

SECOND REGULAR SESSION

HOUSE BILL NO. 2207

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5674H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.861 and 219.041, RSMo, and to enact in lieu thereof five new sections relating to youth.

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

Section A. Sections 210.861 and 219.041, RSMo, are repealed and five new sections
2 enacted in lieu thereof, to be known as sections 67.1780, 170.022, 210.861, 210.970, and
3 219.041, to read as follows:

**67.1780. 1. The governing body of a city not within a county or any county of this
2 state may, after voter approval under this section, levy a sales tax not to exceed one-quarter
3 of one cent in the county or city or city not within a county for the purpose of providing
4 services described in section 210.970, including juvenile delinquency prevention programs
5 and programs to provide opportunities for at-risk children and youth. The question shall
6 be submitted to the qualified voters of the county or city or city not within a county at a
7 county, city, or state general, primary, or special election upon the motion of the governing
8 body of the county or city or city not within a county or upon the petition of eight percent
9 of the qualified voters of the county or city or city not within a county determined on the
10 basis of the number of votes cast for governor in such county at the last gubernatorial
11 election held prior to the filing of the petition. The election officials of the county or city
12 or city not within a county shall give legal notice as provided in chapter 115. The question
13 shall be submitted in substantially the following form:**

14

15 **Shall County or City, solely for the purpose of establishing a county youth**
16 **initiative fund for the purpose of providing services to prevent juvenile delinquency and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **provide opportunities for at-risk children and youth, be authorized to levy a sales tax of**
18 **..... (not to exceed one-quarter of one cent) in the city or county?**

19

20 **YES** **NO**

21

22 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
23 **favor of the question, then the ordinance or order and any amendments thereto shall be**
24 **in effect on the first day of the second calendar quarter after the director receives**
25 **notification of the local sales tax. If a question receives less than the required majority,**
26 **then the governing authority of the city or county or city not within a county shall have no**
27 **power to impose the sales tax unless and until the governing authority of the city or county**
28 **or city not within a county has submitted another question to authorize the imposition of**
29 **the sales tax authorized by this section and such question is approved by the required**
30 **majority of the qualified voters voting thereon. However, in no event shall a question**
31 **under this section be submitted to the voters sooner than twelve months from the date of**
32 **the last question under this section.**

33 **2. After the effective date of any tax imposed under the provisions of this section,**
34 **the director of revenue shall perform all functions incident to the administration,**
35 **collection, enforcement, and operation of the tax and the director of revenue shall collect**
36 **in addition to the sales tax for the state of Missouri the additional tax authorized under the**
37 **authority of this section. The tax imposed under this section and the tax imposed under**
38 **the sales tax law of the state of Missouri shall be collected together and reported upon such**
39 **forms and under such administrative rules and regulations as may be prescribed by the**
40 **director of revenue.**

41 **3. All sales taxes collected by the director of revenue under this section on behalf**
42 **of any city or county or city not within a county, less one percent for the cost of collection,**
43 **which shall be deposited in the state's general revenue fund after payment of premiums for**
44 **surety bonds as provided in section 32.087, shall be deposited with the state treasurer in**
45 **a special fund which is hereby created to be known as the "County Youth Initiative Fund".**
46 **The moneys in the city or county or city not within a county, county youth initiative fund**
47 **shall not be deemed to be state funds and shall not be commingled with any funds of the**
48 **state. The director of revenue shall keep accurate records of the amount of money in the**
49 **fund which was collected in each city or county or city not within a county imposing a sales**
50 **tax under this section, and the records shall be open to the inspection of officers of each city**
51 **or county or city not within a county and the general public. Not later than the tenth day**
52 **of each month, the director of revenue shall distribute all moneys deposited in the fund**
53 **during the preceding month by distributing to the city or county treasurer, the treasurer**

54 of a city not within a county, or such other officer as may be designated by a city or county
55 ordinance or order, or ordinance or order of a city not within a county, of each city or
56 county or city not within a county imposing the tax authorized by this section, the sum, as
57 certified by the director of revenue, due the city or county or city not within a county.

58 4. The director of revenue may authorize the state treasurer to make refunds from
59 the amounts in the fund and credited to any city or county or city not within a county for
60 erroneous payments and overpayments made and may redeem dishonored checks and
61 drafts deposited to the credit of such counties. Each city or county or city not within a
62 county shall notify the director of revenue at least ninety days prior to the effective date
63 of the expiration of the sales tax authorized by this section and the director of revenue may
64 order retention in the fund for a period of one year of two percent of the amount collected
65 after receipt of such notice to cover possible refunds or overpayment of such tax and to
66 redeem dishonored checks and drafts deposited to the credit of such accounts. After one
67 year has elapsed after the date of expiration of the tax authorized by this section in such
68 city not within a county or such city or county, the director of revenue shall remit the
69 balance in the account to the city or county or city not within a county and close the
70 account of that city or county or city not within a county. The director of revenue shall
71 notify each city or county or city not within a county of each instance of any amount
72 refunded or any check redeemed from receipts due the city or county or city not within a
73 county.

74 5. Except as modified in this section, all provisions of sections 32.085 and 32.087
75 shall apply to the tax imposed under this section.

76 6. All revenues generated by the tax prescribed in this section shall be deposited in
77 the county treasury or, in a city not within a county, to the board established by law to
78 administer such fund to the credit of a special county youth initiative fund to accomplish
79 the purposes set out herein and in section 210.970 and shall be used for no other purpose.
80 Such fund shall be administered by a board of directors established under section 210.970.

170.022. 1. Except as provided in subsection 2 of this section, for school year 2018-
2 19, and each school year thereafter, no student shall receive a certificate of graduation
3 from any public high school unless he or she has satisfactorily achieved four units of credit
4 in mathematics and four units of credit in science.

5 2. The provisions of subsection 1 of this section shall not apply to any student with
6 an individualized education plan (IEP) receiving special education services whose IEP does
7 not require such coursework.

8 3. The department of elementary and secondary education may promulgate all
9 necessary rules and regulations for the administration of this section. Any rule or portion
10 of a rule, as that term is defined in section 536.010, that is created under the authority

11 **delegated in this section shall become effective only if it complies with and is subject to all**
12 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
13 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
14 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
15 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
16 **any rule proposed or adopted after August 28, 2016, shall be invalid and void.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775 is
2 established, the governing body of the city or county or city not within a county shall appoint a
3 board of directors consisting of nine members, who shall be residents of the city or county or city
4 not within a county. All board members shall be appointed to serve for a term of three years,
5 except that of the first board appointed, three members shall be appointed for one-year terms,
6 three members for two-year terms and three members for three-year terms. Board members may
7 be reappointed. In a city not within a county, or any county of the first classification with a
8 charter form of government with a population not less than nine hundred thousand inhabitants,
9 or any county of the first classification with a charter form of government with a population not
10 less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants,
11 or any noncharter county of the first classification with a population not less than one hundred
12 seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county
13 of the first classification with a population not less than eighty thousand and not more than
14 eighty-three thousand inhabitants, or any third classification county with a population not less
15 than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the
16 third classification with a population not less than nineteen thousand five hundred and not more
17 than twenty thousand inhabitants the members of the community mental health board of trustees
18 appointed pursuant to the provisions of sections 205.975 to 205.990 shall be the board members
19 for the community children's services fund. The directors shall not receive compensation for
20 their services, but may be reimbursed for their actual and necessary expenses.

21 2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as
22 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety
23 bond or comparable insurance coverage for theft, misappropriation, mismanagement, or other
24 acts, in an amount to be determined and in a form to be approved by the board, for the faithful
25 performance of his or her duties and faithful accounting of all moneys that may come into his
26 or her hands. The treasurer shall enter into the surety bond or comparable insurance coverage
27 with a surety company or insurer authorized to do business in Missouri, and the cost of such
28 bond or comparable insurance coverage shall be paid by the board of directors. The board shall
29 administer and expend all funds generated pursuant to section 210.860 or section 67.1775 in a
30 manner consistent with this section. The board shall not be mandated to expend funds by an act
31 of state legislation without a majority vote of the county or city not within a county, excluding

32 any county with a charter form of government and with more than nine hundred fifty thousand
33 inhabitants. **No funds generated under section 210.860 or 67.1775 shall be transferred by**
34 **the children's services fund board of any county with a charter form of government and**
35 **with more than nine hundred fifty thousand inhabitants to the state or to such county.**

36 3. The board may contract with public or not-for-profit agencies licensed or certified
37 where appropriate to provide qualified services and may place conditions on the use of such
38 funds. The board shall reserve the right to audit the expenditure of any and all funds. The board
39 and any agency with which the board contracts may establish eligibility standards for the use of
40 such funds and the receipt of services. No member of the board shall serve on the governing
41 body, have any financial interest in, or be employed by any agency which is a recipient of funds
42 generated pursuant to section 210.860 or section 67.1775.

43 4. Revenues collected and deposited in the community children's services fund may be
44 expended for the purchase of the following services:

45 (1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or
46 emotionally disturbed youth; respite care services; and services to unwed mothers;

47 (2) Outpatient chemical dependency and psychiatric treatment programs; counseling and
48 related services as a part of transitional living programs; home-based and community-based
49 family intervention programs; unmarried parent services; crisis intervention services, inclusive
50 of telephone hotlines; and prevention programs which promote healthy lifestyles among children
51 and youth and strengthen families;

52 (3) Individual, group, or family professional counseling and therapy services;
53 psychological evaluations; and mental health screenings; **and**

54 **(4) Juvenile delinquency prevention programs.**

55 5. Any county, excluding any county with a charter form of government and with more
56 than nine hundred fifty thousand inhabitants, or city not within a county in which voters have
57 approved the levy of a tax under section 67.1775 or section 210.860 shall not add services in
58 addition to those which are set forth in subsection 4 of this section at the time such levy is
59 approved by the voters, unless such services authorized by statute after the voters have approved
60 the levy are approved by the voters in the same manner as the original levy was approved. A
61 proposal to add services shall be approved as set forth in section 67.1775 or section 210.860.

62 6. Revenues collected and deposited in the community children's services fund may not
63 be expended for inpatient medical, psychiatric, and chemical dependency services, or for
64 transportation services.

65 **7. In any county that contains all or any portion of a school district that has been**
66 **designated as unaccredited or provisionally accredited by the state board of education, ten**
67 **percent of each fiscal year's revenues shall be devoted to a grant program that delivers**

68 services directly to schools in such districts according to the procedure in this subsection.
69 The president of the school board shall notify the board of directors within five business
70 days after such designation. The board shall, in its budget process for the following fiscal
71 year, ensure that ten percent is allocated according to this subsection. The board shall
72 undertake a needs assessment for any such school district within ninety days after receipt
73 of the notice under this subsection. The needs assessment shall be used as a basis for
74 comprehensive mental health wraparound services delivery for which the board shall
75 contract as provided under subsection 3 of this section. The board shall appoint three of
76 its members to a direct school service coordinating committee. The direct school service
77 coordinating committee shall have two members appointed by the school board of each
78 affected school district. One member shall be a parent with a child enrolled in a public
79 school in the district and one member shall be a school services staff member. The direct
80 school service coordinating committee shall provide recommendations and oversight to the
81 program of contracted services under this subsection.

210.970. 1. When the tax prescribed by section 67.1780 is established, the
2 governing body of the city or county or city not within a county shall appoint a board of
3 directors consisting of nine members who shall be residents of the city or county or city not
4 within a county. All board members shall be appointed to serve for a term of three years,
5 except that of the first board appointed, from which three members shall be appointed for
6 one-year terms, three members for two-year terms, and three members for three-year
7 terms. Board members may be reappointed. The directors shall not receive compensation
8 for their services, but may be reimbursed for their actual and necessary expenses.

9 2. The board shall elect a chairperson, vice chairperson, treasurer, and such other
10 officers as it deems necessary for its membership. Before taking office, the treasurer shall
11 furnish a surety bond in an amount to be determined and in a form to be approved by the
12 board for the faithful performance of his or her duties and faithful accounting of all
13 moneys that may come into his or her hands. The treasurer shall enter into the surety
14 bond with a surety company authorized to do business in Missouri, and the cost of such
15 bond shall be paid by the board of directors. The board shall administer and expend all
16 funds generated under section 67.1780 in a manner consistent with this section.

17 3. The board may contract with public or nonprofit agencies licensed or certified,
18 if appropriate, to provide qualified services and may place conditions on the use of such
19 funds. The board shall reserve the right to audit the expenditure of any and all funds. The
20 board and any agency with which the board contracts may establish eligibility standards
21 for the use of such funds and the receipt of services. No member of the board shall serve
22 on the governing body, have any financial interest in, or be employed by any agency which
23 is a recipient of funds generated under section 67.1780.

24 **4. Revenues collected and deposited in the county youth initiative fund may be**
25 **expended for the purchase of the following services:**

26 **(1) Juvenile delinquency prevention and rehabilitation programs;**

27 **(2) Programs that provide opportunities for at-risk children and youth who are**
28 **affected by adverse community dynamics; and**

29 **(3) Programs that attempt to address the tenuous social infrastructure that often**
30 **leads to crime, welfare dependency, drug and alcohol abuse, high school dropouts, and**
31 **extended unemployment.**

32 **5. Any county youth initiative board of directors may vote to consolidate with a**
33 **neighboring county youth initiative board of directors to combine resources and services**
34 **provided.**

35 **6. There is hereby created the “Missouri County Youth Initiative Legislative**
36 **Oversight Committee”. The committee shall consist of four members of the house of**
37 **representatives appointed by the speaker of the house of representatives and three**
38 **members of the senate appointed by the president pro tempore of the senate. No more than**
39 **three of the house of representatives members and no more than two of the senate members**
40 **shall be from the same political party. The committee shall ensure that all county youth**
41 **initiative boards of directors in the state are audited annually and such audits shall be**
42 **submitted to the committee. Members of the committee shall report to the governor,**
43 **president pro tempore of the senate, and speaker of the house of representatives on the**
44 **activities of county youth initiatives throughout the state during the preceding fiscal year**
45 **no later than October first of each year. The county youth initiative boards of directors**
46 **in this state shall report to the committee such information as the committee may deem**
47 **necessary for its annual report. The committee shall determine best practices for county**
48 **youth initiatives, make suggestions for improving county youth initiative programs and**
49 **services, and analyze further needs from the state perspective and the need for continuing**
50 **the fund. Members of the committee shall receive no compensation in addition to their**
51 **salary as members of the general assembly, but may receive their necessary expenses while**
52 **attending meetings of the committee to be paid out of the county youth initiative fund.**

53 **7. The provisions of sections 67.1780 and 210.970 shall terminate on August 28,**
54 **2026 unless reauthorized by an act of the general assembly.**

219.041. 1. To encourage the development of community based treatment services, the
2 director is hereby authorized to administer an incentive subsidy program to assist local units of
3 government in the development, implementation, and operation of community based treatment
4 programs including, but not limited to, preventive or diversionary programs, probation services,
5 community based treatment centers, and facilities for the detention, confinement, care and
6 treatment of children under the purview of chapter 211.

7 2. The director shall, pursuant to the administrative procedures act, chapter 536,
8 promulgate rules establishing standards of eligibility for local units of government to receive
9 funds under sections 219.011 to 219.086. Rule and regulation making power shall be subject to
10 the provisions of section 219.016, subsection 6.

11 3. In determining the purposes for which funds will be expended by the juvenile court
12 judge, [he] **the director** shall appoint an advisory committee representative of the county's
13 population. The committee shall actively participate in the formulation of plans for the proper
14 expenditure of funds and shall cooperate and assist in the implementation of these plans.
15 Members of the advisory committee shall receive no compensation.

16 4. The juvenile court judge shall submit to the director a written report containing a
17 program description, method of implementation, and budget of all projects proposed to be funded
18 under this provision. Upon approval of this report by the director, the county shall be eligible
19 to receive subsidy.

20 5. The director shall visit or cause to be visited each program and facility funded by this
21 provision, the purpose of such visits to be the examination of facilities, programs, books, and
22 records. [He] **The director** shall make written recommendations for needed changes or
23 improvements.

24 6. When the director shall determine that there are reasonable grounds to believe that a
25 county is not in compliance with the operating standards established pursuant to subsection 2 of
26 this section, at least thirty days' notice shall be given the county and a hearing shall be held to
27 ascertain whether progress has been made toward compliance. The director may suspend all or
28 a portion of any subsidy until the required standard of operation has been met.

29 7. Any county may purchase selected services from the division by contract as provided
30 in sections 219.011 to 219.086. The director shall annually determine the costs of providing
31 such services and all charges shall be deducted from the subsidy due and payable to the county
32 concerned, provided that no contract shall exceed in cost the amount of subsidy to which the
33 participating county is eligible.

34 8. Participating counties shall not diminish or reduce their level of spending for juvenile
35 correctional programs in order to remain eligible to receive subsidy for the specific program
36 being subsidized.

37 **9. (1) To encourage municipal and juvenile courts to utilize community early**
38 **intervention programs designed to keep youth out of the formal justice system or juvenile**
39 **justice system while retaining control over youth status offenders and law offenders in**
40 **noncustodial and custodial settings, the division shall collaborate and share information**
41 **with, and provide any technical assistance to, municipal and juvenile courts in this state**
42 **in utilizing available community resources and programs for placement of youth status**
43 **offenders and law violators. Such programs shall include:**

- 44 **(a) Mental health counseling services;**
45 **(b) Drug counseling services;**
46 **(c) Community service options, including opportunities for youth to earn moneys**
47 **while performing community service to pay any fines or restitution;**
48 **(d) Educational and learning evaluations and resources; and**
49 **(e) Other services and activities designed to address the factors contributing to**
50 **youth status offenses and law violations in a community by providing early intervention**
51 **services and resources for youth offenders.**

52 **(2) Any municipal or juvenile court in this state may request assistance from the**
53 **division under this subsection. Upon such request, the division shall provide assistance to**
54 **the municipal or juvenile court in identifying programs and resources available in the**
55 **community and sharing information on effective programs and resources based on the**
56 **division's experience with the incentive subsidy program established under this section.**

57 **(3) The division may promulgate rules to implement the provisions of this**
58 **subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that**
59 **is created under the authority delegated in this section shall become effective only if it**
60 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
61 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
62 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
63 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
64 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
65 **shall be invalid and void.**

66 **10. The division shall create an annual report and submit it to the general**
67 **assembly. Such report shall contain the following information:**

- 68 **(1) Community intervention resources and program opportunities;**
69 **(2) Use and participation rates of community intervention programs; and**
70 **(3) The recidivism rate of juveniles who participated in community intervention**
71 **programs.**

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