

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3467
103RD GENERAL ASSEMBLY

7250H.06C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 70.210, 160.910, 162.755, 205.968, 630.140, and 630.407, RSMo, and to enact in lieu thereof seven new sections relating to county developmental disability resource board tax levies.

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

Section A. Sections 70.210, 160.910, 162.755, 205.968, 630.140, and 630.407, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 70.210, 160.910, 162.755, 205.968, 205.974, 630.140, and 630.407, to read as follows:

70.210. As used in sections 70.210 to 70.320, the following terms mean:

- (1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;
- (2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;
- (3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, any board of control of an art museum, any 911 or emergency services board authorized in chapter 190 or section 321.243, the board created under sections 205.968 to ~~205.973~~ **205.974**, and any other public subdivision or public corporation having the power to tax.

160.910. 1. The lead agency shall maintain a state Part C early intervention system under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq., for eligible children and families of such children which shall be administered through the regional Part C early intervention system.

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.

5 2. The lead agency shall compile data in the system on the number of eligible children
6 in the state in need of early intervention services, the number of eligible children and their
7 families served, the types of services provided, and other information as deemed necessary by
8 the agency.

9 3. The state Part C early intervention system shall include a comprehensive child-find
10 system and public awareness program to ensure that eligible children are identified, located,
11 referred to the system, and evaluated for eligibility.

12 4. The lead agency shall monitor system expenditures for administrative services and
13 regional offices to ensure maximum utilization of state funds for all children determined to be
14 eligible for early intervention services. The lead agency or its designee shall provide regional
15 offices with the necessary financial data to assist regional offices in monitoring their
16 expenditures and the cost of direct services. Such data shall include the number of children
17 eligible from the most recent child count from that region and monthly data reports on the
18 costs spent by providers in their network.

19 5. The lead agency shall establish a bidding process for determining regional offices
20 across the state. The bidding process shall establish criteria for allowing regions to
21 implement models that will serve the unique needs of their community. Such process shall
22 encourage organizations bidding for a center to demonstrate agreements:

23 (1) With other state and local government entities that provide services to infants and
24 toddlers with developmental disabilities including regional centers as defined in section
25 633.005 and boards established under sections 205.968 to ~~205.973~~ **205.974**; and

26 (2) To collaborate with established, quality early intervention providers in the region
27 to establish a network for early intervention services.

28 6. The lead agency shall establish a centralized system of provider enrollment to
29 assure that all Part C early intervention system providers meet requirements of Part C
30 regulations and the Missouri state plan.

31 7. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of
32 this section shall not sunset.

162.755. 1. The state board of education shall provide reasonable transportation for
2 children who attend day schools or programs operated by the state board of education or who
3 attend programs operated through contract by the state board of education as provided in
4 section 162.735.

5 2. Sheltered workshops holding a certificate of approval from the department of
6 elementary and secondary education under section 178.920 and clients of other facilities
7 operated under the provisions of sections 205.968 to ~~205.973~~ **205.974** and Missouri schools
8 for the severely disabled may cooperate in the provision of employee, client and student
9 transportation. Employees of sheltered workshops and clients of other facilities operated

10 under the provisions of sections 205.968 to [~~205.973~~] **205.974** may be transported to sheltered
11 workshops and other facilities in vehicles owned and operated by the department of
12 elementary and secondary education or hired by the department for student transportation or
13 students may be transported in vehicles owned and operated or hired by sheltered workshops
14 or other facilities operated under the provisions of sections 205.968 to [~~205.973~~] **205.974** to
15 Missouri schools for the severely disabled.

16 3. The provision of sheltered workshop employee or other client transportation in
17 vehicles owned and operated or hired by the department of elementary and secondary
18 education shall not unduly interfere with the routes and schedules of the Missouri schools for
19 the severely disabled and reasonable compensation may be paid by the sheltered workshop or
20 other facility for the developmentally disabled to the department of elementary and secondary
21 education.

22 4. The department of elementary and secondary education may secure transportation
23 for students in the Missouri schools for the severely disabled in vehicles owned and operated
24 or hired by sheltered workshops or other facilities operated under the provisions of sections
25 205.968 to [~~205.973~~] **205.974** and make reasonable compensation for the service to the
26 sheltered workshop or other facility for the developmentally disabled.

205.968. 1. As set forth in section 205.971 **or subsection 4 of section 205.974**, when
2 a levy is approved by the voters, the governing body of any county or city not within a county
3 of this state shall establish a board of directors. The board of directors shall be a legal entity
4 empowered to establish and/or operate a sheltered workshop as defined in section 178.900,
5 residence facilities, or related services, for the care or employment, or both, of persons with a
6 disability. The facility may operate at one or more locations in the county or city not within a
7 county. Once established, the board may in its own name engage in and contract for any and
8 all types of services, actions or endeavors, not contrary to the law, necessary to the successful
9 and efficient prosecution and continuation of the business and purposes for which it is
10 created, and may purchase, receive, lease or otherwise acquire, own, hold, improve, use, sell,
11 convey, exchange, transfer, and otherwise dispose of real and personal property, or any
12 interest therein, or other assets wherever situated and may incur liability and may borrow
13 money at rates of interest up to the market rate published by the Missouri division of finance.
14 The board shall be taken and considered as a "political subdivision" as the term is defined in
15 section 70.600 for the purposes of sections 70.600 to 70.755.

16 2. Services may only be provided for those persons defined as persons with a
17 disability in section 178.900 and those persons defined as persons with a disability in this
18 section whether or not employed at the facility or in the community, and for persons who are
19 disabled due to developmental disability. Persons having substantial functional limitations
20 due to a mental illness as defined in section 630.005 shall not be eligible for services under

21 the provisions of sections 205.968 to ~~[205.972]~~ **205.974** except that those persons may
22 participate in services under the provisions of sections 205.968 to ~~[205.972]~~ **205.974**. All
23 persons otherwise eligible for facilities or services under this section shall be eligible
24 regardless of their age; except that, individuals employed in sheltered workshops must be at
25 least sixteen years of age. The board may, in its discretion, impose limitations with respect to
26 individuals to be served and services to be provided. Such limitations shall be reasonable in
27 the light of available funds, needs of the persons and community to be served as assessed by
28 the board, and the appropriateness and efficiency of combining services to persons with
29 various types of disabilities.

30 3. For the purposes of sections 205.968 to ~~[205.972]~~ **205.974**, the term

31 (1) "Developmental disability" shall mean either or both paragraph (a) or (b) of this
32 subsection:

33 (a) A disability which is attributable to intellectual disability, cerebral palsy, autism,
34 epilepsy, a learning disability related to a brain dysfunction or a similar condition found by
35 comprehensive evaluation to be closely related to such conditions, or to require habilitation
36 similar to that required for intellectually disabled persons; and

37 a. Which originated before age eighteen; and

38 b. Which can be expected to continue indefinitely;

39 (b) A developmental disability as defined in section 630.005;

40 (2) "Person with a disability" shall mean a person who is lower-range educable or
41 upper-range trainable intellectually disabled or a person who has a developmental disability.

**205.974. 1. If the annual revenue collected from the property tax imposed under
2 sections 205.971 to 205.972 decreases below the amount of revenue generated from such
3 property tax collected during the 2026 fiscal year, the board established under the
4 provisions of sections 205.968 to 205.974 may request that the governing body of the
5 county or city not within a county submit to the qualified voters of such county or city
6 not within a county a proposition to impose a sales tax in an amount up to one-half of
7 one percent on all retail sales made in the county or city not within a county in which the
8 board operates that are subject to taxation under the provisions of sections 144.010 to
9 144.525 for the purpose of establishing, improving, and maintaining the county or city
10 not within a county sheltered workshop, residence facility, or related services. The tax
11 authorized by this section shall be in addition to any and all other sales taxes allowed by
12 law and may be imposed in addition to the property tax authorized under sections
13 205.971 to 205.972, except that no sales tax imposed pursuant to the provisions of this
14 section shall be effective unless the governing body of the county or city not within a
15 county submits to the voters of such county or city not within a county, at a municipal or**

16 state general, primary, or special election, a proposal to authorize the governing body of
17 such county or city not within a county to impose a tax under this section.

18 2. The ballot of submission shall be submitted in substantially the following
19 form:

20 Shall _____ (name of county or city not within a county)
21 impose a sales tax of _____ (insert amount up to one-half of
22 one percent) for the purpose of establishing, improving,
23 (and) (or) maintaining a sheltered workshop, (and) (or)
24 residence facility, (and) (or) related services for people with
25 developmental disabilities?

26 YES NO

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

30 3. If a majority of the votes cast on the proposal by the qualified voters voting
31 thereon are in favor of the proposal, the sales tax authorized in this section shall be in
32 effect. If a majority of the votes cast by the qualified voters voting thereon are opposed
33 to the proposal, the governing body of such county or city not within a county shall not
34 impose the sales tax authorized in this section unless and until the governing body
35 resubmits a proposal to the voters to authorize the governing body to impose the sales
36 tax authorized by this section and such proposal is approved by a majority of the
37 qualified voters voting thereon.

38 4. (1) If a county or city not within a county has not established a board and
39 implemented a property tax as allowed under the provisions of sections 205.968 to
40 205.974 on or before the effective date of this section, the county or city not within a
41 county establishing a board after the effective date of this section may choose to submit
42 to the voters the property tax authorized under sections 205.971 to 205.972 or may
43 choose to submit the sales tax authorized under this section without first imposing such
44 property tax.

45 (2) If such county or city not within a county establishing a board after the
46 effective date of this section submits the property tax authorized under sections 205.971
47 to 205.972, is authorized by the voters to impose such property tax, and the annual
48 revenue collected from the authorized property tax decreases below the amount of
49 revenue generated from such property tax collected during the first full fiscal year of the
50 implementation of such tax, such county or city not within a county may submit the
51 sales tax authorized under this section subject to the other provisions of this section and

52 **if approved by the voters, may impose such sales tax in addition to the property tax**
53 **imposed for the same purpose in order to supplement.**

54 **5. All revenue received by a county or city not within a county from the tax**
55 **authorized under this section shall be deposited in a special fund, as other proceeds**
56 **collected under the provisions of sections 205.971 and 205.972, and shall be used solely**
57 **for the purposes specified in the proposal submitted under this section for so long as the**
58 **tax shall remain in effect.**

630.140. 1. Information and records compiled, obtained, prepared or maintained by
2 the residential facility, mental health program operated, funded or licensed by the department
3 or otherwise, specialized service, or by any mental health facility or mental health program in
4 which people may be civilly detained pursuant to chapter 632 in the course of providing
5 services to either voluntary or involuntary patients, residents or clients shall be confidential.

6 2. The facilities or programs shall disclose information and records including
7 medication given, dosage levels, and individual ordering such medication to the following
8 upon their request:

9 (1) The parent of a minor patient, resident or client;

10 (2) The guardian or other person having legal custody of the patient, resident or
11 client;

12 (3) The attorney of a patient, resident or client who is a ward of the juvenile court, an
13 alleged incompetent, an incompetent ward or a person detained under chapter 632, as
14 evidenced by court orders of the attorney's appointment;

15 (4) An attorney or personal physician as authorized by the patient, resident or client;

16 (5) Law enforcement officers and agencies, information about patients, residents or
17 clients committed pursuant to chapter 552, but only to the extent necessary to carry out the
18 responsibilities of their office, and all such law enforcement officers shall be obligated to
19 keep such information confidential;

20 (6) The entity or agency authorized to implement a system to protect and advocate the
21 rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections
22 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person
23 with developmental disabilities who is a client of the entity or agency if such person has
24 authorized the entity or agency to have such access; and the records of any person with
25 developmental disabilities who, by reason of mental or physical condition is unable to
26 authorize the entity or agency to have such access, if such person does not have a legal
27 guardian, conservator or other legal representative, and a complaint has been received by the
28 entity or agency with respect to such person or there is probable cause to believe that such
29 person has been subject to abuse or neglect. The entity or agency obtaining access to a
30 person's records shall meet all requirements for confidentiality as set out in this section;

31 (7) The entity or agency authorized to implement a system to protect and advocate the
32 rights of persons with mental illness under the provisions of 42 U.S.C. Section 10801 et seq.,
33 as amended, shall be able to obtain access to the records of a patient, resident or client who by
34 reason of mental or physical condition is unable to authorize the system to have such access,
35 who does not have a legal guardian, conservator or other legal representative and with respect
36 to whom a complaint has been received by the system or there is probable cause to believe
37 that such individual has been subject to abuse or neglect. The entity or agency obtaining
38 access to a person's records shall meet all requirements for confidentiality as set out in this
39 section. The provisions of this subdivision shall apply to a person who has a significant
40 mental illness or impairment as determined by a mental health professional qualified under
41 the laws and regulations of the state; and

42 (8) To individuals, designated by the department of mental health as community
43 mental health liaisons, for the purpose of coordination of care and services.

44 3. The facilities or services may disclose information and records under any of the
45 following:

46 (1) As authorized by the patient, resident or client;

47 (2) To persons or agencies responsible for providing health care services to such
48 patients, residents or clients as permitted by the federal Health Insurance Portability and
49 Accountability Act of 1996 (HIPAA), as amended;

50 (3) To the extent necessary for a recipient to make a claim or for a claim to be made
51 on behalf of a recipient for aid or insurance;

52 (4) To qualified personnel for the purpose of conducting scientific research,
53 management audits, financial audits, program evaluations or similar studies; provided, that
54 such personnel shall not identify, directly or indirectly, any individual patient, resident or
55 client in any report of such research, audit or evaluation, or otherwise disclose patient,
56 resident or client identities in any manner;

57 (5) To the courts as necessary for the administration of chapter 211, 475, 552, or 632;

58 (6) To law enforcement officers or public health officers, but only to the extent
59 necessary to carry out the responsibilities of their office, and all such law enforcement and
60 public health officers shall be obligated to keep such information confidential;

61 (7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

62 (8) To the attorney representing petitioners, but only to the extent necessary to carry
63 out their duties under chapter 632;

64 (9) To the department of social services or the department of health and senior
65 services as necessary to report or have investigated abuse, neglect, or rights violations of
66 patients, residents, or clients;

67 (10) To a county board established pursuant to sections 205.968 to ~~[205.973]~~
68 **205.974**, but only to the extent necessary to carry out their statutory responsibilities. The

69 county board shall not identify, directly or indirectly, any individual patient, resident or client;

70 (11) To parents, legal guardians, treatment professionals, law enforcement officers,
71 and other individuals who by having such information could mitigate the likelihood of a
72 suicide. The facility treatment team shall have determined that the consumer's safety is at
73 some level of risk;

74 (12) To individuals, designated by the department of mental health as community
75 mental health liaisons, for the purpose of coordination of care and services.

76 4. The facility or program shall document the dates, nature, purposes and recipients of
77 any records disclosed under this section and sections 630.145 and 630.150.

78 5. The records and files maintained in any court proceeding under chapter 632 shall
79 be confidential and available only to the patient, the patient's attorney, guardian, or, in the
80 case of a minor, to a parent or other person having legal custody of the patient, to the
81 petitioner and the petitioner's attorney, and to the Missouri state highway patrol for reporting
82 to the National Instant Criminal Background Check System (NICS), and to individuals
83 designated by the department of mental health as community mental health liaisons for the
84 purpose of coordination of care and services. In addition, the court may order the release or
85 use of such records or files only upon good cause shown, and the court may impose such
86 restrictions as the court deems appropriate.

87 6. Nothing contained in this chapter shall limit the rights of discovery in judicial or
88 administrative procedures as otherwise provided for by statute or rule.

89 7. The fact of admission of a voluntary or involuntary patient to a mental health
90 facility under chapter 632 may only be disclosed as specified in subsections 2 and 3 of this
91 section.

630.407. 1. The department may recognize providers as administrative entities under
2 the following circumstances:

3 (1) Vendors operated or funded pursuant to sections 205.975 to 205.990;

4 (2) Vendors operated or funded pursuant to sections 205.968 to ~~[205.973]~~ **205.974**;

5 (3) Providers of a consortium of treatment services to the clients of the division of
6 comprehensive psychiatric services as an agent of the division in a service area, except that
7 such providers may not exceed thirty-six in number; or

8 (4) Providers of targeted case management services to the clients of the division of
9 developmental disabilities as an agent of the division in a defined region that has not
10 established a board as set forth in sections 205.968 to ~~[205.973]~~ **205.974**.

11 2. Notwithstanding any other provision of law to the contrary, the department may
12 contract directly with vendors recognized as administrative entities without competitive bids.

13 3. Notwithstanding any other provision of law to the contrary, the commissioner of
14 administration shall delegate the authority to administrative entities which are state facilities
15 to subcontract with other vendors in order to provide a full consortium of treatment services
16 for the service area.

17 4. When state contracts allow, the department may authorize administrative entities to
18 use state contracts for pharmaceuticals or other medical supplies for the purchase of these
19 items.

20 5. A designation as an administrative entity does not entitle a provider to coverage
21 under sections 105.711 to 105.726, the state legal expense fund, or other state statutory
22 protections or requirements.

23 6. The department shall promulgate regulations within twelve months of August 28,
24 1990, regulating the manner in which they will contract and designate and revoke
25 designations of providers under this section. Such regulations shall not be required when the
26 parties to such contracts are both governmental entities.

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