies with a project facility base
138 employment of at least fifty shall not exceed seventy-five million dollars
139 for each fiscal year. The provisions of this subsection shall not apply
140 to withholding tax authorized for retention for the creation of new jobs
141 by qualified companies with a project facility base employment of less
142 than fifty.

143 **9.** For tax credits for the creation of new jobs under section 620.2010, the

144 department shall allocate the annual tax credits based on the date of the
145 approval, reserving such tax credits based on the department's best estimate of
146 new jobs and new payroll of the project, and any other applicable factors in
147 determining the amount of benefits available to the qualified company under this
148 program; **provided that, the department may reserve up to twenty-one**
149 **and one-half percent of the maximum annual amount of tax credits that**
150 **may be authorized under subsection 7 of this section for award under**
151 **subsection 7 of section 620.2010.** However, the annual issuance of tax credits
152 shall be subject to annual verification of actual payroll by the department. Any
153 authorization of tax credits shall expire if, within two years from the date of
154 commencement of operations, or approval if applicable, the qualified company has
155 failed to meet the applicable minimum job requirements. The qualified company
156 may retain authorized amounts from the withholding tax under the project once
157 the applicable minimum job requirements have been met for the duration of the
158 project period. No benefits shall be provided under this program until the
159 qualified company meets the applicable minimum new job requirements **or, for**
160 **benefits awarded under subsection 7 of section 620.2010, until the**
161 **qualified company has satisfied the requirements set forth in the**
162 **written agreement between the department and the qualified company**
163 **under subsection 4 of section 620.2010.** In the event the qualified company
164 does not meet the applicable minimum new job requirements, the qualified
165 company may submit a new notice of intent or the department may provide a new
166 approval for a new project of the qualified company at the project facility or other
167 facilities.

168 [9.] **10.** Tax credits provided under this program may be claimed against
169 taxes otherwise imposed by chapters 143 and 148, and may not be carried
170 forward, but shall be claimed within one year of the close of the taxable year for
171 which they were issued. Tax credits provided under this program may be
172 transferred, sold, or assigned by filing a notarized endorsement thereof with the
173 department that names the transferee, the amount of tax credit transferred, and
174 the value received for the credit, as well as any other information reasonably
175 requested by the department. For a qualified company with flow-through tax
176 treatment to its members, partners, or shareholders, the tax credit shall be
177 allowed to members, partners, or shareholders in proportion to their share of
178 ownership on the last day of the qualified company's tax period.

179 [10.] **11.** Prior to the issuance of tax credits or the qualified company

180 beginning to retain withholding taxes, the department shall verify through the
181 department of revenue and any other applicable state department that the tax
182 credit applicant does not owe any delinquent income, sales, or use tax or interest
183 or penalties on such taxes, or any delinquent fees or assessments levied by any
184 state department and through the department of insurance, financial institutions
185 and professional registration that the applicant does not owe any delinquent
186 insurance taxes or other fees. Such delinquency shall not affect the approval,
187 except that any tax credits issued shall be first applied to the delinquency and
188 any amount issued shall be reduced by the applicant's tax delinquency. If the
189 department of revenue, the department of insurance, financial institutions and
190 professional registration, or any other state department concludes that a taxpayer
191 is delinquent after June fifteenth but before July first of any year and the
192 application of tax credits to such delinquency causes a tax deficiency on behalf of
193 the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the
194 deficiency in which interest, penalties, and additions to tax shall be tolled. After
195 applying all available credits toward a tax delinquency, the administering agency
196 shall notify the appropriate department and that department shall update the
197 amount of outstanding delinquent tax owed by the applicant. If any credits
198 remain after satisfying all insurance, income, sales, and use tax delinquencies,
199 the remaining credits shall be issued to the applicant, subject to the restrictions
200 of other provisions of law.

201 [11.] **12.** The director of revenue shall issue a refund to the qualified
202 company to the extent that the amount of tax credits allowed under this program
203 exceeds the amount of the qualified company's tax liability under chapter 143 or
204 148.

205 [12.] **13.** An employee of a qualified company shall receive full credit for
206 the amount of tax withheld as provided in section 143.211.

207 [13.] **14.** Notwithstanding any provision of law to the contrary, beginning
208 August 28, 2013, no new benefits shall be authorized for any project that had not
209 received from the department a proposal or approval for such benefits prior to
210 August 28, 2013, under the development tax credit program created under
211 sections 32.100 to 32.125, the rebuilding communities tax credit program created
212 under section 135.535, the enhanced enterprise zone tax credit program created
213 under sections 135.950 to 135.973, and the Missouri quality jobs program created
214 under sections 620.1875 to 620.1890. The provisions of this subsection shall not
215 be construed to limit or impair the ability of any administering agency to

216 authorize or issue benefits for any project that had received an approval or a
217 proposal from the department under any of the programs referenced in this
218 subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any
219 such tax credits or to retain any withholding tax under an approval issued prior
220 to that date. The provisions of this subsection shall not be construed to limit or
221 in any way impair the ability of any governing authority to provide any local
222 abatement or designate a new zone under the enhanced enterprise zone program
223 created by sections 135.950 to 135.963. Notwithstanding any provision of law to
224 the contrary, no qualified company that is awarded benefits under this program
225 shall:

226 (1) Simultaneously receive benefits under the programs referenced in this
227 subsection at the same capital investment; or

228 (2) Receive benefits under the provisions of section 620.1910 for the same
229 jobs.

230 [14.] 15. If any provision of sections 620.2000 to 620.2020 or application
231 thereof to any person or circumstance is held invalid, the invalidity shall not
232 affect other provisions or application of these sections which can be given effect
233 without the invalid provisions or application, and to this end, the provisions of
234 sections 620.2000 to 620.2020 are hereby declared severable.

235 [15.] 16. By no later than January 1, 2014, and the first day of each
236 calendar quarter thereafter, the department shall present a quarterly report to
237 the general assembly detailing the benefits authorized under this program during
238 the immediately preceding calendar quarter to the extent such information may
239 be disclosed under state and federal law. The report shall include, at a minimum:

240 (1) A list of all approved and disapproved applicants for each tax credit;

241 (2) A list of the aggregate amount of new or retained jobs that are directly
242 attributable to the tax credits authorized;

243 (3) A statement of the aggregate amount of new capital investment
244 directly attributable to the tax credits authorized;

245 (4) Documentation of the estimated net state fiscal benefit for each
246 authorized project and, to the extent available, the actual benefit realized upon
247 completion of such project or activity; and

248 (5) The department's response time for each request for a proposed benefit
249 award under this program.

250 [16.] 17. The department may adopt such rules, statements of policy,
251 procedures, forms, and guidelines as may be necessary to carry out the provisions

252 of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is
253 defined in section 536.010, that is created under the authority delegated in this
254 section shall become effective only if it complies with and is subject to all of the
255 provisions of chapter 536 and, if applicable, section 536.028. This section and
256 chapter 536 are nonseverable and if any of the powers vested with the general
257 assembly pursuant to chapter 536 to review, to delay the effective date, or to
258 disapprove and annul a rule are subsequently held unconstitutional, then the
259 grant of rulemaking authority and any rule proposed or adopted after August 28,
260 2013, shall be invalid and void.

261 [17.] 18. Under section 23.253 of the Missouri sunset act:

262 (1) The provisions of the program authorized under sections 620.2000 to
263 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August
264 28, 2030; and

265 (2) If such program is reauthorized, the program authorized under this
266 section shall automatically sunset twelve years after the effective date of [this]
267 **the** reauthorization of sections 620.2000 to 620.2020; and

268 (3) Sections 620.2000 to 620.2020 shall terminate on September first of
269 the calendar year immediately following the calendar year in which the program
270 authorized under sections 620.2000 to 620.2020 is sunset.

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

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

9 (2) "Job creation, worker training, and infrastructure development
10 programs", the Missouri works program established under sections 620.2000 to
11 620.2020, the Missouri business use incentives for large-scale development act
12 established under sections 100.700 to 100.850, the Missouri [works] **one start**
13 training program established under sections 620.800 to 620.809, and the real
14 property tax increment allocation redevelopment act established under sections
15 99.800 to 99.865.

16 2. Provisions of law to the contrary notwithstanding, no benefits
17 authorized under job creation, worker training, and infrastructure development

18 programs for an aerospace project shall be considered in determining compliance
19 with applicable limitations on the aggregate amount of benefits that may be
20 awarded annually or cumulatively under subdivision (3) of subsection 10 of
21 section 99.845, subsection 5 of section 100.850, subsection 8 of section 620.809,
22 and subsection 7 of section 620.2020. No aerospace project shall be authorized
23 for state benefits under job creation, worker training, and infrastructure
24 development programs that exceed, in the aggregate, one hundred fifty million
25 dollars annually under all such programs.

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

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

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

39 6. For aerospace projects receiving benefits under this section, in the
40 tenth year following the approval of a notice of intent under sections 620.2000 to
41 620.2020, the department of economic development shall determine the net fiscal
42 benefit to the state resulting from such project and shall take any action
43 necessary to ensure a positive net fiscal benefit to the state by no later than the
44 last year in which the aerospace project receives benefits under this section.

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