

FIRST REGULAR SESSION

HOUSE BILL NO. 1059

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

2253H.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.860 and 210.861, RSMo, and to enact in lieu thereof five new sections relating to funds benefitting children.

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

Section A. Sections 210.860 and 210.861, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 67.1780, 210.860, 210.861, 210.970, and 210.1060, to read as follows:

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

Shall County or City, solely for the purpose of establishing a county youth 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 **YES** **NO**

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

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

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

53 ordinance or order, or ordinance or order of a city not within a county, of each city or
54 county or city not within a county imposing the tax authorized by this section, the sum, as
55 certified by the director of revenue, due the city or county or city not within a county.

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

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

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

210.860. 1. The governing body of any county or city not within a county may, after
2 voter approval pursuant to this section, levy a tax not to exceed twenty-five cents on each one
3 hundred dollars of assessed valuation on taxable property in the county for the purpose of
4 providing counseling, family support, and temporary residential services to persons eighteen
5 years of age or less and those services described in section 210.861. The question shall be
6 submitted to the qualified voters of the county or city not within a county at a county or state
7 general, primary or special election upon the motion of the governing body of the county or city
8 not within a county or upon the petition of eight percent of the qualified voters of the county
9 determined on the basis of the number of votes cast for governor in such county or city not
10 within a county at the last gubernatorial election held prior to the filing of the petition. The

11 election officials of the county or city not within a county shall give legal notice as provided in
12 chapter 115. The question shall be submitted in substantially the following form:

13 Shall County (City) be authorized to levy a tax of cents on each
14 one hundred dollars of assessed valuation on taxable property in the county (city) for the purpose
15 of establishing a community children's services fund for purposes of providing funds for
16 counseling and related services to children and youth in the county (city) eighteen years of age
17 or less and services which will promote healthy lifestyles among children and youth and
18 strengthen families?

19 YES NO

20 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
21 of the question, then the tax shall be levied and collected as otherwise provided by law. If a
22 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
23 the question, then the tax shall not be levied unless and until the question is again submitted to
24 the qualified voters of the county or city not within a county and a majority of such voters are
25 in favor of such a tax, and not otherwise.

26 2. All revenues generated by the tax prescribed in this section shall be deposited in the
27 county treasury or, in a city not within a county, to the board established by law to administer
28 such fund to the credit of a special "Community Children's Services Fund" to accomplish the
29 purposes set out herein and shall be used for no other purpose. Such fund shall be administered
30 by and expended only upon approval by a board of directors, established pursuant to section
31 210.861.

32 **3. Any county with a charter form of government and with more than nine hundred**
33 **fifty thousand inhabitants that has levied the tax in this section may use up to fifty percent**
34 **of the proceeds of the tax for services to prevent juvenile delinquency and opportunities**
35 **for at-risk children and youth.**

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, in an amount to be determined and in a form to be approved by the board, for the faithful
24 performance of his or her duties and faithful accounting of all moneys that may come into his
25 or her hands. The treasurer shall enter into the surety bond with a surety company authorized
26 to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The
27 board shall administer and expend all funds generated pursuant to section 210.860 or section
28 67.1775 in a manner consistent with this section.

29 3. The board **shall biennially conduct a needs assessment and** may contract with
30 public or not-for-profit agencies licensed or certified where appropriate to provide qualified
31 services **based on such needs assessment** and may place conditions on the use of such funds
32 **including, but not limited to, priority to expenditure of funds on low-income populations**
33 **and communities based on such needs assessment.** The board shall reserve the right to audit
34 the expenditure of any and all funds. The board and any agency with which the board contracts
35 may establish eligibility standards for the use of such funds and the receipt of services; **except**
36 **that, the board shall require and any agency contracting with the board shall submit an**
37 **action plan for the provision of services based on the board's needs assessment in a manner**
38 **that gives priority to low-income populations and communities in greatest need of the**
39 **services under this section. The board shall approve such agency action plans and**
40 **periodically review the activities of such agency for compliance with its action plan based**
41 **on the board's needs assessment, but in no event less than two reviews per year. If during**
42 **a periodic review the board determines that an agency is deficient and not in compliance**
43 **with its action plan based on the board's needs assessment, the board shall require a**
44 **remedial action plan from such agency. If an agency fails to correct any deficiencies and**
45 **does not become compliant by the next periodic review by the board, the agency contract**
46 **shall be terminated.** No member of the board shall serve on the governing body, have any

47 financial interest in, or be employed by any agency which is a recipient of funds generated
48 pursuant to section 210.860 or section 67.1775.

49 4. Revenues collected and deposited in the community children's services fund may be
50 expended for the purchase of the following services, **with priority given to low-income**
51 **populations and communities in greatest need of such services:**

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

54 (2) Outpatient chemical dependency and psychiatric treatment programs; counseling and
55 related services as a part of transitional living programs; home-based and community-based
56 family intervention programs; unmarried parent services; crisis intervention services, inclusive
57 of telephone hotlines; **preventative services designed to prevent substance abuse and**
58 **emotional abuse;** and prevention programs which promote healthy lifestyles among children and
59 youth and strengthen families;

60 (3) Individual, group, or family professional counseling and therapy services;
61 psychological evaluations; and mental health screenings.

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

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

9 2. The board shall elect a chair, vice chair, treasurer, and such other officers as it
10 deems necessary for its membership. Before taking office, the treasurer shall furnish a
11 surety bond in an amount to be determined and in a form to be approved by the board for
12 the faithful performance of his or her duties and faithful accounting of all moneys that may
13 come into his or her hands. The treasurer shall enter into the surety bond with a surety
14 company authorized to do business in Missouri, and the cost of such bond shall be paid by
15 the board of directors. The board shall administer and expend all funds generated under
16 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. The provisions of sections 67.1780 and 210.970 shall terminate on August 28,**
36 **2024, unless reauthorized by an act of the general assembly.**

210.1060. There is hereby created the "Missouri Youth Funds Legislative Oversight
2 **Committee". The committee shall consist of three members of the house of representatives**
3 **appointed by the speaker of the house of representatives and three members of the senate**
4 **appointed by the president pro tempore of the senate. No more than two of the house of**
5 **representatives members and no more than two of the senate members shall be from the**
6 **same political party. The committee shall ensure that each agency contracted by the board**
7 **is in compliance with its action plan to give priority to providing services to low-income**
8 **populations and communities in the greatest need of services, and that all youth funds in**
9 **the state are audited annually and such audits are submitted to the committee. Members**
10 **of the committee shall report to the governor, president pro tempore of the senate, and**
11 **speaker of the house of representatives on the activities of all youth funds in the state and**
12 **compliance with the required action plans during the preceding fiscal year no later than**
13 **October first of each year. The boards of directors of all youth funds in this state shall**
14 **report to the committee such information as the committee may deem necessary for its**
15 **annual report. The committee shall determine best practices for youth programs and**
16 **services and analyze further needs from the state perspective. Members of the committee**
17 **shall receive no compensation in addition to their salary as members of the general**

HB 1059

8

18 **assembly but may receive their necessary expenses while attending meetings of the**
19 **committee.**

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