

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 916, Page 2, Section 208.247, Line 42, by  
2 inserting after all of said section and line the following:

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

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

12 3. If any county wishes to join a district which has already been established under this  
13 section, the agreement shall be rewritten and reapproved by each member county. If the district  
14 already levies a sales tax under section 221.407, the joining of any county to such district shall not  
15 be effective until the voters of the county desiring to join approve the levy of the district sales tax in  
16 the joining county under subsection 3 of section 221.407. Upon such approval, the rewritten  
17 agreement shall indicate the approval of the joining county.

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

19 (1) The name of the district;

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

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

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

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

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

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

7           (2) To adopt an official seal;

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

10          (4) To sue and be sued;

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

13          (6) To acquire, construct, reconstruct, repair, alter, improve, ~~and~~ equip, extend, and  
14 maintain jail facilities;

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

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

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

22          221.405. 1. Any regional jail district created pursuant to section 221.400 shall be governed  
23 by a commission. The commission shall be composed of the sheriff and presiding commissioner  
24 from each county within the district.

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

26          3. Commissioners shall serve until their successors in their county offices have ~~been duly~~  
27 ~~appointed~~ assumed office. Vacancies on the commission shall be filled by the succeeding sheriff or  
28 presiding commissioner for the remainder of the term.

29          4. Commissioners shall serve without compensation, except that they shall be reimbursed by  
30 the district for their reasonable and necessary expenses in the performance of their duties.

31          5. A jail commissioner from each county in the district shall present a proposed budget to  
32 the county commission.

33          221.407. 1. The commission of any regional jail district may impose, by order, a sales tax  
34 ~~[in the amount] of [one-eighth of one percent, one-fourth of one percent, three-eighths of one~~  
35 ~~percent, or one-half of]~~ up to one percent on all retail sales made in such region which are subject to  
36 taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail  
37 services ~~[and court]~~, facilities, and equipment for such region. The tax authorized by this section  
38 shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a  
39 sales tax pursuant to this section shall be effective unless the commission submits to the voters of

1 the district, on any election date authorized in chapter 115, a proposal to authorize the commission  
2 to impose a tax.

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

Shall the \_\_\_\_\_ (insert district name) regional jail district [~~of \_\_\_\_\_~~  
(~~[[counties' names]]~~) impose a region-wide sales tax of \_\_\_\_\_ (insert  
amount) for the purpose of providing jail services [~~and court~~],  
facilities, and equipment for the region?

YES

NO

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

4

5 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon  
6 are in favor of the proposal, then the order and any amendment to such order shall be in effect on the  
7 first day of the second quarter immediately following the election approving the proposal. If the  
8 proposal receives less than the required majority, the commission shall have no power to impose the  
9 sales tax authorized pursuant to this section unless and until the commission shall again have  
10 submitted another proposal to authorize the commission to impose the sales tax authorized by this  
11 section and such proposal is approved by the [~~required~~] majority of the qualified voters of the  
12 district voting on such proposal[; ~~however, in no event shall a proposal pursuant to this section be~~  
13 ~~submitted to the voters sooner than twelve months from the date of the last submission of a proposal~~  
14 ~~pursuant to this section~~].

15 3. (1) In the case of a county attempting to join an existing district that levies a sales tax  
16 under subsection 1 of this section, the joining county may impose, by order or ordinance, a district  
17 sales tax in such county. The order or ordinance shall not become effective unless the county  
18 commission submits to the voters residing in the county at a municipal election or a state general,  
19 primary, or special election a proposal to join the regional jail district and to authorize the county  
20 commission to impose a tax under this subsection. The tax authorized by this subsection shall be in  
21 addition to any and all other taxes. Such tax shall be stated separately from all other charges and  
22 taxes.

23 (2) The question submitted shall be in substantially the following form: "Shall the \_\_\_\_\_  
24 (insert district name) extend its regional jail district boundaries to include \_\_\_\_\_ (insert joining  
25 county name) and impose a regional jail district sales tax at a rate of \_\_\_\_\_ (insert percentage)  
26 percent in \_\_\_\_\_ (insert joining county name) for the purpose of providing jail services, facilities,  
27 and equipment for the region?".

28 (3) If a majority of the votes cast on the question by the qualified voters voting thereon are  
29 in favor of the question, the county shall be deemed to have joined the regional jail district under a  
30 rewritten agreement under subsection 3 of section 221.400, and the tax shall become effective on the  
31 first day of the second calendar quarter following the calendar quarter in which the election was

1 held. If a majority of the votes cast on the question by the qualified voters voting thereon are  
 2 opposed to the question, the county shall not join the regional jail district, and the tax shall not  
 3 become effective unless and until the question is resubmitted under this section to the qualified  
 4 voters of the county and such question is approved by a majority of the qualified voters of the  
 5 county voting on the question.

6 4. All revenue received by a district from the tax authorized pursuant to this section shall be  
 7 deposited in a special trust fund and shall be used solely for providing jail services ~~[and court]~~,  
 8 facilities, and equipment for such district for so long as the tax shall remain in effect.

9 ~~[4.]~~ 5. Once the tax authorized by this section is abolished or terminated by any means, all  
 10 funds remaining in the special trust fund shall be used solely for providing jail services ~~[and court]~~,  
 11 facilities, and equipment for the district. Any funds in such special trust fund which are not needed  
 12 for current expenditures may be invested by the commission in accordance with applicable laws  
 13 relating to the investment of other county funds.

14 ~~[5.]~~ 6. All sales taxes collected by the director of revenue pursuant to this section on behalf  
 15 of any district, less one percent for cost of collection which shall be deposited in the state's general  
 16 revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be  
 17 deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District  
 18 Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be  
 19 deemed to be state funds and shall not be commingled with any funds of the state. The director of  
 20 revenue shall keep accurate records of the amount of money in the trust fund which was collected in  
 21 each district imposing a sales tax pursuant to this section, and the records shall be open to the  
 22 inspection of officers of each member county and the public. Not later than the tenth day of each  
 23 month the director of revenue shall distribute all moneys deposited in the trust fund during the  
 24 preceding month to the district which levied the tax. Such funds shall be deposited with the  
 25 treasurer of each such district, and all expenditures of funds arising from the regional jail district  
 26 sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall  
 27 be approved by the commission. Expenditures may be made from the fund for any ~~[function~~  
 28 ~~authorized in the order adopted by the commission submitting the regional jail district tax to the~~  
 29 ~~voters]~~ of the district's authorized purposes.

30 ~~[6.]~~ 7. The director of revenue may make refunds from the amounts in the trust fund and  
 31 credited to any district for erroneous payments and overpayments made, and may redeem  
 32 dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the  
 33 tax, the commission shall notify the director of revenue of the action at least ninety days prior to the  
 34 effective date of the repeal, and the director of revenue may order retention in the trust fund, for a  
 35 period of one year, of two percent of the amount collected after receipt of such notice to cover  
 36 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to  
 37 the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax  
 38 in such district, the director of revenue shall remit the balance in the account to the district and close

1 the account of that district. The director of revenue shall notify each district in each instance of any  
2 amount refunded or any check redeemed from receipts due the district.

3 ~~[7.]~~ 8. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall  
4 apply to the tax imposed pursuant to this section.

5 ~~[8. The provisions of this section shall expire September 30, 2028.—]~~

6 221.410. Except as provided in sections 221.400 to 221.420 the regional jail commission  
7 shall have the following powers and duties:

8 (1) It shall implement the agreement approved by the counties within the district under  
9 section 221.400;

10 (2) It shall determine the means to establish a regional jail for the district;

11 (3) It shall appoint a director for the regional jail;

12 (4) It shall determine the initial budget for the regional jail and shall approve, after a review  
13 and a majority of the commissioners concurring therein, all subsequent budgets, for which proposals  
14 may be submitted by the director;

15 (5) It may determine the policies for the housing of prisoners within the regional jail;

16 (6) It may buy, lease, or sell real or personal property for the purpose of establishing and  
17 maintaining a regional jail, and it may contract with public or private entities ~~[for the planning and~~  
18 ~~acquisition of a jail]~~ to acquire, construct, reconstruct, repair, alter, improve, equip, and extend a  
19 regional jail;

20 (7) It may contract with ~~[the department of corrections and with cities and other counties in~~  
21 ~~this state]~~ governmental entities including, but not limited to, departments and instrumentalities  
22 thereof, or private entities for the housing of prisoners;

23 (8) It shall approve all positions to be created for the purpose of administering the regional  
24 jail; and

25 (9) It shall approve a location for the regional jail ~~[which is generally central to]~~ that is  
26 within the district."; and

27  
28 Further amend said bill, Page 8, Section 558.041, Line 79, by inserting after all of said section and  
29 line the following:

30  
31 "Section B. Because immediate action is necessary to provide new and enhanced jail  
32 facilities in this state, sections 221.400, 221.402, 221.405, 221.407, and 221.410 of section A of this  
33 act are deemed necessary for the immediate preservation of the public health, welfare, peace, and  
34 safety, and are hereby declared to be an emergency act within the meaning of the constitution, and  
35 sections 221.400, 221.402, 221.405, 221.407, and 221.410 of section A of this act shall be in full  
36 force and effect upon its passage and approval."; and

37  
38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.