

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 795, 972, 1128 & 1161

92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government March 11, 2004, with recommendation that the House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161 Do Pass.

Taken up for Perfection March 16, 2004. House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

2494L.02P

AN ACT

To repeal sections 49.272, 49.650, 50.515, 50.339, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, and to enact in lieu thereof eighteen new sections relating to county government, with penalty provisions.

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

Section A. Sections 49.272, 49.650, 50.515, 50.339, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 49.272, 49.650, 50.515, 50.339, 64.520, 64.805, 67.320, 138.011, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, 479.020, 537.550, and 1, to read as follows:

49.272. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, **and in any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants,** which has an appointed county counselor and which adopts or has adopted rules, regulations or

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

7 ordinances under authority of a statute which prescribes or authorizes a violation of such rules,
8 regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule,
9 regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation.
10 Any fines imposed and collected under such rules, regulations or ordinances shall be payable to
11 the county general fund to be used to pay for the cost of enforcement of such rules, regulations
12 or ordinances.

49.650. 1. The governing authority of each county [of the first, second, or fourth
2 classification] without a charter form of government shall have the power to adopt ordinances
3 or resolutions relating to its property, affairs, and local government for which no provision has
4 been made in the constitution of this state or state statute regarding the following:

- 5 (1) County roads controlled by the county;
- 6 (2) Emergency management, as it specifically relates to the actual occurrence of a natural
7 or man-made disaster of major proportions within the county when the safety and welfare of the
8 inhabitants of such county are jeopardized;
- 9 (3) Nuisance abatement, excluding agricultural and horticultural property as defined in
10 section 137.016, RSMo;
- 11 (4) Storm water control, excluding agricultural and horticultural property as defined in
12 section 137.016, RSMo;
- 13 (5) The promotion of economic development for job creation purposes; [and]
- 14 (6) Parks and recreation; **and**
- 15 (7) **Protection of the environment and the health of the general public from the**
16 **risks posed by methamphetamine production.**

17
18 If any such ordinance, order, or resolution conflicts with a municipal, fire protection district, or
19 ambulance district ordinance, the provisions of such municipality, fire protection district, or
20 ambulance district shall prevail within the corporate boundaries of the municipality, of such
21 municipality, fire protection district, or ambulance district. All ordinances adopted pursuant to
22 this section shall remain effective until repealed or amended by the governing authority, except
23 that the general assembly shall have the power to further define, broaden, limit, or otherwise
24 regulate the power of each such county to adopt ordinances, resolutions, or regulations.

25 2. The governing body of each county [of the first, second, or fourth classification]
26 without a charter form of government may submit to the qualified voters of the county any
27 ordinance, resolution, or regulation proposed pursuant to this section for the approval of the
28 qualified voters of the county. Any ordinance, resolution, or regulation submitted to the
29 qualified voters pursuant to this section shall become effective if a majority of the qualified
30 voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no

31 ordinance, resolution, or regulation shall become effective if a majority of the qualified voters
32 voting on the ordinance, resolution, or regulation are opposed to its adoption.

33 3. Notwithstanding any other provision of this section to the contrary, no tax or fee shall
34 be submitted to the voters of the county unless the tax or fee has been authorized by statute by
35 the general assembly.

36 4. No county of the first, second, **third**, or fourth classification shall have the power to
37 adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad
38 company, telecommunications or wireless companies, public utilities, rural electric cooperatives,
39 or municipal utilities.

50.339. **1.** In any county of the first classification with more than seventy-one thousand
2 three hundred but less than seventy-one thousand four hundred inhabitants, the salary
3 commission at its meeting in 2003 and at any meeting held in 2004 may equalize the base salary
4 for each office to an amount not greater than that set by law as the maximum compensation.
5 Nothing in this section shall be construed to prevent offices which have additional compensation
6 specified in law from receiving such compensation or from having such compensation added to
7 the base compensation in excess of the equalized salary.

8 **2. Notwithstanding any provision of section 50.343 to the contrary, in any county**
9 **of the first classification with more than sixty-eight thousand six hundred but less than**
10 **sixty-eight thousand seven hundred inhabitants, the salary commission may meet in the**
11 **year 2004 to determine whether to equalize the base salary for the office of treasurer with**
12 **the base salaries of other county officers at an amount not greater than the amount set as**
13 **the maximum compensation in subdivision (1) of subsection 1 of section 50.343.**

50.515. The governing body of any county may, by order of such governing body,
2 impose an administrative service fee on the county park fund or the county road and bridge fund,
3 or any specific purpose capital improvements fund, authorized pursuant to the provisions of
4 section 67.547, 67.550 or 67.700, RSMo. Such administrative service fee shall only be imposed
5 to recoup expenditures made from the county general revenue fund to provide administrative
6 services to the county park fund or the county road and bridge fund, or any specific purpose
7 capital improvements fund authorized pursuant to section 67.547, 67.550 or 67.700, RSMo,
8 including, but limited to, accounting, bookkeeping, legal services, auditing, investment control,
9 fiscal management, and revenue collection. Any administrative service fee imposed under this
10 section shall be imposed at a rate which will only generate revenue sufficient to recoup actual
11 expenditures made from the general revenue fund of the county to provide administrative
12 services to the fund against which such service fee is imposed, including both direct and indirect
13 expenditures as determined by an independent audit; provided, that no administrative service fee
14 shall exceed three percent of the total budget of the fund on which such fee is imposed, **except**

15 **in any county of the third classification, in which no administrative service fee shall exceed**
16 **five percent of the total budget of the fund on which such fee is imposed.**

64.520. Such county planning commission shall consist of the county highway engineer
2 **or head of the highway department**, and one resident of the county appointed by the county
3 commission, from the unincorporated part of each township in the county, except that no such
4 [freeholder]**resident** shall be appointed from a township in which there is no unincorporated
5 area. The township representatives are hereinafter referred to as appointed members. The term
6 of each appointed member shall be four years or until his successor takes office, except that the
7 terms shall be overlapping and that the respective terms of the members first appointed may be
8 less than four years. The term of the county highway engineer shall be only for the duration of
9 his tenure of official position. All members of the county planning commission shall serve as
10 such without compensation, except that an attendance fee as reimbursement for expenses for
11 hearings, and for not to exceed two administrative meetings per month, may be paid to the
12 appointed members of the planning commission in an amount, as set by the county commission,
13 not to exceed [fifteen] **twenty-five** dollars for each meeting. The planning commission shall
14 elect its chairman, who shall serve for one year.

64.805. The county planning commission shall consist of the county highway engineer,
2 and one resident of the county appointed by the county commission, from the unincorporated part
3 of each township in the county, except that no such person shall be appointed from a township
4 in which there is no unincorporated area. The township representatives are hereinafter referred
5 to as appointed members. The term of each appointed member shall be four years or until his
6 successor takes office, except that the terms shall be overlapping and that the respective terms
7 of the members first appointed may be less than four years. The term of the county highway
8 engineer shall be only for the duration of his tenure of official position. All members of the
9 county planning commission shall serve as such without compensation, except that an attendance
10 fee as reimbursement for expenses, for not to exceed four meetings per year, may be paid to the
11 appointed members of the county planning commission in an amount, as set by the county
12 commission, not to exceed [ten] **twenty-five** dollars per meeting. The planning commission shall
13 elect its chairman, who shall serve for one year.

67.320. 1. Any county of the first classification with more than one hundred ninety-
2 **eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants**
3 **may prosecute and punish violations of its county orders in the circuit court of such**
4 **counties in the manner and to the extent herein provided or in a county municipal court**
5 **if creation of a county municipal court is approved by order of the county commission.**
6 **The county may adopt orders with penal provisions consistent with state law but only in**
7 **the areas of traffic violations, solid waste management and animal control. Any county**

8 **municipal court established pursuant to the provisions of this section shall have**
9 **jurisdiction over violations of that county's orders and the ordinances of municipalities**
10 **with which the county has a contract to prosecute and punish violations of municipal**
11 **ordinances of the municipality.**

12 **2. In any county which has elected to establish a county municipal court pursuant**
13 **to this section, the judges for such court shall be appointed by the county commission of**
14 **such county, subject to confirmation by the legislative body of such county in the same**
15 **manner as confirmation for other county appointed officers. The number of judges**
16 **appointed, and qualifications for their appointment, shall be established by order of the**
17 **commission.**

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

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

138.011. No member of any board of equalization in any county with a charter form
2 **of government shall be an official of any city, town, or village in the county, a member of**
3 **any school board in the county, or an employee of any school district within the county.**
4 **Each member shall have some level of experience as determined by the governing authority**
5 **of the county as a real estate broker, real estate appraiser, home builder, property**
6 **developer, lending officer, or investor in real estate before their appointment to the board.**

251.160. 1. For the purpose of sections 251.010 to 251.440, the following terms mean:

2 (1) "Director", the director of the department of economic development;

3 (2) "Governing body", the board, body or persons in which the powers of a local unit are
4 vested;

5 (3) "Local governmental units" or "local units" includes cities, villages, towns,
6 **unincorporated areas of counties adopting a plan**, and counties;

7 (4) "Population", the population of a local unit as shown by the last federal census or by
8 any subsequent population estimate certified as acceptable by the director;

9 (5) "State office", the department of economic development;

10 (6) "Transportation planning boundary", the portion of the boundary of a metropolitan
11 planning organization which is located in Missouri, as established pursuant to 23 U.S.C., section
12 134, which defines the area in which a metropolitan planning organization has responsibility for
13 transportation planning.

14 **2. A regional planning commission may be created by the governor upon petition in the**
15 **form of a resolution by the governing body of a local governmental unit and the holding of a**

16 public hearing on such petition. If the petition shall be joined in by the governing bodies of all
17 the local units in the proposed region, including the county commission of any county, part or
18 all of which is in the proposed region, the governor may dispense with the hearing. Notice of
19 any public hearing shall be given by the governor by mail at least ten days in advance to the clerk
20 of each local unit in the proposed region. If the governor finds that there is a need for a regional
21 planning commission, and if the governing bodies of local units within the proposed region
22 which include over fifty percent of the population as determined by the last decennial census of
23 the United States shall consent to the formation of such regional planning commission, the
24 governor may create the regional planning commission by order and designate the area and
25 boundaries of the commission's jurisdiction, taking into account the elements of homogeneity
26 based upon, but not limited to, such consideration as topographic and geographic conformations,
27 extent of urban development, the existence of special or acute agricultural, forestry, conservation
28 or other rural problems, uniformity of social or economic interests and values, park and
29 recreational needs, civil defense, or the existence of physical, social and economic problems of
30 a regional character.

31 3. Notwithstanding the provisions of section 64.530, RSMo, the creation of a regional
32 planning commission and a local unit's participation in and adoption of plans prepared by the
33 regional planning commission shall not require a referendum; except that, this provision shall
34 not extend to the adoption of county zoning laws or regulations under sections 64.620 to 64.690,
35 RSMo.

36 4. No provision of sections 251.010 to 251.440 shall be construed to impair or affect in
37 any way the legal existence, powers, or functions of any planning commission or other
38 organization, public or private, in such areas which heretofore has been constituted or designated
39 by resolutions approved by the governing bodies of the local units containing the majority of the
40 population of such area for the purpose of conducting comprehensive planning, including
41 transportation planning under or in conformity with the requirements of any statute of the United
42 States or any regulation issued thereunder; and any such previously constituted planning
43 commission or organization shall be governed in all respects by the resolutions of the governing
44 bodies of the local units which constitute such planning commissions or organizations, by the
45 provisions of this section, or by other applicable law.

46 5. A regional planning commission within a metropolitan statistical area of more than
47 five hundred thousand in population, which area does not contain a city not within a county, and
48 which commission is acting as a metropolitan planning organization pursuant to state and federal
49 law, may only change its transportation planning boundary with the concurrence of the governor.

251.170. 1. The office of administration is hereby designated as the official state
2 planning agency for the purpose of providing planning assistance to counties, **unincorporated**

3 **areas within counties**, municipalities, metropolitan planning areas, and regional planning
4 commissions herein created when requested by such local governmental unit or planning
5 commission to do so, and for such purposes is authorized to:

6 (1) Contract with public agencies or private persons or organizations for any purposes
7 of sections 251.010 to 251.440;

8 (2) Delegate any of its functions to any other state agency authorized to perform such
9 functions, except that responsibility for such functions shall remain solely with the state office;

10 (3) Require or receive reimbursement from any political subdivision or subdivisions or
11 regional planning commissions for the actual cost of planning assistance or planning work, when
12 such assistance or planning has been requested by the political subdivision or commission;
13 except that, no reimbursement shall be required or received for such costs to the extent that such
14 costs are covered by federal grants;

15 (4) **Provide technical assistance to local governments that request it for the**
16 **development of local planning ordinances and regulations;**

17 (5) **Encourage local governments to engage in planning, regulatory, and**
18 **development approaches that promote and encourage comprehensive planning;**

19 (6) **Prepare and distribute model ordinances, manuals, and other technical**
20 **publications that promote and encourage comprehensive planning. The office of**
21 **administration shall make all possible use of existing model ordinances, manuals, and other**
22 **technical publications that promote and encourage comprehensive planning and that were**
23 **prepared by regional planning commissions, local government entities, and other**
24 **organizations;**

25 (7) **Research and report upon the results and impact of activities funded by the**
26 **grants or other financial assistance;**

27 (8) **Support local planning efforts in communities with limited financial means;**

28 (9) **Support planning efforts that include one or more units of local government or**
29 **planning agencies working together;**

30 (10) **Make grants to units of local government to develop, update, administer, and**
31 **implement plans, land development regulations, development incentives, market feasibility**
32 **studies, and environmental assessments that promote and encourage the principles of**
33 **comprehensive planning.**

34 2. From all regional planning commissions to which it provides planning assistance
35 pursuant to this section, the office of administration shall gather information to identify
36 expenditures of such commissions which are or would be eligible to be used to generate
37 matching funds under block grant programs, including but not limited to community
38 development block grant programs. The office of administration shall report any such

39 expenditures which are so eligible to the department of economic development within thirty days
40 of determining that such expenditures are so eligible. The department of economic development
41 shall provide the office of administration with information deemed necessary by the
42 commissioner of administration to implement the provisions of this subsection. For any fiscal
43 year in which a regional planning commission which receives planning assistance from the office
44 of administration does not provide the office of administration with information necessary to
45 implement the provisions of this subsection, the office of administration shall not distribute
46 general revenue funds to that regional planning commission in the following fiscal year. Any
47 regional planning authority shall have thirty days to cure any alleged defect prior to the
48 withholding of any funds.

49 **3. The office of administration may promulgate rules establishing standards and**
50 **procedures for determining eligibility for the grants, regulating the use of funds under the**
51 **grants, and requiring periodic reporting of the results and impact of activities funded by**
52 **the grants. No rule or portion of a rule promulgated pursuant to the authority of this**
53 **section shall become effective unless it has been promulgated pursuant to chapter 536,**
54 **RSMo.**

55 **4. No individual grant disbursed after August 28, 2004, under the state and regional**
56 **planning and community development act shall have a duration of more than twenty-four**
57 **months. The office of administration, in the determination of grantees, may also seek an**
58 **even balance of grants within metropolitan regions.**

59 **5. In any county, unincorporated area within a county, or municipality receiving**
60 **assistance under the state and regional planning and community development act to write**
61 **or revise a plan, any land-use arrangements for residential, commercial, industrial, public,**
62 **or other purposes made within five years after such plan is adopted shall be consistent with**
63 **the new or revised plan.**

251.180. Comprehensive planning, state and regional, shall include, but not be limited
2 to, the planning for the following:

- 3 (1) Public water systems;
- 4 (2) Storm water drainage and flood control systems;
- 5 (3) Sanitary sewerage systems;
- 6 (4) Integrated transportation systems;
- 7 (5) Orderly land-use arrangements for residential, commercial, industrial and public and
8 other purposes;
- 9 (6) Local, area-wide and state governmental services coordinated with federal
10 governmental services insofar as may be feasible;
- 11 (7) Solid waste disposal systems or facilities;

- 12 (8) Educational facilities;
- 13 (9) Open space, park and recreational areas;
- 14 (10) Improved standards of community aesthetics and facilities design;
- 15 (11) General living conditions and environmental health;
- 16 (12) Community health and hospital needs and related facilities; [and]
- 17 (13) The coordination of planning activities for all federal assistance and grant-in-aid
- 18 programs, which require comprehensive planning as prerequisites for eligibility;
- 19 **(14) Natural resources;**
- 20 **(15) Community goals and standards;**
- 21 **(16) Police and fire facilities;**
- 22 **(17) Housing;**
- 23 **(18) Telecommunications infrastructure;**
- 24 **(19) Economic development;**
- 25 **(20) Public participation in the community;**
- 26 **(21) Natural hazards;**
- 27 **(22) Agriculture and forest preservation;**
- 28 **(23) Human services;**
- 29 **(24) Community design; and**
- 30 **(25) Historic preservation.**

251.190. The state office shall have the following functions and powers:

- 2 (1) To provide general planning assistance to and for any county, municipality, or
- 3 regional planning commission when requested by such local governmental unit or planning
- 4 commission to do so;
- 5 (2) To contract for, receive and utilize grants or other financial assistance made available
- 6 by the state or federal government or from any other source, public or private, for performing the
- 7 functions of the state office. Nothing in this section shall prevent or impair the powers of the
- 8 regional commissions or other state agencies or local governmental units to contract for, receive
- 9 or utilize grants directly from the federal or local governments or from any other source, public
- 10 or private;
- 11 (3) To provide assistance and coordination upon request in matters relating to planning
- 12 to state agencies and to local and regional planning units. All present governmental units who
- 13 engage in planning activities, including but not limited to state agencies, other than the planning
- 14 activities of the division of commerce and industrial development, which are transferred to the
- 15 state office created herein, planning agencies or commissions of local governmental units who
- 16 are supported by local, state or federal funds, shall in no way be affected, prevented or impaired
- 17 in such planning activities;

18 (4) To develop a comprehensive state plan;

19 (5) **To employ or retain private not-for-profit entities, regional planning**
20 **commissions, local government entities, and universities to advise, prepare, or conduct the**
21 **preparation of the model ordinances, manuals, and other technical publications;**

22 (6) **To distribute any model ordinances, manuals, and other technical publications**
23 **prepared under the state and regional planning and community development act to all**
24 **counties and municipalities, regional planning commissions, the Missouri state library, all**
25 **public libraries in this state, and to other organizations and libraries at the office of**
26 **administration's discretion;**

27 (7) To perform such other functions and activities consistent with the general purposes
28 of sections 251.150 to 251.440.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county
2 wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect
3 a charge equal to the charge authorized by the voters in such election, not to exceed one dollar
4 and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be
5 collected in addition to any fee authorized or imposed pursuant to the provisions of section
6 260.330, and shall be paid to such operator by all political subdivisions, municipalities,
7 corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant
8 to contract or otherwise, and notwithstanding that any such contract may provide for collection,
9 transportation and disposal of such waste at a fixed fee. Any such contract providing for
10 collections, transportation and disposal of such waste at a fixed fee which is in force on August
11 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed
12 by this section. Each such operator shall submit the charge, less collection costs, to the
13 governing body of the county, which shall dedicate such funds for use by the industrial
14 development authority within the county and such funds shall be used by the **county commission**
15 **or** authority for economic development within the county. Collection costs shall be the same as
16 established by the department of natural resources pursuant to section 260.330, and shall not
17 exceed two percent of the amount collected pursuant to this section.

18 2. The charges established in this section shall be enumerated separately from any
19 disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section
20 260.830 and this section shall be stated as a separate surcharge on each individual solid waste
21 collection customer's invoice and shall also [name the] **indicate whether the county**
22 **commission or** economic development authority [which] receives the funds. Moneys
23 transmitted to the governing body of the county shall be no less than the amount collected less
24 collection costs and in a form, manner and frequency as the governing body may prescribe.
25 Failure to collect such charge shall not relieve the operator from responsibility for transmitting

26 an amount equal to the charge to the governing body.

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

2 (1) "Expressway", a divided highway of at least ten miles in length with four or more
3 lanes which is not part of the federal interstate system of highways which has crossovers or
4 accesses from streets, roads or other highways at the same grade level as such divided highway;

5 (2) "Freeway", a limited access divided highway of at least ten miles in length with four
6 or more lanes which is not part of the federal interstate system of highways which does not have
7 any crossovers or accesses from streets, roads or other highways at the same grade level as such
8 divided highway within such ten miles of divided highway;

9 (3) "Rural interstate", that part of the federal interstate highway system that is not located
10 in an urban area;

11 (4) "Urbanized area", an area of fifty thousand population at a density at or greater than
12 one thousand persons per square mile.

13 2. Except as otherwise provided in this section, the uniform maximum speed limits are
14 and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

15 (1) Upon the rural interstates and freeways of this state, seventy miles per hour;

16 (2) Upon the rural expressways of this state, sixty-five miles per hour;

17 (3) Upon the interstate highways, freeways or expressways within the urbanized areas
18 of this state, sixty miles per hour;

19 (4) All other roads and highways in this state not located in an urbanized area and not
20 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

21 (5) All other roads provided for in subdivision (4) of this subsection shall not include
22 any state two-lane road which is identified by letter. Such lettered roads shall not exceed
23 fifty-five miles per hour unless set at a higher speed as established by the department of
24 transportation, except that no speed limit shall be set higher than sixty miles per hour;

25 (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable
26 presumption that the posted speed limit is the legal speed limit.

27 3. On any state road or highway where the speed limit is not set pursuant to a local
28 ordinance, the highways and transportation commission may set a speed limit higher or lower
29 than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or
30 lower speed limit is recommended by the department of transportation. The department of public
31 safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower
32 speed limit is warranted, may request the department of transportation to raise or lower such
33 speed limit, except that no speed limit shall be set higher than seventy miles per hour.

34 4. Notwithstanding the provisions of section 304.120 or any other provision of law to
35 the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and

36 highways within such cities', towns' or villages' corporate limits by ordinance with the approval
37 of the state highways and transportation commission. Any reduction of speed in cities, towns
38 or villages shall be designed to expedite the flow of traffic on such state roads and highways to
39 the extent consistent with public safety. The commission may declare any ordinance void if it
40 finds that such ordinance is:

41 (1) Not primarily designed to expedite traffic flow; and

42 (2) Primarily designed to produce revenue for the city, town or village which enacted
43 such ordinance.

44

45 If an ordinance is declared void, the city, town or village shall have any future proposed
46 ordinance approved by the highways and transportation commission before such ordinance may
47 take effect.

48 5. The county commission of any county of the second, third or fourth classification may
49 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or
50 bridges on any county, township or road district road in the county and, with the approval of the
51 state highways and transportation commission, on any state road or highway not within the limits
52 of any incorporated city, town or village, lower than the uniform maximum speed limit as
53 provided in subsection 2 of this section where the condition of the road or the nature of the area
54 requires a lower speed. The commission shall send copies of any order establishing a speed limit
55 or weight limit on roads and bridges on a county, township or road district road in the county to
56 the chief engineer of the state department of transportation, the superintendent of the state
57 highway patrol and to any township or road district maintaining roads in the county. After the
58 roads have been properly marked by signs indicating the speed limits and weight limits set by
59 the county commission, the speed limits and weight limits shall be of the same effect as the
60 speed limits provided for in subsection 1 of this section and shall be enforced by the state
61 highway patrol and the county sheriff as if such speed limits and weight limits were established
62 by state law.

63 **6. The county commission of any county of the second, third, or fourth**
64 **classification may by ordinance set a countywide speed limit on roads within**
65 **unincorporated areas of any county, township, or road district in the county and may**
66 **establish reasonable speed regulations for motor vehicles within the limit of such county.**
67 **No person who is not a resident of such county and who has not been within the limits**
68 **thereof for a continuous period of more than forty-eight hours shall be convicted of a**
69 **violation of such ordinances, unless it is shown by competent evidence that there was**
70 **posted at the place where the boundary of such county road enters the county a sign**
71 **displaying in black letters not less than four inches high and one inch wide on a white**

72 **background the speed fixed by such county so that such signs may be clearly seen by**
73 **operators and drivers from their vehicles upon entering such county. The commission**
74 **shall send copies of any order establishing a countywide speed limit on a county, township,**
75 **or road district road in the county to the chief engineer of the Missouri department of**
76 **transportation, the superintendent of the state highway patrol, and to any township or**
77 **road district maintaining roads in the county. After the boundaries of the county roads**
78 **entering the county have been properly marked by signs indicating the speed limits set by**
79 **the county commission, the speed limits shall be of the same effect as the speed limits**
80 **provided for in subsection 1 of this section and shall be enforced by the state highway**
81 **patrol and the county sheriff as if such speed limits were established by state law.**

82 [6.] 7. All road signs indicating speed limits or weight limits shall be uniform in size,
83 shape, lettering and coloring and shall conform to standards established by the department of
84 transportation.

85 [7.] 8. The provisions of this section shall not be construed to alter any speed limit set
86 below fifty-five miles per hour by any ordinance of any county, city, town or village of the state
87 adopted before March 13, 1996.

88 [8.] 9. The speed limits established pursuant to this section shall not apply to the
89 operation of any emergency vehicle as defined in section 304.022.

90 [9.] 10. A violation of the provisions of this section shall not be construed to relieve the
91 parties in any civil action on any claim or counterclaim from the burden of proving negligence
92 or contributory negligence as the proximate cause of any accident or as the defense to a
93 negligence action.

94 [10.] 11. Any person violating the provisions of this section is guilty of a class C
95 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour
96 or more then it is a class B misdemeanor.

475.275. 1. The conservator, at the time of filing any settlement with the court, shall
2 exhibit all securities or investments held by him to an officer of the bank or other depository
3 wherein the securities or investments are held for safekeeping or to an authorized representative
4 of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this
5 state, or upon request of the conservator or other interested party, to any other reputable person
6 designated by the court, who shall certify in writing that he has examined the securities or
7 investments and identified them with those described in the account and shall note any omission
8 or discrepancies. If the depository is the conservator, the certifying officer shall not be the officer
9 verifying the account. The conservator may exhibit the securities or investments to the judge of
10 the court, who shall endorse on the account and copy thereof, a certificate that the securities or
11 investments shown therein as held by the conservator were each in fact exhibited to him and that

12 those exhibited to him were the same as those in the account and noting any omission or
13 discrepancy. The certificate, and the certificate of an official of the bank in which are deposited
14 any funds for which the conservator is accountable, showing the amount on deposit, shall be
15 prepared and signed in duplicate and one of each shall be filed by the conservator with his
16 account.

17 **2. (1) As used in this section, "pooled account" means any account maintained by**
18 **a fiduciary for more than one principal and established to manage and invest the funds of**
19 **such principals. No fiduciary shall place funds into a pooled account unless the account**
20 **meets the following criteria:**

21 **(a) The pooled account is maintained at a bank or savings and loan institution;**

22 **(b) The pooled account is titled in such a way as to reflect that the account is being**
23 **held by a fiduciary in a custodial capacity;**

24 **(c) The fiduciary maintains, or causes to be maintained, records containing**
25 **information as to the name and ownership interest of each principal in the pooled account;**

26 **(d) The fiduciary's records contain a statement of all accretions and disbursements;**
27 **and**

28 **(e) The fiduciary's records are maintained in the ordinary course of business and**
29 **in good faith.**

30 **(2) The public administrator of any county with a charter form of government and**
31 **with more than six hundred thousand but less than seven hundred thousand inhabitants**
32 **servicing as conservator and using pooled accounts for the investing and management of**
33 **conservatorship funds shall have any such accounts audited on at least an annual basis by**
34 **an independent certified public accountant. The audit shall review the records of the**
35 **receipts and disbursements of each estate account. Upon completion of the investigation,**
36 **the certified public accountant shall render a report to the judge of record in this state**
37 **showing the receipts, disbursements, and account balances as to each estate as well as the**
38 **total assets on deposit in the pooled account on the last calendar day of each year. The**
39 **county shall provide for the expense of the audit. If the public administrator has provided**
40 **the judge with the audit required by this subsection, the public administrator shall not be**
41 **required to obtain the written certification of an officer of a bank or other depository on**
42 **any estate asset maintained within the pooled account as required in subsection 1 of this**
43 **section.**

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to

5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a
9 part-time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit. [Notwithstanding the
24 foregoing provisions of this subsection, in any city with a population of over four hundred
25 thousand with full-time municipal judges who are subject to a plan of merit selection and
26 retention, such municipal judges and court personnel of the municipal divisions shall not be
27 subject to court management and case docketing in the municipal divisions by the presiding
28 judge or the rules of the circuit court of which the municipal divisions are a part.]

29 6. No municipal judge shall hold any other office in the municipality which the
30 municipal judge serves as judge. The compensation of any municipal judge and other court
31 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
32 verdicts reached or the amount of fines imposed or collected.

33 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
34 municipal judge after that person has reached that person's seventy-fifth birthday.

35 8. Within six months after selection for the position, each municipal judge who is not
36 licensed to practice law in this state shall satisfactorily complete the course of instruction for
37 municipal judges prescribed by the supreme court. The state courts administrator shall certify
38 to the supreme court the names of those judges who satisfactorily complete the prescribed
39 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
40 months after the municipal judge's selection as municipal judge, the municipal judge's office

41 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
42 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
43 judge.

**537.550. 1. No county, city or village with ten thousand or fewer inhabitants that
2 organizes, sponsors, or conducts any fair, festival, or similar gathering shall be liable,
3 except as provided in sections 537.600 to 537.650, for an injury or death of any person
4 attending the event, and no person attending the event shall make any claim against, or
5 recover from, any such county, city or village for injury, loss, damage, or death of the
6 person attending the event.**

7 **2. Each county, city or village governed by this section shall post and maintain signs
8 which contain the warning notice specified in this section. The signs shall be placed in a
9 clearly visible location at major entrances to the event and throughout the event location
10 as determined by the governing authority of the county, city or village. The signs described
11 in this section shall be in black letters on a white background with each letter to be a
12 minimum of one inch in height and contain substantially the following warning notice:**

13
14
15

WARNING

16 **Under Missouri Law, (enter county, city or village name) is not liable for an injury
17 to or the death of any person resulting from the inherent risks of participating in or
18 observing any activities at this event pursuant to the Revised Statutes of Missouri.**

**Section 1. Nothing in chapter 61, RSMo, shall require the county commission to
2 hire a county engineer. The county commission may hire and authorize an individual to
3 perform those duties the individual is qualified for, based upon the individual's education
4 and training.**