

FIRST REGULAR SESSION

# HOUSE BILL NO. 865

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

1716H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 67, RSMo, by adding thereto two new sections relating to county early childhood education services.

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

Section A. Chapter 67, RSMo, is amended by adding thereto two new sections, to be known as sections 67.1793 and 67.1795, to read as follows:

**67.1793. 1. Any county or city not within a county may levy a property tax and establish an early childhood education board to provide early childhood education programs or services as provided in this section and section 67.1795.**

**2. The governing body of any county or city not within a county may submit to the qualified voters of such county or city a proposal to levy an annual real property tax in such county or city to fund early childhood education programs or services. The tax authorized in this section shall not exceed forty cents per one hundred dollars of assessed valuation on all taxable real property in such city or county. The tax authorized in this section shall be in addition to all other real property taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**3. The proposal submitted to the qualified voters shall be a question in substantially the following form: "Shall \_\_\_\_\_ (insert name of county or city) establish an early childhood education board to provide early childhood education services for children under five years of age, and for which the county or city shall levy a tax of \_\_\_\_\_ (insert exact amount to be voted upon) cents per each one hundred dollars assessed valuation therefor?". If a majority of the votes cast on the question by the qualified voters voting thereon are in favor, the tax shall become effective in the tax year immediately following**

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.

18 its approval. If a majority of the votes cast on the question by the qualified voters voting  
19 thereon are opposed, the tax shall not become effective unless the question is resubmitted  
20 under this section to the qualified voters and such question is approved by a majority of  
21 the qualified voters voting on the question.

22 4. A tax levied under this section shall be collected with other county taxes or, in  
23 the case of a city not within a county, other city taxes in the manner provided by law. All  
24 such moneys collected shall be deposited in a special fund and shall be used solely for the  
25 purpose of establishing and maintaining an early childhood education board to provide  
26 early childhood education services. Deposits in the fund shall be expended only upon  
27 approval of the board.

67.1795. 1. After a levy proposed under section 67.1793 is approved by the voters,  
2 the governing body of the county or city not within a county shall establish an early  
3 childhood education board of directors.

4 2. (1) The board of directors shall consist of seven members. A member shall  
5 reside in the county or city the director serves. Of the members appointed to a county's or  
6 city's first board appointed after August 28, 2021, two members shall be appointed for one-  
7 year terms, two members for two-year terms, and three members for three-year terms. All  
8 members appointed thereafter shall serve a term of three years. Members may be  
9 reappointed. Members shall not receive compensation for services performed but may be  
10 reimbursed for their actual and necessary expenses.

11 (2) Vacancies in the board shall be reported by the chair to the county commission  
12 or county executive officer or the mayor of the city. Vacancies shall be filled in the same  
13 manner as original appointments. If a vacancy occurs during an unexpired term, the  
14 appointment shall be for only the unexpired portion of that term.

15 (3) Individual board members shall not be eligible for employment by the board  
16 within twelve months of termination of service as a member of the board.

17 3. The board shall elect a chair, vice chair, treasurer, and such other officers as the  
18 board deems necessary for its membership. Before taking office, the treasurer shall  
19 furnish a surety bond, in an amount to be determined and in a form to be approved by the  
20 board, for the faithful performance of the treasurer's duties and faithful accounting of all  
21 moneys that may come into the treasurer's hands. The treasurer shall enter into the surety  
22 bond with a surety company authorized to do business in Missouri, and the cost of such  
23 bond shall be paid by the board.

24 4. (1) Any board member may, following notice and an opportunity to be heard,  
25 be removed from office by a majority vote of the other members of the board for any of the  
26 following grounds:

- 27           (a) Failure to attend five consecutive meetings without good cause;  
28           (b) Conduct prejudicial to the good order and efficient operation of the board; or  
29           (c) Neglect of duty.
- 30           (2) The chair of the board shall preside at such removal hearing unless the chair  
31 is the member sought to be removed. If the chair is the member sought to be removed,  
32 another member elected by the majority vote of the other members shall preside over the  
33 hearing. All interested parties may present testimony and arguments at such hearing and  
34 the witnesses shall be sworn by oath or affirmation before testifying. Any interested party  
35 may, at such party's own expense, record the proceedings.
- 36           5. No person shall be employed by the board who is related within the third degree  
37 by blood or by marriage to any board member. No board member shall be employed by  
38 any entity receiving funding from the board or participate in making any decision by the  
39 board to award funding to the board member, any person related to the board member  
40 within the third degree of consanguinity or affinity, any entity for which the board member  
41 serves as an officer, director, or member of the entity's governing body, or any entity for  
42 which the board member's spouse is employed or serves as an officer, director, or member  
43 of the entity's governing board. The board may enact conflict of interest guidelines and  
44 requirements with respect to governing the actions of the board, its employees, and agents  
45 and implementing the provisions of section 67.1793 and this section.
- 46           6. (1) The board shall be a legal entity empowered to establish or operate an early  
47 childhood education program or provide for early childhood education services for  
48 children under five years of age.
- 49           (2) As long as the following resources are used solely to benefit early childhood  
50 education services, the board shall have exclusive control of all:
- 51           (a) Gifts, property, or moneys the board may accept;  
52           (b) Interest or other proceeds that may accrue from the investment of such gifts or  
53 moneys or from the sale of such property;  
54           (c) Tax revenues collected by the county or city on behalf of early childhood  
55 education services; and  
56           (d) Other moneys granted, appropriated, or loaned to it by the federal government,  
57 the state, or its political subdivisions.
- 58           (3) The board may, in its own name:  
59           (a) Engage in and contract for any and all types of services, actions, or endeavors  
60 not contrary to the law and necessary to effectuate the provisions of section 67.1793 and  
61 this section;

62           (b) Purchase, receive, lease, or otherwise acquire, own, hold, improve, use, sell,  
63 convey, exchange, transfer, and otherwise dispose of real and personal property, or any  
64 interest therein, or other assets wherever situated;

65           (c) Incur liability;

66           (d) Borrow moneys at rates of interest up to the market rate published by the  
67 Missouri division of finance;

68           (e) Accept any gift of property or moneys for the purposes of section 67.1793 and  
69 this section;

70           (f) Sell or exchange any such property the board believes would be to the benefit  
71 of the purposes of section 67.1793 and this section as long as the proceeds are used  
72 exclusively for early childhood education purposes; and

73           (g) Establish any necessary rules or regulations.

74           (4) The board shall do all other things necessary to carry out the purposes of  
75 section 67.1793 and this section.

76           7. The board shall be deemed a "political subdivision" as that term is defined in  
77 section 70.600 for the purposes of sections 70.600 to 70.755.

78           8. The board may, in its discretion, impose limitations with respect to children to  
79 be served and services to be provided. Such limitations shall be reasonable in the light of  
80 available moneys and the needs of the children and community to be served as assessed by  
81 the board.

82           9. The primary goal of any early childhood education board shall be to expand and  
83 improve early childhood education services in such county or city. Such goal may be  
84 achieved by directly establishing an early childhood education program or by providing  
85 funding to other entities that provide early childhood education services. The board may  
86 establish an application process for awarding grants or providing funding and may impose  
87 any requirements the board deems necessary or prudent to effectuate the purposes of  
88 section 67.1793 and this section.

89           10. The administrative control and management of any early childhood education  
90 program or early childhood education services shall rest solely with the board. The board  
91 shall employ all necessary personnel, fix personnel compensation, and provide suitable  
92 quarters and equipment for the operation of the board from moneys made available for  
93 such purposes.

94           11. Notwithstanding any other provision of law to the contrary, and regardless of  
95 whether an early childhood education program has been established, the board may  
96 contract to provide services relating in whole or in part to early childhood education as

97 provided in section 67.1793 and this section and for such purpose may expend the tax  
98 moneys or other moneys.

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