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# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), Senate Bill  
No. 672.**

**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at the  
City of Jefferson, this 28<sup>th</sup> day of  
May, 2015.**



  
Secretary of State

**MISSOURI STATE SENATE**  
**97<sup>th</sup> General Assembly—Second Regular Session**

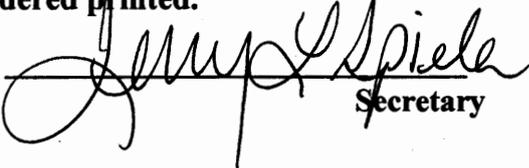
SENATE BILL NO. 672

L. R. NO. 5090S.01I

Pre-filed \_\_\_\_\_

Read 1<sup>st</sup> time 1/8/14

and ordered printed.

  
Secretary

**AN ACT**

To repeal section 56.363, RSMo, and to enact in lieu thereof one new section relating to county prosecutors.

**Introduced by:**



AN ACT

To repeal section 56.363, RSMo, and to enact in lieu thereof one new section relating to county prosecutors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 56.363, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 56.363, to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in ..... County?

wt 26 →  YES  NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it

shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement

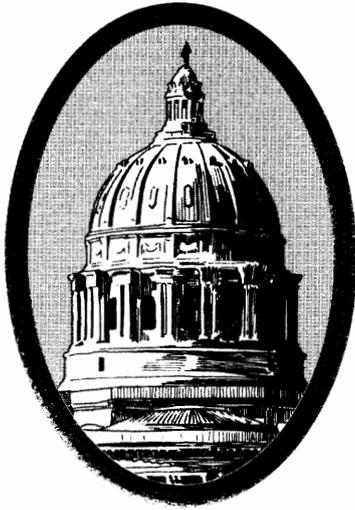
fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county that has <sup>ad</sup> elected to make the county prosecutor a full-time position pursuant to this section the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in ..... County?

<sup>TK</sup><sub>92</sub> →  YES  NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.



# STATE OF MISSOURI

Office of  
Secretary of State

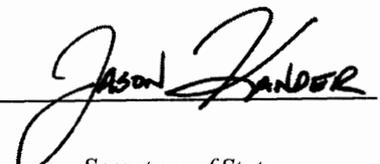
*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), SCS for  
Senate Bill No. 672.**

**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at the  
City of Jefferson, this 28<sup>th</sup> day of  
May, 2015.**



  
Secretary of State

**MISSOURI STATE SENATE**  
**97<sup>th</sup> General Assembly—Second Regular Session**

SCS for  
SENATE BILL NO. 672

L. R. NO. 5090S.02C

Pre-filed \_\_\_\_\_

Read 1<sup>st</sup> time \_\_\_\_\_

and ordered printed.

\_\_\_\_\_  
Secretary

**AN ACT**

To repeal sections 56.067, 56.265, 56.363, 56.807, and 56.816, RSMo, and to enact in lieu thereof five new sections relating to county prosecutors.

**Introduced by:**

~~Atchafalaya 28~~

Jobs, etc  
SCS do pass

3/16/14

Amy K. Pfeiffer

Adopted 3/16/14

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 672

## AN ACT

To repeal sections 56.067, 56.265, 56.363, 56.807, and 56.816, RSMo, and to enact in lieu thereof five new sections relating to county prosecutors.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 56.067, 56.265, 56.363, 56.807, and 56.816, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 56.067, 56.265, 56.363, 56.807, and 56.816, to read as follows:

56.067. In counties of the first classification not having a charter form of government[,] and other counties in which [have passed the proposition authorized by section 56.363] the prosecuting attorney is a full-time position, the prosecuting attorney, except in the performance of special prosecutions or otherwise representing the state or its political subdivisions, shall devote full time to his office, and shall not engage in the practice of law.

56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive

compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

| Assessed Valuation          | Amount   |
|-----------------------------|----------|
| \$ 18,000,000 to 40,999,999 | \$37,000 |
| 41,000,000 to 53,999,999    | 38,000   |
| 54,000,000 to 65,999,999    | 39,000   |
| 66,000,000 to 85,999,999    | 41,000   |
| 86,000,000 to 99,999,999    | 43,000   |
| 100,000,000 to 130,999,999  | 45,000   |
| 131,000,000 to 159,999,999  | 47,000   |
| 160,000,000 to 189,999,999  | 49,000   |
| 190,000,000 to 249,999,999  | 51,000   |
| 250,000,000 to 299,999,999  | 53,000   |
| 300,000,000 or more         | 55,000   |

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same

manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by subsection 1 of section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in ..... County?

YES

NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of

prosecuting attorney back to a part-time position pursuant to subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county that has elected to make the county prosecutor a full-time position pursuant to this section the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in ..... County?

YES

NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position pursuant to subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter approved proposition pursuant to subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general

revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification[,] and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge

established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, one hundred eighty-seven dollars;

(2) For counties of the second classification, two hundred seventy-one dollars;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty-six dollars.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of

four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

56.816. 1. The normal annuity of a retired member who served as prosecuting attorney of a county of the third or fourth class shall, except as provided in subsection 3 of this section, be equal to:

(1) Any member who has served twelve or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred five dollars multiplied by the number of two-year periods and partial two-year periods served as a prosecuting attorney;

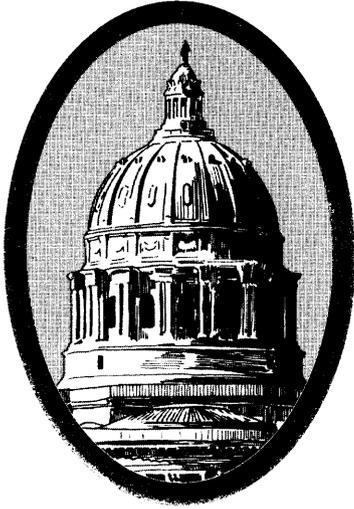
(2) Any member who has served twenty or more years as a prosecuting attorney and who meets the conditions of retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the number of two-year periods and partial two-year periods as a prosecuting attorney.

2. The normal annuity of a retired member who served as prosecuting attorney of a first or second class county or as circuit attorney of a city not within a county shall be equal to fifty percent of the final average compensation.

3. Except as otherwise provided under section 56.363, the normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation.

4. The actuarial present value of a retired member's benefits shall be placed in a reserve account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be increased by the actuarial present value of retiring members' benefits, and by the interest earning of the total fund on a pro rata basis and it shall be decreased by payments to

retired members and their survivors. Each year the actuary shall compare the actuarial present value of retired members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives, then distribution of this excess may be made equally to all retired members, or their eligible survivors. The distribution may be in a single sum or in monthly payments at the discretion of the board on the advice of the actuary.



# STATE OF MISSOURI

Office of  
Secretary of State

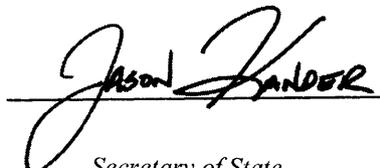
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I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), Perfected  
SCS for Senate Bill No. 672.**

**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at the  
City of Jefferson, this 28<sup>th</sup> day of  
May, 2015.**



  
Secretary of State

THEREBY CERTIFY THAT THIS IS THE  
TRULY PERFECTED AND PRINTED COPY  
Terry L. Spieler  
Secretary of Senate

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 672

97TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, March 6, 2014, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 672, adopted March 10, 2014.

Taken up for Perfection March 10, 2014. Bill declared Perfected and Ordered Printed, as amended.

5090S.02P

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 1.020, 56.010, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.807, 56.816, and 211.411, RSMo, and to enact in lieu thereof thirteen new sections relating to county prosecutors.

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

Section A. Sections 1.020, 56.010, 56.060, 56.067, 56.265, 56.363, 56.430, 2 56.805, 56.807, 56.816, and 211.411, RSMo, are repealed and thirteen new 3 sections enacted in lieu thereof, to be known as sections 1.020, 56.010, 56.015, 4 56.017, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.807, 56.816, and 5 211.411, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise 2 specially provided or unless plainly repugnant to the intent of the legislature or 3 to the context thereof:

4 (1) "Certified mail" or "certified mail with return receipt requested", 5 includes certified mail carried by the United States Postal Service, or any parcel 6 or letter carried by an overnight, express, or ground delivery service that allows 7 a sender or recipient to electronically track its location and provides record of the 8 signature of the recipient;

9 (2) ["County or circuit attorney" means prosecuting attorney] "County 10 attorney", "circuit attorney", "district attorney", "prosecuting attorney", 11 or "prosecutor" or any derivation thereof, when used in the context of 12 the functions, duties, powers, and responsibilities of the office, means

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

13 **an elected official of a county or designated district with the**  
14 **responsibility for prosecuting violations of state law;**

15 (3) "Executor" includes administrator where the subject matter applies to  
16 an administrator;

17 (4) "General election" means the election required to be held on the  
18 Tuesday succeeding the first Monday of November, biennially;

19 (5) "Guardian", if used in a section in a context relating to property rights  
20 or obligations, means conservator of the estate as defined in chapter  
21 475. "Guardianship", if used in a section in a context relating to rights and  
22 obligations other than property rights or obligations, means guardian of the  
23 person as defined in chapter 475;

24 (6) "Handicap" means a mental or physical impairment that substantially  
25 limits one or more major life activities, whether the impairment is congenital or  
26 acquired by accident, injury, or disease, and where the impairment is verified by  
27 medical findings;

28 (7) "Heretofore" means any time previous to the day when the statute  
29 containing it takes effect; and "hereafter" means the time after the statute  
30 containing it takes effect;

31 (8) "In vacation" includes any adjournment of court for more than one day  
32 whenever any act is authorized to be done by or any power given to a court, or  
33 judge thereof in vacation, or whenever any act is authorized to be done by or any  
34 power given to a clerk of any court in vacation;

35 (9) "Incompetent", if used in a section in a context relating to actual  
36 occupational ability without reference to a court adjudication of incompetency,  
37 means the actual ability of a person to perform in that  
38 occupation. "Incompetent", if used in a section in a context relating to the  
39 property rights and obligations of a person, means a disabled person as defined  
40 in chapter 475. "Incompetent", if used in a section in a context relating to the  
41 rights and obligations of a person other than property rights and obligations,  
42 means an incapacitated person as defined in chapter 475;

43 (10) "Justice of the county court" means commissioner of the county  
44 commission;

45 (11) "Month" and "year". "Month" means a calendar month, and "year"  
46 means a calendar year unless otherwise expressed, and is equivalent to the words  
47 year of our Lord;

48 (12) The word "person" may extend and be applied to bodies politic and

49 corporate, and to partnerships and other unincorporated associations;

50 (13) "Personal property" includes money, goods, chattels, things in action  
51 and evidences of debt;

52 (14) "Place of residence" means the place where the family of any person  
53 permanently resides in this state, and the place where any person having no  
54 family generally lodges;

55 (15) "Preceding" and "following", when used by way of reference to any  
56 section of the statutes, mean the section next preceding or next following that in  
57 which the reference is made, unless some other section is expressly designated  
58 in the reference;

59 (16) "Property" includes real and personal property;

60 (17) "Real property" or "premises" or "real estate" or "lands" is coextensive  
61 with lands, tenements and hereditaments;

62 (18) "State", when applied to any of the United States, includes the  
63 District of Columbia and the territories, and the words "United States" includes  
64 such district and territories;

65 (19) "Under legal disability" includes persons within the age of minority  
66 or of unsound mind or imprisoned;

67 (20) "Ward", if used in a section in a context relating to the property  
68 rights and obligations of a person, means a protectee as defined in chapter  
69 475. "Ward", if used in a section in a context relating to the rights and  
70 obligations of a person other than property rights and obligations, means a ward  
71 as defined in chapter 475;

72 (21) "Will" includes the words testament and codicil;

73 (22) "Written" and "in writing" and "writing word for word" includes  
74 printing, lithographing, or other mode of representing words and letters, but in  
75 all cases where the signature of any person is required, the proper handwriting  
76 of the person, or his mark, is intended.

56.010. 1. At the general election to be held in [this state in the year A.D.  
2 1982, and every four years thereafter,] **the years provided under this**  
3 **section**, there shall be elected [in each county of this state] a prosecuting  
4 attorney **or district attorney**, who shall be a person learned in the law, duly  
5 licensed to practice as an attorney at law in this state, and enrolled as such, at  
6 least twenty-one years of age, and who has been a bona fide resident of the county  
7 **or prosecutorial district** in which he **or she** seeks election for twelve months  
8 next preceding the date of the general election at which he is a candidate for such

9 office and shall hold his or her office for four years, and until his or her  
10 successor is elected, commissioned and qualified.

11 **2. At the general election in the year 2018, and every four years**  
12 **thereafter, in each county that has not entered into a prosecutorial**  
13 **district under section 56.015, there shall be elected a prosecuting**  
14 **attorney.**

15 **3. At the general election in the year 2018, and every four years**  
16 **thereafter, in each prosecutorial district formed pursuant to section**  
17 **56.015, there shall be elected a district attorney.**

18 **4. At the general election provided for in its charter, and every**  
19 **four years thereafter, in any judicial circuit composed of a single**  
20 **charter county, there shall be elected a prosecuting attorney or district**  
21 **attorney, as the charter may direct.**

22 **5. At the general election in the year 2016, in any county which**  
23 **has adopted a resolution or charter amendment pursuant to section**  
24 **56.015 prior to January 1, 2015, there shall be elected a district**  
25 **attorney, for a term of two years.**

**56.015. 1. The governing bodies of any two or more contiguous**  
2 **counties within a single judicial circuit may act cooperatively in the**  
3 **common employment of a district attorney. Additional counties within**  
4 **the judicial circuit may be admitted to participation by the consent of**  
5 **each county already participating and each county seeking to**  
6 **participate upon the approval of a new joint agreement under**  
7 **subsection 3 of this section. The territorial area comprising the**  
8 **participating counties shall be designated a "prosecutorial district" and,**  
9 **once elected at a general election pursuant to section 56.010, the**  
10 **prosecuting attorney serving the area shall be known as a "district**  
11 **attorney", who shall have the same duties prescribed by this chapter for**  
12 **prosecuting attorneys throughout the state and any additional duties**  
13 **as provided in section 56.060. In order to form or join a prosecutorial**  
14 **district:**

15 **(1) For counties not having a charter form of government, the**  
16 **county commission shall adopt a resolution to form or join a**  
17 **prosecutorial district and approve the joint agreement provided for in**  
18 **subsection 3 of this section;**

19 **(2) For counties having a charter form of government, the**  
20 **governing body shall adopt a charter amendment to form or join a**

21 prosecutorial district and approve the joint agreement provided for in  
22 subsection 3 of this section; and

23 (3) For any county seeking to form or join a prosecutorial  
24 district prior to January 1, 2015, the county commission shall receive  
25 written consent from the elected county prosecuting attorney before  
26 adopting the resolution or charter amendment.

27 2. Notice of the adoption of a resolution or charter amendment  
28 under subsection 1 of this section shall be transmitted to the secretary  
29 of state and the election authority of each county within the  
30 prosecutorial district at least twelve months in advance of the next  
31 general election at which a district attorney is to be elected under  
32 section 56.010. Except as otherwise provided under subsection 4 or 5  
33 of this section, the formation or expansion of the prosecutorial district  
34 and abolishment of the county office of prosecuting attorney shall not  
35 take effect until a district attorney elected at the next general election  
36 pursuant to section 56.010 has entered upon the discharge of his or her  
37 duties.

38 3. The governing bodies of the counties electing to join together  
39 in a prosecutorial district shall approve a joint agreement which  
40 specifies the duties of each county. If any county seeks to join a  
41 prosecutorial district which has already been established pursuant to  
42 this section, the joint agreement shall be rewritten and reapproved by  
43 the governing body of each member county. Any agreement shall  
44 contain the following:

45 (1) The names of the counties within the district;

46 (2) The formula for calculating each county's contribution to the  
47 costs of the district;

48 (3) The formula for calculating each county's portion of the fee  
49 collected under subsection 4 of section 56.060; and

50 (4) The timing and procedures for approval of the prosecutorial  
51 district's annual budget by the governing bodies of the member  
52 counties.

53 4. In any judicial circuit composed of a single county, the  
54 governing body of the county may convert the office of prosecuting  
55 attorney to the office of district attorney. The district attorney shall  
56 have the same duties prescribed by this chapter for prosecuting  
57 attorneys throughout the state and any additional duties as provided

58 under section 56.060. If the office is converted, the county shall be  
59 designated a prosecutorial district. In order to convert the office to  
60 that of a prosecutorial district:

61 (1) In a judicial circuit composed of a single charter county, the  
62 governing body of the county shall adopt a charter amendment to  
63 convert the office of prosecuting attorney to the office of district  
64 attorney;

65 (2) In a judicial circuit composed of a single noncharter county,  
66 the governing body of the county shall adopt a resolution to convert the  
67 office of prosecuting attorney to the office of district attorney.

68 5. The prosecuting attorney of a county electing to convert the  
69 office as provided for in subsection 4 of this section shall perform the  
70 additional duties of a district attorney immediately upon the governing  
71 body taking the action provided for in subsection 4 of this section, but  
72 the election of a district attorney shall not occur until the next regular  
73 election for the office.

56.017. 1. Each district attorney shall have all the powers and  
2 duties of the office of prosecuting attorney provided to prosecuting  
3 attorneys in counties of the first classification under this  
4 chapter. Each district attorney representing counties of the second,  
5 third, or fourth classification shall also perform the duties provided for  
6 prosecuting attorneys in such counties under sections 56.291, 56.293,  
7 56.300, and 56.305.

8 2. Each district attorney shall be responsible for the budgets and  
9 staff of the offices within the prosecutorial district or county. During  
10 his or her initial two-year term, any district attorney elected at the  
11 general election in 2016 shall employ as an assistant district attorney  
12 each person who served as an elected prosecuting attorney in any  
13 county in the prosecutorial district at the time of the election. Each  
14 district attorney may appoint such additional assistant district  
15 attorneys, and may employ such investigators and stenographic and  
16 clerical help as the district attorney deems necessary for the proper  
17 discharge of the duties of the district attorney's office, and may set  
18 their compensation within the limits of the allocations made for that  
19 purpose by joint agreement of the governing bodies of the counties in  
20 the prosecutorial district. The compensation for the assistant district  
21 attorneys, investigators and stenographic and clerical help shall be

22 **paid in equal installments out of the respective county treasuries in the**  
23 **same manner as other county employees are paid.**

24 **3. The assistant district attorneys shall be subject to the same**  
25 **finest and penalties for neglect of duty or misdemeanor in office as the**  
26 **district attorney.**

27 **4. All assistant district attorneys, investigators, and stenographic**  
28 **and clerical help shall hold office at the pleasure of the district**  
29 **attorney.**

56.060. 1. Each prosecuting attorney or district attorney shall:

2 **(1) Commence and prosecute all [civil and] criminal actions by adults**  
3 **in the prosecuting attorney's county or district attorney's prosecutorial**  
4 **district in which the county or state is concerned[.];**

5 **(2) Represent the state in any misdemeanor case that is taken to**  
6 **the court of appeals by appeal and make out and cause to be printed,**  
7 **at the expense of the county, all necessary abstracts of record and**  
8 **briefs, and if necessary appear in the court in person, or employ some**  
9 **attorney at the prosecuting attorney's own expense to represent the**  
10 **state in the court, and for his or her services he or she shall receive the**  
11 **compensation that is proper, not to exceed twenty-five dollars for each**  
12 **case, and necessary traveling expenses, to be audited and paid as other**  
13 **claims are audited and paid by the county commission;**

14 **(3) Defend all suits against the state [or county, and];**

15 **(4) Prosecute forfeited recognizances and actions for the recovery of debts,**  
16 **finest, penalties and forfeitures accruing to the state [or], county, or**  
17 **prosecutorial district; and**

18 **(5) Follow and prosecute or defend, as the case may be, all cases**  
19 **in which changes of venue are granted, for which, in addition to the**  
20 **fees now allowed by law, the prosecuting or district attorney shall**  
21 **receive his or her actual expenses. [In all cases, civil and criminal, in which**  
22 **changes of venue are granted, the prosecuting attorney shall follow and prosecute**  
23 **or defend, as the case may be, all the causes, for which, in addition to the fees**  
24 **now allowed by law, the prosecuting attorney shall receive his or her actual**  
25 **expenses. If any misdemeanor case is taken to the court of appeals by appeal the**  
26 **prosecuting attorney shall represent the state in the case in the court and make**  
27 **out and cause to be printed, at the expense of the county, all necessary abstracts**  
28 **of record and briefs, and if necessary appear in the court in person, or shall**

29 employ some attorney at the prosecuting attorney's own expense to represent the  
30 state in the court, and for his or her services he or she shall receive the  
31 compensation that is proper, not to exceed twenty-five dollars for each case, and  
32 necessary traveling expenses, to be audited and paid as other claims are audited  
33 and paid by the county commission of the county.]

34           2. Notwithstanding the provisions of subsection 1 of this section, in any  
35 county for which a county counselor is appointed, the prosecuting attorney shall  
36 only perform those duties prescribed by subsection 1 of this section which are not  
37 performed by the county counselor under the provisions of law relating to the  
38 office of county counselor.

39           3. **In each county taking the actions provided in section 56.015,**  
40 **the district attorney shall perform the following duties in addition to**  
41 **all other duties imposed by law:**

42           (1) **Except as otherwise provided by law or for the collection of**  
43 **debt owed for services rendered by the state public defender system**  
44 **unless such collection is pursuant to a mutual agreement or**  
45 **memorandum of understanding between the public defender system**  
46 **and the district attorney, represent state agencies in the collection of**  
47 **debt; and**

48           (2) **Provide not less than six hours of continuing education to**  
49 **peace officers in the member counties in each year of his or her term**  
50 **of office.**

51           4. **In the absence of an agreement that states otherwise, the**  
52 **district attorney shall retain twenty percent of all debt collected on**  
53 **behalf of state agencies under subsection 3 of this section as a**  
54 **collection fee with:**

55           (1) **One-half of the fee collected to be payable to the state of**  
56 **Missouri and remitted to the director of revenue who shall deposit the**  
57 **amount collected pursuant to this section to the credit of the Missouri**  
58 **office of prosecution services fund to be used solely for the purpose of**  
59 **offsetting county expenses related to victim services, office supplies,**  
60 **postage, books, training, office equipment, capital outlay, expenses of**  
61 **trial and witness preparation, additional employees for the staff of the**  
62 **district attorney, and salary supplements for existing employees on the**  
63 **staff of the district attorney; and**

64           (2) **One-half of the fee collected to be payable to the county**  
65 **treasurer of each county in the prosecutorial district on a pro rata**

66 **basis, pursuant to the agreement entered into by the counties under**  
 67 **section 56.015, and deposited into the county treasury.**

56.067. In counties of the first classification not having a charter form of  
 2 government[,] and **other** counties in which [have passed the proposition  
 3 authorized by section 56.363] **the prosecuting attorney is a full-time**  
 4 **position**, the prosecuting attorney, except in the performance of special  
 5 prosecutions or otherwise representing the state or its political subdivisions, shall  
 6 devote full time to his office, and shall not engage in the practice of law.

56.265. 1. [The county] **A** prosecuting attorney [in any county], other  
 2 than **a prosecuting attorney** in a chartered county, shall receive an annual  
 3 salary computed using the following schedule, when applicable. The assessed  
 4 valuation factor shall be the amount thereof as shown for the year immediately  
 5 preceding the year for which the computation is done.

6 (1) **For a district attorney, he or she shall receive compensation**  
 7 **equal to the compensation of an associate circuit judge. In multi-**  
 8 **county prosecutorial districts, the total cost to the counties for the**  
 9 **compensation of the district attorney shall be prorated among the**  
 10 **counties, pursuant to the agreement entered into by the counties under**  
 11 **section 56.015. Nothing in this subdivision shall be construed to**  
 12 **prevent the governing body of a charter county from electing to**  
 13 **compensate the district attorney in excess of the salary of an associate**  
 14 **circuit judge;**

15 (2) For a full-time [prosecutor] **prosecuting attorney in a county not**  
 16 **taking the actions provided in section 56.015**, the prosecutor shall receive  
 17 compensation equal to the compensation of an associate circuit judge;

18 [(2)] (3) For a part-time [prosecutor] **prosecuting attorney in a**  
 19 **county that is not part of a prosecutorial district as provided in section**  
 20 **56.015, the governing body of the county may elect to pay the part-time**  
 21 **prosecuting attorney in accordance with one of the following options:**

22 **Option 1. Using the following scale:**

| 23 | Assessed Valuation          | Amount   |
|----|-----------------------------|----------|
| 24 | \$ 18,000,000 to 40,999,999 | \$37,000 |
| 25 | 41,000,000 to 53,999,999    | 38,000   |
| 26 | 54,000,000 to 65,999,999    | 39,000   |
| 27 | 66,000,000 to 85,999,999    | 41,000   |
| 28 | 86,000,000 to 99,999,999    | 43,000   |

|    |                            |            |
|----|----------------------------|------------|
| 29 | 100,000,000 to 130,999,999 | 45,000     |
| 30 | 131,000,000 to 159,999,999 | 47,000     |
| 31 | 160,000,000 to 189,999,999 | 49,000     |
| 32 | 190,000,000 to 249,999,999 | 51,000     |
| 33 | 250,000,000 to 299,999,999 | 53,000     |
| 34 | 300,000,000 or more        | 55,000; or |

35 **Option 2. Compensation equal to one-half the compensation of a full-**  
 36 **time prosecuting attorney provided under subdivision (2) of this**  
 37 **subsection, but this option may only be selected if the presiding judge**  
 38 **of the circuit court appoints the part-time prosecuting attorney to**  
 39 **represent the juvenile officer in all juvenile court cases.**

40       2. Two thousand dollars of the salary authorized in **subdivisions (2) or**  
 41 **(3) of subsection 1** of this section shall be payable to the prosecuting attorney  
 42 only if the prosecuting attorney has completed at least twenty hours of classroom  
 43 instruction each calendar year relating to the operations of the prosecuting  
 44 attorney's office when approved by a professional association of the county  
 45 prosecuting attorneys of Missouri unless exempted from the training by the  
 46 professional association. **Ten thousand dollars of the salary authorized for**  
 47 **a district attorney under subdivision (1) of subsection 1 of this section**  
 48 **shall be payable to the district attorney only if he or she has completed**  
 49 **at least thirty hours of such classroom instruction each calendar year**  
 50 **unless exempted by the professional association.** The professional  
 51 association approving the program shall provide a certificate of completion to  
 52 each prosecuting attorney who completes the training program and shall send a  
 53 list of certified prosecuting attorneys to the treasurer of each county. Expenses  
 54 incurred for attending the training session may be reimbursed to the [county]  
 55 prosecuting attorney in the same manner as other expenses as may be  
 56 appropriated for that purpose.

57       3. As used in this section, the term "prosecuting attorney" includes the  
 58 circuit attorney of any city not within a county.

59       4. The prosecuting attorney of any county which becomes a county of the  
 60 first classification during a four-year term of office or a county which passed the  
 61 proposition authorized by **subsection 1** of section 56.363 shall not be required  
 62 to devote full time to such office pursuant to section 56.067 until the beginning  
 63 of the prosecuting attorney's next term of office or until the proposition otherwise  
 64 becomes effective.

65 5. The provisions of section 56.066 shall not apply to full-time prosecutors  
 66 who are compensated pursuant to subdivision (1) of subsection 1 or subdivision  
 67 (2) of this section.

56.363. 1. The county commission of any county may on its own motion  
 2 and shall upon the petition of ten percent of the total number of people who voted  
 3 in the previous general election in the county submit to the voters at a general  
 4 or special election the proposition of making the county prosecutor a full-time  
 5 position. The commission shall cause notice of the election to be published in a  
 6 newspaper published within the county, or if no newspaper is published within  
 7 the county, in a newspaper published in an adjoining county, for three weeks  
 8 consecutively, the last insertion of which shall be at least ten days and not more  
 9 than thirty days before the day of the election, and by posting printed notices  
 10 thereof at three of the most public places in each township in the county. The  
 11 proposition shall be put before the voters substantially in the following form:

12 Shall the office of prosecuting attorney be made a full-time position in  
 13 ..... County?

14  YES  NO

15 If a majority of the voters voting on the proposition vote in favor of making the  
 16 county prosecutor a full-time position, it shall become effective upon the date that  
 17 the prosecutor who is elected at the next election subsequent to the passage of  
 18 such proposal is sworn into office.

19 2. The provisions of subsection 1 of this section notwithstanding, in any  
 20 county where the proposition of making the county prosecutor a full-time position  
 21 was submitted to the voters at a general election in 1998 and where a majority  
 22 of the voters voting on the proposition voted in favor of making the county  
 23 prosecutor a full-time position, the proposition shall become effective on May 1,  
 24 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,  
 25 under the provisions of this subsection shall have the additional duty of providing  
 26 not less than three hours of continuing education to peace officers in the county  
 27 served by the prosecuting attorney in each year of the term beginning January  
 28 1, 1999.

29 3. In counties that, prior to August 28, 2001, have elected pursuant to this  
 30 section to make the position of prosecuting attorney a full-time position, the  
 31 county commission may at any time elect to have that position also qualify for the  
 32 retirement benefit available for a full-time prosecutor of a county of the first  
 33 classification. Such election shall be made by a majority vote of the county

34 commission and once made shall be irrevocable, unless the voters of the  
35 county elect to change the position of prosecuting attorney back to a  
36 part-time position pursuant to subsection 4 of this section. When such  
37 an election is made, the results shall be transmitted to the Missouri prosecuting  
38 attorneys and circuit attorneys' retirement system fund, and the election shall be  
39 effective on the first day of January following such election. Such election shall  
40 also obligate the county to pay into the Missouri prosecuting attorneys and circuit  
41 attorneys' system retirement fund the same retirement contributions for full-time  
42 prosecutors as are paid by counties of the first classification.

43       **4. In any county that has elected to make the county prosecutor**  
44 **a full-time position pursuant to this section the county commission may**  
45 **on its own motion and shall upon the petition of ten percent of the total**  
46 **number of people who voted in the previous general election in the**  
47 **county submit to the voters at a general or special election the**  
48 **proposition of changing the full-time prosecutor position to a part-time**  
49 **position. The commission shall cause notice of the election to be**  
50 **published in a newspaper published within the county, or if no**  
51 **newspaper is published within the county, in a newspaper published in**  
52 **an adjoining county, for three weeks consecutively, the last insertion**  
53 **of which shall be at least ten days and not more than thirty days before**  
54 **the day of the election, and by posting printed notices thereof at three**  
55 **of the most public places in each township in the county. The**  
56 **proposition shall be put before the voters substantially in the following**  
57 **form:**

58       **Shall the office of prosecuting attorney be made a part-time**  
59 **position in ..... County?**

60                                **YES**                                **NO**

61 **If a majority of the voters vote in favor of making the county**  
62 **prosecutor a part-time position, it shall become effective upon the date**  
63 **that the prosecutor who is elected at the next election subsequent to**  
64 **the passage of such proposal is sworn into office.**

65       **5. In any county that has elected to make the full-time position**  
66 **of county prosecutor a part-time position pursuant to subsection 4 of**  
67 **this section, the county's retirement contribution to the retirement**  
68 **system and the retirement benefit earned by the member shall**  
69 **prospectively be that of a part-time prosecutor as established in this**

70 **chapter. Any retirement contribution made and retirement benefit**  
71 **earned prior to the effective date of the voter approved proposition**  
72 **pursuant to subsection 4 of this section shall be maintained by the**  
73 **retirement system and used to calculate the retirement benefit for such**  
74 **prior full-time position service. Under no circumstances shall a**  
75 **member in a part-time prosecutor position earn full-time position**  
76 **retirement benefit service accruals for time periods after the effective**  
77 **date of the proposition changing the county prosecutor back to a part-**  
78 **time position.**

56.430. At the general election to be held in this state in the year 1948,  
2 and every four years thereafter, there shall be elected in the city of St. Louis one  
3 circuit attorney, who shall reside in said city, and shall possess the same  
4 qualifications and be subject to the same duties that are prescribed by this  
5 chapter for **district or** prosecuting attorneys throughout the state.

56.805. As used in sections 56.800 to 56.840, the following words and  
2 terms mean:

- 3 (1) "Annuity", annual payments, made in equal monthly installments, to  
4 a retired member from funds provided for, in, or authorized by, the provisions of  
5 sections 56.800 to 56.840;
- 6 (2) "Average final compensation", the average compensation of an  
7 employee for the two consecutive years prior to retirement when the employee's  
8 compensation was greatest;
- 9 (3) "Board of trustees" or "board", the board of trustees established by the  
10 provisions of sections 56.800 to 56.840;
- 11 (4) "Compensation", all salary and other compensation payable by a  
12 county to an employee for personal services rendered as an employee, but not  
13 including travel and mileage reimbursement;
- 14 (5) "County", the city of St. Louis and each county in the state;
- 15 (6) "Creditable service", the sum of both membership service and  
16 creditable prior service;
- 17 (7) "Effective date of the establishment of the system", August 28, 1989;
- 18 (8) "Employee", an elected or appointed prosecuting attorney [or circuit  
19 attorney who is employed by a county or a city not within a county];
- 20 (9) "Membership service", service as a prosecuting [attorney or  
21 circuit] attorney after becoming a member that is creditable in determining the  
22 amount of the member's benefits under this system;

23 (10) "Prior service", service of a member rendered prior to the effective  
24 date of the establishment of the system which is creditable under section 56.823;

25 (11) **"Prosecuting attorney", shall included any elected or**  
26 **appointed prosecuting attorney employed by a county, district attorney**  
27 **employed by a prosecutorial district, or circuit attorney employed by**  
28 **a city not within a county;**

29 (12) "Retirement system" or "system", the prosecuting attorneys and  
30 circuit attorneys' retirement system authorized by the provisions of sections  
31 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter  
2 until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys  
3 provided for in subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until  
5 August 27, 2003, each county treasurer shall pay to the system the following  
6 amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided  
8 in subdivision (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars  
10 and sixty-seven cents;

11 (3) For counties of the first classification[,] **and, except as otherwise**  
12 **provided under section 56.363**, counties which pursuant to section 56.363  
13 elect to make the position of prosecuting attorney a full-time position after  
14 August 28, 2001, or whose county commission has elected a full-time retirement  
15 benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one  
16 thousand two hundred ninety-one dollars and sixty-seven cents;

17 (4) **For counties that have formed or joined a prosecutorial**  
18 **district under section 56.015, one thousand two hundred ninety-one**  
19 **dollars and sixty-seven cents, which shall be prorated among the**  
20 **counties pursuant to the joint agreement the counties entered into**  
21 **under section 56.015.**

22 3. Beginning August 28, 1989, and continuing until August 27, 2003, the  
23 county treasurer shall at least monthly transmit the sums specified in subsection  
24 2 of this section to the Missouri office of prosecution services for deposit to the  
25 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement  
26 System Fund", which is hereby created. All moneys held by the state treasurer  
27 on behalf of the system shall be paid to the system within ninety days after

28 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit  
29 attorneys' retirement system fund shall be used only for the purposes provided  
30 in sections 56.800 to 56.840 and for no other purpose.

31 4. Beginning August 28, 2003, the funds for prosecuting attorneys and  
32 circuit attorneys provided for in this section shall be paid from county or city  
33 funds and the surcharge established in this section and collected as provided by  
34 this section and sections 488.010 to 488.020.

35 5. Beginning August 28, 2003, each county treasurer shall pay to the  
36 system the following amounts to be drawn from the general revenues of the  
37 county:

38 (1) For counties of the third and fourth classification except as provided  
39 in subdivision (3) of this subsection, one hundred eighty-seven dollars;

40 (2) For counties of the second classification, two hundred seventy-one  
41 dollars;

42 (3) For counties of the first classification, counties which pursuant to  
43 section 56.363 elect to make the position of prosecuting attorney a full-time  
44 position after August 28, 2001, or whose county commission has elected a  
45 full-time retirement benefit pursuant to subsection 3 of section 56.363, and the  
46 city of St. Louis, six hundred forty-six dollars.

47 6. Beginning August 28, 2003, the county treasurer shall at least monthly  
48 transmit the sums specified in subsection 5 of this section to the Missouri office  
49 of prosecution services for deposit to the credit of the Missouri prosecuting  
50 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri  
51 prosecuting attorneys and circuit attorneys' retirement system fund shall be used  
52 only for the purposes provided in sections 56.800 to 56.840, and for no other  
53 purpose.

54 7. Beginning August 28, 2003, the following surcharge for prosecuting  
55 attorneys and circuit attorneys shall be collected and paid as follows:

56 (1) There shall be assessed and collected a surcharge of four dollars in all  
57 criminal cases filed in the courts of this state including violation of any county  
58 ordinance or any violation of criminal or traffic laws of this state, including  
59 infractions, but no such surcharge shall be assessed when the costs are waived  
60 or are to be paid by the state, county, or municipality or when a criminal  
61 proceeding or the defendant has been dismissed by the court or against any  
62 person who has pled guilty and paid their fine pursuant to subsection 4 of section  
63 476.385. For purposes of this section, the term "county ordinance" shall include

64 any ordinance of the city of St. Louis;

65 (2) The clerk responsible for collecting court costs in criminal cases shall  
66 collect and disburse such amounts as provided by sections 488.010 to  
67 488.026. Such funds shall be payable to the prosecuting attorneys and circuit  
68 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and  
69 circuit attorneys' retirement fund shall be used only for the purposes provided  
70 for in sections 56.800 to 56.840 and for no other purpose.

71 8. The board may accept gifts, donations, grants and bequests from  
72 private or public sources to the Missouri prosecuting attorneys and circuit  
73 attorneys' retirement system fund.

74 9. No state moneys shall be used to fund section 56.700 and sections  
75 56.800 to 56.840 unless provided for by law.

56.816. 1. The normal annuity of a retired member who served as  
2 prosecuting attorney of a county of the third or fourth class shall, except as  
3 provided in subsection 3 of this section, be equal to:

4 (1) Any member who has served twelve or more years as a prosecuting  
5 attorney and who meets the conditions of retirement at or after the member's  
6 normal retirement age shall be entitled to a normal annuity in a monthly amount  
7 equal to one hundred five dollars multiplied by the number of two-year periods  
8 and partial two-year periods served as a prosecuting attorney;

9 (2) Any member who has served twenty or more years as a prosecuting  
10 attorney and who meets the conditions of retirement at or after the member's  
11 normal retirement age shall be entitled to a normal annuity in a monthly amount  
12 equal to one hundred thirty dollars multiplied by the number of two-year periods  
13 and partial two-year periods as a prosecuting attorney.

14 2. The normal annuity of a retired member who served as prosecuting  
15 attorney of a first or second class county, **as district attorney**, or as circuit  
16 attorney of a city not within a county shall be equal to fifty percent of the final  
17 average compensation.

18 3. **Except as otherwise provided under section 56.363**, the normal  
19 annuity of a retired member who served as a prosecuting attorney of a county  
20 which after August 28, 2001, elected to make the position of prosecuting attorney  
21 full time pursuant to section 56.363 shall be equal to fifty percent of the final  
22 average compensation.

23 4. The actuarial present value of a retired member's benefits shall be  
24 placed in a reserve account designated as a "Retired Lives Reserve". The value

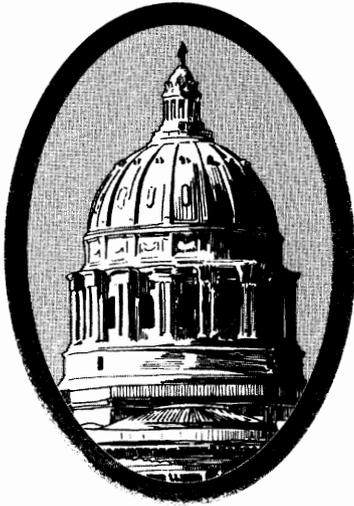
25 of the retired lives reserve shall be increased by the actuarial present value of  
26 retiring members' benefits, and by the interest earning of the total fund on a pro  
27 rata basis and it shall be decreased by payments to retired members and their  
28 survivors. Each year the actuary shall compare the actuarial present value of  
29 retired members' benefits with the retired lives reserve. If the value of the  
30 retired lives reserve plus one year's interest at the assumed rate of interest  
31 exceeds the actuarial present value of retired lives, then distribution of this  
32 excess may be made equally to all retired members, or their eligible  
33 survivors. The distribution may be in a single sum or in monthly payments at  
34 the discretion of the board on the advice of the actuary.

211.411. 1. It is the duty of circuit, **district**, prosecuting and city  
2 attorneys, and county counselors representing the state or a city in any court, to  
3 give the juvenile officer such aid and cooperation as may not be inconsistent with  
4 the duties of their offices.

5 2. It is the duty of police officers, sheriffs and other authorized persons  
6 taking a child into custody to give information of that fact immediately to the  
7 juvenile court or to the juvenile officer or one of his deputies and to furnish the  
8 juvenile court or the juvenile officer all the facts in their possession pertaining  
9 to the child, its parents, guardian or other persons interested in the child,  
10 together with the reasons for taking the child into custody.

11 3. It is the duty of all other public officials and departments to render all  
12 assistance and cooperation within their jurisdictional power which may further  
13 the objects of this chapter. The court is authorized to seek the cooperation of all  
14 societies and organizations having for their object the protection or aid of children  
15 and of any person or organization interested in the welfare of children.

✓



# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), Senate Journal, Volume I, pages 550, 556.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 28<sup>th</sup> day of May, 2015.**



  
Secretary of State

# Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—THURSDAY, MARCH 13, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“May he grant you your heart’s desire, and fulfill all your plans.” (Psalm 20:4)

Heavenly Father, we have come to a time to put our good works down for the moment and perhaps to do that which will relax our bodies and minds and, thereby, renew our strength and uplift our spirits and enjoy a time of re-creation. Let us use this time away to have time with those we love and reconnect with them. Let us fill our souls with Your Word and our prayers always before You. Help us use our time to prepare ourselves for the rush of activities that will await us on our return. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

|            |                 |            |         |         |         |             |          |
|------------|-----------------|------------|---------|---------|---------|-------------|----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls   | Dempsey | Dixon   | Emery       | Holsman  |
| Justus     | Keaveny         | Kehoe      | Kraus   | Lager   | Lamping | LeVota      | Libla    |
| Munzlinger | Nasheed         | Nieves     | Parson  | Pearce  | Richard | Romine      | Rupp     |
| Sater      | Schaaf          | Schaefer   | Schmitt | Sifton  | Silvey  | Wallingford | Walsh—32 |

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

The Lieutenant Governor was present.

Senator Richard announced photographers from KRCCG-TV were given permission to take pictures in the Senate Chamber.

On motion of Senator Parson, SCS for SB 672 was read the 3rd time and passed by the following vote:

YEAS—Senators

|            |                 |            |         |         |         |             |          |
|------------|-----------------|------------|---------|---------|---------|-------------|----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls   | Dempsey | Dixon   | Emery       | Holsman  |
| Justus     | Keaveny         | Kehoe      | Kraus   | Lager   | Lamping | LeVota      | Libla    |
| Munzlinger | Nasheed         | Nieves     | Parson  | Pearce  | Richard | Romine      | Rupp     |
| Sater      | Schaaf          | Schaefer   | Schmitt | Sifton  | Silvey  | Wallingford | Walsh—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 773, introduced by Senator Rupp, entitled:

An Act to repeal section 190.105, RSMo, and to enact in lieu thereof two new sections relating to emergency service providers.

Was taken up.

On motion of Senator Rupp, SB 773 was read the 3rd time and passed by the following vote:

YEAS—Senators

|            |                 |            |         |         |         |             |          |
|------------|-----------------|------------|---------|---------|---------|-------------|----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls   | Dempsey | Dixon   | Emery       | Holsman  |
| Justus     | Keaveny         | Kehoe      | Kraus   | Lager   | Lamping | LeVota      | Libla    |
| Munzlinger | Nasheed         | Nieves     | Parson  | Pearce  | Richard | Romine      | Rupp     |
| Sater      | Schaaf          | Schaefer   | Schmitt | Sifton  | Silvey  | Wallingford | Walsh—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wasson—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

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# STATE OF MISSOURI

Office of  
Secretary of State

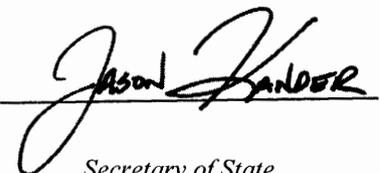
## *To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), House Journal, Volume II, pages 1155, 1186, 1382, 1431-1462.**

**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at the  
City of Jefferson, this 28<sup>th</sup> day of  
May, 2015.**



  
Secretary of State

# JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

FIFTY-FOURTH DAY, THURSDAY, APRIL 17, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*Be of good comfort, be of one mind, live in peace; and the God of love and peace shall be with you.  
(II Corinthians 13:11)*

Eternal God, strong to save and eager to help, who is always speaking and revealing Your way to all, speak to us this moment and make known Your will as we pray that Your Spirit may live in our hearts.

Make us great in our devotion to truth, gallant in our desire for honor, gentle in our dedication to good will, and genuine in our decision to seek peace and to pursue it until we possess it.

Bless these Representatives of Missouri that they may walk with You as they make decisions looking forward to a better day. Strengthen our people that with genuine faith, humble spirit, and patriotic fervor they may find themselves by doing Your will, and by living together in peace, usher in a new day of unity for our state.

Finally, grant us safety as we travel home for our Easter recess.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the fifty-third day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2111 through House Resolution No. 2152

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HJR 90**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1174**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

- SS SB 498 - Health Insurance
- SB 508 - Health Insurance
- SS SCS SB 706 - Financial Institutions
- SB 727 - Emerging Issues in Agriculture
- SB 796 - Special Standing Committee on Corrections
- SB 890 - Transportation
- SCS SB 892 - Elections
- SB 907 - General Laws

### COMMITTEE REPORTS

**Committee on Downsizing State Government**, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HR 1016**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 1257**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SCS SJR 27**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

**Committee on General Laws**, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 656**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SB 672**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 693**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

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# JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

SIXTIETH DAY, WEDNESDAY, APRIL 30, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Joshua Peters.

*(Prayer of Saint Francis)*

Lord, make this House an instrument of Your peace;  
Where there is hatred, let us sow love;  
Where there is injury, let us pardon;  
Where there is error, let us bring truth;  
Where there is doubt, let us have faith;  
Where there is despair, let there be hope;  
Where there is darkness, let there be light;  
And where there is sadness, may we bring joy.  
Divine Master, grant that we may not so much seek;  
To be understood, as to understand;  
For it is in giving that we receive;  
It is in pardoning that we are pardoned;  
And it is in dying that we are born to eternal life.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: GiGi Brinkmeier and Nora Rechten.

The Journal of the fifty-ninth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2635 through House Resolution No. 2697

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 2163** - Fiscal Review

HCS SCS SB 672, relating to political subdivisions, was taken up by Representative Jones (50).

Representative Jones (50) offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 3, Section 37.020, Lines 75 through 77, by deleting all of said lines; and

Further amend said bill, Page 6, Section 56.265, Lines 27 through 28, by deleting the words, "**subdivisions (2) or (3)**" and inserting in lieu thereof the words, "**subdivision (1) or (2)**"; and

Further amend said bill and section, Page 7, Line 45, by deleting all of said line and inserting in lieu thereof the following:

"compensated pursuant to subdivision (1) or (2) of subsection 1 of this section."; and

Further amend said bill, Section 56.363, Page 8, Line 37, by deleting the number "4" and inserting in lieu thereof the number, "5"; and

Further amend said bill, page, and section, Line 64, by deleting the number "4" and inserting in lieu thereof the number, "5"; and

Further amend said bill, page, and section, Line 68, by deleting the number "4" and inserting in lieu thereof the number, "5"; and

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

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

Representative Diehl offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 22, Section 135.980, Line 13, by inserting after all of said section and line the following:

"160.522. 1. The department of elementary and secondary education shall produce or cause to be produced, at least annually, a school accountability report card for each public school district, each public school building in a school district, and each charter school in the state. The report card shall be designed to satisfy state and federal requirements for the disclosure of statistics about students, staff, finances, academic achievement, and other indicators. The purpose of the report card shall be to provide educational statistics and accountability information for parents, taxpayers, school personnel, legislators, and the print and broadcast news media in a standardized, easily accessible form.

2. The department of elementary and secondary education shall develop a standard form for the school accountability report card. The information reported shall include, but not be limited to, the district's most recent accreditation rating, enrollment, rates of pupil attendance, high school dropout rate and graduation rate, the number and rate of suspensions of ten days or longer and expulsions of pupils, the district ratio of students to administrators and students to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as measured through the assessment system developed pursuant to section 160.518, student scores on the ACT, along with the percentage of graduates taking the test, average teachers' and administrators' salaries compared to the state averages, average per pupil current expenditures for the district as a whole and by attendance center as reported to the department of elementary and secondary education, the adjusted

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tax rate of the district, assessed valuation of the district, percent of the district operating budget received from state, federal, and local sources, the percent of students eligible for free or reduced-price lunch, data on the percent of students continuing their education in postsecondary programs, information about the job placement rate for students who complete district vocational education programs, whether the school district currently has a state-approved gifted education program, and the percentage and number of students who are currently being served in the district's state-approved gifted education program.

3. The report card shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The report card shall identify each school or attendance center that has been identified as a priority school under sections 160.720 and 161.092. The report also shall identify attendance centers that have been categorized under federal law as needing improvement or requiring specific school improvement strategies.

5. The report card shall not limit or discourage other methods of public reporting and accountability by local school districts. Districts shall provide information included in the report card to parents, community members, the print and broadcast news media, and legislators by December first annually or as soon thereafter as the information is available to the district, giving preference to methods that incorporate the reporting into substantive official communications such as student report cards. The school district shall provide a printed copy of the district-level or school-level report card to any patron upon request and shall make reasonable efforts to supply businesses such as, but not limited to, real estate and employment firms with copies or other information about the reports so that parents and businesses from outside the district who may be contemplating relocation have access.

6. For purposes of completing and distributing the annual report card as prescribed in this section 160.522, a school district may include the data from a charter school located within such school district, provided the local board of education or special administrative board for such district and the charter school reach mutual agreement for the inclusion of the data from the charter schools and the terms of such agreement are approved by the state board of education. The charter school shall not be required to be a part of the local educational agency of such school district and may maintain a separate local educational agency status."; and

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

On motion of Representative Diehl, **House Amendment No. 2** was adopted.

Representative Jones (50) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 3, Section 37.020, Lines 75 through 77, by deleting all of said lines and inserting in lieu thereof the following:

**"5. The office of administration may issue guidance or promulgate rules to require documentation to verify compliance as well as periodic reporting to ensure continued compliance with the provisions of subsection 4 of this section through the term of the contract.";** and

Further amend said bill, Page 15, Section 67.281, Lines 11 through 12, by deleting all of said lines and inserting in lieu thereof the following:

"two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024**."; and

Further amend said bill, Pages 19 to 21, Sections 105.687, 105.688 and 105.690, by removing all of said sections from the bill; and

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Further amend said bill, Page 21, Section 135.980, Lines 1 through 13, by deleting all of said lines and inserting in lieu thereof the following:

"135.980. 1. As used in this section, the following terms shall mean:

(1) "NAICS", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(2) "Public financial incentive", any economic or financial incentive offered including:

(a) Any tax reduction, credit, forgiveness, abatement, subsidy, or other tax-relieving measure;

(b) Any tax increment financing or similar financial arrangement;

(c) Any monetary or non-monetary benefit related to any bond, loan, or similar financial arrangement;

(d) Any reduction, credit, forgiveness, abatement, subsidy, or other relief related to any bond, loan, or similar financial arrangement; and

(e) The ability to form, own, direct, or receive any economic or financial benefit from any special taxation district.

2. No city not within a county shall by ballot measure impose any restriction on any public financial incentive authorized by statute for a business with a NAICS code of 221112."; and

Further amend said bill, Page 32, Section 578.120, Line 6 by deleting all of said line and inserting in lieu thereof the following:

"the sale of motorcycles or all-terrain vehicles as those terms are defined in section 301.010; the sale of recreational"; and

Further amend said bill and section, Page 33, Line 16, by inserting after all of said line and section the following:

"[300.320. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.]" and

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

On motion of Representative Jones (50), **House Amendment No. 3** was adopted.

Representative Richardson offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 22, Section 135.980, Line 13, by inserting after all of said line the following:

"177.011. 1. The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan. All property leased or rented for school purposes shall be wholly under the control of the school board during such time. **With the exception of lease agreements entered into under the provisions of section 177.088**, no board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.

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177.088. 1. As used in this section, the following terms shall mean:

(1) "Board", the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) "Educational institution", any school district, including all community college districts, and any state college or university organized under chapter 174.

2. The board of any educational institution may enter into agreements as authorized in this section [with a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355,] in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease [from the corporation] sites, buildings, facilities, furnishings and equipment [which the corporation has] acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, [to the corporation] any existing sites [owned by the educational institution], together with any existing buildings and facilities thereon, in order [for the corporation] to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and [then] lease back or purchase such sites, buildings and facilities [from the corporation]; provided that upon selling or leasing the sites, buildings or facilities, [the corporation agrees to enter into a lease for] **any lease back to the educational institution is not more than one year [but] in length, and** with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that [the corporation agrees] **there is an agreement** to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued [by the corporation] to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property [to a not-for-profit corporation] pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned [to the corporation].

5. The board may make rental payments [to the corporation] under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued [by a corporation] to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued [by a corporation] shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations [of the corporation] and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned [by a corporation] in connection with any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements [with the corporation] necessary or convenient in connection with any project pursuant to this section. [The corporation shall comply with sections 290.210 to 290.340.]

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9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. [Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011 for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11.] Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031 beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031 as a result of the transfer of title.

[12.] 11. Notwithstanding provisions of this section to the contrary, the board of education of any school district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease-purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed."; and

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

On motion of Representative Richardson, **House Amendment No. 4** was adopted.

Representative Scharnhorst offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 24, Section 192.310, Line 7, by inserting immediately after said line the following:

"304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however:

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(1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the westernmost freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

(4) **The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants shall extend north from the city limits along U.S. Highway 63 for eight miles, and shall extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles.**

4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.

6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height; and

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

On motion of Representative Scharnhorst, **House Amendment No. 5** was adopted.

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Representative Gatschenberger offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 24, Section 192.310, Line 7, by inserting after all of said line the following:

"249.424. 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district's board of trustees, any sewer district established and organized under this chapter, may levy and impose annually a fee not to exceed thirty-six dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or fewer dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association to notify the sewer district that they are not properly classified as provided in this section.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated area of a county that already imposes a fee under section 249.422. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed thirty-six dollars be assessed annually on residential property for each lateral sewer service line serving six or fewer dwelling units on that property and condominiums that have six or fewer condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES  NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated area of the county that already imposes a fee under section 249.422. All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

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5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section 249.422, later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of voters voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county."; and

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

On motion of Representative Gatschenberger, **House Amendment No. 6** was adopted.

Representative Hummel offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 24, Section 192.310, Line 7, by inserting after all of said section and line the following:

"262.960. 1. This section shall be known and may be cited as the "Farm-to-School Act".

2. There is hereby created within the department of agriculture the "Farm-to-School Program" to connect Missouri farmers and schools in order to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies. The department shall designate an employee to administer and monitor the farm-to-school program and to serve as liaison between Missouri farmers and schools.

3. The following agencies shall make staff available to the Missouri farm-to-school program for the purpose of providing professional consultation and staff support to assist the implementation of this section:

- (1) The department of health and senior services;
- (2) The department of elementary and secondary education; and
- (3) The office of administration.

4. The duties of the department employee coordinating the farm-to-school program shall include, but not be limited to:

- (1) Establishing and maintaining a website database to allow farmers and schools to connect whereby farmers can enter the locally grown agricultural products they produce along with pricing information, the times such products are available, and where they are willing to distribute such products;
- (2) Providing leadership at the state level to encourage schools to procure and use locally grown agricultural products;
- (3) Conducting workshops and training sessions and providing technical assistance to school food service directors, personnel, farmers, and produce distributors and processors regarding the farm-to-school program; and
- (4) Seeking grants, private donations, or other funding sources to support the farm-to-school program.

262.962. 1. As used in this section, section 262.960, and subsection 5 of section 348.707, the following terms shall mean:

- (1) "Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;
- (2) "Schools", includes any school in this state that maintains a food service program under the United States Department of Agriculture and administered by the school;
- (3) "Small agribusiness", as defined in section 348.400, and located in Missouri with gross annual sales of less than five million dollars;
- (4) "Small farm", a family-owned farm or family farm corporation as defined in section 350.010, and located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.

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2. There is hereby created a taskforce under the AgriMissouri program established in section 261.230, which shall be known as the "Farm-to-School Taskforce". The taskforce shall be made up of at least one representative from each of the following agencies: the University of Missouri extension service, the department of agriculture, the department of elementary and secondary education, and the office of administration. In addition, the director of the department of agriculture shall appoint two persons actively engaged in the practice of small agribusiness. In addition, the director of the department of elementary and secondary education shall appoint two persons from schools within the state who direct a food service program. One representative for the department of agriculture shall serve as the chairperson for the taskforce and shall coordinate the taskforce meetings. The taskforce shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the taskforce if such assistance is required.

3. The mission of the taskforce is to provide recommendations for strategies that:

(1) Allow schools to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts.

4. In fulfilling its mission under this section, the taskforce shall review various food service contracts of schools within the state to identify standardized language that could be included in such contracts to allow schools to more easily procure and use locally grown agricultural products.

5. The taskforce shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the taskforce by no later than December 31, 2015.

6. In conducting its work, the taskforce may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. This section shall expire on December 31, 2015.

348.407. 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants, and may make loans or guaranteed loans from the grant fund to persons for the creation, development and operation, for up to three years from the time of application approval, of rural agricultural businesses whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may make loan guarantees to qualified agribusinesses for agricultural business development loans for businesses that aid in the economy of a rural community and support production agriculture or add value to agricultural products by providing necessary products and services for production or processing.

5. The authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in schools within the state.

6. The authority may, upon the provision of a fee by the requesting person in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.

[6.] 7. Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall be designed to determine whether such concept may be operated profitably.

[7.] 8. Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and other assistance for which the business may qualify as well as helping the person apply for such assistance.

[8.] 9. The authority may provide or facilitate loans or guaranteed loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural Development Program, subject to availability. Such financial assistance may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the financial assistance in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

[9.] 10. The authority may provide for consulting services in the building of the physical facilities of the business.

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[10.] 11. The authority may provide for consulting services in the operation of the business.

[11.] 12. The authority may provide for such services through employees of the state or by contracting with private entities.

[12.] 13. The authority may consider the following in making the decision:

- (1) The applicant's commitment to the project through the applicant's risk;
- (2) Community involvement and support;
- (3) The phase the project is in on an annual basis;
- (4) The leaders and consultants chosen to direct the project;
- (5) The amount needed for the project to achieve the bankable stage; and
- (6) The [projects] project's planning for long-term success through feasibility studies, marketing plans and business plans.

[13.] 14. The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri may provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.

[14.] 15. The authority may charge fees for the provision of any service pursuant to this section.

[15.] 16. The authority may adopt rules to implement the provisions of this section.

[16.] 17. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

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

On motion of Representative Hummel, **House Amendment No. 7** was adopted.

Representative Dohrman offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 22, Section 135.980, Line 13, by inserting immediately after said line the following:

"182.802. 1. (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

- (a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;
- (b) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;
- (c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;
- (d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;
- (e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;
- (f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;
- (g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(h) Any county of the fourth classification with more than twenty thousand but fewer than thirty thousand inhabitants.

(2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a ..... cent sales tax be levied on all retail sales within the district for the purpose of providing funding for ..... library district?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district."; and

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

On motion of Representative Dohrman, **House Amendment No. 8** was adopted.

Representative Remole offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 1, in the title, Line 5, by inserting the following at the end of said line:

"and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 and 132, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135,"; and

Further amend said bill and page, Section A, Line 4, by inserting after "RSMo," the following:

"sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120,"; and

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Further amend said bill, Page 33, Section 578.120, Line 16, by inserting after all of said line the following:

"[Section 1. In pursuance of a notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county, Missouri, that a bill will be presented to the thirty third general assembly of the state of Missouri, asking that two terms of the Randolph county circuit court be held at the city of Moberly, in said county, with like jurisdiction in all civil and criminal cases arising in said county or removed to the same by change of venue from any other county and like concurrent jurisdiction with, and appellate jurisdiction from, and like superintending control over the probate court, county court, municipal corporation courts, justices of the peace and all inferior tribunals in said county, and like power and jurisdiction over all persons, subjects, matters and things as is or may be provided by law in reference to circuit courts in this state, and for the repeal of "an act to establish a court of common pleas, and define the jurisdiction thereof in the city of Moberly, Randolph county, Missouri," approved February 26, 1875, and all acts amendatory thereof. It is hereby provided that the judge of the Randolph county circuit court shall hold two terms of the circuit court each year in the city of Moberly in the county of Randolph, at the following times, to wit: on the first Monday in February and the third Monday in September.]

[Sec. 2. The judge of the circuit court in Randolph county shall select a suitable place for holding said court at the city of Moberly, and for the various offices herein provided for, and the place so selected by the said judge for the holding the said courts shall be known and designated as the court house at the city of Moberly; and cause the same and said offices to be furnished in a proper manner for said court and its officers and report the rental, cost and expense thereof to the county court of Randolph county, which shall pay the same as other claims against said county are paid out of the county treasury, and the judge of said court may change the place of holding said court in said city of Moberly when he deems it advisable, to some other place in said city.]

[Sec 3. Said court shall have and exercise like powers and jurisdiction in all civil and criminal causes and proceedings whatsoever arising in said county or removed to the same by change of venue from any other county, and like concurrent jurisdiction with, and appellate jurisdiction from, and like superintending control over the county courts, probate courts, municipal corporation courts, justices of the peace, and all inferior tribunals in said county; and like powers, control and jurisdiction over all persons, corporations, subjects, matters and things as is or may be provided by law with reference to circuit courts in this state.]

[Sec. 4. The circuit clerk of Randolph county shall be clerk of said court and shall attend the same in person or by deputy, and shall perform such duties as may be required of him by law, for which he shall receive the same fees as are provided by law for similar services in like courts.]

[Sec. 5. The clerk of said court shall procure and keep a seal to be used as the seal of said court. He shall also keep an office at the said city of Moberly and shall appoint a deputy, resident of said city of Moberly, for whose acts he shall be responsible, and who shall in his absence have the care and management of all books and papers pertaining to said court, and exercise the powers and perform all the duties of the office in the absence of his principal.]

[Sec. 6. The sheriff of Randolph county shall attend said court in person or by deputy, and perform such duties as shall be required of him by law. He shall also keep an office at said city of Moberly and shall appoint a deputy, resident of said city, who shall keep said office and have the care and management of the same, and exercise the powers and perform all the duties of sheriff of said county in the absence of his principal, for whose acts said principal shall be responsible.]

[Sec. 7. The books, stationery, furniture, fuel, light, rent and other incidental expenses necessary for said court and offices shall be from time to time supplied and paid for out of the county treasury.]

[Sec. 8. All general laws now in force or which may hereafter be enacted, regulating and governing courts of record, and all laws defining the practice and proceedings in such courts, are declared to be in force and effect in the court hereby established.]

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[Sec. 9. All causes taken by change of venue from any other county to the circuit court of Randolph county may be transferred and certified into the circuit court either at the city of Huntsville or at the city of Moberly, in said county, unless one of said courts be designated in the order of removal, in which case said cause shall be certified into the court so designated in the order granting the change of venue.]

[Sec. 10. The parties to any suit or proceeding pending in the circuit court of Randolph county may, by agreement, in writing, signed by the said parties or their counsel and filed therein, remove the same from the city of Moberly to the city of Huntsville, or from the city of Huntsville to the city of Moberly, or the judge of the circuit court of said Randolph county, upon the application of either party, and upon reasonable notice to the adverse party may, for good cause shown by affidavit or otherwise, remove any cause as aforesaid from the circuit court at Moberly to the circuit court at Huntsville, or from the circuit court at Huntsville to the circuit court at Moberly; and in such case the judge of said court may order the original papers transferred without the cost of copying the same, and the cause so transferred and removed shall be proceeded with in every respect as in changes of venue from one county to another.]

[Sec. 11. All judgments, orders and decrees of said court shall be a lien upon real estate to the same extent, and shall have like force and effect in every part of said county as similar judgments, orders, decrees and process of the circuit court of said Randolph county held at the city of Huntsville, and all real estate taken in execution by the sheriff of Randolph county under judgments rendered by the said circuit court at the said city of Moberly on all real estate situated in said county, and sold in pursuance of the judgment, order or decree thereof, shall be exposed to sale at the door of the court house at the city of Moberly, in the same time and manner as is or may be regulated by law.]

[Sec. 12. All mechanics' liens upon real estate situate in Randolph county, and all papers, notices and process necessary to be filed or taken in the circuit court to obtain, maintain and complete a lien of any kind authorized by law, upon real estate situate in said county, or upon any personal property, debts, credits, bonds, notes, assets or effects whatsoever may be filed and taken in the circuit court at the city of Moberly with like force and effect as if the same had been filed and taken in the circuit court at Huntsville, in said county. And all suits and process for the enforcement thereof shall be brought in the court where filed.]

[Sec. 13. All appeals from the county court, probate court, municipal corporation courts, justices of the peace and all inferior tribunals in said county of Randolph, may be granted and certified into the circuit court at the city of Moberly, or the circuit court at the city of Huntsville, in said county, as the one place or the other shall, in the opinion of the judge or justice granting the appeal, be most convenient to the parties, unless the parties to the cause, either by themselves or their attorneys, shall, in writing, filed in said cause, agree as to the appellate court, in which event the appeal shall be certified into the one of said courts so agreed upon in the manner provided by law.]

[Sec. 14. The secretary of state shall, after the passage of this act, forward to the clerk of said court, from time to time, all statutes, reports and other books required by law to be furnished to courts of record, for the use of said circuit court of the city of Moberly.]

[Sec. 15. The dockets now required by law to be kept by the clerk of the circuit court at the city of Huntsville, of all judgments rendered there, and notices and liens of every kind filed there shall include and contain all judgments, notices and liens rendered by and filed in the circuit court at the city of Moberly, and he shall also keep similar dockets at his office at the city of Moberly, which shall also include and contain all judgments rendered by and notices filed in the circuit court at the city of Huntsville.]

[Sec. 16. An act entitled, "an act to establish a court of common pleas, and define the jurisdiction thereof, in the city of Moberly, Randolph county, Missouri," approved February 26th, 1875, and all acts amendatory thereof, are hereby repealed. All the records, books, papers and furniture pertaining to the said court of common pleas are hereby transferred into the said circuit court at Moberly, together with all suits, process and business of every kind pending therein, which shall be proceeded with and determined by the said circuit court in the same manner, and with like effect, as if the same had been begun in said circuit court; and the clerk of said circuit court shall have the custody and control of all the books, records, papers, furniture, and other effects appertaining to the said court of common pleas, which are or may be transferred to the said circuit court, and be responsible therefor, and perform such duties in relation thereto as he is required by law to perform in regard to similar things appertaining to his own office, and he shall, when required, make and certify copies, transcripts and exemplifications of such books, papers

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and records, which said copies, transcripts and exemplifications shall have the same force and effect as if said act had not been repealed and the same had been made by the clerk of said court of common pleas, and the said circuit court shall have the same power and control over the books, papers and records so transferred, including the power to alter or amend the same in cases allowed by law as it has or may have over its own books, papers and records.]

[Sec. 17. All mechanics' liens and other liens of every kind filed in said court of common pleas, and all judgments, orders and decrees of the said court of common pleas remaining unsatisfied, unperformed or unexecuted shall be enforced by the said circuit court to be held at the said city of Moberly, in the said manner as if the same had been filed, rendered or made therein; the said circuit court shall complete the unfinished process of said court of common pleas. The lien of all such process, judgments and decrees shall continue as if the law establishing said court of common pleas, and the acts amendatory thereof, were still in force, and may be revived by the said circuit court, in the manner provided by law for reviving the lien of judgments and decrees of circuit courts in this state; and the clerk of said circuit court may, whenever required, issue execution upon any such judgment or decree in any case authorized by law.]

[Sec. 18. All cases which may have been taken by appeal or writ of error from said court of common pleas to the supreme court, upon the decision of said supreme court remanding the same, shall be remanded to the said circuit court to be held at the city of Moberly, and be therein proceeded with as if the same had been taken from that court, and if any party to any action or proceeding in said court of common pleas shall, after the passage of this act, desire to sue out a writ of error therein, said writ shall be directed to the said circuit court held at the said city of Moberly and be returnable by the clerk thereof.]

[Sec. 19. All writs, rules, process and orders issued or made by the said court of common pleas and returnable to any term of said court, which would be held after the day that this act takes effect if the said court continued in existence, and which shall not have been returned before that day, shall be valid and shall be returned to the said circuit court at the city of Moberly at such time as they would respectively have been returnable in said court, and the said circuit court at Moberly may enforce the return thereof.]

[Sec. 20. All writs and other process of every kind issued from the said court of common pleas, being and remaining unexecuted in the hands of the sheriff of Randolph county, or any other county, shall be proceeded with and executed according to law, and shall be returned to the first term of said circuit court at Moberly, after the taking effect of this act, and all sales of real estate advertised to be made by said sheriff, and not made before the taking effect of this act, shall be made at the first term of the said circuit court at the city of Moberly, to be held after this act takes effect, and the said sheriff shall execute deeds for the same, acknowledge the same before the said circuit court as provided by law. In all cases where sales of real estate have been made upon execution issued from the said court of common pleas, and the deeds therefor have not been executed, the same shall be executed according to law, and the acknowledgment taken and certified before the said circuit court at the city of Moberly.]

[Sec. 21. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable, by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]

Section B. Sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 and 132 are repealed as follows:

[Section 1. In pursuance of notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county that a bill will be presented to the thirty-third general assembly of the state of Missouri, asking that four terms of the county court of said Randolph county be authorized and required to be held at the city of Moberly in said county, with like power and jurisdiction co-extensive with said county as pertains to similar courts of record in this state, and for the establishment of a place of holding said court, and a county court clerk's office at the city of Moberly, in said county, and a deputy clerk of said court to reside in said city of Moberly and be in charge of said office. It is hereby provided that the judges of the county court of Randolph county, in addition to the terms of the county court of said county, required by law to be held at the city of Huntsville, in said county, be and they are hereby authorized,

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empowered and required to hold four terms annually of said county court of Randolph county, at the city of Moberly, in said county, commencing on the second Mondays in February, May, August and November, and may hold special and adjourned terms of said county court at said city of Moberly at any time required, with like power and jurisdiction in all respects co-extensive with said Randolph county as pertains to county courts in this state.]

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[Sec. 2. The judges of the county court of Randolph county shall select a suitable place for holding said court at the city of Moberly, and also an office for the clerk of said court at said city of Moberly, which, when so selected, shall be known and designated as the county court room and the county clerk's office at the city of Moberly, and cause the same to be furnished in a proper manner for said county court and said county clerk, the rental cost and expense of which shall be paid as other claims against said county are paid out of the county treasury.]

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[Sec. 3. The county clerk of Randolph county shall be clerk of said county court at Moberly, and shall attend the same in person or by deputy, and shall perform such duties as may be required of him by law, for which he shall receive the same fees as are provided by law for similar services in county courts in this state, and in addition thereto he shall be paid out of the county treasury three hundred dollars per annum, in quarterly installments, to enable him to furnish a competent clerk for said office at Moberly as hereinafter provided.]

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[Sec. 4. The county clerk of said county shall procure and keep a seal, to be used as the seal of said county court at Moberly. He shall also keep an office at the said city of Moberly and shall appoint a deputy clerk, resident of said city of Moberly, for whose acts he shall be responsible, and who shall, in his absence, have the care and management of all the books and papers pertaining to said county court at Moberly, and exercise the powers and perform all the duties of the office of county clerk at said city of Moberly.]

[Sec. 5. The sheriff of Randolph county shall attend said court, either in person or by deputy, and shall perform such duties as are required of him by law, and for his services he shall receive the fees allowed by law for like services in similar cases, and all process to him directed from said county court at Moberly shall be by him returned into said court at Moberly.]

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[Sec. 6. All the books, papers and records pertaining to matters and causes of action pending in said county court, and all business transacted in said county court at the city of Moberly, shall be kept at the county clerk's office herein provided for, at the said city of Moberly; and all business begun in said county court at Moberly, shall be proceeded with to final determination therein, unless removed out of said court according to law; but the parties to any matter or cause of action pending in said county court at Moberly may, by agreement, in writing, signed by the parties or their attorneys, and filed in said court, remove the same into the county court at Huntsville in said county, and parties to any matter or cause of action pending in the county court at the city of Huntsville, in said county, may, in like manner, remove the same into the county court at Moberly, in said county, and said matter or cause of action, when so removed, shall be proceeded in as if it had originated in said court into which it is so removed; and in every such case the clerk of the county court may transfer the original papers on file in said matter or cause, with a certified copy of the record entries in the same, into said court into which said matter or cause of action has been so removed, and the record in said cause shall show such removal and transfer.]

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[Sec. 7. all sales of real estate sold at public sale in said county of Randolph in pursuance of the judgments or order of the said county court at Moberly, shall be exposed to sale at the court house door at the city of Moberly, in said county, during the session of the said county court, or some other court of record, at said city of Moberly.]

[Sec. 8. Said county court, at the said city of Moberly, in the exercise of its jurisdiction, shall be governed by the statutes now, or that may hereafter be enacted, defining and limiting the practice in county courts in this state.]

[Sec. 9. The books, stationery, furniture, fuel, lights, rent and other incidental expenses necessary for said court and clerk's office shall be, from time to time, supplied and paid for out the county treasury of Randolph county.]

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[Sec. 10. The secretary of state shall, after the passage of this act, forward to the clerk of said county court at the city of Moberly, from time to time, all statutes, reports and other books required by law to be furnished to similar courts of record for the use of said county court at the said city of Moberly.]

[Sec. 11. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable, by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]

Section C. Sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135 are repealed as follows:

[Section 1. In pursuance of notice published in accordance with the provisions of law, the tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph county, that a bill will be presented to the thirty-third general assembly of the state of Missouri, asking that four terms of the probate court of Randolph county be held at the city of Moberly, in said county, with like power and jurisdiction co-extensive with said county as pertain to similar courts of record in this state, and for the establishment of a probate office at said city of Moberly and the appointment of a separate clerk, to reside in said city and be in charge of said office. It is hereby provided that the judge of probate in said Randolph county, in addition to the terms of the probate court required by law to be held at the city of Huntsville, in said county, be and he is hereby authorized, empowered and required to hold four terms annually of said probate court at the city of Moberly, in said county, commencing on the first Monday in February, May, August and November, and may hold special and adjourned terms of said court at said city of Moberly at any time required, with like power and jurisdiction co-extensive with said Randolph county in all matters as pertain to similar courts of record in this state.]

[Sec. 2. The judge of probate of said Randolph county shall have and keep, at the said city of Moberly, an office for the transaction of the business of said court and the keeping of the records thereof, to be selected by himself, and which, when so selected, shall be known and designated as the probate office at the city of Moberly. He shall also appoint a separate clerk, resident of said city of Moberly, for whose acts he shall be responsible, who shall qualify according to law and have charge of said probate office at Moberly, and in the absence of said judge of probate shall have the custody and control of the books, records, papers and furniture pertaining to said office, and shall discharge all the duties of clerk according to law, and have power and authority to do and perform all acts and duties in vacation, which the judge of said court is or may be authorized to perform in vacation, subject to the confirmation or rejection of said probate court at Moberly at the next regular term thereafter.]

[Sec. 3. The judge of probate of said court shall procure and keep a seal, to be used as the seal of said probate court at Moberly, the expense of which, together with the necessary expense incurred by said probate court for books, stationery, furniture, fuel, light, rent and other necessaries, shall be paid by the said Randolph county.]

[Sec. 4. All the books, papers and records pertaining to matters and causes of action pending in said court, and all business transacted in said probate court at Moberly, shall be kept at the office herein provided for at the said city of Moberly; and all business begun in said court at Moberly shall be proceeded with to final determination therein, unless removed out of said court according to law. But the parties to any matter or cause of action pending in said probate court at Moberly may, by agreement, in writing, signed by said parties or their attorneys, and filed in said court by order of said court, remove the same into the probate court at Huntsville, in said county; and parties to any matter or cause of action pending in the probate court at Huntsville, in said county, may, in like manner, remove the same into the probate court at Moberly, in said county, and said matter or cause of action, when so removed, shall proceed in as if it had originated in said court into which it is removed; and in every such case the judge of probate may transfer the original papers of file in said matter or cause of action into said court into which said matter or cause of action has been so removed, and his record in said case shall show such removal and transfer.]

[Sec. 5. The sheriff of Randolph county, either in person or by deputy, shall attend said court and shall perform such duties as are enjoined upon him by law, and for his services shall receive the fees allowed by law for like services in similar cases, and all process to him directed from the said probate court at Moberly, shall be by him returned into said court at Moberly.]

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[Sec. 6. The said judge of probate shall receive for his services as judge of said probate court at Moberly, in said Randolph county, the fees allowed by law for like services in similar cases, and in addition thereto an annual salary of five hundred dollars, to be paid in quarterly installments, out of the treasury of said Randolph county, to enable him to employ the separate clerk at the said office at Moberly, herein required and provided for.]

[Sec. 7. All real estate sold at public sale in said Randolph county, in pursuance of the judgment, order [or] decree of said probate court at Moberly, shall be exposed to sale at the court house door at the city of Moberly, in said county, during the session of said probate, or some other court of record in said city of Moberly.]

[Sec. 8. Said probate court at the said city of Moberly, in the exercise of its jurisdiction, shall be governed by the statutes in relation to administration, to guardians and curators of minors and persons of unsound mind, to apprentices and to such laws as may be enacted defining and limiting the practice in such courts in this state.]

[Sec. 9. The secretary of state shall, after the passage of this act, forward to the clerk of said probate court at Moberly, from time to time, all statutes, reports and other books required by law to be furnished to similar courts of record, for the use of said court at the said city of Moberly.]

[Sec. 10. The necessity of securing to the people of said Randolph county the benefits of this act at as early a day as practicable by reason of the special circumstances of said county, creates an emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be in force from and after its passage.]" and

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

On motion of Representative Remole, **House Amendment No. 9** was adopted.

Representative Hicks offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 19, Section 79.145, Line 17, by inserting after all of said section and line the following:

"94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property, and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, com doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

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2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of [twenty-seven] **thirteen** dollars **fifty** cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under subsection 1 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005."; and

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

On motion of Representative Hicks, **House Amendment No. 10** was adopted.

Representative McCaherty offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 21, Section 105.690, Line 13, by inserting after all of said section and line the following:

"105.935. 1. Any state employee who has accrued any overtime hours may choose to use those hours as compensatory leave time provided that the leave time is available and agreed upon by both the state employee and his or her supervisor.

2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair Labor Standards Act shall be eligible for payment of overtime in accordance with subsection [4] **5** of this section. A nonexempt state employee who works on a designated state holiday shall be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for overtime unless the employee requests compensatory time off at the applicable overtime rate. As used in this section, the term "state employee" means any person who is employed by the state and earns a salary or wage in a position normally requiring the actual performance by him or her of duties on behalf of the state, but shall not include any employee who is exempt under the provisions of the Fair Labor Standards Act or any employee of the general assembly.

3. Beginning on January 1, 2006, and annually thereafter each department shall pay all nonexempt state employees in full for any overtime hours accrued during the previous calendar year which have not already been paid or used in the form of compensatory leave time. All nonexempt state employees shall have the option of retaining up to a total of eighty compensatory time hours.

4. Missouri department of corrections employees classified as a corrections officer I or a corrections officer II who have accrued any overtime hours may choose to use those hours as compensatory leave time, provided that the leave time is available and agreed on by such employee and his or her supervisor. Compensatory time shall be considered accrued on completion of time worked in excess of such employee's normal assigned shift and it will be the employee's decision whether to take the time off or request payment for such hours. All employees classified as a corrections officer I or a corrections officer II shall have the right to retain up to eighty hours of compensatory time at any time during the year.

[4.] 5. The provisions of subsection 2 of this section shall only apply to nonexempt state employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act, excluding employees of the general assembly. Any nonexempt state employee requesting cash payment for overtime worked shall notify such employee's department in writing of such decision and state the number of hours, no less than twenty, for which payment is desired. The department shall pay the employee within the calendar month following the month in which a valid request is made. Nothing in this section shall be construed as creating a new compensatory benefit for state employees.

[5.] 6. Each department shall, by November first of each year, notify the commissioner of administration, the house budget committee chair, and the senate appropriations committee chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each department shall be designated as a separate line item in the appropriations bill for that department. The provisions of this subsection shall become effective July 1, 2005.

[6.] 7. Each state department shall report quarterly to the house of representatives budget committee chair, the senate appropriations committee chair, and the commissioner of administration the cumulative number of accrued overtime hours for department employees, the dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions and vacant positions, the amount of funds for any vacant positions which will be used to pay overtime compensation for employees with full-time equivalent positions, and the current balance in the department's personal service fund.

[7.] 8. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety."; and

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

On motion of Representative McCaherty, **House Amendment No. 11** was adopted.

Representative Montecillo offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 17, Section 79.130, Line 13, by inserting immediately after said line the following:

"105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works, and whether the lobbyist is required to register under sections 589.400 to 589.425. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state.

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The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date, location, and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate, which may or may not include senate staff and employees under the direct supervision of a state senator;

b. All members of the house of representatives, which may or may not include house staff and employees under the direct supervision of a state representative;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate, which may or may not include joint and standing committee staff;

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

e. All statewide officials, which may or may not include the staff and employees under the direct supervision of the statewide official;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence and except for any expenditure reported under paragraph (d) of this subdivision;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such

lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information required pursuant to this section shall be guilty of a class A misdemeanor.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions."; and

Further amend said bill, Page 33, Section 578.120, Line 16, by inserting immediately after said line the following:

"[105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

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3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate;

b. All members of the house of representatives;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official.

The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.]; and

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

On motion of Representative Montecillo, **House Amendment No. 12** was adopted.

Representative Lair offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 32, Section 525.310, Line 63, by inserting after all of said section and line the following:

"537.900. No cause of action shall be made against a sheriff, a deputy sheriff, or an administrative employee of a sheriff when the actions complained of were made in furtherance of or in compliance with a court order or directive, even if the order or directive executed is later determined to be invalid by a court of competent jurisdiction. A cause of action for damages may be brought against the party who obtained the court's order or directive if obtained by way of fraud or false statement. If such an action is filed against a sheriff, a deputy sheriff, or an administrative employee of a sheriff, all costs incurred for the defense of the action by or on behalf of the sheriff, deputy sheriff, or administrative employee shall be taxed to the petitioner."; and

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

On motion of Representative Lair, **House Amendment No. 13** was adopted.

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Representative Hinson offered **House Amendment No. 14.**

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 15, Section 67.281, Line 17, by inserting after all of said section and line the following:

"67.320. 1. Any county [of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred] **with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand** inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission."; and

Further amend said bill, Section 578.120, Page 33, Line 16, by inserting after all of said section and line the following:

"[67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

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5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.]; and

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

On motion of Representative Hinson, **House Amendment No. 14** was adopted.

Representative McGaugh offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 17, Section 79.050, Line 40, by inserting after all of said line the following:

"79.062. 1. The holder of any elective office who is serving a term of four years in any city of the fourth classification as described in section 72.040 may be removed by the qualified voters of such city by recall petition in accordance with the procedure set out in this section subject to the following limitations:

- (1) The officer has held office for at least six months;
- (2) Additional recall petitions may be filed but shall not be filed during the six months immediately following voter disapproval of the last recall petition;
- (3) The recalled officer shall not be a candidate for such office at any special election held to fill the vacancy created by the officer's recall, nor shall the officer be appointed by the appointing authority to fill the vacancy.

2. A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent of the total number of registered voters in such city entitled to vote for a successor to the incumbent sought to be removed, demanding the recall of a person from elective office shall be filed with the county clerk. The petition shall contain a statement of the reasons for which recall is sought which shall not be more than two hundred words in length. Such petition for recall shall be filed with the appropriate county clerk or election authority within sixty days after the date of the earliest signature on the petition. The reasons for recall are misconduct in office, incompetence, or failure to perform duties prescribed by law. The signatures to the petition need not all be appended to one paper, but each signer shall add to the signer's signature the signer's place of residence, giving the street and number and the date signed. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as the signer believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Within ten days from the date of filing such petition, the county clerk of the county in which such city is located shall examine and from the voters' register ascertain whether the petition is signed by the requisite number of voters, and if necessary, the board of aldermen shall allow the clerk extra help for the purpose. The clerk shall attach to the petition a certificate showing the result of the examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if the clerk's certificate shall show the amended petition to be insufficient, the amended petition shall be returned to the person filing it, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of aldermen without delay. If the petition shall be found to be sufficient, the board of aldermen shall order the question to be submitted to the voters of the city.

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4. A special election shall be held on the recall petition as soon as practicable and as may be determined by the election authority of the county. The question to be presented to the voters at such election shall be in substantially the following form:

- FOR the removal of ..... (name of officer) from the office of ..... (title of office)
- AGAINST the removal of ..... (name of officer) from the office of ..... (title of office)

5. If a majority of the qualified electors voting on the question at such election shall vote FOR the removal of such officer, a vacancy shall exist in such office. If a majority of the qualified electors voting on the question at such election shall vote AGAINST the removal of such officer, such officer shall continue to serve during the term for which elected."; and

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

On motion of Representative McGaugh, **House Amendment No. 15** was adopted.

Representative Rehder offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 27, Section 321.322, Line 68, by inserting after all of said line the following:

"339.507. 1. There is hereby created within the division of professional registration the "Missouri Real Estate Appraisers Commission", which shall consist of seven members appointed by the governor with the advice and consent of the senate, six of whom shall be appraiser members, and one shall be a public member. Each member shall be a resident of this state and a registered voter for a period of one year prior to the person's appointment. The president of the Missouri Appraiser Advisory Council in office at the time shall, at least ninety days prior to the expiration of the term of the commission member, other than the public member, or as soon as feasible after the vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five appraisers qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Appraiser Advisory Council shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The public member shall have never been engaged in the businesses of real estate appraisal, real estate sales or making loans secured by real estate.

2. The real estate appraiser members appointed by the governor shall be Missouri residents who have real estate appraisal experience in the state of Missouri for not less than five years immediately preceding their appointment. Appraiser members of the commission shall be appointed from the registry of state-certified real estate appraisers and state-licensed real estate appraisers. **Real estate appraiser commission members, appointed after August 28, 2014, shall not be from the same United States congressional district.**

3. All members shall be appointed for three-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the commission for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the commission shall continue to hold office until the appointment and qualification of their successors. No more than four members of the commission shall be members of the same political party. No person shall be appointed for more than two consecutive terms. The governor may remove a member for cause.

4. The commission shall meet at least once each calendar quarter to conduct its business. A quorum of the commission shall consist of four members.

5. Each member of the commission shall be entitled to a per diem allowance of fifty dollars for each meeting of the commission at which the member is present and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties. Each member of the commission shall be entitled to reimbursement of travel expenses necessarily incurred in attending meetings of the commission.

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6. The commission shall prepare an annual report outlining business conducted by the commission during the previous calendar year and shall submit a copy to the general assembly by April first of each year. The report shall include:

- (1) The number of complaints that were filed against licensees;
- (2) The number and disposition of investigations conducted by the commission pursuant to the filing of a complaint; and
- (3) An accounting of all expenditures of the commission.

339.531. 1. Any person may file a complaint with the commission alleging that a licensee has committed any combination of the acts or omissions provided in subsection 2 of section 339.532. A complaint shall be in writing and shall be signed by the complainant, but a complainant is not required to specify the provisions of law or regulations alleged to have been violated in the complaint.

2. Upon the receipt of a complaint against a licensee, the commission shall refer the complaint to the probable cause committee. The commission shall appoint a probable cause committee of four members, one of whom shall be a current member of the commission and three past commission members selected by the commission. The probable cause committee shall serve in an advisory capacity to the commission and review complaints and make a recommendation to the commission regarding the disposition of the complaint. The commission shall provide by rule for the selection process, length of committee member terms, and other procedures necessary for the functioning of the committee.

3. Each complaint shall be considered a grievance until reviewed by the probable cause committee. When a grievance is filed under subsection 1 of this section, a copy shall be provided to the licensee, who shall have ten working days to respond documenting why the grievance may have no merit. If the licensee responds within the allowable time, the probable cause committee shall review the grievance and response. If the probable cause committee determines that the grievance has no merit, the grievance shall be dismissed and no complaint shall be placed on the licensee's record. If the probable cause committee determines that the grievance has merit, it shall present the case to the commission, and the commission shall decide whether or not to proceed with an investigation of the grievance as a complaint. If the commission decides to proceed with an investigation of a complaint, at that time the complaint shall become a part of the licensee's record.

4. When the commission determines to proceed with a complaint against a licensee, the commission shall investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission may request the licensee under investigation to:

- (1) Answer the charges made against him or her in writing;
- (2) Produce relevant documentary evidence pertaining to the specific complaint causing the investigation; and
- (3) Appear before the commission.

5. A copy of any written answer of the licensee requested under subsection 4 of this section may be furnished to the complainant, as long as furnishing the written answer does not require disclosure of confidential information under the Uniform Standards of Professional Appraisal Practice.

6. The commission shall notify the complainant and the licensee that an investigation has been commenced within ten working days of the date of the commission's decision to proceed with a complaint under subsection 4 of this section. The commission shall also notify and inform the complainant and licensee of the status of the investigation every sixty days following the commencement of the investigation. No investigation shall last longer than twelve months. Once an investigation is closed or dismissed it shall not be reopened.

7. In the event that the commission fails to meet the notification and investigation requirements of this section or does not finish the investigation within twelve months, then the commission shall provide the complainant at the commission's expense with an appraisal and an appraisal report of the real estate originally appraised by the licensee under investigation.

8. A real estate appraiser member of the commission shall recuse themselves from any matter in which their knowledge of the parties, circumstances, or subject matter will substantially affect their ability to be fair and impartial.

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9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

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

On motion of Representative Rehder, **House Amendment No. 16** was adopted.

Representative Hicks offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 24, Section 192.310, Line 7, by inserting immediately at the end of said line the following:

"273.195. 1. Nothing in this chapter shall be construed to limit in any manner the authority of any village, town, or city, including any home rule city, to prohibit dogs from running at large or to further control or regulate dogs within its boundaries; provided that, no such ordinances, orders, policies, or regulations are specific to breed.

2. The general assembly hereby occupies and preempts the entire field of legislation touching in any way the control or regulation of specific breeds of dogs to the complete exclusion of any order, ordinance, policy, or regulation by any village, town, or city, including any home rule city, in this state. Any existing or future orders, ordinances, policies, or regulations in this field are hereby and shall be null and void."; and

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

Representative Solon offered **House Amendment No. 1** to **House Amendment No. 17**.

*House Amendment No. 1*

*to*

*House Amendment No. 17*

AMEND House Amendment No. 17 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, Page 1, Line 10, by deleting "state." and inserting in lieu thereof the following:

"state; except that, nothing in this section shall limit the authority of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or any home rule city with more than four hundred thousand inhabitants and located in more than one county, to require by ordinance or regulation the spaying or neutering of specific breeds of dogs."; and

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

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bility to

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

|              |             |              |             |                |
|--------------|-------------|--------------|-------------|----------------|
| Allen        | Anderson    | Austin       | Bahr        | Barnes         |
| Bernskoetter | Berry       | Brown        | Burlison    | Cierpiot       |
| Cookson      | Comejo      | Cox          | Crawford    | Cross          |
| Curtman      | Davis       | Diehl        | Dohrman     | Dugger         |
| Entlicher    | Fitzpatrick | Fitzwater    | Flanigan    | Fraker         |
| Franklin     | Frederick   | Funderburk   | Gannon      | Gatschenberger |
| Gosen        | Haahr       | Haeffner     | Hampton     | Hansen         |
| Hicks        | Higdon      | Hoskins      | Houghton    | Hurst          |
| Johnson      | Jones 50    | Justus       | Keeney      | Kelley 127     |
| Koenig       | Kolkmeier   | Korman       | Lair        | Lant           |
| Lauer        | Leara       | Lichtenegger | Love        | Lynch          |
| Marshall     | McCaherty   | McGaugh      | Messenger   | Miller         |
| Moon         | Morris      | Muntzel      | Neely       | Neth           |
| Parkinson    | Pfautsch    | Phillips     | Pike        | Pogue          |
| Rehder       | Reiboldt    | Remole       | Richardson  | Riddle         |
| Ross         | Rowden      | Rowland      | Schamhorst  | Schieber       |
| Shull        | Shumake     | Solon        | Sommer      | Stream         |
| Swan         | Thomson     | Torpey       | Walker      | Wieland        |
| Wilson       | Wood        | Zerr         | Mr. Speaker |                |

NOES: 045

|          |            |             |           |               |
|----------|------------|-------------|-----------|---------------|
| Anders   | Black      | Burns       | Butler    | Carpenter     |
| Curtis   | Dunn       | English     | Englund   | Frame         |
| Cardner  | Harris     | Hubbard     | Hummel    | Kelly 45      |
| Kirkton  | Kratky     | LaFaver     | Mayfield  | McCann Beatty |
| McDonald | McKenna    | McManus     | McNeil    | Meredith      |
| Mims     | Mitten     | Montecillo  | Morgan    | Newman        |
| Nichols  | Norr       | Otto        | Pace      | Peters        |
| Pierson  | Rizzo      | Runions     | Schieffer | Schupp        |
| Smith    | Swearingen | Walton Gray | Webber    | Wright        |

PRESENT: 000

ABSENT WITH LEAVE: 020

|         |        |           |            |           |
|---------|--------|-----------|------------|-----------|
| Brattin | Colona | Conway 10 | Conway 104 | Ellington |
| Elmer   | Engler | Grisamore | Guemsey    | Hinson    |
| Hodges  | Hough  | May       | Molendorp  | Redmon    |
| Rhoads  | Roorda | Schatz    | Spencer    | White     |

VACANCIES: 003

On motion of Representative Solon, **House Amendment No. 1 to House Amendment No. 17** was adopted.

AYES: 09

Allen  
Bernskoetter  
Conway  
Cross  
Dugger  
Fraker  
Gatschenberger  
Hansen  
Hurst  
Johns  
Koenig  
Lauer  
Marshall  
Moon  
Pfautsch  
Rehder  
Ross  
Shull  
Stream  
White

NOES: 045

Anders  
Dunn  
Gardner  
Kirkton  
McDonald  
Mims  
Nichols  
Pierson  
Swearingen

PRESENT: 000

ABSENT WITH LEAVE: 020

Brattin  
Engler  
Hodges  
Rhoads

VACANCIES: 003

was

Representative Berry moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

|                |           |              |            |             |
|----------------|-----------|--------------|------------|-------------|
| Allen          | Anderson  | Austin       | Bahr       | Barnes      |
| Bernskoetter   | Berry     | Brown        | Burlison   | Cierpiot    |
| Conway 104     | Cookson   | Cornejo      | Cox        | Crawford    |
| Cross          | Curtman   | Davis        | Diehl      | Dohrman     |
| Dugger         | Entlicher | Fitzpatrick  | Fitzwater  | Flanigan    |
| Fraker         | Franklin  | Frederick    | Funderburk | Cannon      |
| Gatschenberger | Gosen     | Haahr        | Haefner    | Hampton     |
| Hansen         | Higdon    | Hoskins      | Houghton   | Hurst       |
| Johnson        | Jones 50  | Justus       | Keeney     | Kelley 127  |
| Koenig         | Kolkmeyer | Korman       | Lair       | Lant        |
| Lauer          | Leara     | Lichtenegger | Love       | Lynch       |
| Marshall       | McCaherty | McCaugh      | Messenger  | Miller      |
| Moon           | Morris    | Muntzel      | Neely      | Neth        |
| Pfautsch       | Phillips  | Pike         | Pogue      | Redmon      |
| Rehder         | Reiboldt  | Remole       | Richardson | Riddle      |
| Ross           | Rowden    | Rowland      | Schamhorst | Schieber    |
| Shull          | Shumake   | Solon        | Sommer     | Spencer     |
| Stream         | Swan      | Thomson      | Torpey     | Walker      |
| White          | Wieland   | Wilson       | Zerr       | Mr. Speaker |

NOES: 044

|            |             |            |           |               |
|------------|-------------|------------|-----------|---------------|
| Anders     | Black       | Burns      | Carpenter | Curtis        |
| Dunn       | Ellington   | English    | Englund   | Frame         |
| Gardner    | Harris      | Hubbard    | Hummel    | Kelly 45      |
| Kirkton    | Kratky      | LaFaver    | Mayfield  | McCann Beatty |
| McDonald   | McKenna     | McManus    | McNeil    | Meredith      |
| Mims       | Mitten      | Montecillo | Morgan    | Newman        |
| Nichols    | Norr        | Otto       | Pace      | Peters        |
| Pierson    | Rizzo       | Runions    | Schieffer | Schupp        |
| Swearingen | Walton Gray | Webber     | Wright    |               |

PRESENT: 000

ABSENT WITH LEAVE: 020

|         |           |         |           |           |
|---------|-----------|---------|-----------|-----------|
| Brattin | Butler    | Colona  | Conway 10 | Elmer     |
| Engler  | Grisamore | Guemsey | Hicks     | Hinson    |
| Hodges  | Hough     | May     | Molendorp | Parkinson |
| Rhoads  | Roorda    | Schatz  | Smith     | Wood      |

VACANCIES: 003

On motion of Representative Hicks, **House Amendment No. 17, as amended,** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

|              |            |            |                |              |
|--------------|------------|------------|----------------|--------------|
| Allen        | Anderson   | Austin     | Barnes         | Bernskoetter |
| Berry        | Brown      | Burlison   | Cierpiot       | Conway 104   |
| Cookson      | Comejo     | Cox        | Crawford       | Cross        |
| Curtman      | Davis      | Diehl      | Dohrman        | Dugger       |
| Entlicher    | Fitzwater  | Flanigan   | Fraker         | Franklin     |
| Frederick    | Funderburk | Gannon     | Gatschenberger | Gosen        |
| Haahr        | Haefner    | Hampton    | Hansen         | Higdon       |
| Hoskins      | Houghton   | Hurst      | Johnson        | Jones 50     |
| Justus       | Keeney     | Kelley 127 | Koenig         | Kolkmeier    |
| Korman       | Lair       | Lant       | Lauer          | Leara        |
| Lichtenegger | Love       | Lynch      | Marshall       | McCaherty    |
| McCaugh      | Messenger  | Miller     | Moon           | Morris       |
| Muntzel      | Neely      | Neth       | Parkinson      | Pfausch      |
| Phillips     | Pike       | Pogue      | Redmon         | Rehder       |
| Reiboldt     | Remole     | Rhoads     | Richardson     | Riddle       |
| Ross         | Rowden     | Rowland    | Schamhorst     | Schatz       |
| Schieber     | Shull      | Shumake    | Solon          | Sommer       |
| Spencer      | Stream     | Swan       | Thomson        | Torpey       |
| Walker       | White      | Wieland    | Wilson         | Wood         |
| Mr. Speaker  |            |            |                |              |

NOES: 047

|           |               |          |            |             |
|-----------|---------------|----------|------------|-------------|
| Anders    | Black         | Burns    | Butler     | Carpenter   |
| Conway 10 | Curtis        | Dunn     | Ellington  | English     |
| Englund   | Frame         | Gardner  | Harris     | Hubbard     |
| Hummel    | Kelly 45      | Kirkton  | Kratky     | LaFaver     |
| Mayfield  | McCann Beatty | McDonald | McKenna    | McManus     |
| McNeil    | Meredith      | Mims     | Mitten     | Montecillo  |
| Morgan    | Newman        | Nichols  | Norr       | Otto        |
| Pace      | Peters        | Pierson  | Rizzo      | Runions     |
| Schieffer | Schupp        | Smith    | Swearingen | Walton Gray |
| Webber    | Wright        |          |            |             |

PRESENT: 000

ABSENT WITH LEAVE: 016

|             |           |         |           |        |
|-------------|-----------|---------|-----------|--------|
| Bahr        | Brattin   | Colona  | Elmer     | Engler |
| Fitzpatrick | Crisamore | Guemsey | Hicks     | Hinson |
| Hodges      | Hough     | May     | Molendorp | Roorda |
| Zerr        |           |         |           |        |

VACANCIES: 003

On motion of Representative Jones (50), HCS SCS SB 672, as amended, was adopted.

third

AYES: C

Allen  
Conway  
Davis  
Entlicher  
Frederick  
Guernsey  
Hicks  
Justus  
Lair  
Love  
Miller  
Neth  
Reiboldt  
Ross  
Schieffer  
Spencer  
Webber  
Wright

NOES

Anders  
Burlison  
Conway  
Ellington  
Cardn  
Johns  
LaFaver  
McKenna  
Mitte  
Norr  
Pierson  
Runions  
Walton Gray

PRESENT

ABSENT

Bahr  
Hodges  
Roorda

VACANCIES

On motion of Representative Jones (50), HCS SCS SB 672, as amended, was read the third time and passed by the following vote:

AYES: 088

|            |            |              |                |              |
|------------|------------|--------------|----------------|--------------|
| Allen      | Barnes     | Bernskoetter | Berry          | Cierpiot     |
| Conway 104 | Comejo     | Cox          | Crawford       | Cross        |
| Davis      | Diehl      | Dohrman      | Elmer          | Engler       |
| Entlicher  | Fitzwater  | Flanigan     | Fraker         | Franklin     |
| Frederick  | Funderburk | Gannon       | Gatschenberger | Gosen        |
| Guemsey    | Haahr      | Haefner      | Hampton        | Hansen       |
| Hicks      | Hoskins    | Houghton     | Hummel         | Jones 50     |
| Justus     | Kelley 127 | Kelly 45     | Kolkmeier      | Korman       |
| Lair       | Lant       | Lauer        | Leara          | Lichtenegger |
| Love       | Lynch      | McCaherty    | McCaugh        | Messenger    |
| Miller     | Montecillo | Morris       | Muntzel        | Neely        |
| Neth       | Pfautsch   | Phillips     | Pike           | Redmon       |
| Reiboldt   | Remole     | Rhoads       | Richardson     | Riddle       |
| Ross       | Rowden     | Rowland      | Scharmhorst    | Schatz       |
| Schieffer  | Shull      | Shumake      | Solon          | Sommer       |
| Spencer    | Stream     | Thomson      | Torpey         | Walker       |
| Webber     | White      | Wieland      | Wilson         | Wood         |
| Wright     | Zerr       | Mr. Speaker  |                |              |

NOES: 061

|             |          |          |               |            |
|-------------|----------|----------|---------------|------------|
| Anders      | Anderson | Austin   | Black         | Brown      |
| Burlison    | Burns    | Butler   | Carpenter     | Colona     |
| Conway 10   | Curtis   | Curtman  | Dugger        | Dunn       |
| Ellington   | English  | Englund  | Fitzpatrick   | Frame      |
| Gardner     | Harris   | Higdon   | Hubbard       | Hurst      |
| Johnson     | Keeney   | Kirkton  | Koenig        | Kratky     |
| LaFaver     | Marshall | Mayfield | McCann Beatty | McDonald   |
| McKenna     | McManus  | McNeil   | Meredith      | Mims       |
| Mitten      | Moon     | Morgan   | Newman        | Nichols    |
| Norr        | Otto     | Pace     | Parkinson     | Peters     |
| Pierson     | Pogue    | Rehder   | Rizzo         | Roorda     |
| Runions     | Schieber | Schupp   | Smith         | Swearingen |
| Walton Gray |          |          |               |            |

PRESENT: 000

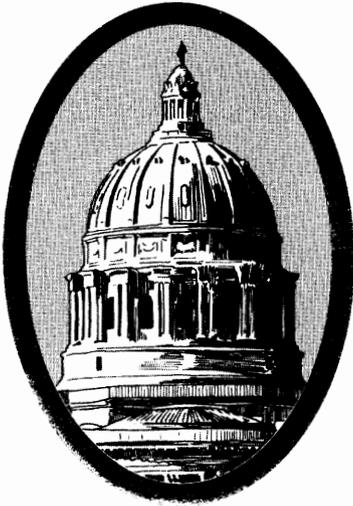
ABSENT WITH LEAVE: 010

|        |         |         |           |        |
|--------|---------|---------|-----------|--------|
| Bahr   | Brattin | Cookson | Grisamore | Hinson |
| Hodges | Hough   | May     | Molendorp | Swan   |

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

Speaker Jones resumed the Chair.



# STATE OF MISSOURI

Office of  
Secretary of State

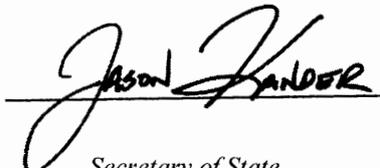
*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), Senate Journal, Volume III, pages 1502, 1511-1514.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 28<sup>th</sup> day of May, 2015.**



  
Secretary of State

# Journal of the Senate

SECOND REGULAR SESSION

---

SIXTY-SEVENTH DAY—TUESDAY, MAY 13, 2014

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be my strong rock, a castle to keep me safe, for you are my crag and my stronghold; for the sake of your name lead me and guide me."  
(Psalm 31:5)

Dear Lord, as we work through our final week we are grateful for Your presence in our lives and the time given to be faithful public servants. This week we have plenty to be accomplished and the stress is ever present. So bless us with Your grace to know that You are with us to do that which is needful and right to be done. Calm our minds so we deal fairly and dispassionately with each other so the best may be produced from our work together and the very best for the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from The Missouri Times and St. Louis Public Radio were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day's proceedings:

Present—Senators

|            |                 |            |        |         |             |        |           |
|------------|-----------------|------------|--------|---------|-------------|--------|-----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls  | Dempsey | Dixon       | Emery  | Holsman   |
| Justus     | Keaveny         | Kehoe      | Kraus  | Lager   | Lamping     | LeVota | Libla     |
| Munzlinger | Nasheed         | Nieves     | Parson | Pearce  | Richard     | Romine | Sater     |
| Schaaf     | Schaefer        | Schmitt    | Sifton | Silvey  | Wallingford | Walsh  | Wasson—32 |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 662

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 662, with House Amendment Nos. 1, 3, 4, 5, House Amendment Nos. 1 & 2 to House Amendment No. 6, House Amendment No. 6 as amended, House Substitute Amendment No. 1 to House Amendment No. 7, and House Amendment No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 662, as amended;
2. That the Senate recede from its position on Senate Bill No. 662;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 662 be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Will Kraus
- /s/ Brad Lager
- /s/ Wayne Wallingford
- /s/ Scott Sifton
- /s/ Paul LeVota

FOR THE HOUSE:

- /s/ Andrew Koenig
- /s/ Paul Curtman
- /s/ Jon Carpenter

Senator Kraus moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

|            |                 |            |        |         |             |        |           |
|------------|-----------------|------------|--------|---------|-------------|--------|-----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls  | Dempsey | Dixon       | Emery  | Holsman   |
| Justus     | Keaveny         | Kehoe      | Kraus  | Lager   | Lamping     | LeVota | Libla     |
| Munzlinger | Nasheed         | Nieves     | Parson | Pearce  | Richard     | Romine | Sater     |
| Schaaf     | Schaefer        | Schmitt    | Sifton | Silvey  | Wallingford | Walsh  | Wasson—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Kraus, CCS for HCS for SB 662, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 662

An Act to repeal sections 143.451, 144.021, and 144.080, RSMo, and to enact in lieu thereof four new

sections relatir

Was read t

YEAS—Senat

|            |   |
|------------|---|
| Brown      | C |
| Justus     | K |
| Munzlinger | N |
| Schaaf     | S |

NAYS—Sena

Absent—Sena

Absent with l

Vacancies—2

The Presic

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Senator K

Senator R

Senator P:

House on HC  
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House Amen  
leave to repo  
recommend t

1. That  
Substitute fo
2. That t
3. That th  
Committee S

sections relating to taxation, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

|            |                 |            |        |         |             |        |           |
|------------|-----------------|------------|--------|---------|-------------|--------|-----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls  | Dempsey | Dixon       | Emery  | Holsman   |
| Justus     | Keaveny         | Kehoe      | Kraus  | Lager   | Lamping     | LeVota | Libla     |
| Munzlinger | Nasheed         | Nieves     | Parson | Pearce  | Richard     | Romine | Sater     |
| Schaaf     | Schaefer        | Schmitt    | Sifton | Silvey  | Wallingford | Walsh  | Wasson—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

On motion of Senator Kraus, title to the bill was agreed to.

Senator Kraus moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Parson, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SCS for SB 672, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 672

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, House Amendment No. 1 to House Amendment No. 17, and House Amendment No. 17, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 672;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael L. Parson

/s/ Bob Dixon

FOR THE HOUSE:

/s/ Caleb Jones

/s/ Kevin Elmer

l No. 662, with  
t No. 6, House  
o. 7, and House  
es, have agreed

Bill No. 662, as

for Senate Bill

otion prevailed

Holsman  
Libla  
Sater  
Wasson—32

ereof four new

/s/ Gary Romine

/s/ Jeremy LaFaver

/s/ Jolie Justus

/s/ Joseph P. Keaveny

Senator Parson moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

|         |                 |             |        |           |            |          |         |
|---------|-----------------|-------------|--------|-----------|------------|----------|---------|
| Brown   | Chappelle-Nadal | Cunningham  | Curls  | Dempsey   | Dixon      | Holsman  | Justus  |
| Keaveny | Kehoe           | Lager       | LeVota | Libla     | Munzlinger | Nasheed  | Nieves  |
| Parson  | Pearce          | Richard     | Romine | Sater     | Schaaf     | Schaefer | Schmitt |
| Sifton  | Silvey          | Wallingford | Walsh  | Wasson—29 |            |          |         |

NAYS—Senators

|       |       |           |
|-------|-------|-----------|
| Emery | Kraus | Lamping—3 |
|-------|-------|-----------|

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Parson, **CCS No. 2 for HCS for SCS for SB 672**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 672

An Act to repeal sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 67.281, 67.320, 79.130, 94.270, 182.802, 192.310, 304.190, 321.322, 339.507, 348.407, 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, RSMo, and to enact in lieu thereof thirty-three new sections relating to political subdivisions, with an existing penalty provision, and an effective date for certain sections

Was read the 3rd time and passed by the following vote:

YEAS—Senators

|         |                 |             |        |           |            |          |         |
|---------|-----------------|-------------|--------|-----------|------------|----------|---------|
| Brown   | Chappelle-Nadal | Cunningham  | Curls  | Dempsey   | Dixon      | Holsman  | Justus  |
| Keaveny | Kehoe           | Lager       | LeVota | Libla     | Munzlinger | Nasheed  | Nieves  |
| Parson  | Pearce          | Richard     | Romine | Sater     | Schaaf     | Schaefer | Schmitt |
| Sifton  | Silvey          | Wallingford | Walsh  | Wasson—29 |            |          |         |

NAYS—Senators

|       |       |           |
|-------|-------|-----------|
| Emery | Kraus | Lamping—3 |
|-------|-------|-----------|

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Presider  
On motion o  
Senator Pars  
Senator Rich  
Senator Pea  
request the Ho  
which motion p  
Senator Sch  
House on SCS  
committee repc

The Confere  
House Amend  
differences, ha

1. That the amended;
2. That th
3. That th  
No. 612 be Th

Senator S  
by the follow

YEAS—Se  
Brown  
Justus  
Munzlinger  
Schaaf

NAYS—S

Absent—S

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce moved that the Senate refuse to concur in HCS for SCS for SB 492, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schaaf, on behalf of the conference committee appointed to act with a like committee from the House on SCS for SB 612, with HA 1, HA 2, HA 3, HA 4 and HA 5, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 612

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 612, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 612, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 612;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 612 be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Rob Schaaf
- /s/ Will Kraus
- /s/ John Lamping
- /s/ Scott Sifton
- /s/ Paul LeVota

FOR THE HOUSE:

- /s/ Denny Hoskins
- /s/ Rocky Miller
- Randy Dunn

Senator Schaaf moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

|            |                 |            |        |         |             |        |           |
|------------|-----------------|------------|--------|---------|-------------|--------|-----------|
| Brown      | Chappelle-Nadal | Cunningham | Curls  | Dempsey | Dixon       | Emery  | Holsman   |
| Justus     | Keaveny         | Kehoe      | Kraus  | Lager   | Lamping     | LeVota | Libla     |
| Munzlinger | Nasheed         | Nieves     | Parson | Pearce  | Richard     | Romine | Sater     |
| Schaaf     | Schaefer        | Schmitt    | Sifton | Silvey  | Wallingford | Walsh  | Wasson—32 |

NAYS—Senators—None

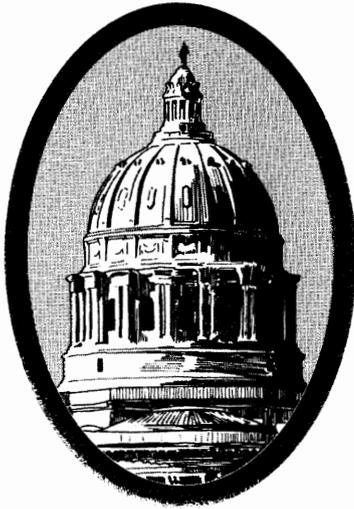
Absent—Senators—None

, which motion

in Justus  
d Nieves  
er Schmitt

7.320, 79.130.  
.040, 525.070.  
ons relating to  
ertain sections

an Justus  
ed Nieves  
er Schmitt



# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), House Journal, Volume III, pages 2080, 2153, 2154.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 28<sup>th</sup> day of May, 2015.**



  
Secretary of State

# JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

SEVENTIETH DAY, FRIDAY, MAY 16, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

*What is impossible with people is possible with God. (Luke 18:27)*

O God of Life and Love, by whose creative Spirit we have the gift of this final day of our legislative session and whose sustaining presence we are given strength for these last hectic hours, we pause in silence before You as the pressure of persistent duties lays its demanding hands upon us once more.

We yield our lives to You and go forth into this last day strengthened with Your unfailing Spirit in our hearts and sustained by an unflinching trust in the wisdom of Your ways. In these long and trying few hours give us the courage that never fails, the faith that never falters, and the hope that never fades.

Upon our Speaker, the members of this body, the leaders of our political parties, upon all who make decisions which determine our destiny, grant wisdom that they may be wise, strength that they may be made strong, and love that they may be filled with compassion. Together may we meet the issues of this last full day with honor to ourselves, to our great state, and to You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Clark James Cornejo and Justin Alferman.

The Journal of the sixty-ninth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3333 through House Resolution No. 3362

**CCR#2 HCS SCS SB 672, as amended**, relating to political subdivisions, was taken up by Representative Jones (50).

On motion of Representative Jones (50), **CCR#2 HCS SCS SB 672, as amended**, was adopted by the following vote:

A YES: 098

|           |            |             |                |            |
|-----------|------------|-------------|----------------|------------|
| Allen     | Austin     | Barnes      | Bernskoetter   | Berry      |
| Black     | Brown      | Burns       | Carpenter      | Cierpiot   |
| Conway 10 | Cookson    | Cornejo     | Cox            | Crawford   |
| Curtis    | Davis      | Diehl       | Dohrman        | Elmer      |
| Engler    | Entlicher  | Fitzwater   | Fraker         | Franklin   |
| Frederick | Funderburk | Gannon      | Gatschenberger | Gosen      |
| Guemsey   | Haahr      | Haefner     | Hampton        | Hansen     |
| Harris    | Hicks      | Higdon      | Hoskins        | Houghton   |
| Hubbard   | Hummel     | Jones 50    | Justus         | Kelley 127 |
| Kirkton   | Kolkmeier  | Korman      | Kratky         | LaFaver    |
| Lair      | Lant       | Leara       | Lichtenegger   | Love       |
| Lynch     | McCaherty  | McDonald    | McCaugh        | Messenger  |
| Miller    | Molendorp  | Morgan      | Morris         | Muntzel    |
| Neely     | Neth       | Otto        | Parkinson      | Peters     |
| Phillips  | Redmon     | Reiboldt    | Rhoads         | Richardson |
| Riddle    | Roorda     | Rowden      | Rowland        | Schamhorst |
| Schatz    | Schieffer  | Shull       | Shumake        | Solon      |
| Sommer    | Spencer    | Stream      | Swan           | Thomson    |
| Torpey    | Walker     | Webber      | White          | Wieland    |
| Wilson    | Wood       | Mr. Speaker |                |            |

NOES: 040

|            |             |          |             |               |
|------------|-------------|----------|-------------|---------------|
| Anders     | Anderson    | Bahr     | Burlison    | Butler        |
| Colona     | Curtman     | Dugger   | Ellington   | English       |
| Englund    | Fitzpatrick | Frame    | Hurst       | Johnson       |
| Keeney     | Koenig      | Marshall | Mayfield    | McCann Beatty |
| McKenna    | McNeil      | Meredith | Mims        | Mitten        |
| Montecillo | Moon        | Nichols  | Norr        | Pace          |
| Pierson    | Pogue       | Rehder   | Rizzo       | Ross          |
| Runions    | Schieber    | Schupp   | Walton Gray | Wright        |

PRESENT: 000

ABSENT WITH LEAVE: 021

|          |            |        |         |            |
|----------|------------|--------|---------|------------|
| Brattin  | Conway 104 | Cross  | Dunn    | Flanigan   |
| Gardner  | Grisamore  | Hinson | Hodges  | Hough      |
| Kelly 45 | Lauer      | May    | McManus | Newman     |
| Pfautsch | Pike       | Remole | Smith   | Swearingen |
| Zerr     |            |        |         |            |

VACANCIES: 004

finally

A YES: 09

Allen  
Black  
Colona  
Crawford  
Elmer  
Franklin  
Gosen  
Hansen  
Houghtor  
Kelley 127  
LaFaver  
Love  
Messeng  
Muntzel  
Peters  
Rhoads  
Rowland  
Solon  
Torpey  
Wilson

NOES: 043

Anders  
Cookson  
Englund  
Johnson  
Mayfield  
Meredith  
Nichols  
Rehder  
Schupp

PRESENT:

ABSENT \

Brattin  
Grisamore  
Newman  
Spencer

VACANCE

On motion of Representative Jones (50), CCS#2 HCS SCS SB 672 was truly agreed to and finally passed by the following vote:

AYES: 098

|            |            |             |              |                |
|------------|------------|-------------|--------------|----------------|
| Allen      | Austin     | Barnes      | Bernskoetter | Berry          |
| Black      | Brown      | Burns       | Carpenter    | Cierpiot       |
| Colona     | Conway 10  | Conway 104  | Cornejo      | Cox            |
| Crawford   | Curtis     | Davis       | Diehl        | Dohrman        |
| Elmer      | Engler     | Entlicher   | Fitzwater    | Fraker         |
| Franklin   | Frederick  | Funderburk  | Gannon       | Gatschenberger |
| Gosen      | Guemsey    | Haahr       | Haefner      | Hampton        |
| Hansen     | Higdon     | Hinson      | Hoskins      | Hough          |
| Houghton   | Hubbard    | Hummel      | Jones 50     | Justus         |
| Kelley 127 | Kelly 45   | Kirkton     | Kolkmeier    | Korman         |
| LaFaver    | Lair       | Lant        | Leara        | Lichtenegger   |
| Love       | Lynch      | May         | McCaherty    | McCaugh        |
| Messenger  | Miller     | Molendorp   | Morgan       | Morris         |
| Muntzel    | Neely      | Neth        | Otto         | Parkinson      |
| Peters     | Phillips   | Redmon      | Reiboldt     | Remole         |
| Rhoads     | Richardson | Riddle      | Roorda       | Rowden         |
| Rowland    | Schamhorst | Schieffer   | Shull        | Shumake        |
| Solon      | Sommer     | Swan        | Swearingen   | Thomson        |
| Torpey     | Walker     | Webber      | White        | Wieland        |
| Wilson     | Wood       | Mr. Speaker |              |                |

NOES: 043

|          |               |          |            |          |
|----------|---------------|----------|------------|----------|
| Anders   | Anderson      | Bahr     | Burlison   | Butler   |
| Cookson  | Curtman       | Dugger   | Ellington  | English  |
| Englund  | Fitzpatrick   | Frame    | Harris     | Hurst    |
| Johnson  | Keeney        | Koenig   | Kratky     | Marshall |
| Mayfield | McCann Beatty | McDonald | McKenna    | McNeil   |
| Meredith | Mims          | Mitten   | Montecillo | Moon     |
| Nichols  | Norr          | Pace     | Pierson    | Pogue    |
| Rehder   | Rizzo         | Ross     | Runions    | Schieber |
| Schupp   | Walton Gray   | Wright   |            |          |

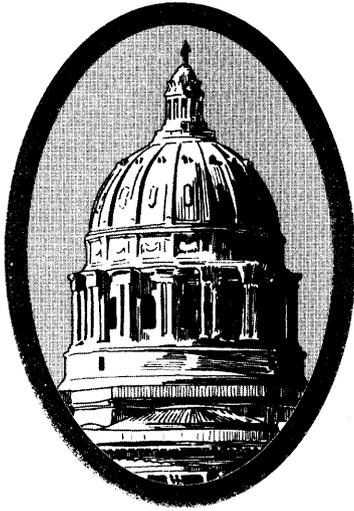
PRESENT: 000

ABSENT WITH LEAVE: 018

|           |          |        |          |         |
|-----------|----------|--------|----------|---------|
| Brattin   | Cross    | Dunn   | Flanigan | Gardner |
| Grisamore | Hicks    | Hodges | Lauer    | McManus |
| Newman    | Pfautsch | Pike   | Schatz   | Smith   |
| Spencer   | Stream   | Zerr   |          |         |

VACANCIES: 004

Representative Keeney declared the bill passed.



# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**97<sup>th</sup> General Assembly, 2<sup>nd</sup> Regular Session (2014), Truly Agreed To And Finally Passed CCS No. 2 for HCS for SCS for Senate Bill No. 672.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 28<sup>th</sup> day of May, 2015.**



  
Secretary of State

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 672

97TH GENERAL ASSEMBLY

2014

5090S.08T

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## AN ACT

To repeal sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 67.281, 67.320, 79.130, 94.270, 182.802, 192.310, 304.190, 321.322, 339.507, 348.407, 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, RSMo, and to enact in lieu thereof thirty-three new sections relating to political subdivisions, with an existing penalty provision, and an effective date for certain sections.

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

Section A. Sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 67.281, 2 67.320, 79.130, 94.270, 182.802, 192.310, 304.190, 321.322, 339.507, 348.407, 3 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, RSMo, are 4 repealed and thirty-three new sections enacted in lieu thereof, to be known as 5 sections 49.266, 56.067, 56.265, 56.363, 56.807, 56.816, 57.095, 67.281, 67.320, 6 79.130, 79.135, 94.270, 105.1415, 135.980, 182.802, 190.088, 192.310, 249.424, 7 262.960, 262.962, 304.190, 321.322, 339.507, 339.531, 348.407, 407.1610, 408.040, 8 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310, to read as follows:

49.266. 1. The county commission in all **noncharter** counties [of the 2 first, second or fourth classification] may by order or ordinance promulgate 3 reasonable regulations concerning the use of county property, the hours, 4 conditions, methods and manner of such use and the regulation of pedestrian and 5 vehicular traffic and parking thereon.

6 2. Violation of any regulation so adopted under subsection 1 of this section 7 is an infraction.

8 3. Upon a determination by the state fire marshal that a burn ban order

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

9 is appropriate for a county because:

10 (1) An actual or impending occurrence of a natural disaster of major  
11 proportions within the county jeopardizes the safety and welfare of the  
12 inhabitants of such county; and

13 (2) The U.S. Drought Monitor has designated the county as an area of  
14 severe, extreme, or exceptional drought, the county commission may adopt an  
15 order or ordinance issuing a burn ban, which may carry a penalty of up to a class  
16 A misdemeanor. State agencies responsible for fire management or suppression  
17 activities and persons conducting agricultural burning using best management  
18 practices shall not be subject to the provisions of this subsection. The ability of  
19 an individual, organization, or corporation to sell fireworks shall not be affected  
20 by the issuance of a burn ban. The county burn ban may prohibit the explosion  
21 or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are  
22 defined by the 2012 edition of the American Fireworks Standards Laboratory, but  
23 shall not ban the explosion or ignition of any other consumer fireworks as the  
24 term "consumer fireworks" is defined under section 320.106.

25 4. The regulations so adopted shall be codified, printed and made  
26 available for public use and adequate signs concerning smoking, traffic and  
27 parking regulations shall be posted.

56.067. In counties of the first classification not having a charter form of  
2 government[,] and **other** counties in which [have passed the proposition  
3 authorized by section 56.363] **the prosecuting attorney is a full-time**  
4 **position**, the prosecuting attorney, except in the performance of special  
5 prosecutions or otherwise representing the state or its political subdivisions, shall  
6 devote full time to his office, and shall not engage in the practice of law.

56.265. 1. The county prosecuting attorney in any county, other than in  
2 a chartered county, shall receive an annual salary computed using the following  
3 schedule, when applicable. The assessed valuation factor shall be the amount  
4 thereof as shown for the year immediately preceding the year for which the  
5 computation is done.

6 (1) For a full-time prosecutor the prosecutor shall receive compensation  
7 equal to the compensation of an associate circuit judge;

8 (2) For a part-time prosecutor:

|    | Assessed Valuation          | Amount   |
|----|-----------------------------|----------|
| 10 | \$ 18,000,000 to 40,999,999 | \$37,000 |
| 11 | 41,000,000 to 53,999,999    | 38,000   |

|    |                            |        |
|----|----------------------------|--------|
| 12 | 54,000,000 to 65,999,999   | 39,000 |
| 13 | 66,000,000 to 85,999,999   | 41,000 |
| 14 | 86,000,000 to 99,999,999   | 43,000 |
| 15 | 100,000,000 to 130,999,999 | 45,000 |
| 16 | 131,000,000 to 159,999,999 | 47,000 |
| 17 | 160,000,000 to 189,999,999 | 49,000 |
| 18 | 190,000,000 to 249,999,999 | 51,000 |
| 19 | 250,000,000 to 299,999,999 | 53,000 |
| 20 | 300,000,000 or more        | 55,000 |

21           2. Two thousand dollars of the salary authorized in this section shall be  
 22 payable to the prosecuting attorney only if the prosecuting attorney has  
 23 completed at least twenty hours of classroom instruction each calendar year  
 24 relating to the operations of the prosecuting attorney's office when approved by  
 25 a professional association of the county prosecuting attorneys of Missouri unless  
 26 exempted from the training by the professional association. The professional  
 27 association approving the program shall provide a certificate of completion to  
 28 each prosecuting attorney who completes the training program and shall send a  
 29 list of certified prosecuting attorneys to the treasurer of each county. Expenses  
 30 incurred for attending the training session may be reimbursed to the county  
 31 prosecuting attorney in the same manner as other expenses as may be  
 32 appropriated for that purpose.

33           3. As used in this section, the term "prosecuting attorney" includes the  
 34 circuit attorney of any city not within a county.

35           4. The prosecuting attorney of any county which becomes a county of the  
 36 first classification during a four-year term of office or a county which passed the  
 37 proposition authorized by **subsection 1 of section 56.363** shall not be required  
 38 to devote full time to such office pursuant to section 56.067 until the beginning  
 39 of the prosecuting attorney's next term of office or until the proposition otherwise  
 40 becomes effective.

41           5. The provisions of section 56.066 shall not apply to full-time prosecutors  
 42 who are compensated pursuant to subdivision (1) of subsection 1 of this section.

56.363. 1. The county commission of any county may on its own motion  
 2 and shall upon the petition of ten percent of the total number of people who voted  
 3 in the previous general election in the county submit to the voters at a general  
 4 or special election the proposition of making the county prosecutor a full-time  
 5 position. The commission shall cause notice of the election to be published in a

6 newspaper published within the county, or if no newspaper is published within  
7 the county, in a newspaper published in an adjoining county, for three weeks  
8 consecutively, the last insertion of which shall be at least ten days and not more  
9 than thirty days before the day of the election, and by posting printed notices  
10 thereof at three of the most public places in each township in the county. The  
11 proposition shall be put before the voters substantially in the following form:

12           Shall the office of prosecuting attorney be made a full-time position in  
13 ..... County?

14                                    YES                                    NO

15 If a majority of the voters voting on the proposition vote in favor of making the  
16 county prosecutor a full-time position, it shall become effective upon the date that  
17 the prosecutor who is elected at the next election subsequent to the passage of  
18 such proposal is sworn into office.

19           2. The provisions of subsection 1 of this section notwithstanding, in any  
20 county where the proposition of making the county prosecutor a full-time position  
21 was submitted to the voters at a general election in 1998 and where a majority  
22 of the voters voting on the proposition voted in favor of making the county  
23 prosecutor a full-time position, the proposition shall become effective on May 1,  
24 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,  
25 under the provisions of this subsection shall have the additional duty of providing  
26 not less than three hours of continuing education to peace officers in the county  
27 served by the prosecuting attorney in each year of the term beginning January  
28 1, 1999.

29           3. In counties that, prior to August 28, 2001, have elected pursuant to this  
30 section to make the position of prosecuting attorney a full-time position, the  
31 county commission may at any time elect to have that position also qualify for the  
32 retirement benefit available for a full-time prosecutor of a county of the first  
33 classification. Such election shall be made by a majority vote of the county  
34 commission and once made shall be irrevocable, **unless the voters of the**  
35 **county elect to change the position of prosecuting attorney back to a**  
36 **part-time position under subsection 4 of this section.** When such an  
37 election is made, the results shall be transmitted to the Missouri prosecuting  
38 attorneys and circuit attorneys' retirement system fund, and the election shall be  
39 effective on the first day of January following such election. Such election shall  
40 also obligate the county to pay into the Missouri prosecuting attorneys and circuit  
41 attorneys' system retirement fund the same retirement contributions for full-time

42 prosecutors as are paid by counties of the first classification.

43       **4. In any county of the third classification without a township**  
44 **form of government and with more than twelve thousand but fewer**  
45 **than fourteen thousand inhabitants and with a city of the fourth**  
46 **classification with more than one thousand seven hundred but fewer**  
47 **than one thousand nine hundred inhabitants as the county seat that has**  
48 **elected to make the county prosecutor a full-time position under this**  
49 **section after the effective date of this act, the county commission may**  
50 **on its own motion and shall upon the petition of ten percent of the total**  
51 **number of people who voted in the previous general election in the**  
52 **county submit to the voters at a general or special election the**  
53 **proposition of changing the full-time prosecutor position to a part-time**  
54 **position. The commission shall cause notice of the election to be**  
55 **published in a newspaper published within the county, or if no**  
56 **newspaper is published within the county, in a newspaper published in**  
57 **an adjoining county, for three weeks consecutively, the last insertion**  
58 **of which shall be at least ten days and not more than thirty days before**  
59 **the day of the election, and by posting printed notices thereof at three**  
60 **of the most public places in each township in the county. The**  
61 **proposition shall be put before the voters substantially in the following**  
62 **form:**

63       **Shall the office of prosecuting attorney be made a part-time**  
64 **position in ..... County?**

65                    **YES**                                    **NO**

66 **If a majority of the voters vote in favor of making the county**  
67 **prosecutor a part-time position, it shall become effective upon the date**  
68 **that the prosecutor who is elected at the next election subsequent to**  
69 **the passage of such proposal is sworn into office.**

70       **5. In any county that has elected to make the full-time position**  
71 **of county prosecutor a part-time position under subsection 4 of this**  
72 **section, the county's retirement contribution to the retirement system**  
73 **and the retirement benefit earned by the member shall prospectively**  
74 **be that of a part-time prosecutor as established in this chapter. Any**  
75 **retirement contribution made and retirement benefit earned prior to**  
76 **the effective date of the voter approved proposition under subsection**  
77 **4 of this section shall be maintained by the retirement system and used**

78 to calculate the retirement benefit for such prior full-time position  
79 service. Under no circumstances shall a member in a part-time  
80 prosecutor position earn full-time position retirement benefit service  
81 accruals for time periods after the effective date of the proposition  
82 changing the county prosecutor back to a part-time position.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter  
2 until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys  
3 provided for in subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until  
5 August 27, 2003, each county treasurer shall pay to the system the following  
6 amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided  
8 in subdivision (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars  
10 and sixty-seven cents;

11 (3) For counties of the first classification, **and, except as otherwise**  
12 **provided under section 56.363**, counties which pursuant to section 56.363  
13 elect to make the position of prosecuting attorney a full-time position after  
14 August 28, 2001, or whose county commission has elected a full-time retirement  
15 benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one  
16 thousand two hundred ninety-one dollars and sixty-seven cents.

17 3. Beginning August 28, 1989, and continuing until August 27, 2003, the  
18 county treasurer shall at least monthly transmit the sums specified in subsection  
19 2 of this section to the Missouri office of prosecution services for deposit to the  
20 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement  
21 System Fund", which is hereby created. All moneys held by the state treasurer  
22 on behalf of the system shall be paid to the system within ninety days after  
23 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit  
24 attorneys' retirement system fund shall be used only for the purposes provided  
25 in sections 56.800 to 56.840 and for no other purpose.

26 4. Beginning August 28, 2003, the funds for prosecuting attorneys and  
27 circuit attorneys provided for in this section shall be paid from county or city  
28 funds and the surcharge established in this section and collected as provided by  
29 this section and sections 488.010 to 488.020.

30 5. Beginning August 28, 2003, each county treasurer shall pay to the  
31 system the following amounts to be drawn from the general revenues of the

32 county:

33 (1) For counties of the third and fourth classification except as provided  
34 in subdivision (3) of this subsection, one hundred eighty-seven dollars;

35 (2) For counties of the second classification, two hundred seventy-one  
36 dollars;

37 (3) For counties of the first classification, counties which pursuant to  
38 section 56.363 elect to make the position of prosecuting attorney a full-time  
39 position after August 28, 2001, or whose county commission has elected a  
40 full-time retirement benefit pursuant to subsection 3 of section 56.363, and the  
41 city of St. Louis, six hundred forty-six dollars.

42 6. Beginning August 28, 2003, the county treasurer shall at least monthly  
43 transmit the sums specified in subsection 5 of this section to the Missouri office  
44 of prosecution services for deposit to the credit of the Missouri prosecuting  
45 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri  
46 prosecuting attorneys and circuit attorneys' retirement system fund shall be used  
47 only for the purposes provided in sections 56.800 to 56.840, and for no other  
48 purpose.

49 7. Beginning August 28, 2003, the following surcharge for prosecuting  
50 attorneys and circuit attorneys shall be collected and paid as follows:

51 (1) There shall be assessed and collected a surcharge of four dollars in all  
52 criminal cases filed in the courts of this state including violation of any county  
53 ordinance or any violation of criminal or traffic laws of this state, including  
54 infractions, but no such surcharge shall be assessed when the costs are waived  
55 or are to be paid by the state, county, or municipality or when a criminal  
56 proceeding or the defendant has been dismissed by the court or against any  
57 person who has pled guilty and paid their fine pursuant to subsection 4 of section  
58 476.385. For purposes of this section, the term "county ordinance" shall include  
59 any ordinance of the city of St. Louis;

60 (2) The clerk responsible for collecting court costs in criminal cases shall  
61 collect and disburse such amounts as provided by sections 488.010 to  
62 488.026. Such funds shall be payable to the prosecuting attorneys and circuit  
63 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and  
64 circuit attorneys' retirement fund shall be used only for the purposes provided for  
65 in sections 56.800 to 56.840 and for no other purpose.

66 8. The board may accept gifts, donations, grants and bequests from  
67 private or public sources to the Missouri prosecuting attorneys and circuit

68 attorneys' retirement system fund.

69 9. No state moneys shall be used to fund section 56.700 and sections  
70 56.800 to 56.840 unless provided for by law:

56.816. 1. The normal annuity of a retired member who served as  
2 prosecuting attorney of a county of the third or fourth class shall, except as  
3 provided in subsection 3 of this section, be equal to:

4 (1) Any member who has served twelve or more years as a prosecuting  
5 attorney and who meets the conditions of retirement at or after the member's  
6 normal retirement age shall be entitled to a normal annuity in a monthly amount  
7 equal to one hundred five dollars multiplied by the number of two-year periods  
8 and partial two-year periods served as a prosecuting attorney;

9 (2) Any member who has served twenty or more years as a prosecuting  
10 attorney and who meets the conditions of retirement at or after the member's  
11 normal retirement age shall be entitled to a normal annuity in a monthly amount  
12 equal to one hundred thirty dollars multiplied by the number of two-year periods  
13 and partial two-year periods as a prosecuting attorney.

14 2. The normal annuity of a retired member who served as prosecuting  
15 attorney of a first or second class county or as circuit attorney of a city not within  
16 a county shall be equal to fifty percent of the final average compensation.

17 3. **Except as otherwise provided under section 56.363**, the normal  
18 annuity of a retired member who served as a prosecuting attorney of a county  
19 which after August 28, 2001, elected to make the position of prosecuting attorney  
20 full time pursuant to section 56.363 shall be equal to fifty percent of the final  
21 average compensation.

22 4. The actuarial present value of a retired member's benefits shall be  
23 placed in a reserve account designated as a "Retired Lives Reserve". The value  
24 of the retired lives reserve shall be increased by the actuarial present value of  
25 retiring members' benefits, and by the interest earning of the total fund on a pro  
26 rata basis and it shall be decreased by payments to retired members and their  
27 survivors. Each year the actuary shall compare the actuarial present value of  
28 retired members' benefits with the retired lives reserve. If the value of the  
29 retired lives reserve plus one year's interest at the assumed rate of interest  
30 exceeds the actuarial present value of retired lives, then distribution of this  
31 excess may be made equally to all retired members, or their eligible  
32 survivors. The distribution may be in a single sum or in monthly payments at  
33 the discretion of the board on the advice of the actuary.

57.095. Notwithstanding the provisions of section 537.600 to the  
2 contrary, sheriffs or any other law enforcement officers shall have  
3 immunity from any liability, civil or criminal, while conducting service  
4 of process at the direction of any court to the extent that the officers'  
5 actions do not violate clearly established statutory or constitutional  
6 rights of which a reasonable person would have known.

67.281. 1. A builder of one- or two-family dwellings or townhouses shall  
2 offer to any purchaser on or before the time of entering into the purchase contract  
3 the option, at the purchaser's cost, to install or equip fire sprinklers in the  
4 dwelling or townhouse. Notwithstanding any other provision of law to the  
5 contrary, no purchaser of such a one- or two-family dwelling or townhouse shall  
6 be denied the right to choose or decline to install a fire sprinkler system in such  
7 dwelling or townhouse being purchased by any code, ordinance, rule, regulation,  
8 order, or resolution by any county or other political subdivision. Any county or  
9 other political subdivision shall provide in any such code, ordinance, rule,  
10 regulation, order, or resolution the mandatory option for purchasers to have the  
11 right to choose and the requirement that builders offer to purchasers the option  
12 to purchase fire sprinklers in connection with the purchase of any one- or  
13 two-family dwelling or townhouse. The provisions of this section shall expire on  
14 December 31, [2019] 2024.

15 2. Any governing body of any political subdivision that adopts the 2009  
16 International Residential Code for One- and Two-Family Dwellings or a  
17 subsequent edition of such code without mandated automatic fire sprinkler  
18 systems in Section R313 of such code shall retain the language in section R317  
19 of the 2006 International Residential Code for two-family dwellings (R317.1) and  
20 townhouses (R317.2).

67.320. 1. Any county [of the first classification with more than one  
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand  
3 two hundred] **with a charter form of government and with more than two**  
4 **hundred thousand but fewer than three hundred fifty thousand**  
5 inhabitants or any county of the first classification with more than one hundred  
6 one thousand but fewer than one hundred fifteen thousand inhabitants may  
7 prosecute and punish violations of its county orders in the circuit court of such  
8 counties in the manner and to the extent herein provided or in a county  
9 municipal court if creation of a county municipal court is approved by order of the  
10 county commission. The county may adopt orders with penal provisions

11 consistent with state law, but only in the areas of traffic violations, solid waste  
12 management, county building codes, on-site sewer treatment, zoning orders, and  
13 animal control. Any county municipal court established pursuant to the  
14 provisions of this section shall have jurisdiction over violations of that county's  
15 orders and the ordinances of municipalities with which the county has a contract  
16 to prosecute and punish violations of municipal ordinances of the municipality.

17       2. Except as provided in subsection 5 of this section in any county which  
18 has elected to establish a county municipal court pursuant to this section, the  
19 judges for such court shall be appointed by the county commission of such county,  
20 subject to confirmation by the legislative body of such county in the same manner  
21 as confirmation for other county appointed officers. The number of judges  
22 appointed, and qualifications for their appointment, shall be established by order  
23 of the commission.

24       3. The practice and procedure of each prosecution shall be conducted in  
25 compliance with all of the terms and provisions of sections 66.010 to 66.140,  
26 except as provided for in this section.

27       4. Any use of the term ordinance in sections 66.010 to 66.140 shall be  
28 synonymous with the term order for purposes of this section.

29       5. In any county of the first classification with more than one hundred one  
30 thousand but fewer than one hundred fifteen thousand inhabitants, the first  
31 judges shall be appointed by the county commission for a term of four years, and  
32 thereafter the judges shall be elected for a term of four years. The number of  
33 judges appointed, and qualifications for their appointment, shall be established  
34 by order of the commission.

79.130. 1. The style of the ordinances of the city shall be: "Be it ordained  
2 by the board of aldermen of the city of ....., as follows:" No ordinance shall be  
3 passed except by bill, and no bill shall become an ordinance unless on its final  
4 passage a majority of the members elected to the board of aldermen shall vote for  
5 it, and the ayes and nays be entered on the journal. Every proposed ordinance  
6 shall be introduced to the board of aldermen in writing and shall be read by title  
7 or in full two times prior to passage, both readings may occur at a single meeting  
8 of the board of aldermen. If the proposed ordinance is read by title only, copies  
9 of the proposed ordinance shall be made available for public inspection prior to  
10 the time the bill is under consideration by the board of aldermen. No bill shall  
11 become an ordinance until it shall have been signed by the mayor or person  
12 exercising the duties of the mayor's office, or shall have been passed over the

13 mayor's veto, as herein provided.

14           **2. The provisions of this section shall not apply to ordinances**  
15 **proposed or passed under section 79.135.**

**79.135. 1. In any city of the fourth classification with more than**  
2 **five thousand but fewer than six thousand inhabitants and located in**  
3 **any county of the third classification without a township form of**  
4 **government and with more than sixteen thousand but fewer than**  
5 **eighteen thousand inhabitants, a proposed ordinance may be submitted**  
6 **to the board of aldermen by petition signed by at least ten percent of**  
7 **the registered voters voting for mayor at the last municipal**  
8 **election. The petition shall contain, in addition to the requisite number**  
9 **of valid signatures, the full text of the ordinance sought to be passed**  
10 **and a request that the ordinance be submitted to a vote of the people**  
11 **if not passed by the board of aldermen.**

12           **2. The signatures to the petition need not all be appended to one**  
13 **paper, but each signer shall add to his or her signature his or her place**  
14 **of residence, giving the street and number. One of the signers of each**  
15 **such paper shall make oath before an officer competent to administer**  
16 **oaths that the statements therein made are true as he or she believes**  
17 **and that each signature to the paper appended is the genuine signature**  
18 **of the person whose name it purports to be.**

19           **3. Within ten days from the date of filing such petition, the city**  
20 **clerk shall examine and ascertain whether the petition is signed by the**  
21 **requisite number of voters, and, if necessary, the board of aldermen**  
22 **shall allow the clerk extra help for such purpose. The clerk shall**  
23 **attach a certificate of examination to the petition. If by the clerk's**  
24 **certificate the petition is shown to be insufficient, the petition may be**  
25 **amended within ten days from the date of the issuance of the clerk's**  
26 **certificate. The clerk shall, within ten days after such amendment,**  
27 **make like examination of the amended petition. If the second**  
28 **certificate shows the petition to be insufficient, the petition shall be**  
29 **returned to the person filing it, without prejudice to the filing of a new**  
30 **petition to the same effect. If the petition is deemed to be sufficient,**  
31 **the clerk shall submit it to the board of aldermen without delay.**

32           **4. Upon receipt of the petition and certificate from the clerk, the**  
33 **board of aldermen shall either:**

34           **(1) Pass said ordinance without alteration within twenty days**

35 after attachment of the clerk's certificate to the accompanying petition;  
36 or

37 (2) Submit the question without alteration to the voters at the  
38 next municipal election, or, if the petition has been signed by twenty-  
39 five percent or more of the registered voters voting for mayor at the  
40 last municipal election, the board of aldermen shall immediately submit  
41 the question without alteration to the voters of the city.

42 5. The question shall be submitted in substantially the following  
43 form:

44 Shall the following ordinance be (adopted) (repealed)? (Set  
45 out ordinance)

46 6. If a majority of the voters vote in favor thereof, such  
47 ordinance shall thereupon become a valid and binding ordinance of the  
48 city.

49 7. Any number of proposed ordinances may be voted upon at the  
50 same election, in accordance with the provisions of this section.

51 8. Any ordinance in effect that was proposed by petition cannot  
52 be repealed except by a vote of the people. The board of aldermen may  
53 submit a proposition for the repeal of any such ordinance or for  
54 amendments thereto, to be voted upon at any municipal election; and  
55 should such proposition receive a majority of the votes cast thereon,  
56 such ordinance shall thereby be repealed or amended accordingly. The  
57 board of aldermen may amend an ordinance proposed by petition  
58 without a vote of the people, but the original purpose of the ordinance  
59 may not be changed by such amendment.

94.270. 1. The mayor and board of aldermen shall have power and  
2 authority to regulate and to license and to levy and collect a license tax on  
3 auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers,  
4 merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns,  
5 hotels, public boardinghouses, billiard and pool tables and other tables, bowling  
6 alleys, lumber dealers, real estate agents, loan companies, loan agents, public  
7 buildings, public halls, opera houses, concerts, photographers, bill posters, artists,  
8 agents, porters, public lecturers, public meetings, circuses and shows, for parades  
9 and exhibitions, moving picture shows, horse or cattle dealers, patent right  
10 dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies,  
11 insurance companies, insurance agents, express companies, and express agents,  
12 telegraph companies, light, power and water companies, telephone companies,

13 manufacturing and other corporations or institutions, automobile agencies, and  
14 dealers, public garages, automobile repair shops or both combined, dealers in  
15 automobile accessories, gasoline filling stations, soft drink stands, ice cream  
16 stands, ice cream and soft drink stands combined, soda fountains, street railroad  
17 cars, omnibuses, drays, transfer and all other vehicles, traveling and auction  
18 stores, plumbers, and all other business, trades and avocations whatsoever, and  
19 fix the rate of carriage of persons, drayage and cartage of property; and to license,  
20 tax, regulate and suppress ordinaries, money brokers, money changers,  
21 intelligence and employment offices and agencies, public masquerades, balls,  
22 street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors,  
23 private venereal hospitals, museums, menageries, equestrian performances,  
24 horoscopic views, telescopic views, lung testers, muscle developers, magnifying  
25 glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables,  
26 theatrical or other exhibitions, boxing and sparring exhibitions, shows and  
27 amusements, tipping houses, and sales of unclaimed goods by express companies  
28 or common carriers, auto wrecking shops and junk dealers; to license, tax and  
29 regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like  
30 occupations, with or without vehicles, and to prescribe their compensation; and  
31 to regulate, license and restrain runners for steamboats, cars, and public houses;  
32 and to license ferries, and to regulate the same and the landing thereof within  
33 the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

34         2. Notwithstanding any other law to the contrary, no city of the fourth  
35 classification with more than eight hundred but less than nine hundred  
36 inhabitants and located in any county with a charter form of government and  
37 with more than one million inhabitants shall levy or collect a license fee on hotels  
38 or motels in an amount in excess of [twenty-seven] **thirteen** dollars **fifty** cents  
39 per room per year. No hotel or motel in such city shall be required to pay a  
40 license fee in excess of such amount, and any license fee in such city that exceeds  
41 the limitations of this subsection shall be automatically reduced to comply with  
42 this subsection.

43         3. Notwithstanding any other law to the contrary, no city of the fourth  
44 classification with more than four thousand one hundred but less than four  
45 thousand two hundred inhabitants and located in any county with a charter form  
46 of government and with more than one million inhabitants shall levy or collect  
47 a license fee on hotels or motels in an amount in excess of thirteen dollars and  
48 fifty cents per room per year. No hotel or motel in such city shall be required to

49 pay a license fee in excess of such amount, and any license fee in such city that  
50 exceeds the limitations of this subsection shall be automatically reduced to  
51 comply with this subsection.

52 4. Notwithstanding any other law to the contrary, on or after January 1,  
53 2006, no city of the fourth classification with more than fifty-one thousand three  
54 hundred and eighty but less than fifty-one thousand four hundred inhabitants  
55 and located in any county with a charter form of government and with more than  
56 two hundred eighty thousand but less than two hundred eighty-five thousand or  
57 no city of the fourth classification with more than fifty-one thousand but fewer  
58 than fifty-two thousand inhabitants and located in any county with a charter  
59 form of government and with more than two hundred eighty thousand but less  
60 than two hundred eighty-five thousand shall levy or collect a license fee on hotels  
61 or motels in an amount in excess of one thousand dollars per year. No hotel or  
62 motel in such city shall be required to pay a license fee in excess of such amount,  
63 and any license fee in such city that exceeds the limitation of this subsection  
64 shall be automatically reduced to comply with this subsection.

65 5. Any city under subsection 4 of this section may increase a hotel and  
66 motel license tax by five percent per year but the total tax levied under this  
67 section shall not exceed one-eighth of one percent of such hotels' or motels' gross  
68 revenue.

69 6. Any city under subsection 1 of this section may increase a hotel and  
70 motel license tax by five percent per year but the total tax levied under this  
71 section shall not exceed the greater of:

- 72 (1) One-eighth of one percent of such hotels' or motels' gross revenue; or  
73 (2) The business license tax rate for such hotel or motel on May 1, 2005.

74 7. The provisions of subsection 6 of this section shall not apply to any tax  
75 levied by a city when the revenue from such tax is restricted for use to a project  
76 from which bonds are outstanding as of May 1, 2005.

**105.1415. Any person who performs volunteer work in the office  
2 of a judge or prosecutor and receives no pay or compensation shall not  
3 be considered an employee of the county or municipality.**

**135.980. 1. As used in this section, the following terms shall  
2 mean:**

- 3 (1) "NAICS", the classification provided by the most recent  
4 edition of the North American Industry Classification System as  
5 prepared by the Executive Office of the President, Office of

**6 Management and Budget;**

7 (2) "Public financial incentive", any economic or financial  
8 incentive offered including:

9 (a) Any tax reduction, credit, forgiveness, abatement, subsidy, or  
10 other tax-relieving measure;

11 (b) Any tax increment financing or similar financial  
12 arrangement;

13 (c) Any monetary or non-monetary benefit related to any bond,  
14 loan, or similar financial arrangement;

15 (d) Any reduction, credit, forgiveness, abatement, subsidy, or  
16 other relief related to any bond, loan, or similar financial arrangement;  
17 and

18 (e) The ability to form, own, direct, or receive any economic or  
19 financial benefit from any special taxation district.

20 2. No city not within a county shall by ballot measure impose any  
21 restriction on any public financial incentive authorized by statute for  
22 a business with a NAICS code of 212111.

23 3. The provisions of this section shall expire on December 31,  
24 2017.

182.802. 1. (1) Any public library district located in any of the following  
2 counties may impose a tax as provided in this section:

3 (a) At least partially within any county of the third classification without  
4 a township form of government and with more than forty thousand eight hundred  
5 but fewer than forty thousand nine hundred inhabitants;

6 (b) Any county of the third classification without a township form of  
7 government and with more than thirteen thousand five hundred but fewer than  
8 thirteen thousand six hundred inhabitants;

9 (c) Any county of the third classification without a township form of  
10 government and with more than thirteen thousand two hundred but fewer than  
11 thirteen thousand three hundred inhabitants;

12 (d) Any county of the third classification with a township form of  
13 government and with more than twenty-nine thousand seven hundred but fewer  
14 than twenty-nine thousand eight hundred inhabitants;

15 (e) Any county of the second classification with more than nineteen  
16 thousand seven hundred but fewer than nineteen thousand eight hundred  
17 inhabitants;

18 (f) Any county of the third classification with a township form of  
 19 government and with more than thirty-three thousand one hundred but fewer  
 20 than thirty-three thousand two hundred inhabitants;

21 (g) Any county of the third classification without a township form of  
 22 government and with more than eighteen thousand but fewer than twenty  
 23 thousand inhabitants and with a city of the third classification with more than  
 24 six thousand but fewer than seven thousand inhabitants as the county seat;

25 **(h) Any county of the fourth classification with more than twenty**  
 26 **thousand but fewer than thirty thousand inhabitants.**

27 (2) Any public library district listed in subdivision (1) of this subsection  
 28 may, by a majority vote of its board of directors, impose a tax not to exceed one-  
 29 half of one cent on all retail sales subject to taxation under sections 144.010 to  
 30 144.525 for the purpose of funding the operation and maintenance of public  
 31 libraries within the boundaries of such library district. The tax authorized by  
 32 this subsection shall be in addition to all other taxes allowed by law. No tax  
 33 under this subsection shall become effective unless the board of directors submits  
 34 to the voters of the district, at a county or state general, primary or special  
 35 election, a proposal to authorize the tax, and such tax shall become effective only  
 36 after the majority of the voters voting on such tax approve such tax.

37 2. In the event the district seeks to impose a sales tax under this  
 38 subsection, the question shall be submitted in substantially the following form:

39 Shall a ..... cent sales tax be levied on all retail sales within the district  
 40 for the purpose of providing funding for ..... library district?

41  YES  NO

42 If a majority of the votes cast on the proposal by the qualified voters voting  
 43 thereon are in favor of the proposal, then the tax shall become effective. If a  
 44 majority of the votes cast by the qualified voters voting are opposed to the  
 45 proposal, then the board of directors shall have no power to impose the tax unless  
 46 and until another proposal to authorize the tax is submitted to the voters of the  
 47 district and such proposal is approved by a majority of the qualified voters voting  
 48 thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax  
 49 approved under this subsection.

50 3. As used in this section, "qualified voters" or "voters" means any  
 51 individuals residing within the district who are eligible to be registered voters  
 52 and who have registered to vote under chapter 115, or, if no individuals are  
 53 eligible and registered to vote reside within the proposed district, all of the

54 owners of real property located within the proposed district who have  
55 unanimously petitioned for or consented to the adoption of an ordinance by the  
56 governing body imposing a tax authorized in this section. If the owner of the  
57 property within the proposed district is a political subdivision or corporation of  
58 the state, the governing body of such political subdivision or corporation shall be  
59 considered the owner for purposes of this section.

60 4. For purposes of this section the term "public library district" shall  
61 mean any city library district, county library district, city-county library district,  
62 municipal library district, consolidated library district, or urban library district.

**190.088. 1. A city of the fourth classification with more than two  
2 thousand seven hundred but fewer than three thousand inhabitants and  
3 located in any county of the first classification with more than  
4 eighty-three thousand but fewer than ninety-two thousand inhabitants  
5 that is located partially within an ambulance district may file with the  
6 ambulance district's board of directors a notice of intention of  
7 detachment stating the city's intent that the area located within the  
8 city and the ambulance district, or a portion of such area, is to be  
9 excluded and taken from the district. The filing of a notice of intention  
10 of detachment must be authorized by ordinance. Such notice of  
11 intention of detachment shall describe the subject area to be excluded  
12 from the ambulance district in the form of a legal description and map.**

**13 2. After filing the notice of intention of detachment with the  
14 ambulance district, the city shall conduct a public hearing on the  
15 notice of intention of detachment and give notice by publication in a  
16 newspaper of general circulation qualified to publish legal matters in  
17 the county where the subject area is located, at least once a week for  
18 three consecutive weeks prior to the hearing, with the last notice being  
19 not more than twenty days and not less than ten days before the  
20 hearing. The hearing may be continued to another date without further  
21 notice other than a motion to be entered upon the minutes fixing the  
22 time and place of the subsequent hearing. At the public hearing, the  
23 city shall present its reasons why it desires to detach the subject area  
24 from the ambulance district and its plan to provide or cause to be  
25 provided ambulance services to the subject area.**

**26 3. Following the public hearing, the governing body of the city  
27 may approve the detachment of the subject area from the ambulance  
28 district by enacting an ordinance with two-thirds of all members of the**

29 legislative body of the city voting in favor of the ordinance.

30           4. Upon duly enacting such detachment ordinance, the city shall  
31 cause three certified copies of the same to be filed with the county  
32 assessor and the clerk of the county wherein the city is located and one  
33 certified copy to be filed with the election authority if different from  
34 the clerk of the county that has jurisdiction over the area being  
35 detached.

36           5. Upon the effective date of the ordinance, which may be up to  
37 one year from the date of its passage and approval, the ambulance  
38 district shall no longer provide or cause to be provided ambulance  
39 services to the subject area and shall no longer levy and collect any tax  
40 upon the property included within the detached area, provided that all  
41 real property excluded from an ambulance district shall thereafter be  
42 subject to the levy of taxes for the payment of any indebtedness of the  
43 ambulance district outstanding at the time of exclusion; provided that  
44 after any real property shall have been excluded from an ambulance  
45 district as provided under this section, any buildings and  
46 improvements thereafter erected or constructed on the excluded real  
47 property, all machinery and equipment thereafter installed or placed  
48 on the excluded real property, and all tangible personal property not  
49 in the ambulance district at the time of the exclusion of the subject  
50 area, shall not be subject to any taxes levied by the ambulance district.

51           6. The city shall also:

52           (1) On or before January first of the second calendar year after  
53 the date on which the property was detached from the ambulance  
54 district, pay to the ambulance district a fee equal to the amount of  
55 revenue that would have been generated during the previous calendar  
56 year by the ambulance district tax on the property in the area detached  
57 which was formerly part of the ambulance district;

58           (2) On or before January first of the third calendar year after the  
59 date on which the property was detached from the ambulance district,  
60 pay to the ambulance district a fee equal to four-fifths of the amount of  
61 revenue that would have been generated during the previous calendar  
62 year by the ambulance district tax on the property in the area detached  
63 which was formerly a part of the ambulance district;

64           (3) On or before January first of the fourth calendar year  
65 occurring after the date on which the property was detached from the

66 ambulance district, pay to the ambulance district a fee equal to three-  
67 fifths of the amount of revenue that would have been generated during  
68 the previous calendar year by the ambulance district tax on the  
69 property in the area detached which was formerly a part of the  
70 ambulance district;

71 (4) On or before January first of the fifth calendar year  
72 occurring after the date on which the property was detached from the  
73 ambulance district, pay to the ambulance district a fee equal to two-  
74 fifths of the amount of revenue that would have been generated during  
75 the previous calendar year by the ambulance district tax on the  
76 property in the area detached which was formerly a part of the  
77 ambulance district; and

78 (5) On or before January first of the sixth calendar year  
79 occurring after the date on which the property was detached from the  
80 ambulance district, pay to the ambulance district a fee equal to one-  
81 fifth of the amount of revenue that would have been generated during  
82 the previous calendar year by the ambulance district tax on the  
83 property in the area detached which was formerly a part of the  
84 ambulance district.

85 7. The provisions of this section shall not apply to any county in  
86 which a boundary commission has been established under sections  
87 72.400 to 72.423.

192.310. Nothing in sections 192.260 to 192.320 shall apply to any home  
2 rule city with more than sixty-four thousand but fewer than  
3 seventy-one thousand inhabitants, or cities which now have, or may  
4 hereafter have, a population of seventy-five thousand or over which are  
5 maintaining organized health departments; provided, that such cities shall  
6 furnish the department of health and senior services reports of contagious,  
7 infectious, communicable or dangerous diseases, which have been designated by  
8 them as such and such other statistical information as the board may require.

249.424. 1. If approved by a majority of the voters voting on the  
2 proposal, and upon the adoption of a resolution by a majority of the  
3 sewer district's board of trustees, any sewer district established and  
4 organized under this chapter, may levy and impose annually a fee not  
5 to exceed thirty-six dollars per year within its boundaries for the  
6 repair of lateral sewer service lines on or connecting residential  
7 property having six or fewer dwelling units, except that the fee shall

8 not be imposed on property in the sewer district that is located within  
9 any city, town, village, or unincorporated area of a county that already  
10 imposes a fee under section 249.422. Any sewer district that establishes  
11 or increases the fee used to repair any portion of the lateral sewer  
12 service line shall include all defective portions of the lateral sewer  
13 service line from the residential structure to its connection with the  
14 public sewer system line. Notwithstanding any provision of chapter  
15 448, the fee imposed pursuant to this chapter shall be imposed upon  
16 condominiums that have six or fewer condominium units per building  
17 and each condominium unit shall be responsible for its proportionate  
18 share of any fee charged pursuant to this chapter, and in addition, any  
19 condominium unit shall, if determined to be responsible for and served  
20 by its own individual lateral sewer line, be treated as an individual  
21 residence regardless of the number of units in the development. It  
22 shall be the responsibility of the condominium owner or condominium  
23 association to notify the sewer district that they are not properly  
24 classified as provided in this section.

25 2. The question shall be submitted to the registered voters who  
26 reside within the boundaries of the sewer district, excluding any voters  
27 who live within the boundaries of any city, town, village, or  
28 unincorporated area of a county that already imposes a fee under  
29 section 249.422. The question shall be submitted in substantially the  
30 following form:

31 Shall a maximum charge not to exceed thirty-six dollars be  
32 assessed annually on residential property for each lateral sewer service  
33 line serving six or fewer dwelling units on that property and  
34 condominiums that have six or fewer condominium units per building  
35 and any condominium responsible for its own individual lateral sewer  
36 line to provide funds to pay the cost of certain repairs of those lateral  
37 sewer service lines which may be billed quarterly or annually?

38  YES  NO

39 3. If a majority of the voters voting thereon approve the proposal  
40 provided for in subsection 2 of this section, any sewer district  
41 established and organized under this chapter may, upon the adoption  
42 of a resolution by a majority of the sewer district's board of trustees,  
43 collect and administer such fee in order to protect the public health,

44 welfare, peace, and safety. The funds collected shall be deposited in a  
45 special account to be used solely for the purpose of paying for all or a  
46 portion of the costs reasonably associated with and necessary to  
47 administer and carry out the defective lateral sewer service line  
48 repairs. All interest generated on deposited funds shall be accrued to  
49 the special account established for the repair of lateral sewer service  
50 lines.

51 4. The collector in any county containing a sewer district that  
52 adopts a resolution under this section to collect a fee for the repair of  
53 lateral sewer service lines may add such fee to the general tax levy bills  
54 of property owners within the boundaries of the sewer district,  
55 excluding property located in any city, town, village, or unincorporated  
56 area of the county that already imposes a fee under section 249.422. All  
57 revenues received on such combined bill for the purpose of providing  
58 for the repair of lateral sewer service lines shall be separated from all  
59 other revenues so collected and credited to the special account  
60 established by the sewer district under subsection 3 of this section.

61 5. If a city, town, village, or county, which is within the sewer  
62 district and imposed a fee under section 249.422, later rescinds such fee  
63 after voters authorized the fee provided under this section, the sewer  
64 district may submit the question provided under subsection 2 of this  
65 section to the registered voters of such city, town, village, or county  
66 that have property within the boundaries of the sewer district. If a  
67 majority of voters voting on the proposal approve, the sewer district  
68 may levy and impose the fee as provided under this section on property  
69 within such city, town, village, or county.

262.960. 1. This section shall be known and may be cited as the  
2 "Farm-to-School Act".

3 2. There is hereby created within the department of agriculture  
4 the "Farm-to-School Program" to connect Missouri farmers and schools  
5 in order to provide schools with locally grown agricultural products for  
6 inclusion in school meals and snacks and to strengthen local farming  
7 economies. The department shall designate an employee to administer  
8 and monitor the farm-to-school program and to serve as liaison between  
9 Missouri farmers and schools.

10 3. The following agencies shall make staff available to the  
11 Missouri farm-to-school program for the purpose of providing

12 professional consultation and staff support to assist the implementation  
13 of this section:

- 14 (1) The department of health and senior services;
- 15 (2) The department of elementary and secondary education; and
- 16 (3) The office of administration.
- 17 4. The duties of the department employee coordinating the farm-  
18 to-school program shall include, but not be limited to:
  - 19 (1) Establishing and maintaining a website database to allow  
20 farmers and schools to connect whereby farmers can enter the locally  
21 grown agricultural products they produce along with pricing  
22 information, the times such products are available, and where they are  
23 willing to distribute such products;
  - 24 (2) Providing leadership at the state level to encourage schools  
25 to procure and use locally grown agricultural products;
  - 26 (3) Conducting workshops and training sessions and providing  
27 technical assistance to school food service directors, personnel,  
28 farmers, and produce distributors and processors regarding the farm-  
29 to-school program; and
  - 30 (4) Seeking grants, private donations, or other funding sources  
31 to support the farm-to-school program.

262.962. 1. As used in this section, section 262.960, and  
2 subsection 5 of section 348.407, the following terms shall mean:

- 3 (1) "Locally grown agricultural products", food or fiber produced  
4 or processed by a small agribusiness or small farm;
- 5 (2) "Schools", includes any school in this state that maintains a  
6 food service program under the United States Department of  
7 Agriculture and administered by the school;
- 8 (3) "Small agribusiness", a qualifying agribusiness as defined in  
9 section 348.400, and located in Missouri with gross annual sales of less  
10 than five million dollars;
- 11 (4) "Small farm", a family-owned farm or family farm corporation  
12 as defined in section 350.010, and located in Missouri with less than two  
13 hundred fifty thousand dollars in gross sales per year.

14 2. There is hereby created a taskforce under the AgriMissouri  
15 program established in section 261.230, which shall be known as the  
16 "Farm-to-School Taskforce". The taskforce shall be made up of at least  
17 one representative from each of the following agencies: the University

18 of Missouri extension service, the department of agriculture, the  
19 department of elementary and secondary education, and the office of  
20 administration. In addition, the director of the department of  
21 agriculture shall appoint two persons actively engaged in the practice  
22 of small agribusiness. In addition, the director of the department of  
23 elementary and secondary education shall appoint two persons from  
24 schools within the state who direct a food service program. One  
25 representative for the department of agriculture shall serve as the  
26 chairperson for the taskforce and shall coordinate the taskforce  
27 meetings. The taskforce shall hold at least two meetings, but may hold  
28 more as it deems necessary to fulfill its requirements under this  
29 section. Staff of the department of agriculture may provide  
30 administrative assistance to the taskforce if such assistance is  
31 required.

32 3. The mission of the taskforce is to provide recommendations  
33 for strategies that:

34 (1) Allow schools to more easily incorporate locally grown  
35 agricultural products into their cafeteria offerings, salad bars, and  
36 vending machines; and

37 (2) Allow schools to work with food service providers to ensure  
38 greater use of locally grown agricultural products by developing  
39 standardized language for food service contracts.

40 4. In fulfilling its mission under this section, the taskforce shall  
41 review various food service contracts of schools within the state to  
42 identify standardized language that could be included in such contracts  
43 to allow schools to more easily procure and use locally grown  
44 agricultural products.

45 5. The taskforce shall prepare a report containing its findings  
46 and recommendations and shall deliver such report to the governor, the  
47 general assembly, and to the director of each agency represented on the  
48 taskforce by no later than December 31, 2015.

49 6. In conducting its work, the taskforce may hold public  
50 meetings at which it may invite testimony from experts, or it may  
51 solicit information from any party it deems may have information  
52 relevant to its duties under this section.

53 7. This section shall expire on December 31, 2015.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively

2 within the corporate limits of cities containing seventy-five thousand inhabitants  
3 or more or within two miles of the corporate limits of the city or within the  
4 commercial zone of the city shall exceed fifteen feet in height.

5           2. No motor vehicle operating exclusively within any said area shall have  
6 a greater weight than twenty-two thousand four hundred pounds on one axle.

7           3. The "commercial zone" of the city is defined to mean that area within  
8 the city together with the territory extending one mile beyond the corporate limits  
9 of the city and one mile additional for each fifty thousand population or portion  
10 thereof provided, however:

11           (1) The commercial zone surrounding a city not within a county shall  
12 extend twenty-five miles beyond the corporate limits of any such city not located  
13 within a county and shall also extend throughout any county with a charter form  
14 of government which adjoins that city and throughout any county with a charter  
15 form of government and with more than two hundred fifty thousand but fewer  
16 than three hundred fifty thousand inhabitants that is adjacent to such county  
17 adjoining such city;

18           (2) The commercial zone of a city with a population of at least four  
19 hundred thousand inhabitants but not more than four hundred fifty thousand  
20 inhabitants shall extend twelve miles beyond the corporate limits of any such  
21 city; except that this zone shall extend from the southern border of such city's  
22 limits, beginning with the western-most freeway, following said freeway south to  
23 the first intersection with a multilane undivided highway, where the zone shall  
24 extend south along said freeway to include a city of the fourth classification with  
25 more than eight thousand nine hundred but less than nine thousand inhabitants,  
26 and shall extend north from the intersection of said freeway and multilane  
27 undivided highway along the multilane undivided highway to the city limits of  
28 a city with a population of at least four hundred thousand inhabitants but not  
29 more than four hundred fifty thousand inhabitants, and shall extend east from  
30 the city limits of a special charter city with more than two hundred seventy-five  
31 but fewer than three hundred seventy-five inhabitants along State Route 210 and  
32 northwest from the intersection of State Route 210 and State Route 10 to include  
33 the boundaries of any city of the third classification with more than ten thousand  
34 eight hundred but fewer than ten thousand nine hundred inhabitants and located  
35 in more than one county. The commercial zone shall continue east along State  
36 Route 10 from the intersection of State Route 10 and State Route 210 to the  
37 eastern city limit of a city of the fourth classification with more than five hundred

38 fifty but fewer than six hundred twenty-five inhabitants and located in any  
39 county of the third classification without a township form of government and with  
40 more than twenty-three thousand but fewer than twenty-six thousand inhabitants  
41 and with a city of the third classification with more than five thousand but fewer  
42 than six thousand inhabitants as the county seat. The commercial zone described  
43 in this subdivision shall be extended to also include the stretch of State Route 45  
44 from its intersection with Interstate 29 extending northwest to the city limits of  
45 any village with more than forty but fewer than fifty inhabitants and located in  
46 any county of the first classification with more than eighty-three thousand but  
47 fewer than ninety-two thousand inhabitants and with a city of the fourth  
48 classification with more than four thousand five hundred but fewer than five  
49 thousand inhabitants as the county seat;

50 (3) The commercial zone of a city of the third classification with more than  
51 nine thousand six hundred fifty but fewer than nine thousand eight hundred  
52 inhabitants shall extend south from the city limits along U.S. Highway 61 to the  
53 intersection of State Route OO in a county of the third classification without a  
54 township form of government and with more than seventeen thousand eight  
55 hundred but fewer than seventeen thousand nine hundred inhabitants;

56 (4) **The commercial zone of a home rule city with more than one**  
57 **hundred eight thousand but fewer than one hundred sixteen thousand**  
58 **inhabitants shall extend north from the city limits along U.S. Highway**  
59 **63 for eight miles, and shall extend east from the city limits along State**  
60 **Route WW to the intersection of State Route J and continue south on**  
61 **State Route J for four miles.**

62 4. In no case shall the commercial zone of a city be reduced due to a loss  
63 of population. The provisions of this section shall not apply to motor vehicles  
64 operating on the interstate highways in the area beyond two miles of a corporate  
65 limit of the city unless the United States Department of Transportation increases  
66 the allowable weight limits on the interstate highway system within commercial  
67 zones. In such case, the mileage limits established in this section shall be  
68 automatically increased only in the commercial zones to conform with those  
69 authorized by the United States Department of Transportation.

70 5. Nothing in this section shall prevent a city, county, or municipality, by  
71 ordinance, from designating the routes over which such vehicles may be operated.

72 6. No motor vehicle engaged in interstate commerce, whether unladen or  
73 with load, whose operations in the state of Missouri are limited exclusively to the

74 commercial zone of a first class home rule municipality located in a county with  
75 a population between eighty thousand and ninety-five thousand inhabitants  
76 which has a portion of its corporate limits contiguous with a portion of the  
77 boundary between the states of Missouri and Kansas, shall have a greater weight  
78 than twenty-two thousand four hundred pounds on one axle, nor shall exceed  
79 fifteen feet in height.

321.322. 1. If any property located within the boundaries of a fire  
2 protection district shall be included within a city having a population of at least  
3 two thousand five hundred but not more than sixty-five thousand which is not  
4 wholly within the fire protection district and which maintains a city fire  
5 department, then upon the date of actual inclusion of the property within the city,  
6 as determined by the annexation process, the city shall within sixty days assume  
7 by contract with the fire protection district all responsibility for payment in a  
8 lump sum or in installments an amount mutually agreed upon by the fire  
9 protection district and the city for the city to cover all obligations of the fire  
10 protection district to the area included within the city, and thereupon the fire  
11 protection district shall convey to the city the title, free and clear of all liens or  
12 encumbrances of any kind or nature, any such tangible real and personal property  
13 of the fire protection district as may be agreed upon, which is located within the  
14 part of the fire protection district located within the corporate limits of the city  
15 with full power in the city to use and dispose of such tangible real and personal  
16 property as the city deems best in the public interest, and the fire protection  
17 district shall no longer levy and collect any tax upon the property included within  
18 the corporate limits of the city; except that, if the city and the fire protection  
19 district cannot mutually agree to such an arrangement, then the city shall  
20 assume responsibility for fire protection in the annexed area on or before January  
21 first of the third calendar year following the actual inclusion of the property  
22 within the city, as determined by the annexation process, and furthermore the  
23 fire protection district shall not levy and collect any tax upon that property  
24 included within the corporate limits of the city after the date of inclusion of that  
25 property:

26 (1) On or before January first of the second calendar year occurring after  
27 the date on which the property was included within the city, the city shall pay to  
28 the fire protection district a fee equal to the amount of revenue which would have  
29 been generated during the previous calendar year by the fire protection district  
30 tax on the property in the area annexed which was formerly a part of the fire

31 protection district;

32 (2) On or before January first of the third calendar year occurring after  
33 the date on which the property was included within the city, the city shall pay to  
34 the fire protection district a fee equal to four-fifths of the amount of revenue  
35 which would have been generated during the previous calendar year by the fire  
36 protection district tax on the property in the area annexed which was formerly  
37 a part of the fire protection district;

38 (3) On or before January first of the fourth calendar year occurring after  
39 the date on which the property was included within the city, the city shall pay to  
40 the fire protection district a fee equal to three-fifths of the amount of revenue  
41 which would have been generated during the previous calendar year by the fire  
42 protection district tax on the property in the area annexed which was formerly  
43 a part of the fire protection district;

44 (4) On or before January first of the fifth calendar year occurring after the  
45 date on which the property was included within the city, the city shall pay to the  
46 fire protection district a fee equal to two-fifths of the amount of revenue which  
47 would have been generated during the previous calendar year by the fire  
48 protection district tax on the property in the area annexed which was formerly  
49 a part of the fire protection district; and

50 (5) On or before January first of the sixth calendar year occurring after  
51 the date on which the property was included within the city, the city shall pay to  
52 the fire protection district a fee equal to one-fifth of the amount of revenue which  
53 would have been generated during the previous calendar year by the fire  
54 protection district tax on the property in the area annexed which was formerly  
55 a part of the fire protection district.

56 Nothing contained in this section shall prohibit the ability of a city to negotiate  
57 contracts with a fire protection district for mutually agreeable services. This  
58 section shall also apply to those fire protection districts and cities which have not  
59 reached agreement on overlapping boundaries previous to August 28, 1990. Such  
60 fire protection districts and cities shall be treated as though inclusion of the  
61 annexed area took place on December thirty-first immediately following August  
62 28, 1990.

63 2. Any property excluded from a fire protection district by reason of  
64 subsection 1 of this section shall be subject to the provisions of section 321.330.

65 3. The provisions of this section shall not apply in any county of the first  
66 class having a charter form of government and having a population of over nine

67 hundred thousand inhabitants.

68 4. [The provisions of this section shall not apply where the annexing city  
69 or town operates a city fire department and was on January 1, 2005, a city of the  
70 fourth classification with more than eight thousand nine hundred but fewer than  
71 nine thousand inhabitants and entirely surrounded by a single fire district. In  
72 such cases, the provision of fire and emergency medical services following  
73 annexation shall be governed by subsections 2 and 3 of section 72.418.

74 5.] The provisions of this section shall not apply where the annexing city  
75 or town operates a city fire department, is any city of the third classification with  
76 more than six thousand but fewer than seven thousand inhabitants and located  
77 in any county with a charter form of government and with more than two  
78 hundred thousand but fewer than three hundred fifty thousand inhabitants, and  
79 is entirely surrounded by a single fire protection district. In such cases, the  
80 provision of fire and emergency medical services following annexation shall be  
81 governed by subsections 2 and 3 of section 72.418.

339.507. 1. There is hereby created within the division of professional  
2 registration the "Missouri Real Estate Appraisers Commission", which shall  
3 consist of seven members appointed by the governor with the advice and consent  
4 of the senate, six of whom shall be appraiser members, and one shall be a public  
5 member. Each member shall be a resident of this state and a registered voter for  
6 a period of one year prior to the person's appointment. The president of the  
7 Missouri Appraiser Advisory Council in office at the time shall, at least ninety  
8 days prior to the expiration of the term of the commission member, other than the  
9 public member, or as soon as feasible after the vacancy on the commission  
10 otherwise occurs, submit to the director of the division of professional registration  
11 a list of five appraisers qualified and willing to fill the vacancy in question, with  
12 the request and recommendation that the governor appoint one of the five persons  
13 so listed, and with the list so submitted, the president of the Missouri Appraiser  
14 Advisory Council shall include in his or her letter of transmittal a description of  
15 the method by which the names were chosen by that association. The public  
16 member shall have never been engaged in the businesses of real estate appraisal,  
17 real estate sales or making loans secured by real estate.

18 2. The real estate appraiser members appointed by the governor shall be  
19 Missouri residents who have real estate appraisal experience in the state of  
20 Missouri for not less than five years immediately preceding their  
21 appointment. Appraiser members of the commission shall be appointed from the

22 registry of state-certified real estate appraisers and state-licensed real estate  
23 appraisers. **Real estate appraiser commission members, appointed after**  
24 **August 28, 2014, shall not be from the same United States congressional**  
25 **district.**

26 3. All members shall be appointed for three-year terms. All members  
27 shall serve until their successors have been appointed and qualified. Vacancies  
28 occurring in the membership of the commission for any reason shall be filled by  
29 appointment by the governor for the unexpired term. Upon expiration of their  
30 terms, members of the commission shall continue to hold office until the  
31 appointment and qualification of their successors. No more than four members  
32 of the commission shall be members of the same political party. No person shall  
33 be appointed for more than two consecutive terms. The governor may remove a  
34 member for cause.

35 4. The commission shall meet at least once each calendar quarter to  
36 conduct its business. A quorum of the commission shall consist of four members.

37 5. Each member of the commission shall be entitled to a per diem  
38 allowance of fifty dollars for each meeting of the commission at which the member  
39 is present and shall be entitled to reimbursement of the member's expenses  
40 necessarily incurred in the discharge of the member's official duties. Each  
41 member of the commission shall be entitled to reimbursement of travel expenses  
42 necessarily incurred in attending meetings of the commission.

43 **6. The commission shall prepare an annual report outlining**  
44 **business conducted by the commission during the previous calendar**  
45 **year and shall submit a copy to the general assembly by April first of**  
46 **each year. The report shall include:**

47 (1) **The number of complaints that were filed against licensees;**

48 (2) **The number and disposition of investigations conducted by**  
49 **the commission pursuant to the filing of a complaint; and**

50 (3) **An accounting of all expenditures of the commission.**

339.531. 1. Any person may file a complaint with the commission  
2 alleging that a licensee has committed any combination of the acts or  
3 omissions provided in subsection 2 of section 339.532. A complaint shall  
4 be in writing and shall be signed by the complainant, but a complainant  
5 is not required to specify the provisions of law or regulations alleged  
6 to have been violated in the complaint.

7 2. Upon the receipt of a complaint against a licensee, the

8 commission shall refer the complaint to the probable cause  
9 committee. The commission shall appoint a probable cause committee  
10 of four members, one of whom shall be a current member of the  
11 commission and three members selected by the commission through  
12 recommendations provided by the Missouri Appraisers Advisory  
13 Council. The probable cause committee shall serve in an advisory  
14 capacity to the commission and review complaints and make a  
15 recommendation to the commission regarding the disposition of the  
16 complaint. The commission shall provide by rule for the selection  
17 process, length of committee member terms, and other procedures  
18 necessary for the functioning of the committee. No complaints shall be  
19 brought before the probable cause committee prior to its creation,  
20 appointment of members, and approval of all rules and regulations  
21 pursuant to chapter 536.

22       3. Each complaint shall be considered a grievance until reviewed  
23 by the probable cause committee. When a grievance is filed under  
24 subsection 1 of this section, a copy shall be provided to the licensee,  
25 who shall have ten working days to respond documenting why the  
26 grievance may have no merit. If the licensee responds within the  
27 allowable time, the probable cause committee shall review the  
28 grievance and response. If the probable cause committee determines  
29 that the grievance has no merit, the grievance shall be dismissed and  
30 no complaint shall be placed on the licensee's record. If the probable  
31 cause committee determines that the grievance has merit, it shall  
32 present the case to the commission, and the commission shall decide  
33 whether or not to proceed with an investigation of the grievance as a  
34 complaint. If the commission decides to proceed with an investigation  
35 of a complaint, at that time the complaint shall become a part of the  
36 licensee's record.

37       4. When the commission determines to proceed with a complaint  
38 against a licensee, the commission shall investigate the actions of the  
39 licensee against whom the complaint is made. In conducting an  
40 investigation, the commission may request the licensee under  
41 investigation to:

- 42       (1) Answer the charges made against him or her in writing;
- 43       (2) Produce relevant documentary evidence pertaining to the  
44 specific complaint causing the investigation; and

45           **(3) Appear before the commission.**

46           **5. A copy of any written answer of the licensee requested under**  
47 **subsection 4 of this section may be furnished to the complainant, as**  
48 **long as furnishing the written answer does not require disclosure of**  
49 **confidential information under the Uniform Standards of Professional**  
50 **Appraisal Practice.**

51           **6. The commission shall notify the complainant and the licensee**  
52 **that an investigation has been commenced within ten working days of**  
53 **the date of the commission's decision to proceed with a complaint**  
54 **under subsection 4 of this section. The commission shall also notify**  
55 **and inform the complainant and licensee of the status of the**  
56 **investigation every sixty days following the commencement of the**  
57 **investigation. No investigation shall last longer than twelve**  
58 **months. Once an investigation is closed or dismissed it shall not be**  
59 **reopened.**

60           **7. In the event that the commission fails to meet the notification**  
61 **and investigation requirements of this section or does not finish the**  
62 **investigation within twelve months, then the commission shall provide**  
63 **the complainant at the commission's expense with an appraisal and an**  
64 **appraisal report of the real estate originally appraised by the licensee**  
65 **under investigation.**

66           **8. A real estate appraiser member of the commission shall recuse**  
67 **themselves from any matter in which their knowledge of the parties,**  
68 **circumstances, or subject matter will substantially affect their ability**  
69 **to be fair and impartial.**

70           **9. Any rule or portion of a rule, as that term is defined in section**  
71 **536.010, that is created under the authority delegated in this section**  
72 **shall become effective only if it complies with and is subject to all of**  
73 **the provisions of chapter 536 and, if applicable, section 536.028. This**  
74 **section and chapter 536 are nonseverable and if any of the powers**  
75 **vested with the general assembly pursuant to chapter 536 to review, to**  
76 **delay the effective date, or to disapprove and annul a rule are**  
77 **subsequently held unconstitutional, then the grant of rulemaking**  
78 **authority and any rule proposed or adopted after the effective date of**  
79 **this section shall be invalid and void.**

80           **10. Nothing in this section shall be construed as limiting or**  
81 **delaying any administrative remedies or actions available through the**

82 **administrative hearing process.**

83 **11. The provisions of this section shall become effective August**  
84 **28, 2015.**

348.407. 1. The authority shall develop and implement agricultural  
2 products utilization grants as provided in this section.

3 2. The authority may reject any application for grants pursuant to this  
4 section.

5 3. The authority shall make grants, and may make loans or guaranteed  
6 loans from the grant fund to persons for the creation, development and operation,  
7 for up to three years from the time of application approval, of rural agricultural  
8 businesses whose projects add value to agricultural products and aid the economy  
9 of a rural community.

10 4. The authority may make loan guarantees to qualified agribusinesses  
11 for agricultural business development loans for businesses that aid in the  
12 economy of a rural community and support production agriculture or add value  
13 to agricultural products by providing necessary products and services for  
14 production or processing.

15 **5. The authority may make grants, loans, or loan guarantees to**  
16 **Missouri businesses to access resources for accessing and processing**  
17 **locally grown agricultural products for use in schools within the state.**

18 6. The authority may, upon the provision of a fee by the requesting person  
19 in an amount to be determined by the authority, provide for a feasibility study of  
20 the person's rural agricultural business concept.

21 [6.] 7. Upon a determination by the authority that such concept is  
22 feasible and upon the provision of a fee by the requesting person, in an amount  
23 to be determined by the authority, the authority may then provide for a  
24 marketing study. Such marketing study shall be designed to determine whether  
25 such concept may be operated profitably.

26 [7.] 8. Upon a determination by the authority that the concept may be  
27 operated profitably, the authority may provide for legal assistance to set up the  
28 business. Such legal assistance shall include, but not be limited to, providing  
29 advice and assistance on the form of business entity, the availability of tax credits  
30 and other assistance for which the business may qualify as well as helping the  
31 person apply for such assistance.

32 [8.] 9. The authority may provide or facilitate loans or guaranteed loans  
33 for the business including, but not limited to, loans from the United States

34 Department of Agriculture Rural Development Program, subject to  
35 availability. Such financial assistance may only be provided to feasible projects,  
36 and for an amount that is the least amount necessary to cause the project to  
37 occur, as determined by the authority. The authority may structure the financial  
38 assistance in a way that facilitates the project, but also provides for a  
39 compensatory return on investment or loan payment to the authority, based on  
40 the risk of the project.

41 [9.] 10. The authority may provide for consulting services in the building  
42 of the physical facilities of the business.

43 [10.] 11. The authority may provide for consulting services in the  
44 operation of the business.

45 [11.] 12. The authority may provide for such services through employees  
46 of the state or by contracting with private entities.

47 [12.] 13. The authority may consider the following in making the  
48 decision:

- 49 (1) The applicant's commitment to the project through the applicant's risk;
- 50 (2) Community involvement and support;
- 51 (3) The phase the project is in on an annual basis;
- 52 (4) The leaders and consultants chosen to direct the project;
- 53 (5) The amount needed for the project to achieve the bankable stage; and
- 54 (6) The [projects] **project's** planning for long-term success through  
55 feasibility studies, marketing plans and business plans.

56 [13.] 14. The department of agriculture, the department of natural  
57 resources, the department of economic development and the University of  
58 Missouri may provide such assistance as is necessary for the implementation and  
59 operation of this section. The authority may consult with other state and federal  
60 agencies as is necessary.

61 [14.] 15. The authority may charge fees for the provision of any service  
62 pursuant to this section.

63 [15.] 16. The authority may adopt rules to implement the provisions of  
64 this section.

65 [16.] 17. Any rule or portion of a rule, as that term is defined in section  
66 536.010, that is created under the authority delegated in sections 348.005 to  
67 348.180 shall become effective only if it complies with and is subject to all of the  
68 provisions of chapter 536 and, if applicable, section 536.028. All rulemaking  
69 authority delegated prior to August 28, 1999, is of no force and effect and

70 repealed. Nothing in this section shall be interpreted to repeal or affect the  
71 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied  
72 with all applicable provisions of law. This section and chapter 536 are  
73 nonseverable and if any of the powers vested with the general assembly pursuant  
74 to chapter 536 to review, to delay the effective date or to disapprove and annul  
75 a rule are subsequently held unconstitutional, then the grant of rulemaking  
76 authority and any rule proposed or adopted after August 28, 1999, shall be  
77 invalid and void.

**407.1610. It shall be unlawful for any person or entity to engage  
2 in the speculative accumulation of asphalt roofing shingles in any city  
3 not within a county. For the purposes of this section, the term  
4 "speculative accumulation" means the collection or storage of asphalt  
5 shingles without a showing that, during a calendar year, at least  
6 seventy-five percent of the material accumulated during the year,  
7 either by weight or by volume, will be recycled for other use.**

**408.040. 1. Judgments shall accrue interest on the judgment  
2 balance as set forth in this section. The "judgment balance" is defined  
3 as the total amount of the judgment awarded on the day judgment is  
4 entered including, but not limited to, principal, prejudgment interest,  
5 and all costs and fees. Post-judgment payments or credits shall be  
6 applied first to post-judgment costs, then to post-judgment interest, and  
7 then to the judgment balance.**

8 **2. In all nontort actions, interest shall be allowed on all money due upon  
9 any judgment or order of any court from the date judgment is entered by the trial  
10 court until satisfaction be made by payment, accord or sale of property; all such  
11 judgments and orders for money upon contracts bearing more than nine percent  
12 interest shall bear the same interest borne by such contracts, and all other  
13 judgments and orders for money shall bear nine percent per annum until  
14 satisfaction made as aforesaid.**

15 **[2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section,  
16 in tort actions, interest shall be allowed on all money due upon any judgment or  
17 order of any court from the date [of] judgment is entered by the trial court until  
18 full satisfaction. All such judgments and orders for money shall bear a per  
19 annum interest rate equal to the intended Federal Funds Rate, as established by  
20 the Federal Reserve Board, plus five percent, until full satisfaction is made. The  
21 judgment shall state the applicable interest rate, which shall not vary once**

22 entered. In tort actions, if a claimant has made a demand for payment of a claim  
23 or an offer of settlement of a claim, to the party, parties or their representatives,  
24 and to such party's liability insurer if known to the claimant, and the amount of  
25 the judgment or order exceeds the demand for payment or offer of settlement,  
26 then prejudgment interest shall be awarded, calculated from a date ninety days  
27 after the demand or offer was received, as shown by the certified mail return  
28 receipt, or from the date the demand or offer was rejected without counter offer,  
29 whichever is earlier. In order to qualify as a demand or offer pursuant to this  
30 section, such demand must:

31 (1) Be in writing and sent by certified mail return receipt requested; and

32 (2) Be accompanied by an affidavit of the claimant describing the nature  
33 of the claim, the nature of any injuries claimed and a general computation of any  
34 category of damages sought by the claimant with supporting documentation, if  
35 any is reasonably available; and

36 (3) For wrongful death, personal injury, and bodily injury claims, be  
37 accompanied by a list of the names and addresses of medical providers who have  
38 provided treatment to the claimant or decedent for such injuries, copies of all  
39 reasonably available medical bills, a list of employers if the claimant is seeking  
40 damages for loss of wages or earning, and written authorizations sufficient to  
41 allow the party, its representatives, and liability insurer if known to the claimant  
42 to obtain records from all employers and medical care providers; and

43 (4) Reference this section and be left open for ninety days.

44 Unless the parties agree in writing to a longer period of time, if the claimant fails  
45 to file a cause of action in circuit court prior to a date one hundred twenty days  
46 after the demand or offer was received, then the court shall not award  
47 prejudgment interest to the claimant. If the claimant is a minor or incompetent  
48 or deceased, the affidavit may be signed by any person who reasonably appears  
49 to be qualified to act as next friend or conservator or personal representative. If  
50 the claim is one for wrongful death, the affidavit may be signed by any person  
51 qualified pursuant to section 537.080 to make claim for the death. Nothing  
52 contained herein shall limit the right of a claimant, in actions other than tort  
53 actions, to recover prejudgment interest as otherwise provided by law or contract.

54 [3.] 4. In tort actions, a judgment for prejudgment interest awarded  
55 pursuant to this [subsection] **section** should bear interest at a per annum  
56 interest rate equal to the intended Federal Funds Rate, as established by the  
57 Federal Reserve Board, plus three percent. The judgment shall state the

58 applicable interest rate, which shall not vary once entered.

488.305. 1. The clerk of the circuit court shall charge and collect fees for  
2 the clerk's duties as prescribed by sections 429.090 and 429.120 in such amounts  
3 as are determined pursuant to sections 488.010 to 488.020.

4 **2. The clerk of the circuit court may charge and collect in cases**  
5 **where a garnishment is granted, a surcharge not to exceed ten dollars**  
6 **for the clerk's duties. Any moneys collected under this subsection shall**  
7 **be placed in a fund to be used at the discretion of the circuit clerk to**  
8 **maintain and improve case processing and record preservation.**

525.040. 1. Notice of garnishment, served as provided in sections 525.010  
2 to 525.480 shall have the effect of attaching all personal property, money, rights,  
3 credits, bonds, bills, notes, drafts, checks or other choses in action of the  
4 defendant in the garnishee's possession or charge, or under his **or her** control at  
5 the time of the service of the garnishment, or which may come into his **or her**  
6 possession or charge, or under his **or her** control, or be owing by him **or her**,  
7 between that time and the time of filing his **or her** answer, **or in the case of**  
8 **a continuous wage garnishment, until the judgment is paid in full or**  
9 **until the employment relationship is terminated, whichever occurs**  
10 **first; but he or she shall not be liable to a judgment in money on account of such**  
11 **bonds, bills, notes, drafts, checks or other choses in action, unless the same shall**  
12 **have been converted into money since the garnishment, or he or she [fail] fails,**  
13 **in such time as the court may prescribe, to deliver them into court, or to the**  
14 **sheriff or other person designated by the court.**

15 **2. Writs of garnishment which would otherwise have equal**  
16 **priority shall have priority according to the date of service on the**  
17 **garnishee. If the employee's wages have been attached by more than**  
18 **one writ of garnishment, the employer shall inform the inferior**  
19 **garnisher of the existence and case number of all senior garnishments.**

525.070. Whenever any property, effects, money or debts, belonging or  
2 owing to the defendant, shall be confessed, or found by the court or jury, to be in  
3 the hands of the garnishee, the garnishee may, at any time before final judgment,  
4 discharge himself **or herself**, by paying or delivering the same, or so much  
5 thereof as the court shall order, to the sheriff [or], to the court, **or if applicable,**  
6 **to the attorney for the party on whose behalf the order of garnishment**  
7 **was issued, from all further liability on account of the property, money or debts**  
8 **so paid or delivered.**

525.080. 1. If it appear that a garnishee, at or after his or her  
2 garnishment, was possessed of any property of the defendant, or was indebted to  
3 him **or her**, the court, or judge in vacation, may order the delivery of such  
4 property, or the payment of the amount owing by the garnishee, to the sheriff  
5 [or], into court, **or to the attorney for the party on whose behalf the order**  
6 **of garnishment was issued**, at such time as the court may direct; or may  
7 permit the garnishee to retain the same, upon his or her executing a bond to the  
8 plaintiff, with security, approved by the court, to the effect that the property shall  
9 be forthcoming, or the amount paid, as the court may direct. Upon a breach of  
10 the obligation of such bond, the plaintiff may proceed against the obligors therein,  
11 in the manner prescribed in the case of a delivery bond given to the sheriff.

12 2. Notwithstanding subsection 1 of this section, when property is  
13 protected from garnishment by state or federal law including but not limited to  
14 federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections  
15 1671 to 1677 and Old Age, Survivors and Disability Insurance benefits as  
16 provided in Title 42, U.S.C. Section 407, such property need not be delivered to  
17 the court, **or to any other person**, by the garnishee to the extent such  
18 protection or preemption is applicable.

525.230. [1. The court shall make the garnishee a reasonable allowance]  
2 **The garnishee may deduct a one-time sum not to exceed twenty dollars,**  
3 **or the fee previously agreed upon between the garnishee and judgment**  
4 **debtor if the garnishee is a financial institution**, for his or her trouble and  
5 expenses in answering the interrogatories **and withholding the funds**, to be  
6 [paid out of the funds or proceeds of the property or effects confessed in his or her  
7 hands. The reasonable allowances shall include any court costs, attorney's fees  
8 and any other bona fide expenses of the garnishee.

9 2. The court also shall allow the garnishee, in addition to the reasonable  
10 allowance for his or her trouble and expenses in answering the interrogatories,  
11 to collect an administrative fee consisting of the greater of eight dollars or two  
12 percent of the amount required to be deducted by any court-ordered garnishment  
13 or series of garnishments arising out of the same judgment debt. Such fee shall  
14 be for the trouble and expenses in administering the notice of garnishment and  
15 paying over any garnished funds available to the court. The fee shall be withheld  
16 by the employer from the employee, or by any other garnishee from any fund  
17 garnished, in addition to the moneys withheld to satisfy the court-ordered  
18 judgment. Such fee shall not be a credit against the court-ordered judgment and

19 shall be collected first] **withheld from any funds garnished, in addition to**  
20 **the moneys withheld to satisfy the court-ordered judgment. Such fee**  
21 **shall not be a credit against the court-ordered judgment and shall be**  
22 **collected first. The garnishee may file a motion with the court for**  
23 **additional costs, including attorney's fees, reasonably incurred in**  
24 **answering the interrogatories in which case the court may make such**  
25 **award as it deems reasonable. The motion shall be filed on or before**  
26 **the date the garnishee makes payment or delivers property subject to**  
27 **garnishment to the court.**

525.310. 1. [When a judgment has been rendered against an officer,  
2 appointee or employee of the state of Missouri, or any municipal corporation or  
3 other political subdivision of the state, the judgment creditor, or his attorney or  
4 agent, may file in the office of the clerk of the court before whom the judgment  
5 was rendered, an application setting forth such facts, and that the judgment  
6 debtor is employed by the state, or a municipal corporation or other political  
7 subdivision of the state, with the name of the department of state or the  
8 municipal corporation or other political subdivision of the state which employs  
9 the judgment debtor, and the name of the treasurer, or the name and title of the  
10 paying, disbursing or auditing officer of the state, municipal corporation or other  
11 political subdivision of the state, charged with the duty of payment or audit of  
12 such salary, wages, fees or earnings of such employee, and upon the filing of such  
13 application the clerk shall issue a writ of sequestration directed to the sheriff or  
14 other officer authorized to execute writs in the county in which such paying,  
15 disbursing or auditing officer may be found and the sheriff or other officer to  
16 whom the writ is directed shall serve a true copy thereof upon such paying,  
17 disbursing or auditing officer named therein, which shall have the effect of  
18 attaching any and all salary, wages, fees or earnings of the judgment debtor,  
19 which are not made exempt by virtue of the exemption statutes of this state and  
20 are not in excess of the amount due on the judgment and costs, then due and  
21 payable, from the date of the writ to the return day thereof.

22 2. The paying, disbursing or auditing officer charged with the duty of  
23 payment or audit of the salary, wages, fees or earnings of the judgment debtor  
24 shall deliver to the sheriff or officer serving the writ the amount, not to exceed  
25 the amount due upon the judgment and costs, of the salary, wages, fees or  
26 earnings of the judgment debtor not made exempt by virtue of the exemption  
27 statutes of this state, as the same shall become due to the judgment debtor. The

28 paying, disbursing or auditing officer shall pay to the judgment debtor the  
29 remaining portion of his salary, wages, fees or earnings, as the same shall become  
30 due to the judgment debtor. The sheriff, or officer serving the writ, shall provide  
31 to the paying, disbursing or auditing officer along with the writ sufficient  
32 information to compute the amount which shall be delivered to the sheriff or  
33 officer serving the writ. Neither the state, municipal corporation or other  
34 political subdivision of the state, nor the paying, disbursing or auditing officer  
35 shall be liable for the payment of any amount above the amount delivered to the  
36 sheriff or officer serving the writ if the computation of the amount delivered is in  
37 accordance with the information provided with the writ.

38         3. The sheriff or officer serving such writ shall endorse thereon the day  
39 and date he received the same, and upon receiving any amount in connection with  
40 the writ, shall issue his receipt to such paying, disbursing or auditing officer  
41 therefor. All amounts delivered to the sheriff, or officer serving said writ, in  
42 connection with the writ, or so much thereof as shall be necessary therefor, shall  
43 be applied to the payment of the judgment debt, interest and costs in the same  
44 manner as in the case of garnishment under execution. The sheriff or other  
45 officer serving the writ shall make his return to the writ showing the manner of  
46 serving the same, and he shall be allowed the same fees therefor as provided for  
47 levy of execution, and the writ shall be returnable in the same manner as the  
48 execution issued out of the court in which the judgment was rendered. Nothing  
49 in this section shall deprive the judgment debtor of any exemptions to which he  
50 may be entitled under the exemption laws of this state, and the same may be  
51 claimed by him to the sheriff or other officer serving the writ at any time on or  
52 before the return day of the writ in the manner provided under the exemption  
53 laws of this state. It shall be the duty of such sheriff or other officer serving the  
54 writ, at the time of the service thereof, to apprise the judgment debtor of his  
55 exemption rights, either in person or by registered letter directed to the judgment  
56 debtor to his last known address.] **The state, municipal, or other political**  
57 **subdivision employer served with a garnishment shall have the same**  
58 **duties and obligations as those imposed upon a private employer when**  
59 **served with a garnishment.**

60         2. **Pay of any officer, appointee, or employee of the state of**  
61 **Missouri, or any municipal corporation or other political subdivision**  
62 **of the state, shall be subject to garnishment to the same extent as in**  
63 **any other garnishment. All garnishments against such employee shall**

64 proceed in the same manner as any other garnishment.

65           3. Service of legal process to which a department, municipal  
66 corporation, or other political subdivision of the state is subject under  
67 this section may be accomplished by personal service upon the paying,  
68 disbursing, or auditing officer of the state, municipal corporation or  
69 other political subdivision of the state, charged with the duty of  
70 payment or audit of such salary, wages, fees, or earnings of such  
71 employees.

          Section B. The repeal and reenactment of sections 408.040, 488.305,  
2 525.040, 525.070, 525.080, 525.230, and 525.310 of this act shall become effective  
3 on January 15, 2015.

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**President of the Senate**

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**Speaker of the House of Representatives**

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**Governor**

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5090-08  
Bill No.: Truly Agreed To and Finally Passed CCS No. 2 for HCS for SCS for SB 672  
Subject: Political Subdivisions; Fire Protection; Cities, Towns, and Villages; Annexation; Department of Health; County Government; Retirement Systems and Benefits - General; Attorneys  
Type: Original  
Date: June 9, 2014

Bill Summary: Changes the laws regarding political subdivisions

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2015</b> | <b>FY 2016</b> | <b>FY 2017</b> |
|   |                |                |                |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 24 pages.

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |                                 |                                 |                                 |
|---|---------------------------------|---------------------------------|---------------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2015</b>                  | <b>FY 2016</b>                  | <b>FY 2017</b>                  |
| Agriculture Protection Fund                                   | (\$60,269)                      | (\$70,316)                      | (\$71,205)                      |
| MO Real Estate Appraiser Commission Fund                      | (Unknown)                       | (Unknown)                       | (Unknown)                       |
| Road Fund   | (Greater than \$100,000)        | (Greater than \$100,000)        | (Greater than \$100,000)        |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>(Greater than \$160,269)</b> | <b>(Greater than \$170,316)</b> | <b>(Greater than \$171,205)</b> |

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2015</b> | <b>FY 2016</b> | <b>FY 2017</b> |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2015</b> | <b>FY 2016</b> | <b>FY 2017</b> |
| Agriculture Protection Fund                               | 1 FTE          | 1 FTE          | 1 FTE          |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>1 FTE</b>   | <b>1 FTE</b>   | <b>1 FTE</b>   |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |   |   |   |
|--|---|---|---|
| <b>FUND AFFECTED</b>                       | <b>FY 2015</b>  | <b>FY 2016</b>  | <b>FY 2017</b>  |
| <b>Local Government</b>                    | <b>Greater than \$1,087,873 to (Greater than \$100,000)</b> | <b>Greater than \$3,426,540 to (Greater than \$100,000)</b> | <b>Greater than \$3,426,540 to (Greater than \$100,000)</b> |

**FISCAL ANALYSIS**

**ASSUMPTION**

§49.266 - Authorizes county commissions in non-charter county to issue burn bans

Officials at the **Office of Administration's Division of Budget and Planning** assume this proposal allows all noncharter counties to promulgate vehicular traffic and parking regulations. This is a change from all first, second and fourth class counties, which may exclude some counties previously operating under this provision. The addition or exclusion of a county under this provision may increase or decrease local revenue by an unknown amount.

ASSUMPTION (continued)

**Oversight** assumes this proposal is permissive in nature and would have no local fiscal impact without action by the governing body. Therefore, Oversight will reflect a \$0 impact to Local Political Subdivisions.

Officials at the **Department of Conservation**, the **Department of Agriculture**, the **Department of Natural Resources**, the **Department of Public Safety's Division of Fire Safety** and the **Joint Committee on Administrative Rules** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County**, the **St. Louis County Board of Election Commission** and **Platte County** each assume no fiscal impact to their respective organizations from this proposal.

In response to a previous version, officials at **Cole County** assumed no fiscal impact from this proposal.

§§56.067, 56.265, 56.363, 56.807, 56.816 - Modifies provisions of prosecuting attorneys

Officials at the **Office of Administration's Division of Budget and Planning (BAP)** assume this proposal will allow counties, upon voter approval, to elect to create the office of District Prosecuting Attorney. BAP defers to the Office of the State Courts Administrator and the Prosecuting and Circuit Attorneys Retirement System for other funds impact.

Officials at the **Prosecuting and Circuit Attorneys Retirement System** assume that this proposal would permit counties which have elected, in the past, to make the position of prosecutor a full-time position to make a new election to return the position to a part-time position. Because the extent to which this option would be utilized is unknown, it is impossible to assess the financial impact of the proposal in this regard. Further, the changes in the contributions required by the county should reflect the change in the retirement benefit structure resulting from the change from full-time to part-time status.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions relating to county prosecuting attorneys. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** and the **Office of the State Treasurer** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal.

Officials at **Platte County**, the **St. Louis County Board of Election Commission** and **St. Louis County** each assume no fiscal impact to their respective organizations from this proposal.

In response to a previous version, officials at the **City of Kansas City**, **Cole County**, the **Missouri Sheriff's Retirement System** and the **County Employee's Retirement Fund** each assumed no fiscal impact to their respective organizations from this proposal.

The proposal is permissive in nature. If counties decide to have such a proposition submitted to their voters, they would incur election costs. If approved, the county could realize savings by going to a part-time county prosecutor position. For fiscal note purposes, **Oversight** will show \$0 fiscal impact (no sharing) to Unknown savings starting in FY 2017.

§57.095 - Immunity from conducting service of process by a court for law enforcement officers

Officials at the **Office of Administration's Division of Budget and Planning** assume this proposal reduces the liability of law enforcement agencies fulfilling a court order. The proposal could have a potential positive impact to local revenues due to decreased liability of law enforcement agencies carrying out court orders, such as evictions.

§67.281 - Installation of Fire Sprinklers

Officials at the **Department of Economic Development** and the **Department of Public Safety's Division of Fire Safety** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Columbia** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

§67.320 - Modifies provisions related to municipal courts in Jefferson and Franklin counties.

Officials at the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (SB 824), officials at the **Office of the State Public Defender** assumed no fiscal impact from this proposal.

Officials at the Jefferson County and Franklin County did not respond to **Oversight's** request for fiscal impact.

§§79.130, 79.135 - Voters in fourth class cities to propose ordinances

In response to a previous version, officials at the **City of Raytown** assumed this proposal has the potential to cost their community hundreds of thousands of dollars. Each election the City holds has a cost of \$20,000 to \$35,000 and that does not count their staff time to verify petitions. Given that only 25% of the people voting in the last election would amount to approximately 7% of their registered voters, it is realistic that 500 people in a community of 30,000 could force an immediate election on pretty much anything and everything considered via ordinance.

**Oversight** assumes there would be no cost to political subdivisions until a petition is presented. Then, there would be cost to the affected city clerk to verify signatures. Election costs would be incurred if the affected Board of Aldermen did not approve the petition proposal. Oversight will reflect a \$0 impact (no petition proposals presented) to unknown costs.

Officials at the **Office of Administration's Division of Budget and Planning** assume this proposal may impact local revenues by an unknown amount.

In response to a previous version, officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal.

Officials at the **Springfield Police Department** and **St. Louis County** each assume no fiscal impact to their respective organizations from this proposal.

ASSUMPTION (continued)

In response to a previous version, officials at the **Boone County Sheriff's Department**, the **Jefferson City Police Department**, the **City of Kansas City**, the **City of Columbia** and the **Columbia Police Department** each assumed no fiscal impact to their respective organizations from this proposal.

§94.270 - Collecting or levy a license fee on hotels or motels

Officials at the **Office of Administration's Division of Budget and Planning** assume this proposal may impact local revenues by an unknown amount.

**Oversight** assumes the proposal permits the city of Edmundson to collect or levy a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. Current law allows a license fee of up to \$27 per room per year. **Oversight** will, for fiscal note purposes, show an unknown loss of income to Edmundson.

§105.1415 - Volunteer work for a judge or prosecutor

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

Officials at **St. Louis County** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Columbia** assumed no fiscal impact from this proposal.

§135.980 - Public Financial Incentive

Officials at the **State Tax Commission**, the **Department of Economic Development** and the **Department of Revenue** assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County** assume no fiscal impact from this proposal.

In response to similar legislation (SB 824), officials at the **City of Columbia** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

§182.802 - Library district sales tax in Saline County

In response to similar legislation (HB 1553), officials from the **Office of the Secretary of State (SOS)** assumed this proposal would allow public libraries in Saline County to put before the voters a maximum one half cent sales tax to support library services. The sales tax could potentially provide a good revenue source for library service, and reduce the need for property tax increases.

Officials from the **Office of Administration's Division of Budget and Planning (BAP)** assume this proposal would not result in any additional costs or savings to their organization. BAP officials noted this proposal would allow Saline County, upon voter approval, to levy a sales tax of up to 0.5% for a public library district. BAP officials stated that the Department of Revenue reported taxable sales in Saline County in 2013 of \$210.6 million. Therefore this proposal might generate  $(\$210,600,000 \times 1/2\%) = \$1,053,000$  in local revenues.

Officials from the **Department of Revenue (DOR)** assume no fiscal impact from this proposal.

**Oversight** assumes any administrative impact to DOR would be minimal and could be absorbed with existing resources.

DOR officials provided an estimate of the IT cost to implement this proposal of \$1,092 based on 40 hours of programming to make changes to DOR systems.

**Oversight** assumes OA - ITSD (DOR) is provided with core funding to handle a certain amount of activity each year. Oversight assumes OA - ITSD (DOR) could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OA - ITSD (DOR) could request funding through the budget process.

In response to similar legislation (HB 1553), officials from the **Marshall Public Library** assumed this proposal would not have a fiscal impact on their organization.

Officials from Saline County did not respond to **Oversight's** request for fiscal impact.

**Oversight** notes this proposal would allow Saline County officials to submit a proposition to the voters for a one-half cent sales tax for library purposes.

ASSUMPTION (continued)

§190.088 - Notice of detachment from Ambulance district

Officials at the **Office of Administration's Division of Budget and Planning** assume this proposal may impact local revenues by an unknown amount.

Officials at various Ambulance Districts, the City of Riverside and Platte County did not respond to **Oversight's** request for fiscal impact.

**Oversight** assumes this proposal is permissive in nature and would have no local fiscal impact without action by the governing body. Oversight will reflect a \$0 impact to Local Political Subdivisions.

§192.310 - City of St. Charles to establish and maintain a local health department

In response to a previous version, officials at **St. Charles County** estimated the fiscal impact of this proposal to be unknown. The County has no information as to the City's intentions should this legislation be passed into law.

Officials at the **Department of Health and Senior Services** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of St. Charles** assumed no fiscal impact from this proposal.

§249.424 - Lateral Sewer Service line repair

Officials at the **Office of Administration** assume this proposal would allow, upon voter approval, a Sewer District to levy an annual fee of not more than \$36 per year for repair of lateral sewer services lines. This proposal may increase local revenues by an unknown amount.

In response to similar legislation (SB 581), officials at the **Platte County Board of Election Commission** assumed no fiscal impact from this proposal. However, each of their sewer districts could incur costs up to approximately \$9,000 for related election expenses.

ASSUMPTION (continued)

Officials at the **Department of Economic Development 's Public Service Commission** and the **Department of Natural Resources** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (HB 1692), officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal.

Officials at the **St. Louis County Board of Election Commission** and the **Metropolitan St. Louis Sewer District** each assume no fiscal impact to their respective organizations from this proposal.

In response to similar legislation (SB 581), officials at the **City of Kansas City**, the **City of Columbia** and the **Kansas City Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

**Oversight** assumes this proposal is permissive in nature and would have no local fiscal impact without action by the governing body and approval by the majority of voters. Therefore, Oversight will reflect a \$0 impact to Local Political Subdivisions.

**§§262.960, 262.962 and 348.407 - Farm to School Act**

Officials at the **Office of Administration's Division of Budget and Planning (BAP)** assume this proposal would require the Department of Health and Senior Services (DHSS), the Department of Elementary and Secondary Education (DESE) and the Office of Administration (OA) to make staff available to implement the "Farm to School Act". The act would require the establishment and maintaining of a website, regular workshop and training sessions and the seeking of grants another funding sources to support the "Farm to School Program". Also, §348.407 would allow the authority to make grants, loans or loan guarantees to Missouri businesses for accessing and processing locally grown agriculture products for use in schools within the state. BAP defers to the Department of Agriculture, the DHSS, the DESE and OA for other fund and current resource impacts.

Officials from the **Department of Agriculture (AGR)** assume this proposal would require one new Marketing Specialist II/III, related equipment, materials, and travel. AGR assumes the position will be required to deliver the new scope of work for farm-to-school outreach detailed throughout the proposal. AGR assumes this position will be incorporated into the existing Agri-Missouri program and all other costs would be absorbed with existing appropriation and funding.

ASSUMPTION (continued)

**Oversight** assumes this is a new program requiring AGR to designate an employee to administer and monitor the farm-to-school program and serve as a liaison between farmers and schools.

**Oversight** assumes this proposal will require 1 additional FTE paid from the Agriculture Protection Fund for AGR.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume AGR is responsible to designate an employee, administer, and monitor the farm-to-school program and serve as a liaison between farmers and schools. DESE would provide professional consultation and staff support for this program DESE assumes a taskforce would be established with DESE as a participant at the scheduled meetings. DESE does not anticipate a direct fiscal impact from this proposal.

**Oversight** assumes this proposal allows local school districts to incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines.

**Oversight** assumes this proposal would have no direct fiscal impact on local school districts

Officials at the **Department of Health and Senior Services** and the **Department of Social Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Office of Administration (OA)** assume this proposal requires OA to provide assistance to the Department of Agriculture with the implementation of the 'Farm to School Program'. In addition, the 'Farm to School Taskforce' would be created. This legislation requires that a representative from OA be chosen to serve as a member of the taskforce through December 31, 2015. OA's role would be minimal with this proposal and can be absorbed with existing resources.

In response to similar legislation (HB 2088), officials from the **University of Missouri** assumed the proposal would not fiscally impact their agency.

304.190 - Motor Vehicle height and weight limits

Officials from the **Department of Public Safety's Missouri Highway Patrol** assume the proposal will have no fiscal impact on their agency.

Officials at the **City of Columbia** assume that the proposal allows for an extension of the

ASSUMPTION (continued)

commercial district in Columbia. If heavier truck traffic is routed over an airport access road maintained by the City, there could be additional maintenance costs from wear and tear. It is not clear if the zone would extend north of southern or northern city limits.

In response to similar legislation (SB 824), officials from the **Department of Transportation (DHT)** assumed an unknown negative impact to the Road Fund from the increased cost of additional wear and tear to the highways and bridges.

**Oversight** will estimate a cost to the **Road Fund** and the Local Political Subdivisions of “(Greater than \$100,000)”, since there is no way to quantify the dollar amount of additional wear and tear to the highways and bridges for additional maintenance.

§321.322 - Fire protection district annexation procedures for the City of Harrisonville

Officials at the **Department of Public Safety - Division of Fire Safety** and the **State Tax Commission** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the City of Harrisonville and Cass County did not respond to **Oversight's** request for fiscal impact.

§§339.507 and 339.531 - Missouri Certified Licensed Real Estate Appraisers and Appraisal Management Company Regulation Act

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** assume this proposal makes the Missouri Real Estate Appraisers Commission liable for the cost of an appraisal and an appraisal report if complaint investigation requirements are not met. There is no way to determine how many appraisals would be to be investigated and how many appraisals and reports have to be paid at the commission's expense. Therefore, there is an unknown fiscal impact with the implementation of this legislation to the Missouri Real Estate Appraisers Commission.

§407.1610 - Asphalt roofing shingles

Officials at the **Office of the State Courts Administrator** and the **Department of Natural Resources** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at **St. Louis County** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Columbia** assumed no fiscal impact from this proposal.

**§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230 & 525.310 - Garnishments**

Officials at the **Office of Administration's Division of Budget and Planning (BAP)** assume this proposal changes numerous laws related to garnishments and will allow circuit clerks to collect a surcharge of up to \$10 in cases where garnishments are granted. BAP defers to the Office of the State Courts Administrator and the Office of Administration for other fund and current resource impacts.

Officials at the **Office of the State Courts Administrator (CTS)** assume the proposed legislation allows circuit court clerks to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted.

Based on data for the past four years, FY09 through FY12, CTS assumes that the average is approximately 237,354 executions and garnishments on which this surcharge could be applied. CTS assumes all circuit courts would collect a \$10.00 surcharge and anticipates the revenue would be approximately \$2,373,540 in any given year.

|         |                |
|---------|----------------|
| FY 09   | 211,043        |
| FY 10   | 231,258        |
| FY 11   | 250,212        |
| FY 12   | <u>256,904</u> |
| Total   | 949,417        |
| Average | 237,354        |

**Oversight assumes all circuit court clerks will collect this fee.**

In response to a previous version, officials at the **City of Columbia** assumed an unknown fiscal impact from this proposal. §525.310.1 potentially makes the City responsible for payment of a garnishee's debt for a ministerial error by a City employee.

ASSUMPTION (continued)

**Oversight** assumes that fiscal impact due to §525.310.1 would not happen unless a city employee makes an error. If this happens, the city will have to address the situation through the budget process.

Officials at the **Department of Labor and Industrial Relations**, the **Office of Administration**, the **Department of Social Services**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Conservation** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Office of the State Public Defender** and the **Missouri Department of Transportation** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the **St. Louis County** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Kansas City**, the **St. Charles County Recorder of Deeds**, the **Cape Girardeau County Recorder of Deeds** and the **City of Jefferson** each assumed no fiscal impact to their respective organizations from this proposal.

**Oversight** notes that these sections have an effective date of January 15, 2015, and will reflect five and one-half months impact in FY 2015.

**Bill as a whole**

Officials at the **Office of Administration's Administrative Hearing Commission** assume no fiscal impact from this proposal.

Officials at the **Jackson County Board of Election Commission**, the **Mississippi County Recorder of Deeds** and **St. Francois County** each assume no fiscal impact to their respective organizations from this proposal.





| <u>FISCAL IMPACT - Local Government</u><br>(continued)  | FY 2015<br>(10 Mo.)  | FY 2016  | FY 2017  |
|---|--|--|--|
| <u>Savings</u> - Counties - Cost sharing of DA costs between multiple counties (§§56.067, 56.265, 56.363, 56.807, 56.816) | \$0  | \$0  | \$0 to Unknown   |
| <u>Income</u> - Saline County - Library District Sales Tax (§182.802)   | \$0  | \$0 or<br>\$1,053,000  | \$0 or<br>\$1,053,000  |
| <u>Income</u> - Circuit Clerks - fees on garnishments   | <u>\$1,087,873</u>   | <u>\$2,373,540</u>   | <u>\$2,373,540</u>   |
| <b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>   | <b>Greater than<br/>\$1,087,873 to<br/>(Greater than<br/><u>\$100,000</u>)</b> | <b>Greater than<br/>\$3,426,540 to<br/>(Greater than<br/><u>\$100,000</u>)</b> | <b>Greater than<br/>\$3,426,540 to<br/>(Greater than<br/><u>\$100,000</u>)</b> |

FISCAL IMPACT - Small Business

There may be a direct fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

COUNTY PROPERTY - 49.266 - Under current law, county commissions in first, second, and fourth class counties may promulgate reasonable regulations concerning the use of county property. This act allows all noncharter counties to promulgate such regulations. This provision is identical to HB 2193 (2014).

PROSECUTING ATTORNEYS - 56.067, 56.363, 56.807, & 56.816 - Currently, the county commission of any county may or shall upon voter petition submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. This act provides that in Cedar County, the county commission may or shall upon voter petition submit to the voters a proposition to change the full-time county prosecutor position back to a part-time

FISCAL DESCRIPTION (continued)

position. If the prosecutor position is changed back to a part-time position, the contribution the county must pay in to the retirement system and the retirement benefit earned by the prosecutor will prospectively be that of a part-time prosecutor.

LAW ENFORCEMENT OFFICER IMMUNITY - 57.095 - This act provides law enforcement officers with immunity from any civil or criminal liability while conducting service of process.

INSTALLATION OF FIRE SPRINKLERS - 67.281 - Currently, builders of one and two family dwellings must offer to install fire sprinklers in the home. This provision has an expiration of December 31, 2019. This act makes the expiration date December 31, 2024. This provision is similar to a provision of HCS/SB 24 (2013).

JEFFERSON COUNTY MUNICIPAL COURTS - 67.320 - The act modifies the county description of Jefferson County in provisions of law which allow Jefferson and Franklin Counties to prosecute violations of county orders in a county municipal court. This provision is identical to provisions contained in HB 1921 (2014), HCS/SB 621 (2014), and HCS/SB 614 (2014).

INITIATIVE PETITION IN SAVANNAH- 79.130 & 79.135 - This act allows voters in the City of Savannah to propose ordinances via initiative petition. In order for a petition to be certified by the city clerk, it must be signed by at least ten percent of the city's registered voters voting for mayor at the last municipal election. Once the petition has been certified by the clerk, the board of aldermen must either pass the ordinance or submit the question of whether to pass the ordinance to the voters at the next municipal election, unless the petition has been signed by 25 percent or more of the registered voters, in which case the board of aldermen must immediately submit the question. The ordinance is enacted if it receives approval from a majority of the voters. Ordinances enacted via initiative petition cannot be repealed or amended except by a vote of the people. These provisions are similar to SB 764 (2014).

CITY FEES IN FLORDELL HILLS AND EDMUNDSON - 94.270 - Under current law, the cities of Flordell hills and Edmundson can levy a license fee on hotel and motel rooms of up to \$27 per room per year. Under this act, such cities may impose of license fee of up to \$13.50 per room per year.

COURT VOLUNTEERS - 105.1415 - This act provides that any person who performs unpaid volunteer work for a judge or prosecutor shall not be considered an employee of the county or municipality.

FISCAL DESCRIPTION (continued)

**PUBLIC FINANCIAL INCENTIVES - 135.980** - This act prohibits the City of St. Louis from imposing restrictions by ballot measure on public financial incentives authorized by statute for businesses involved in bituminous coal and lignite surface mining. This provision expires on December 31, 2017. This provision is similar to a provision contained in HCS/SB 693 (2014).

**PUBLIC LIBRARY DISTRICT - 182.802** - This act authorizes any public library district located in Saline County to impose a sales tax not to exceed one-half of one cent upon voter approval. This act is identical to SB 768 (2014) and HB 1553 (2014).

**AMBULANCE DISTRICT DETACHMENT - 190.088** - Under this act, the City of Riverside may file with the ambulance district's board of directors a notice of intention of detachment stating that an area located in both the city and the district is to be taken from the district. After filing the notice, the city must conduct a public hearing. This act specifies the notice requirements the city must follow in regard to the public hearing. After the hearing, the city may approve the detachment by enacting an ordinance with the approval of two-thirds of the board of aldermen. Upon the effective date of the ordinance, the ambulance district must no longer provide services to the detached area and may no longer collect property taxes on property in the area. This act requires the city, on or before January first of the second calendar year after the property was detached, to pay the ambulance district a fee equal to the amount of revenue that would have been generated by the ambulance district's tax on property in the area. For the next four years, the city must pay a gradually decreasing fee to the district. The provisions of this section do not apply to St. Louis County.

**HEALTH OFFICERS IN ST. CHARLES - 192.310** - Current law exempts cities with a population of 75,000 or more from certain laws dealing with local and state health rules. Under this act, the City of St. Charles is also exempted from such laws.

**LATERAL SEWER SERVICE LINE REPAIR PROGRAM - 249.424** - This act allows a sewer district created and organized under Chapter 249 to impose a fee of up to \$50 per year for a lateral sewer service line repair program upon approval by a majority of voters in the district and the adoption of a resolution by the sewer district's board of trustees. Under the act, the fee cannot be imposed in any city, town, village, or the unincorporated area of a county that has already approved a fee for a sewer line repair program. Voters in such municipalities that already have the program are not eligible to vote on the question of whether the sewer district can impose the fee. This act allows the county collector to add the lateral sewer service fee to property tax bills. If a city, town, village, or the county had imposed a fee for a sewer line repair program, but later rescinded its fee after voters have authorized the sewer district to impose a fee, the sewer district

FISCAL DESCRIPTION (continued)

can request approval from voters in the municipality or unincorporated area to impose its fee. This provision was in sb 581 (2014) and the perfected version of SCS/SB 297 (2013).

**FARM-TO-SCHOOL PROGRAM - 262.960, 262.962, & 348.407** - This act creates the Farm-to-School Program within the Department of Agriculture to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies. This act also creates the Farm-to-School Taskforce. The taskforce will include at least one representative from each of the following agencies: The University of Missouri extension service; the Department of Agriculture; the Department of Elementary and Secondary Education; and the Office of Administration. The director of the Department of Agriculture will appoint two persons actively engaged in the practice of small agribusiness. The Department of Elementary and Secondary Education will appoint two persons from schools who direct a food service program.

The task force mission is to provide recommendations for strategies that allow schools to more easily incorporate locally grown agricultural products into their food service and allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts. The taskforce must review various food service contracts to identify standardized language that could be included in contracts to allow schools to more easily procure and use locally grown agricultural products. The taskforce must prepare a report with findings and recommendations and submit it to the Governor, the General Assembly, and the director of each agency on the taskforce by December 31, 2015. The Missouri Agricultural and Small Business Development Authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in schools.

**MOTOR VEHICLE HEIGHT AND WEIGHT LIMITS - 304.190** - This act changes the laws regarding motor vehicle height and weight limits for the commercial zones in the city of Columbia. The act creates a 15-foot height limitation and a 22,400 pound weight limitation for any motor vehicle within the commercial zone of Columbia. The commercial zone extends from the city limits along U.S. Highway 63 for 8 miles, and extends east from the city limits along State Route WW to the intersection of State Route J and continues south on State Route J for four miles. This provision is identical to HB 2163 (2014).

**ANNEXATION PROCEDURES IN HARRISONVILLE - 321.322** - Current law provides procedures for when property located within the boundaries of a fire protection district is annexed by a city that has a population of 2,500 to 65,000. The statute excludes annexations by

FISCAL DESCRIPTION (continued)

the City of Harrisonville from such procedures. That city is required to follow procedures provided under law for annexations in St. Louis County. This act repeals the provision exempting Harrisonville from the statute, so that the procedures provided for cities with a population of 2,500 to 65,000 apply to annexations by Harrisonville.

MISSOURI REAL ESTATE APPRAISERS COMMISSION - 339.507 & 339.531 - This act provides that members of the Missouri Real Estate Appraisers Commission appointed after August 28, 2014 must not be from the same congressional district. This act requires the commission to report annually to the General Assembly. This act creates procedures for a person to file complaints with the commission about licensed appraisers. In addition, this act requires the commission to appoint a probable cause committee to review such complaints. This commission is required to adopt rules regarding the committee.

This act provides procedures for the review and investigation of the complaint, including notice requirements for the licensee. If the probable cause committee determines that the grievance has merit, it must present the case to the commission and the commission decides whether to proceed with an investigation. If the commission decides to investigate, the complaint becomes part of the licensee's record. This act provides procedures for the commission's investigation, including notification procedures. The commission is provided rule-making authority. The provision regarding complaints to the commission takes effect August 28, 2015.

SPECULATIVE ACCUMULATION OF ASPHALT SHINGLES - 407.1610 - This act makes it a violation of the Merchandising Practices Act to accumulate asphalt shingles in the City of St. Louis without showing that at least 75% of the material will be recycled for other use in a calendar year. This provision is similar to a provision contained in HCS/SB 693 (2014).

GARNISHMENTS - 408.040, 488.305, 525.040 to 525.310 - The act provides a definition for the term "judgment balance" and states that post-judgment payments shall be applied first to post-judgment costs, then to interest, and then to judgment balance. Under the act, clerks of circuit courts are authorized to collect a surcharge of up to ten dollars when processing garnishments and money from the surcharge is to be used to maintain and improve case processing and record preservation.

The act adds language which provides that in the case of a continuous wage garnishment notice of garnishment served as provided by law shall have the effect of attaching all personal property until the judgment is paid in full or the employment relationship is terminated. Garnishments which would otherwise have equal priority shall have priority according to the date of service,

FISCAL DESCRIPTION (continued)

and when wages have been attached by more than one writ of garnishment then the employer must inform the inferior garnishor of the other garnishments.

When applicable, a garnishee may discharge himself by paying the money or giving the property owed to the defendant to the attorney for the party on whose behalf the order of garnishment was issued. Additionally, the court may order the delivery of the defendant's property possessed by the garnishee to the attorney for the party on whose behalf the order of garnishment was issued. The act allows the garnishee to deduct up to twenty dollars, or a fee previously agreed upon between the garnishee and judgment debtor when the garnishee is a financial institution, for expenses in answering interrogatories and withholding the funds. The garnishee may also file a motion with the court to obtain additional costs incurred in answering the interrogatories.

The act modifies provisions relating to the issuance of a writ of sequestration. Under current law, the wages of state government employees are not subject to direct garnishment, and instead must be collected under a process called sequestration. This act provides that the government employer shall have the same duties as a private employer when served with a garnishment order. The act repeals language requiring a writ of sequestration when the judgment debtor is a government employee, and provides that all garnishments against such employees shall proceed in the same manner as any other garnishment proceedings. These provisions have an effective date of January 15, 2015.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Conservation  
Missouri Sheriff's Retirement System  
Marshall Public Library  
Platte County Board of Election Commission  
Metropolitan St. Louis Sewer District  
Department of Agriculture  
Department of Elementary and Secondary Education  
Department of Social Services  
University of Missouri  
St. Louis County Board of Election Commission

SOURCES OF INFORMATION (continued)

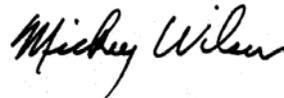
Cole County  
St. Louis County  
Office of the State Treasurer  
Platte County Board of Election Commission  
Prosecuting and Circuit Attorneys Retirement System  
Office of the State Courts Administrator  
Office of Prosecution Services  
Department of Revenue  
City of Columbia  
City of Jefferson  
Kansas City Board of Election Commission  
Office of Administration  
    Division of Budget and Planning  
    Administrative Hearing Commission  
Department of Economic Development  
    Public Service Commission  
Department of Agriculture  
Department of Insurance, Financial Institutions and Professional Registration  
State Tax Commission  
St. Charles County Recorder of Deeds  
Department of Natural Resources  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Public Safety  
    Missouri Highway Patrol  
    Division of Fire Safety  
Joint Committee on Administrative Rules  
Jackson County Board of Election Commission  
City of Kansas City  
Cape Girardeau County Recorder of Deeds  
County Employee Retirement Fund  
City of Raytown  
Springfield Police Department  
Boone County Sheriff's Department  
Jefferson City Police Department  
Columbia Police Department

SOURCES OF INFORMATION (continued)

St. Charles County  
City of St. Charles  
St. Francois County  
Mississippi County Recorder of Deeds

Not Responding

Office of the Secretary of State  
Missouri Department of Transportation  
Office of the State Public Defender



Mickey Wilson, CPA  
Director  
June 9, 2014

Ross Strobe  
Assistant Director  
June 9, 2014

## Exhibit M

**Subject:** SB 672 summary  
**From:** Polly Clark <pclark@senate.mo.gov>  
**Date:** 5/28/2015 2:27 PM  
**To:** "ron@mofirst.org" <ron@mofirst.org>

Is attached.

Let me know if you are unable to open the document.

Polly Clark  
Senate Research

— Attachments: —

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672sbtat.pdf

42.0 KB

CCS#2/HCS/SCS/SB 672 - This act modifies provisions relating to political subdivisions, prosecuting attorneys, immunity for law enforcement officers, the Farm-To-School program, accumulation of asphalt shingles, and garnishments.

COUNTY PROPERTY - 49.266

Under current law, county commissions in first, second, and fourth class counties may promulgate reasonable regulations concerning the use of county property. This act allows all noncharter counties to promulgate such regulations.

This provision is identical to HCS/SCS/SB 854 (2014) and HB 2193 (2014).

PROSECUTING ATTORNEYS - 56.067, 56.363, 56.807, & 56.816

Currently, the county commission of any county may or shall upon voter petition submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position.

This act provides that in Cedar County, the county commission may or shall upon voter petition submit to the voters a proposition to change the full-time county prosecutor position back to a part-time position.

If the prosecutor position is changed back to a part-time position, the contribution the county must pay in to the retirement system and the retirement benefit earned by the prosecutor will prospectively be that of a part-time prosecutor.

The act states that a four dollar surcharge, payable to the retirement system, shall be assessed in cases where a person pleads guilty and pays a fine through a fine collection center (56.807, 488.026).

This provision is identical to provisions contained in HCS/SB 621 (2014), HCS/SB 615 (2014), HCS/SCS/SB 854 (2014), and HCS/SCS/SB 824 (2014).

These provisions are similar to provisions of HCS/SCS/SB 824 (2014).

LAW ENFORCEMENT OFFICER IMMUNITY - 57.095

This act provides law enforcement officers with immunity from any civil or criminal liability while conducting service of process.

This provision is identical to a provision of the truly agreed to and finally passed CCS/SS/SCS/HCS/HB 1231 (2014), the truly agreed to and finally passed CCS/HCS/SB 615 (2014), and the

truly agreed to and finally passed CCS#2/HCS/SB 621 (2014).

#### INSTALLATION OF FIRE SPRINKLERS - 67.281

Currently, builders of one and two family dwellings must offer to install fire sprinklers in the home. This provision has an expiration of December 31, 2019. This act makes the expiration date December 31, 2024.

This provision is identical to a provision of the truly agreed to and finally passed SCS/HCS/HB 1410 (2014), the truly agreed to and finally passed CCS/SCS/HB 1553 (2014), the truly agreed to and finally passed HCS/SB 655 (2014), HCS/SCS/SB 854 (2014), HCS/SCS/SB 824 (2014), and is similar to a provision of HCS/SB 24 (2013).

#### JEFFERSON COUNTY MUNICIPAL COURTS - 67.320

The act modifies the county description of Jefferson County in provisions of law which allow Jefferson and Franklin Counties to prosecute violations of county orders in a county municipal court.

This provision is identical to provisions contained in HB 1921 (2014), the truly agreed to and finally passed CCS#2/HCS/SB 621 (2014), HCS/SB 614 (2014), HCS/SCS/SB 854 (2014), and HCS/SCS/SB 824 (2014).

#### INITIATIVE PETITION IN SAVANNAH- 79.130 & 79.135

This act allows voters in the City of Savannah to propose ordinances via initiative petition. In order for a petition to be certified by the city clerk, it must be signed by at least ten percent of the city's registered voters voting for mayor at the last municipal election. Once the petition has been certified by the clerk, the board of aldermen must either pass the ordinance or submit the question of whether to pass the ordinance to the voters at the next municipal election, unless the petition has been signed by 25 percent or more of the registered voters, in which case the board of aldermen must immediately submit the question. The ordinance is enacted if it receives approval from a majority of the voters. Ordinances enacted via initiative petition cannot be repealed or amended except by a vote of the people.

These provisions are similar to SB 764 (2014).

#### CITY FEES IN FLORDELL HILLS AND EDMUNDSON - 94.270

Under current law, the cities of Flordell Hills and Edmundson can levy a license fee on hotel and motel rooms of up to \$27 per room per year.

Under this act, such cities may impose of license fee of up

to \$13.50 per room per year.

This provision is identical to a provision of HCS/SCS/SB 824 (2014) and HCS/SCS/SB 854 (2014).

COURT VOLUNTEERS - 105.1415

This act provides that any person who performs unpaid volunteer work for a judge or prosecutor shall not be considered an employee of the county or municipality.

PUBLIC FINANCIAL INCENTIVES - 135.980

This act prohibits the City of St. Louis from imposing restrictions by ballot measure on public financial incentives authorized by statute for businesses involved in bituminous coal and lignite surface mining.

This provision expires on December 31, 2017.

This provision is similar to a provision contained in HCS/SCS/SB 824 (2014) and HCS/SCS/SB 854 (2014).

PUBLIC LIBRARY DISTRICT - 182.802

This act authorizes any public library district located in Saline County to impose a sales tax not to exceed one-half of one cent upon voter approval.

This act is identical to SB 768 (2014) and HB 1553 (2014).

AMBULANCE DISTRICT DETACHMENT - 190.088

Under this act, the City of Riverside may file with the ambulance district's board of directors a notice of intention of detachment stating that an area located in both the city and the district is to be taken from the district. After filing the notice, the city must conduct a public hearing. This act specifies the notice requirements the city must follow in regard to the public hearing. After the hearing, the city may approve the detachment by enacting an ordinance with the approval of two-thirds of the board of aldermen.

Upon the effective date of the ordinance, the ambulance district must no longer provide services to the detached area and may no longer collect property taxes on property in the area.

This act requires the city, on or before January first of the second calendar year after the property was detached, to pay the ambulance district a fee equal to the amount of revenue that would have been generated by the ambulance district's tax on property in the area. For the next four years, the city must pay a gradually decreasing fee to the district.

The provisions of this section do not apply to St. Louis County.

#### HEALTH OFFICERS IN ST. CHARLES - 192.310

Current law exempts cities with a population of 75,000 or more from certain laws dealing with local and state health rules. Under this act, the City of St. Charles is also exempted from such laws.

This provision is identical to a provision of HB 1653 (2014), HCS/HB 2112 (2014), HCS/SCS/SB 854 (2014), and HCS/SCS/SB 824 (2014).

#### LATERAL SEWER SERVICE LINE REPAIR PROGRAM - 249.424

This act allows a sewer district created and organized under Chapter 249 to impose a fee of up to \$50 per year for a lateral sewer service line repair program upon approval by a majority of voters in the district and the adoption of a resolution by the sewer district's board of trustees. Under the act, the fee cannot be imposed in any city, town, village, or the unincorporated area of a county that has already approved a fee for a sewer line repair program. Voters in such municipalities that already have the program are not eligible to vote on the question of whether the sewer district can impose the fee.

This act allows the county collector to add the lateral sewer service fee to property tax bills.

If a city, town, village, or the county had imposed a fee for a sewer line repair program, but later rescinded its fee after voters have authorized the sewer district to impose a fee, the sewer district can request approval from voters in the municipality or unincorporated area to impose its fee.

This provision is similar to a provision of the perfected version of SCS/SB 297 (2013), HCS/SCS/SB 854, and SB 581 (2014) and is identical to a provision in the truly agreed to and finally passed SCS/HB 1692 (2014).

#### FARM-TO-SCHOOL PROGRAM - 262.960, 262.962, & 348.407

This act creates the Farm-to-School Program within the Department of Agriculture to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies.

This act also creates the Farm-to-School Taskforce. The taskforce will include at least one representative from each of the following agencies: The University of Missouri extension service; the Department of Agriculture; the Department of Elementary and Secondary Education; and the Office of

Administration. The director of the Department of Agriculture will appoint two persons actively engaged in the practice of small agribusiness. The Department of Elementary and Secondary Education will appoint two persons from schools who direct a food service program.

The task force mission is to provide recommendations for strategies that allow schools to more easily incorporate locally grown agricultural products into their food service and allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts. The taskforce must review various food service contracts to identify standardized language that could be included in contracts to allow schools to more easily procure and use locally grown agricultural products.

The taskforce must prepare a report with findings and recommendations and submit it to the Governor, the General Assembly, and the director of each agency on the taskforce by December 31, 2015.

The Missouri Agricultural and Small Business Development Authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in schools.

#### MOTOR VEHICLE HEIGHT AND WEIGHT LIMITS - 304.190

This act changes the laws regarding motor vehicle height and weight limits for the commercial zones in the city of Columbia. The act creates a 15-foot height limitation and a 22,400 pound weight limitation for any motor vehicle within the commercial zone of Columbia. The commercial zone extends from the city limits along U.S. Highway 63 for 8 miles, and extends east from the city limits along State Route WW to the intersection of State Route J and continues south on State Route J for four miles.

This provision is identical to a provision of HCS/SS/SCS/SB 707 (2014), the truly agreed to and finally passed HB 2163 (2014), HCS/SCS/SB 824 (2014), and HCS/SCS/SB 854 (2014).

#### ANNEXATION PROCEDURES IN HARRISONVILLE - 321.322

Current law provides procedures for when property located within the boundaries of a fire protection district is annexed by a city that has a population of 2,500 to 65,000. The statute excludes annexations by the City of Harrisonville from such procedures. That city is required to follow procedures provided under law for annexations in St. Louis County.

This act repeals the provision exempting Harrisonville from the statute, so that the procedures provided for cities with a

population of 2,500 to 65,000 apply to annexations by Harrisonville.

This provision is identical to a provision of HCS/SCS/SB 854 (2014) and HB 1899 (2014).

MISSOURI REAL ESTATE APPRAISERS COMMISSION - 339.507 & 339.531

This act provides that members of the Missouri Real Estate Appraisers Commission appointed after August 28, 2014 must not be from the same congressional district.

This act requires the commission to report annually to the General Assembly.

This act creates procedures for a person to file complaints with the commission about licensed appraisers. In addition, this act requires the commission to appoint a probable cause committee to review such complaints. This commission is required to adopt rules regarding the committee.

This act provides procedures for the review and investigation of the complaint, including notice requirements for the licensee. If the probable cause committee determines that the grievance has merit, it must present the case to the commission and the commission decides whether to proceed with an investigation. If the commission decides to investigate, the complaint becomes part of the licensee's record. This act provides procedures for the commission's investigation, including notification procedures. The commission is provided rulemaking authority.

The provision regarding complaints to the commission takes effect August 28, 2015.

SPECULATIVE ACCUMULATION OF ASPHALT SHINGLES - 407.1610

This act makes it a violation of the Merchandising Practices Act to accumulate asphalt shingles in the City of St. Louis without showing that at least 75% of the material will be recycled for other use in a calendar year.

This provision is similar to a provision contained in HCS/SB 693 (2014).

GARNISHMENTS - 408.040, 488.305, 525.040 to 525.310

The act provides a definition for the term "judgment balance" and states that post-judgment payments shall be applied first to post-judgment costs, then to interest, and then to judgment balance.

Under the act, clerks of circuit courts are authorized to

collect a surcharge of up to ten dollars when processing garnishments and money from the surcharge is to be used to maintain and improve case processing and record preservation.

The act adds language which provides that in the case of a continuous wage garnishment notice of garnishment served as provided by law shall have the effect of attaching all personal property until the judgment is paid in full or the employment relationship is terminated.

Garnishments which would otherwise have equal priority shall have priority according to the date of service, and when wages have been attached by more than one writ of garnishment then the employer must inform the inferior garnishor of the other garnishments.

When applicable, a garnishee may discharge himself by paying the money or giving the property owed to the defendant to the attorney for the party on whose behalf the order of garnishment was issued. Additionally, the court may order the delivery of the defendant's property possessed by the garnishee to the attorney for the party on whose behalf the order of garnishment was issued.

The act allows the garnishee to deduct up to twenty dollars, or a fee previously agreed upon between the garnishee and judgment debtor when the garnishee is a financial institution, for expenses in answering interrogatories and withholding the funds. The garnishee may also file a motion with the court to obtain additional costs incurred in answering the interrogatories.

The act modifies provisions relating to the issuance of a writ of sequestration. Under current law, the wages of state government employees are not subject to direct garnishment, and instead must be collected under a process called sequestration. This act provides that the government employer shall have the same duties as a private employer when served with a garnishment order. The act repeals language requiring a writ of sequestration when the judgment debtor is a government employee, and provides that all garnishments against such employees shall proceed in the same manner as any other garnishment proceedings.

These provisions have an effective date of January 15, 2015.

These provisions are similar to provisions contained in HCS/SB 621 (2014), HCS/HB 1612 (2014), and similar to provisions contained in HB 204 (2013) and SS/SCS/HCS/HB 374 & 434 (2013).  
MEGHAN LUECKE