

FIRST REGULAR SESSION

# SENATE BILL NO. 44

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EHLMANN.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0127.011

TERRY L. SPIELER, Secretary.

## AN ACT

To amend chapter 208, RSMo, by adding thereto fifteen new sections relating to a community partnership program.

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

Section A. Chapter 208, RSMo, is amended by adding thereto fifteen new sections to be known as sections 208.700, 208.702, 208.705, 208.707, 208.710, 208.712, 208.715, 208.717, 208.720, 208.722, 208.725, 208.727, 208.730, 208.732 and 208.735, to read as follows:

**208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created.**

**208.702. As used in sections 208.700 to 208.735, the following terms shall mean:**

**(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:**

- (a) A benevolent association established pursuant to chapter 352, RSMo;**
- (b) A charitable organization as defined in section 407.453, RSMo;**
- (c) Any combination of paragraphs (a) to (g) of this subdivision;**
- (d) A governmental body;**
- (e) A not for profit corporation established pursuant to chapter 355, RSMo;**
- (f) An organization that has obtained an exemption from the payment of federal income taxes as provided in 26 U.S.C. 501(c)(3), 501(c)(7) or 501(c)(8) of, as amended; or**
- (g) A religious or educational organization exempt from taxation pursuant to the Missouri or United States Constitution;**

**(2) "Director", the director of the division of family services;**

**(3) "Division", the division of family services;**

**(4) "Program", the community partnership program established pursuant to sections 208.700 to 208.735;**

**(5) "Public assistance", the cash, in-kind, or other payment to which a qualified individual is entitled;**

**(6) "Qualified individuals", any individual who receives any cash or in-kind payment, or any other public assistance administered by the division of family services;**

**(7) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**208.705. The provisions of this chapter to the contrary notwithstanding, qualified individuals may participate in the community partnership program as established in sections 208.700 to 208.735.**

**208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.**

**208.710. 1. The division shall:**

**(1) Determine and publicly disclose the gross amount of public assistance to be dispersed, and the total costs for administering said assistance as a percentage of said gross amount;**

**(2) Calculate the public assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the public assistance distributed to those individuals who elect not to participate;**

**(3) Not reduce the monthly cash public assistance of those who elect not to participate in the program;**

**(4) Not set a public assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the public assistance amount of those who do not participate in the program;**

**(5) Develop standardized forms for the contractual agreements between the**

**division and community partnership organizations and between qualified individuals and community partnership organizations;**

**(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual; and**

**(7) Establish a hotline for qualified individuals to register complaints about community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.**

**2. Payments to implement sections 208.700 to 208.735 shall be made from the community partnership program fund created in section 208.730.**

**208.712. Any community partnership organization may contract with the division to distribute public assistance to qualified individuals who elect to participate in a community partnership program.**

**208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:**

**(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services; however, the community partnership organization shall not charge a fee which as a percentage of the public assistance distributed exceeds ten percent;**

**(2) Supplement the public assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:**

- (a) Child daycare in a child daycare center;**
- (b) Job training;**
- (c) Transportation;**
- (d) Food or household necessities;**
- (e) Remedial education;**
- (f) Domestic skills training;**
- (g) Parenting instruction; and**
- (h) Health benefits.**

**208.717. As a condition of the receipt of public assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:**

- (1) Perform any illegal act; or**

**(2) Attend any religious worship service.**

**208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their public assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722.**

**208.722. 1. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is greater. Those recipients deemed to be nonparticipants due to termination of a contract shall receive public assistance as otherwise provided for by law.**

**2. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.**

**208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:**

**(1) Meet the definition established in section 208.702, for community partnership organizations;**

**(2) Be in existence for a period of at least one year before they are eligible for the program;**

**(3) Demonstrate to the division, through a written report, the services that are to be provided;**

**(4) Allow audits of public assistance distributed to recipients pursuant to sections 208.707 and 208.710;**

**(5) Agree that the community partnership organization will not discriminate on the basis of race, religion, or national origin; and**

**(6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.**

**208.727. 1. Community partnership organizations may actively seek private donations to support and supplement a community partnership program. Any taxpayer of Missouri may claim a tax credit, however, the amount appropriated for the tax credit, if any, shall not be less than the savings realized by the division as a result of the program established by this act.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability pursuant to section 143.211, RSMo, in an amount equal to fifty percent of the amount such taxpayer contributed to the community partnership organization.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. This credit shall become effective January 1, 2000 and shall apply to all taxable years beginning after December 31, 1999.**

**208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.735. Moneys shall be appropriated to the fund to provide public assistance to qualified individuals that are at least equal to the public assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or public assistance from any other source or sources, and moneys in the fund may be invested.**

**208.732. 1. There is hereby created the "Community Partnership Advisory Council" to make recommendations to the division on ways to improve and expand the program. The council shall be composed of seven members, consisting of the lieutenant governor, the director of the department of social services, the director of the division of family services, or their representatives, and four members of the public who are active participants in a community partnership organization. The four members of the public shall be appointed by the governor with the advice and consent of the senate,**

**and no more than two shall be of the same political party. The chair of the council shall be the lieutenant governor. Council members appointed by the governor shall serve four-year terms or until their successor is duly appointed and qualified.**

**2. The advisory council shall meet as necessary, but at least twice yearly, to review activities of the commission, present recommendations in writing to the governor and the general assembly as requested or as necessary to ensure adequate exchange of information, and meet within four weeks after the initial members have been appointed. Four of the members shall constitute a quorum and no action shall be taken without the concurrence of four of the members.**

**208.735. The division may promulgate rules and regulations necessary to carry out the provisions of sections 208.700 to 208.735 pursuant to chapter 536, RSMo.**

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