

SENATE BILL NO. 900

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

3439S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 221.400, 221.402, 221.405, 221.407, and 221.410, RSMo, and to enact in lieu thereof five new sections relating to regional jail districts, with an emergency clause.

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

Section A. Sections 221.400, 221.402, 221.405, 221.407,
2 and 221.410, RSMo, are repealed and five new sections enacted
3 in lieu thereof, to be known as sections 221.400, 221.402,
4 221.405, 221.407, and 221.410, to read as follows:

221.400. 1. Any two or more contiguous counties
2 within the state may form an agreement to establish a
3 regional jail district. The district shall have a boundary
4 which includes the areas within each member county, and it
5 shall be named the "_____ Regional Jail District". Such
6 regional jail districts may contract to carry out the
7 mission of the commission and the regional jail district.

8 2. The county commission of each county desiring to
9 join the district shall approve an ordinance or resolution
10 to join the district and shall approve the agreement which
11 specifies the duties of each county within the district.

12 3. If any county wishes to join a district which has
13 already been established under this section, the agreement
14 shall be rewritten and reapproved by each member county. **If**
15 **the district already levies a sales tax pursuant to section**
16 **221.407, the joinder of any county to said district shall**
17 **not be effective until the voters of the county desiring to**

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

18 **join shall have approved the levy of the district sales tax**
19 **in the county pursuant to subsection 3 of section 221.407,**
20 **and the rewritten agreement shall so provide.**

21 4. The agreement which specifies the duties of each
22 county shall contain the following:

23 (1) The name of the district;

24 (2) The names of the counties within the district;

25 (3) The formula for calculating each county's
26 contribution to the costs of the district;

27 (4) The types of prisoners which the regional jail may
28 house, limited to prisoners which may be transferred to
29 counties under state law;

30 (5) The methods and powers which may be used for
31 constructing, leasing or financing a regional jail;

32 (6) The duties of the director of the regional jail;

33 (7) The timing and procedures for approval of the
34 regional jail district's annual budget by the regional jail
35 commission; and

36 (8) The delegation, if any, by the member counties to
37 the regional jail district of the power of eminent domain.

38 5. Any county, city, town or village may contract with
39 a regional jail commission for the holding of its prisoners.

221.402. In addition to the powers granted to the
2 district by its member counties under the agreement, the
3 district has all the powers necessary or appropriate to
4 carry out its purposes, including, but not limited to, the
5 following:

6 (1) To adopt bylaws and rules for the regulation of
7 its affairs and the conduct of its business;

8 (2) To adopt an official seal;

9 (3) To maintain an office at such place or places in
10 one or more of the member counties as the commission may
11 designate;

12 (4) To sue and be sued;

13 (5) To make and execute leases, contracts, releases,
14 compromises and other instruments necessary or convenient
15 for the exercise of its powers or to carry out its purposes;

16 (6) To acquire, construct, reconstruct, repair, alter,
17 improve, [and] **equip**, extend **and maintain** jail facilities;

18 (7) To sell, **lease**, assign, mortgage, grant a security
19 interest in, exchange, donate and convey any or all of its
20 properties whenever the commission finds such action to be
21 in furtherance of the district's purposes;

22 (8) To collect rentals, fees and other charges in
23 connection with its services or for the use of any
24 facilities;

25 (9) To issue its bonds, notes or other obligations for
26 any of its corporate purposes and to refund the same.

 221.405. 1. Any regional jail district created
2 pursuant to section 221.400 shall be governed by a
3 commission. The commission shall be composed of the sheriff
4 and presiding commissioner from each county within the
5 district.

6 2. Each commissioner shall serve during his tenure as
7 sheriff or as presiding commissioner.

8 3. Commissioners shall serve until their successors **in**
9 **their county offices** have [been duly appointed] **assumed**
10 **office**. Vacancies on the commission shall be filled by the
11 succeeding sheriff or presiding commissioner for the
12 remainder of the term.

13 4. Commissioners shall serve without compensation,
14 except that they shall be reimbursed by the district for

15 their reasonable and necessary expenses in the performance
16 of their duties.

17 5. A jail commissioner from each county in the
18 district shall present a proposed budget to the county
19 commission.

221.407. 1. The commission of any regional jail
2 district may impose, by order, a sales tax in the amount of
3 [one-eighth of] up to one percent[, one-fourth of one
4 percent, three-eighths of one percent, or one-half of one
5 percent] on all retail sales made in such region which are
6 subject to taxation pursuant to the provisions of sections
7 144.010 to 144.525 for the purpose of providing jail
8 services [and court], facilities, and equipment for such
9 region. The tax authorized by this section shall be in
10 addition to any and all other sales taxes allowed by law,
11 except that no order imposing a sales tax pursuant to this
12 section shall be effective unless the commission submits to
13 the voters of the district, on any election date authorized
14 in chapter 115, a proposal to authorize the commission to
15 impose a tax.

16 2. The ballot of submission shall contain, but need
17 not be limited to, the following language:

18 Shall the _____ (District name) regional
19 jail district [of _____ (counties' names)] impose
20 a region-wide sales tax of _____ (insert amount)
21 for the purpose of providing jail services [and
22 court], facilities, and equipment for the region?

23 YES NO

24 If you are in favor of the question, place an "X"
25 in the box opposite "YES". If you are opposed to
26 the question, place an "X" in the box opposite
27 "NO".

28 If a majority of the votes cast on the proposal by the
29 qualified voters of the district voting thereon are in favor
30 of the proposal, then the order and any amendment to such
31 order shall be in effect on the first day of the second
32 quarter immediately following the election approving the
33 proposal. If the proposal receives less than the required
34 majority, the commission shall have no power to impose the
35 sales tax authorized pursuant to this section unless and
36 until the commission shall again have submitted another
37 proposal to authorize the commission to impose the sales tax
38 authorized by this section and such proposal is approved by
39 the [required] majority of the qualified voters of the
40 district voting on such proposal[; however, in no event
41 shall a proposal pursuant to this section be submitted to
42 the voters sooner than twelve months from the date of the
43 last submission of a proposal pursuant to this section].

44 **3. In the case of a county attempting to join an**
45 **existing district that levies a sales tax pursuant to**
46 **subsection 1 of this section, such joinder shall not become**
47 **effective until the approval of the voters to levy the**
48 **district sales tax in the county attempting to join the**
49 **district has been obtained. The election shall be called by**
50 **the county commission of the county attempting to join the**
51 **district, and the district shall by ordinance or order**
52 **provide that the sales tax shall be levied in the joining**
53 **county, subject to approval of the county voters as herein**
54 **provided. The ballot of submission shall contain, but need**
55 **not be limited to, the following language:**

56 Shall the _____ (District name) extend
57 its regional jail district sales tax of _____
58 (insert amount) to the boundaries of _____

59 (name of joining county) for the purpose of
60 providing jail services, facilities, and equipment
61 for the region?

62 YES NO

63 If you are in favor of the question, place an "X"
64 in the box opposite "YES". If you are opposed to
65 the question, place an "X" in the box opposite
66 "NO".

67 If a majority of the votes cast on the proposal by the
68 qualified voters of the county attempting to join the
69 district voting thereon are in favor of the proposal, then
70 the tax shall be in effect on the first day of the second
71 quarter immediately following the election approving the
72 proposal, the county shall have been deemed to have joined
73 the district pursuant to a rewritten agreement as provided
74 in subsection 3 of section 221.400, and the order of the
75 commission levying the tax shall also become effective as to
76 the joining county on said date. If the proposal receives
77 less than the required majority, the district shall have no
78 power to impose the sales tax authorized pursuant to this
79 section, and the county attempting to join the district
80 shall not be permitted to do so, unless and until the county
81 commission of the county attempting to join the district
82 shall again have submitted another proposal to authorize the
83 imposition of the sales tax authorized by this section and
84 such proposal is approved by the majority of the qualified
85 voters of the county attempting to join the district voting
86 on such proposal.

87 4. All revenue received by a district from the tax
88 authorized pursuant to this section shall be deposited in a
89 special trust fund and shall be used solely for providing

90 jail services [and court], facilities and equipment for such
91 district for so long as the tax shall remain in effect.

92 [4.] 5. Once the tax authorized by this section is
93 abolished or terminated by any means, all funds remaining in
94 the special trust fund shall be used solely for providing
95 jail services [and court], facilities and equipment for the
96 district. Any funds in such special trust fund which are
97 not needed for current expenditures may be invested by the
98 commission in accordance with applicable laws relating to
99 the investment of other county funds.

100 [5.] 6. All sales taxes collected by the director of
101 revenue pursuant to this section on behalf of any district,
102 less one percent for cost of collection which shall be
103 deposited in the state's general revenue fund after payment
104 of premiums for surety bonds as provided in section 32.087,
105 shall be deposited in a special trust fund, which is hereby
106 created, to be known as the "Regional Jail District Sales
107 Tax Trust Fund". The moneys in the regional jail district
108 sales tax trust fund shall not be deemed to be state funds
109 and shall not be commingled with any funds of the state.
110 The director of revenue shall keep accurate records of the
111 amount of money in the trust fund which was collected in
112 each district imposing a sales tax pursuant to this section,
113 and the records shall be open to the inspection of officers
114 of each member county and the public. Not later than the
115 tenth day of each month the director of revenue shall
116 distribute all moneys deposited in the trust fund during the
117 preceding month to the district which levied the tax. Such
118 funds shall be deposited with the treasurer of each such
119 district, and all expenditures of funds arising from the
120 regional jail district sales tax trust fund shall be paid
121 pursuant to an appropriation adopted by the commission and

122 shall be approved by the commission. Expenditures may be
123 made from the fund for any [function authorized in the order
124 adopted by the commission submitting the regional jail
125 district tax to the voters] **of the district's authorized**
126 **purposes.**

127 [6.] 7. The director of revenue may make refunds from
128 the amounts in the trust fund and credited to any district
129 for erroneous payments and overpayments made, and may redeem
130 dishonored checks and drafts deposited to the credit of such
131 districts. If any district abolishes the tax, the
132 commission shall notify the director of revenue of the
133 action at least ninety days prior to the effective date of
134 the repeal, and the director of revenue may order retention
135 in the trust fund, for a period of one year, of two percent
136 of the amount collected after receipt of such notice to
137 cover possible refunds or overpayment of the tax and to
138 redeem dishonored checks and drafts deposited to the credit
139 of such accounts. After one year has elapsed after the
140 effective date of abolition of the tax in such district, the
141 director of revenue shall remit the balance in the account
142 to the district and close the account of that district. The
143 director of revenue shall notify each district in each
144 instance of any amount refunded or any check redeemed from
145 receipts due the district.

146 [7.] 8. Except as provided in this section, all
147 provisions of sections 32.085 and 32.087 shall apply to the
148 tax imposed pursuant to this section.

149 [8. The provisions of this section shall expire
150 September 30, 2028.]

221.410. Except as provided in sections 221.400 to
2 221.420 the regional jail commission shall have the
3 following powers and duties:

- 4 (1) It shall implement the agreement approved by the
5 counties within the district under section 221.400;
- 6 (2) It shall determine the means to establish a
7 regional jail for the district;
- 8 (3) It shall appoint a director for the regional jail;
- 9 (4) It shall determine the initial budget for the
10 regional jail and shall approve, after a review and a
11 majority of the commissioners concurring therein, all
12 subsequent budgets, for which proposals may be submitted by
13 the director;
- 14 (5) It may determine the policies for the housing of
15 prisoners within the regional jail;
- 16 (6) It may buy, lease or sell real **or personal**
17 property for the purpose of establishing **and maintaining** a
18 regional jail, and it may contract with public or private
19 entities **[for the planning and acquisition of a] to acquire,**
20 **construct, reconstruct, repair, alter, improve, equip, and**
21 **extend a regional jail;**
- 22 (7) It may contract with **[the department of**
23 **corrections and with cities and other counties in this**
24 **state] governmental entities, including, without limitation,**
25 **agencies and instrumentalities thereof, or private entities**
26 for the housing of prisoners;
- 27 (8) It shall approve all positions to be created for
28 the purpose of administering the regional jail; and
- 29 (9) It shall approve a location for the regional jail
30 which is **[generally central to] within** the district.

Section B. Because of the immediate need for new and
2 enhanced jail facilities in the state of Missouri, section A
3 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and
5 safety, and is hereby declared to be an emergency act within

6 the meaning of the constitution, and section A of this act
7 shall be in full force and effect upon its passage and
8 approval.

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