

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 16

AN ACT

To repeal sections 620.511, 620.513, 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof seven new sections relating to workforce development.

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

1 Section A. Sections 620.511, 620.513, 620.800, 620.803,  
2 620.806, and 620.809, RSMo, are repealed and seven new sections  
3 enacted in lieu thereof, to be known as sections 173.2553,  
4 620.511, 620.513, 620.800, 620.803, 620.806, and 620.809, to read  
5 as follows:

6 173.2553. 1. There is hereby established a "Fast-Track  
7 Workforce Incentive Grant" and any moneys appropriated by the  
8 general assembly for this program shall be used to provide grants  
9 for Missouri citizens to attend an approved Missouri  
10 postsecondary institution of their choice pursuant to the  
11 provisions of this section.

12 2. The definitions of terms set forth in section 173.1102  
13 shall be applicable to such terms as used in this section. In  
14 addition, the following terms shall mean:

15 (1) "Eligible student", an individual who:

16 (a) Has completed and submitted a FAFSA for the academic

1 year for which the grant is requested;

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

4 (c) Is a Missouri resident as determined by reference to  
5 standards promulgated by the coordinating board;

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

10 (e) Has an adjusted gross income, as reported on the FAFSA,  
11 that does not exceed eighty thousand dollars if the taxpayer's  
12 filing status is married filing combined, or forty thousand  
13 dollars if the taxpayer's filing status is single, head of  
14 household, or qualifying widow or widower; and

15 (f) Is twenty-five years of age or older at the time of  
16 enrollment or has not been enrolled in an educational program for  
17 the prior two academic years;

18 (2) "Eligible program of study":

19 (a) A program of instruction resulting in the award of a  
20 certificate, degree, or other industry-recognized credential; and

21 (b) That has been designated by the coordinating board as  
22 preparing students to enter an area of occupational shortage as  
23 determined by the board;

24 (3) "FAFSA", the Free Application for Federal Student Aid  
25 as maintained by the United States Department of Education.

26 3. Standards of eligibility for renewed assistance shall be  
27 the same as for an initial award of financial assistance, except  
28 that for renewal, an applicant shall demonstrate a grade-point

1 average of two and five-tenths on a four-point scale, or the  
2 equivalent on another scale.

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

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

6 (2) Receipt of a bachelor degree; or

7 (3) Reaching two hundred percent of the time typically  
8 required to complete the program of study.

9 5. The coordinating board shall initially designate  
10 eligible programs of study by January 1, 2020 in connection with  
11 local education institutions, regional business organizations,  
12 and other stakeholders. The coordinating board shall annually  
13 review the list of eligible programs of study and make changes to  
14 the program list as it determines appropriate.

15 6. The coordinating board shall be the administrative  
16 agency for the implementation of the program established by this  
17 section. The coordinating board shall promulgate reasonable  
18 rules and regulations for the exercise of its functions and the  
19 effectuation of the purposes of this section. It shall prescribe  
20 the form and the time and method of filing applications and  
21 supervise the processing thereof. The coordinating board shall  
22 determine the criteria for eligibility of applicants and shall  
23 evaluate each applicant's eligibility. It shall select qualified  
24 recipients to receive grants, make such awards of financial  
25 assistance to qualified recipients, and determine the manner and  
26 method of payment to the recipient.

27 7. The coordinating board shall determine eligibility for  
28 renewed assistance on the basis of annual applications. As a

1 condition to consideration for initial or renewed assistance, the  
2 coordinating board may require the applicant and the applicant's  
3 spouse to execute forms of consent authorizing the director of  
4 revenue to compare financial information submitted by the  
5 applicant with the Missouri individual income tax returns of the  
6 applicant, the applicant's spouse and parents for the taxable  
7 year immediately preceding the year for which application is  
8 made, and to report any discrepancies to the coordinating board.

9 8. Grants shall be awarded in an amount equal to the actual  
10 tuition and general fees charged of an eligible student, after  
11 all federal nonloan aid, state student aid, and any other  
12 governmental student financial aid are applied. If a grant  
13 amount is reduced to zero due to the receipt of other aid, the  
14 eligible student shall receive an award of up to five hundred  
15 dollars or the remaining cost of attendance as calculated by the  
16 institution after all nonloan student aid has been applied,  
17 whichever is less, per academic term.

18 9. If appropriated funds are insufficient to fund the  
19 program as described, students applying for renewed assistance  
20 shall be given priority until all funds are expended.

21 10. A recipient of financial assistance may transfer from  
22 one approved public, private, or virtual institution to another  
23 without losing eligibility for assistance under this section, but  
24 the department shall make any necessary adjustments in the amount  
25 of the award. If a recipient of financial assistance at any time  
26 is entitled to a refund of any tuition or fees under the rules  
27 and regulations of the institution in which he or she is  
28 enrolled, the institution shall pay the portion of the refund

1 which may be attributed to the grant to the coordinating board.  
2 The coordinating board shall use these refunds to make additional  
3 awards under the provisions of this section.

4 11. (1) There is hereby created in the state treasury the  
5 "Fast-Track Workforce Incentive Grant Fund". The state treasurer  
6 shall be custodian of the fund. In accordance with sections  
7 30.170 and 30.180, the state treasurer may approve disbursements.  
8 The fund shall be a dedicated fund and money in the fund shall be  
9 used solely by the coordinating board for the purpose of this  
10 section.

11 (2) Notwithstanding the provisions of section 33.080 to the  
12 contrary, any moneys remaining in the fund at the end of the  
13 biennium shall not revert to the credit of the general revenue  
14 fund.

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

18 12. The coordinating board shall have the authority to  
19 promulgate rules to implement the provisions of this section.  
20 Any rule or portion of a rule, as that term is defined in section  
21 536.010 that is created under the authority delegated in this  
22 section shall become effective only if it complies with and is  
23 subject to all of the provisions of chapter 536, and, if  
24 applicable, section 536.028. This section and chapter 536 are  
25 nonseverable and if any of the powers vested with the general  
26 assembly pursuant to chapter 536, to review, to delay the  
27 effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2019,  
2 shall be invalid and void.

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

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

16           3. The board shall meet the requirements of the federal  
17 Workforce Innovation and Opportunity Act [of 2014], hereinafter  
18 referred to as the "WIOA", P.L. 113-128, as amended. Should  
19 another federal law supplant the WIOA, all references in sections  
20 620.511 to 620.513 to the WIOA shall apply as well to the new  
21 federal law.

22           4. Composition of the board shall comply with the WIOA.  
23 Board members appointed by the governor shall be subject to the  
24 advice and consent of the senate. Consistent with the  
25 requirements of the WIOA, the governor shall designate one member  
26 of the board to be its chairperson.

27           5. Each member of the board shall serve for a term of four  
28 years, subject to the pleasure of the governor, and until a

1 successor is duly appointed. In the event of a vacancy on the  
2 board, the vacancy shall be filled in the same manner as the  
3 original appointment and said replacement shall serve the  
4 remainder of the original appointee's unexpired term.

5 6. Of the members initially appointed to the WIOA, formerly  
6 known as the WIA, board, one-fourth shall be appointed for a term  
7 of four years, one-fourth shall be appointed for a term of three  
8 years, one-fourth shall be appointed for a term of two years, and  
9 one-fourth shall be appointed for a term of one year.

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

13 8. The department may include on its website a list of the  
14 names of the members of the board, including the names of members  
15 of local workforce development boards, along with information on  
16 how to contact such boards.

17 620.513. 1. The board shall assist the governor with the  
18 functions described in Section 101(d) of the WIOA, 29 U.S.C.  
19 Section [311d] 3111(d), and any regulations issued pursuant to  
20 the WIOA.

21 2. The board shall submit an annual report of its  
22 activities to the governor, the speaker of the house of  
23 representatives, and the president pro tem of the senate no later  
24 than January thirty-first of each year.

25 3. Nothing in sections 620.511 to 620.513 shall be  
26 construed to require or allow the board to assume or supersede  
27 the statutory authority granted to, or impose any duties or  
28 requirements on, the state coordinating board for higher

1 education, the governing boards of the state's public colleges  
2 and universities, the state board of education, or any local  
3 educational agencies.

4 620.800. The following additional terms used in sections  
5 620.800 to 620.809 shall mean:

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

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

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

15 (4) "Committee", the Missouri [works] one start job  
16 training joint legislative oversight committee, established under  
17 the provisions of section 620.803;

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

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

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

26 (8) "Full-time employee", an employee of the qualified  
27 company who is scheduled to work an average of at least  
28 thirty-five hours per week for a twelve-month period, and one to

1 whom the qualified company offers health insurance and pays at  
2 least fifty percent of such insurance premiums;

3 [(8)] (9) "Local education agency", a community college  
4 district, two-year state technical college, or technical career  
5 education center;

6 [(9)] (10) "Missouri [works training] one start program",  
7 the training program established under sections 620.800 to  
8 620.809;

9 [(10)] (11) "New capital investment", costs incurred by the  
10 qualified company at the project facility for real or personal  
11 property, that may include the value of finance or capital leases  
12 for real or personal property for the term of such lease at the  
13 project facility executed after acceptance by the qualified  
14 company of the proposal for benefits from the department or  
15 approval of the notice of intent;

16 [(11)] (12) "New job", the number of full-time employees  
17 located at the project facility that exceeds the project facility  
18 base employment less any decrease in the number of full-time  
19 employees at related facilities below the related facility base  
20 employment. No job that was created prior to the date of the  
21 notice of intent shall be deemed a new job. An employee who  
22 spends less than fifty percent of his or her work time at the  
23 facility is still considered to be located at a facility if he or  
24 she receives his or her directions and control from that  
25 facility, is on the facility's payroll, one hundred percent of  
26 the employee's income from such employment is Missouri income,  
27 and the employee is paid at or above the applicable percentage of  
28 the county's average wage;

1            [(12)] (13) "New jobs credit", the credit from withholding  
2 remitted by a qualified company provided under subsection 7 of  
3 section 620.809;

4            [(13)] (14) "Notice of intent", a form developed by [the  
5 department, completed by the qualified company,] and submitted to  
6 the department that states the qualified company's intent to  
7 request benefits under this program;

8            [(14)] (15) "Project facility", the building or buildings  
9 used by a qualified company at which new or retained jobs and any  
10 new capital investment are or will be located. A project  
11 facility may include separate buildings located within sixty  
12 miles of each other such that their purpose and operations are  
13 interrelated, provided that, if the buildings making up the  
14 project facility are not located within the same county, the  
15 average wage of the new payroll must exceed the applicable  
16 percentage of the highest county average wage among the counties  
17 in which the buildings are located. Upon approval by the  
18 department, a subsequent project facility may be designated if  
19 the qualified company demonstrates a need to relocate to the  
20 subsequent project facility at any time during the project  
21 period;

22            [(15)] (16) "Project facility base employment", the greater  
23 of the number of full-time employees located at the project  
24 facility on the date of the notice of intent or, for the  
25 twelve-month period prior to the date of the notice of intent,  
26 the average number of full-time employees located at the project  
27 facility. In the event the project facility has not been in  
28 operation for a full twelve-month period, the average number of

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

3 [(16)] (17) "Qualified company", a firm, partnership, joint  
4 venture, association, private or public corporation whether  
5 organized for profit or not, or headquarters of such entity  
6 registered to do business in Missouri that is the owner or  
7 operator of a project facility, offers health insurance to all  
8 full-time employees of all facilities located in this state, and  
9 pays at least fifty percent of such insurance premiums. For the  
10 purposes of sections 620.800 to 620.809, the term "qualified  
11 company" shall not mean:

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

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

17 (c) Food services and drinking places (NAICS subsector  
18 722);

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

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

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

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

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

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

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

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

13 (j) Ethanol distillation or production; or

14 (k) Biodiesel production.

15

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

25 [(17)] (18) "Related company":

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

28 (b) An individual, corporation, partnership, trust, or

1 association in control of the qualified company; or

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

16 [(18)] (19) "Related facility", a facility operated by the  
17 qualified company or a related company located in this state that  
18 is directly related to the operations of the project facility or  
19 in which operations substantially similar to the operations of  
20 the project facility are performed;

21 [(19)] (20) "Related facility base employment", the greater  
22 of the number of full-time employees located at all related  
23 facilities on the date of the notice of intent or, for the  
24 twelve-month period prior to the date of the notice of intent,  
25 the average number of full-time employees located at all related  
26 facilities of the qualified company or a related company located  
27 in this state;

28 [(20)] (21) "Retained jobs", the average number of

1 full-time employees of a qualified company located at the project  
2 facility during each month for the calendar year preceding the  
3 year in which the notice of intent is submitted;

4 [(21)] (22) "Retained jobs credit", the credit from  
5 withholding remitted by a qualified company provided under  
6 subsection 7 of section 620.809;

7 [(22)] (23) "Targeted industry", an industry or one of a  
8 cluster of industries identified by the department by rule  
9 following a strategic planning process as being critical to the  
10 state's economic security and growth;

11 [(23)] (24) "Training program", the Missouri [works  
12 training] one start program established under sections 620.800 to  
13 620.809;

14 [(24)] (25) "Training project", the project or projects  
15 established through the Missouri [works training] one start  
16 program for the creation or retention of jobs by providing  
17 education and training of workers;

18 [(25)] (26) "Training project costs", may include all  
19 necessary and incidental costs of providing program services  
20 through the training program, [including] such as:

21 (a) Training materials and supplies;

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

25 (c) Subcontracted services;

26 (d) On-the-job training;

27 (e) Training facilities and equipment;

28 (f) Skill assessment;

1 (g) Training project and curriculum development;

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

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

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

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

12 (l) Assessment and preselection tools;

13 (m) Publicity;

14 (n) Instructional services;

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

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

21 [(26)] (27) "Training project services", [includes] may  
22 include, but shall not be limited to, the following:

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

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

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

1 (d) Training facilities, equipment, materials, and  
2 supplies;

3 (e) On-the-job training;

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

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

10 (h) Contracted or professional services; and

11 (i) Issuance of certificates, when applicable.

12 620.803. 1. The department shall establish a "Missouri  
13 [Works Training] One Start Program" to assist qualified companies  
14 in the training of employees in new jobs and the retraining or  
15 upgrading of skills of full-time employees in retained jobs as  
16 provided in sections 620.800 to 620.809. The training program  
17 shall be funded through appropriations to the funds established  
18 under sections 620.806 and 620.809. The department shall, to the  
19 maximum extent practicable, prioritize funding under the training  
20 program to assist qualified companies in targeted industries.

21 2. There is hereby created the "Missouri [Works] One Start  
22 Job Training Joint Legislative Oversight Committee". The  
23 committee shall consist of three members of the Missouri senate  
24 appointed by the president pro tempore of the senate and three  
25 members of the house of representatives appointed by the speaker  
26 of the house. No more than two of the members of the senate and  
27 two of the members of the house of representatives shall be from  
28 the same political party. Members of the committee shall report

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

13 3. The department shall publish guidelines and may  
14 promulgate rules and regulations governing the training program.  
15 In establishing such guidelines and promulgating such rules and  
16 regulations, the department shall consider such factors as the  
17 potential number of new jobs to be created, the amount of new  
18 capital investment in new facilities and equipment, the  
19 significance of state benefits to the qualified company's  
20 decision to locate or expand in Missouri, the economic need of  
21 the affected community, and the importance of the qualified  
22 company to the economic development of the state. Any rule or  
23 portion of a rule, as that term is defined in section 536.010,  
24 that is created under the authority delegated in this section  
25 shall become effective only if it complies with and is subject to  
26 all of the provisions of chapter 536 and, if applicable, section  
27 536.028. This section and chapter 536 are nonseverable and if  
28 any of the powers vested with the general assembly pursuant to

1 chapter 536 to review, to delay the effective date, or to  
2 disapprove and annul a rule are subsequently held  
3 unconstitutional, then the grant of rulemaking authority and any  
4 rule proposed or adopted after August 28, 2013, shall be invalid  
5 and void.

6 4. The department shall make program applications and  
7 guidelines available online.

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

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

18 7. Any [taxpayer who] qualified company that is awarded  
19 benefits under sections 620.800 to 620.809 and who files for  
20 bankruptcy under Chapter 7 of the United States Bankruptcy Code,  
21 Title 11 U.S.C., as amended, shall immediately notify the  
22 department, shall forfeit such benefits, and shall repay the  
23 state an amount equal to any state tax credits already redeemed  
24 and any withholding taxes already retained.

25 8. The department may require repayment of all benefits  
26 awarded, increased by an additional amount that shall provide the  
27 state a reasonable rate of return, to any qualified company under  
28 sections 620.800 to 620.809 that fails to maintain the new or

1 retained jobs within five years of approval of the benefits or  
2 that leaves the state within five years of approval of the  
3 benefits.

4 9. The department shall be authorized to contract with  
5 other entities, including businesses, industries, other state  
6 agencies, and political subdivisions of the state for the purpose  
7 of implementing a training project under the provisions of  
8 sections 620.800 to 620.809.

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

1 the fund in the same manner as other funds are invested. Any  
2 interest and moneys earned on such investments shall be credited  
3 to the fund.

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

1 eligible for assistance under this subsection unless such  
2 qualified company provides services in interstate commerce, which  
3 shall mean that the qualified company derives a majority of its  
4 annual revenues from out of the state.

5 3. [The department may provide assistance, through  
6 appropriations made from the Missouri works job development fund,  
7 to business and technology centers. Such assistance shall not  
8 include the lending of the state's credit for the payment of any  
9 liability of the fund. Such centers may be established by  
10 Missouri community colleges, or state-owned postsecondary  
11 technical colleges, to provide business and training services for  
12 growth industries as determined by current labor market  
13 information.] Upon appropriation, a local education agency may  
14 petition the department to utilize the Missouri one start job  
15 development fund in order to create or improve training  
16 facilities, training equipment, training staff, training  
17 expertise, training programming, and administration. The  
18 department shall review all petitions and may award funds from  
19 the Missouri one start job development fund for reimbursement of  
20 training project costs and training project services as it deems  
21 necessary.

22 4. The department may promulgate rules to implement the  
23 provisions of this section. Any rule or portion of a rule, as  
24 that term is defined in section 536.010 that is created under the  
25 authority delegated in this section shall become effective only  
26 if it complies with and is subject to all of the provisions of  
27 chapter 536, and, if applicable, section 536.028. This section  
28 and chapter 536 are nonseverable and if any of the powers vested

1 with the general assembly pursuant to chapter 536, to review, to  
2 delay the effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2019,  
5 shall be invalid and void.

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

1 not lapse to the general revenue fund, as provided in section  
2 33.080, but shall remain in the fund.

3 2. [The Missouri community college job retention training  
4 program fund, formerly established in the state treasury by  
5 section 178.764, shall now] There is hereby created in the state  
6 treasury a fund to be known as the "Missouri [Works] One Start  
7 Community College Job Retention Training Fund" [and] that shall  
8 be administered by the department for the Missouri [works  
9 training] one start program. The department of revenue shall  
10 credit to the fund, as received, all retained jobs credits. For  
11 existing Missouri businesses retaining jobs, the training project  
12 may include new jobs. The fund shall also consist of any gifts,  
13 contributions, grants, or bequests received from federal,  
14 private, or other sources. The general assembly, however, shall  
15 not provide for any transfer of general revenue funds into the  
16 fund. Moneys in the fund shall be disbursed to the department  
17 under regular appropriations by the general assembly. The  
18 department shall have the discretion to determine the appropriate  
19 amount of funds to allocate per training project. The department  
20 shall disburse such appropriated funds in a timely manner into  
21 the special funds established by community college districts for  
22 projects, which funds shall be used to pay training program  
23 costs, including the principal, premium, and interest on  
24 certificates issued by the district to finance or refinance, in  
25 whole or in part, a project. Such disbursements by the  
26 department shall be made to the special fund for each project as  
27 provided under subsection 5 of this section. All moneys  
28 remaining in the fund at the end of any fiscal year shall not

1 lapse to the general revenue fund, as provided in section 33.080,  
2 but shall remain in the fund.

3 3. The department of revenue shall develop such forms as  
4 are necessary to demonstrate accurately each qualified company's  
5 new jobs credit paid into the Missouri [works] one start  
6 community college new jobs training fund or retained jobs credit  
7 paid into the Missouri [works] one start community college job  
8 retention training fund. The new or retained jobs credits shall  
9 be accounted as separate from the normal withholding tax paid to  
10 the department of revenue by the qualified company.

11 Reimbursements made by all qualified companies to the Missouri  
12 [works] one start community college new jobs training fund and  
13 the Missouri [works] one start community college job retention  
14 training fund shall be no less than all allocations made by the  
15 department to all community college districts for all projects.  
16 The qualified company shall remit the amount of the new or  
17 retained jobs credit, as applicable, to the department of revenue  
18 in the same manner as provided in sections 143.191 to 143.265.

19 4. A community college district, with the approval of the  
20 department in consultation with the office of administration, may  
21 enter into an agreement to establish a training project and  
22 provide training project services to a qualified company. As  
23 soon as possible after initial contact between a community  
24 college district and a potential qualified company regarding the  
25 possibility of entering into an agreement, the community college  
26 district shall inform the department of the potential training  
27 project. The department shall evaluate the proposed training  
28 project within the overall job training efforts of the state to

1 ensure that the training project will not duplicate other job  
2 training programs. The department shall have fourteen days from  
3 receipt of a notice of intent to approve or disapprove a training  
4 project. If no response is received by the qualified company  
5 within fourteen days, the training project shall be deemed  
6 approved. Disapproval of any training project shall be made in  
7 writing and state the reasons for such disapproval. If an  
8 agreement is entered into, the district and the qualified company  
9 shall notify the department of revenue within fifteen calendar  
10 days. In addition to any provisions required under subsection 6  
11 of this section for a qualified company applying to receive a new  
12 or retained job credit, an agreement may provide, but shall not  
13 be limited to:

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

16 (a) Funds appropriated by the general assembly to the  
17 Missouri [works] one start community college new jobs training  
18 program fund or Missouri [works] one start community college job  
19 retention training program fund, as applicable, and disbursed by  
20 the department for the purposes consistent with sections 620.800  
21 to 620.809;

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

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

28 (2) Payment of training project costs which shall not be

1 deferred for a period longer than eight years;

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

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

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

22 5. (1) For projects that are funded exclusively under  
23 paragraph (a) of subdivision (1) of subsection 4 of this section,  
24 the department shall disburse such funds to the special fund for  
25 each training project in the same proportion as the new jobs or  
26 retained jobs credits remitted by the qualified company  
27 participating in such project bears to the total new jobs or  
28 retained jobs credits from withholding remitted by all qualified

1 companies participating in projects during the period for which  
2 the disbursement is made.

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

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

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

25 (2) **[Retained,** at the project facility, the same number of  
26 employees that existed in the taxable year immediately preceding  
27 the year in which application is made; and

28 (3) **]** Made or agrees to make a new capital investment of

1 greater than five times the amount of any award under this  
2 training program at the project facility over a period of two  
3 consecutive [calendar] years, as certified by the qualified  
4 company and:

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

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

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

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

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

18 (2) A portion of the total payments made by the qualified  
19 companies under sections 143.191 to 143.265 shall be designated  
20 as the new or retained jobs credit from withholding. Such  
21 portion shall be an amount equal to two and one-half percent of  
22 the gross wages paid by the qualified company for each of the  
23 first one hundred jobs included in the project and one and  
24 one-half percent of the gross wages paid by the qualified company  
25 for each of the remaining jobs included in the project. If  
26 business or employment conditions cause the amount of the new or  
27 retained jobs credit from withholding to be less than the amount  
28 projected in the agreement for any time period, then other

1 withholding tax paid by the qualified company under sections  
2 143.191 to 143.265 shall be credited to the applicable fund by  
3 the amount of such difference. The qualified company shall remit  
4 the amount of the new or retained jobs credit to the department  
5 of revenue in the manner prescribed in sections 143.191 to  
6 143.265. When all training program costs have been paid, the new  
7 or retained jobs credits shall cease;

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

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

28 (5) The qualified company shall certify to the department

1 of revenue that the new or retained jobs credit is in accordance  
2 with an agreement and shall provide other information the  
3 department of revenue may require;

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

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

12 8. To provide funds for the present payment of the training  
13 project costs of new or retained jobs training project through  
14 the training program, a community college district may borrow  
15 money and issue and sell certificates payable from a sufficient  
16 portion of the future receipts of payments authorized by the  
17 agreement including disbursements from the Missouri [works] one  
18 start community college new jobs training fund or the Missouri  
19 [works] one start community college job retention training fund,  
20 to the special fund established by the community college district  
21 for each project. The total amount of outstanding certificates  
22 sold by all community college districts shall not exceed the  
23 total amount authorized under law as of January 1, 2013, unless  
24 an increased amount is authorized in writing by a majority of  
25 members of the committee. The certificates shall be marketed  
26 through financial institutions authorized to do business in  
27 Missouri. The receipts shall be pledged to the payment of  
28 principal of and interest on the certificates. Certificates may

1 be sold at public sale or at private sale at par, premium, or  
2 discount of not less than ninety-five percent of the par value  
3 thereof, at the discretion of the board of trustees, and may bear  
4 interest at such rate or rates as the board of trustees shall  
5 determine, notwithstanding the provisions of section 108.170 to  
6 the contrary. However, the provisions of chapter 176 shall not  
7 apply to the issuance of such certificates. Certificates may be  
8 issued with respect to a single project or multiple projects and  
9 may contain terms or conditions as the board of trustees may  
10 provide by resolution authorizing the issuance of the  
11 certificates.

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

25 10. Before certificates are issued, the board of trustees  
26 shall publish once a notice of its intention to issue the  
27 certificates, stating the amount, the purpose, and the project or  
28 projects for which the certificates are to be issued. A person

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

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

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

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

25 (1) The program authorized under sections 620.800 to  
26 620.809 shall be reauthorized as of August 28, 2018, and shall  
27 expire on August 28, 2030; and

28 (2) If such program is reauthorized, the program authorized

1 under sections 620.800 to 620.809 shall automatically sunset  
2 twelve years after the effective date of the reauthorization of  
3 sections 620.800 to 620.809; and

4 (3) Sections 620.800 to 620.809 shall terminate on  
5 September first of the calendar year immediately following the  
6 calendar year in which a program authorized under sections  
7 620.800 to 620.809 is sunset.

8 14. Any agreement or obligation entered into by the  
9 department that was made under the provisions of sections 620.800  
10 to 620.809 prior to the effective date of this section shall  
11 remain in effect according to the provisions of such agreement or  
12 obligation.

13