



States' Biofuels Statutes

STATE OF MISSOURI

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the Missouri General Assembly.

620.800. Definitions

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

- (1) "Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;
- (2) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;
- (3) "Certificate", a new or retained jobs training certificate issued under section 620.809;
- (4) "Committee", the Missouri works job training joint legislative oversight committee, established under the provisions of section 620.803;
- (5) "Department", the Missouri department of economic development;
- (6) "Employee", a person employed by a qualified company;
- (7) "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;
- (8) "Local education agency", a community college, two-year state technical college, or technical career education center;
- (9) "Missouri works training program", the training program established under sections 620.800 to 620.809;

(10) **“New capital investment”**, costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent, whichever occurs first, for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the notice of intent;

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

(12) **“New jobs credit”**, the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(13) **“Notice of intent”**, a form developed by the department, completed by the qualified company, and submitted to the department that states the qualified company’s intent to request benefits under this program;

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

(15) **“Project facility base employment”**, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

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

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

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

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

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

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

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

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

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

(g) Educational services (NAICS sector 61);

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

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production.

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

(17) “**Related company**”:

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

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

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation,

partnership, trust, or association in control of the qualified company. As used in this subdivision, “**control of a corporation**” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “**control of a partnership or association**” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; “**control of a trust**” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and “ownership” shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(18) “**Related facility**”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

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

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

(21) “**Retained jobs credit**”, the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(22) “**Targeted industry**”, an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state’s economic security and growth;

(23) “**Training program**”, the Missouri works training program established under sections 620.800 to 620.809;

(24) “**Training project**”, the project or projects established through the Missouri works training program for the creation or retention of jobs by providing education and training of workers;

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

(a) Training materials and supplies;

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

(c) Subcontracted services;

(d) On-the-job training;

- (e) Training facilities and equipment;
 - (f) Skill assessment;
 - (g) Training project and curriculum development;
 - (h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;
 - (i) Payments to third-party training providers and to the eligible industry;
 - (j) Teaching and assistance provided by educational institutions in the State of Missouri;
 - (k) In-plant training analysis, including fees for professionals and necessary travel and expenses;
 - (l) Assessment and preselection tools;
 - (m) Publicity;
 - (n) Instructional services;
 - (o) Rental of instructional facilities with necessary utilities; and
 - (p) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates;
- (26) “Training project services”, includes, but shall not be limited to, the following:
- (a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;
 - (b) Adult basic education and job-related instruction;
 - (c) Vocational and skill-assessment services and testing;
 - (d) Training facilities, equipment, materials, and supplies;
 - (e) On-the-job training;
 - (f) Administrative expenses equal to fifteen percent of the total training costs;
 - (g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

Credits: (L.2013, H.B. No. 196, § A, eff. Aug. 28, 2013.)