

SECOND REGULAR SESSION

HOUSE BILL NO. 1633

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4980L.01I

AN ACT

To repeal sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof seventeen new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

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

Section A. Sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 57.290, 143.183, 185.200, 185.205, 185.210, 185.215, 185.220, 185.225, 185.230, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, to read as follows:

57.290. 1. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

2. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other

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

10 officer and guard shall receive the mileage rate prescribed by this section for the distance
11 necessarily traveled in going to and returning from the reception and diagnostic center, the time
12 and distance to be estimated by the most usually traveled route from the place of departure to the
13 reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled
14 shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken
15 to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment
16 in the department of corrections at any term or sitting of the court, shall be taken to the reception
17 and diagnostic center at the same time, unless prevented by sickness or unavoidable accident.
18 In cities having a population of two hundred thousand inhabitants or more, convicted offenders
19 shall be taken to the reception and diagnostic center as often as the sheriff deems necessary.
20 When three or more convicted offenders are being taken to the reception and diagnostic center
21 at one time, a guard may be employed, but no guard shall be employed for a less number of
22 convicted offenders except upon the order, entered of record, of the judge of the court in which
23 the conviction was had, and any additional guards employed by order of the judge shall, in no
24 event, exceed one for every three convicted offenders; and before any claim for taking convicted
25 offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying
26 such convicted offender, shall file with the state [commissioner of administration] **director of**
27 **the department of corrections** an itemized statement of such sheriff's account, in which the
28 sheriff shall give the name of each convicted offender conveyed and the name of each guard
29 actually employed, with the number of miles necessarily traveled and the number of days
30 required, which in no case shall exceed three days, and which account shall be signed and sworn
31 to by such officer and accompanied by a certificate from the chief administrative officer or such
32 officer's designee of the reception and diagnostic center, that such convicted offenders have been
33 delivered at the reception and diagnostic center and were accompanied by each of the officers
34 and guards named in the account.

35 3. The sheriff or other officer who shall take a person, charged with a criminal offense,
36 from the county in which the offender is apprehended to that in which the offense was
37 committed, or who may remove a prisoner from one county to another for any cause authorized
38 by law, or who shall have in custody or under such sheriff's or officer's charge any person
39 undergoing an examination preparatory to such person's commitment more than one day for
40 transporting, safekeeping and maintaining any such person, shall be allowed by the court having
41 cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or
42 officer may have such person under such sheriff's or officer's charge, when the number of days
43 shall exceed one, and the mileage rate prescribed by this section for every mile necessarily
44 traveled in going to and returning from one county to another, and the guard employed, who shall
45 in no event exceed the number allowed the sheriff, marshal or other officer in transporting

46 convicted offenders to the reception and diagnostic center, shall be allowed the same
47 compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall
48 be allowed for board and all other expenses of each prisoner. No compensation shall be allowed
49 under this section for taking the prisoner or prisoners from one place to another in the same
50 county, excepting in counties which have two or more courts with general criminal jurisdiction.
51 In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place
52 of trial as are allowed for conveying prisoners in like cases from one county to another, and the
53 expenses incurred in transporting prisoners from one county to another, occasioned by the
54 insufficiency of the county jail or threatened mob violence, shall be paid by the county in which
55 such case may have originated; provided that the court is held at a place more than five miles
56 from the jail; and no court shall allow the expense of a guard, although it may have actually been
57 incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was
58 necessary; provided, that when the place of conviction is remote from a railroad, upon which a
59 convicted offender may be transported to the reception and diagnostic center, the court before
60 which such convicted offender is sentenced may, for good cause shown, allow one guard for
61 every two convicted offenders, such guard to receive three dollars a day and the mileage rate
62 prescribed by this section for every mile necessarily traveled in going to and returning from the
63 nearest depot on said railroad to the place where such convicted offender was sentenced.

64 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
65 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for
66 allowable expenses for motor vehicle use expressed as an amount per mile.

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

2 (1) "Nonresident entertainer", a person residing or registered as a corporation outside this
3 state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic,
4 dance or other performance in this state before a live audience and any other person traveling
5 with and performing services on behalf of a nonresident entertainer, including a nonresident
6 entertainer who is paid compensation for providing entertainment as an independent contractor,
7 a partnership that is paid compensation for entertainment provided by nonresident entertainers,
8 a corporation that is paid compensation for entertainment provided by nonresident entertainers,
9 or any other entity that is paid compensation for entertainment provided by nonresident
10 entertainers;

11 (2) "Nonresident member of a professional athletic team", a professional athletic team
12 member who resides outside this state, including any active player, any player on the disabled
13 list if such player is in uniform on the day of the game at the site of the game, and any other
14 person traveling with and performing services on behalf of a professional athletic team;

15 (3) "Personal service income" includes exhibition and regular season salaries and wages,
16 guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other
17 type of compensation paid to the nonresident entertainer or nonresident member of a professional
18 athletic team, but does not include prizes, bonuses or incentive money received from competition
19 in a livestock, equine or rodeo performance, exhibition or show;

20 (4) "Professional athletic team" includes, but is not limited to, any professional baseball,
21 basketball, football, soccer and hockey team.

22 2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall
23 deduct and withhold from such compensation as a prepayment of tax an amount equal to two
24 percent of the total compensation if the amount of compensation is in excess of three hundred
25 dollars paid to the nonresident entertainer.

26 3. Any person, venue, or entity required to deduct and withhold tax pursuant to
27 subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month
28 following the close of such calendar quarter, remit the taxes withheld in such form or return as
29 prescribed by the director of revenue and pay over to the director of revenue or to a depository
30 designated by the director of revenue the taxes so required to be deducted and withheld.

31 4. Any person, venue, or entity subject to this section shall be considered an employer
32 for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to
33 tax provided in this chapter for failure to comply with this section.

34 5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of
35 administration, for all taxable years beginning on or after January 1, 1999, but none after
36 December 31, 2015, shall annually estimate the amount of state income tax revenues collected
37 pursuant to this chapter which are received from nonresident members of professional athletic
38 teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for
39 a period of sixteen years, sixty percent of the annual estimate of taxes generated from the
40 nonresident entertainer and professional athletic team income tax shall be allocated annually to
41 the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the
42 Missouri arts council trust fund established in section 185.100, RSMo, and any amount
43 transferred shall be in addition to such agency's budget base for each fiscal year.
44 Notwithstanding other provisions of this section, the Missouri arts council shall not be
45 appropriated more than ten million dollars in any fiscal year. The director shall by rule establish
46 the method of determining the portion of personal service income of such persons that is
47 allocable to Missouri.

48 6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the
49 contrary, the commissioner of administration, for all taxable years beginning on or after January
50 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state

51 income tax revenues collected pursuant to this chapter which are received from nonresident
52 members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and
53 for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate
54 of taxes generated from the nonresident entertainer and professional athletic team income tax
55 shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred
56 from the general revenue fund to the Missouri humanities council trust fund established in
57 section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget
58 base for each fiscal year.

59 7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the
60 commissioner of administration, for all taxable years beginning on or after January 1, 1999, but
61 for none after December 31, 2015, shall estimate annually the amount of state income tax
62 revenues collected pursuant to this chapter which are received from nonresident members of
63 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
64 subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes
65 generated from the nonresident entertainer and professional athletic team income tax shall be
66 allocated annually to the Missouri state library networking fund, and shall be transferred from
67 the general revenue fund to the secretary of state for distribution to public libraries for
68 acquisition of library materials as established in section 182.812, RSMo, and any amount
69 transferred shall be in addition to such agency's budget base for each fiscal year.

70 8. Notwithstanding other provisions of section [37.200] **185.200**, RSMo, to the contrary,
71 the commissioner of administration, for all taxable years beginning on or after January 1, 1999,
72 but for none after December 31, 2015, shall estimate annually the amount of state income tax
73 revenues collected pursuant to this chapter which are received from nonresident members of
74 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
75 subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes
76 generated from the nonresident entertainer and professional athletic team income tax shall be
77 allocated annually to the Missouri public television broadcasting corporation special fund, and
78 shall be transferred from the general revenue fund to the Missouri public television broadcasting
79 corporation special fund established in section [37.200] **185.200**, RSMo, and any amount
80 transferred shall be in addition to such agency's budget base for each fiscal year; provided,
81 however, that twenty-five percent of such allocation shall be used for grants to public radio
82 stations which were qualified by the corporation for public broadcasting as of November 1, 1996.
83 Such grants shall be distributed to each of such public radio stations in this state after receipt of
84 the station's certification of operating and programming expenses for the prior fiscal year.
85 Certification shall consist of the most recent fiscal year financial statement submitted by a station
86 to the corporation for public broadcasting. The grants shall be divided into two categories, an

87 annual basic service grant and an operating grant. The basic service grant shall be equal to
88 thirty-five percent of the total amount and shall be divided equally among the public radio
89 stations receiving grants. The remaining amount shall be distributed as an operating grant to the
90 stations on the basis of the proportion that the total operating expenses of the individual station
91 in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year
92 for all Missouri public radio stations which are receiving grants.

93 9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the
94 commissioner of administration, for all taxable years beginning on or after January 1, 1999, but
95 for none after December 31, 2015, shall estimate annually the amount of state income tax
96 revenues collected pursuant to this chapter which are received from nonresident members of
97 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
98 subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes
99 generated from the nonresident entertainer and professional athletic team income tax shall be
100 allocated annually to the Missouri department of natural resources Missouri historic preservation
101 revolving fund, and shall be transferred from the general revenue fund to the Missouri
102 department of natural resources Missouri historic preservation revolving fund established in
103 section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget
104 base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is
105 the intention and desire of the general assembly that the state treasurer convey, to the Missouri
106 investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri
107 arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri
108 humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall
109 be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council
110 trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no
111 earlier than January 2, 2009.

**185.200. The general assembly, giving due consideration to the historical and
2 continuing interest of the people of the state of Missouri in encouraging the educational
3 and cultural enrichment of its residents, finds that public television stations, especially with
4 local programming, contribute significantly to such enrichment, are a valuable state
5 resource, and consequently that support of public television is an important public
6 purpose.**

**185.205. As used in sections 185.200 to 185.230, the term "public television station"
2 means a television broadcasting station operating as of January 1, 1980, under authority
3 of section 73.621 of the Federal Communications Commission rules and regulations as a
4 noncommercial educational or public television station, owned and operated by a political
5 subdivision of this state, an educational institution of this state, or by a not-for-profit**

6 corporation, accepting or broadcasting no commercial messages, and receiving all or part
7 of its operating revenues from public funds, federal funds, donations or grants, or public
8 subscriptions.

185.210. The general assembly may appropriate funds to the commissioner of
2 administration for use as grants to public television stations. Such grants shall be
3 distributed to each of the public television stations in this state after receipt of the station's
4 certification of operating and programming expenses for the prior fiscal year.
5 Certification shall consist of the most recent fiscal year financial statement submitted by
6 a station to the corporation for public broadcasting. At least twenty percent of the state
7 funds received under sections 185.200 to 185.230 by any public television station shall be
8 used for instructional television services to be provided through local agreements. A
9 substantial portion of the state funds received under this or any other act by any public
10 television station shall be used for local programming related to the needs and problems
11 of the community served by the broadcast licensee. The grants shall be divided into two
12 categories, an annual basic service grant and an operating grant. The basic service grant
13 shall be equal to thirty-five percent of the total amount appropriated and shall be divided
14 equally among the public television stations receiving grants. The remaining amount of
15 the appropriation shall be distributed as an operating grant to the stations on the basis of
16 the proportion that the total operating expenses of the individual station in the prior fiscal
17 year bears to the aggregate total of operating expenses for the same fiscal year for all
18 Missouri public television stations receiving state grants. State funds received by a public
19 television station under sections 185.200 to 185.230 and not expended shall be returned to
20 the state of Missouri.

185.215. The amount of any state funding provided by sections 185.200 to 185.230
2 shall not exceed thirty percent of the operating expenditures for the previous year of the
3 public television station receiving said grant.

185.220. Eligible public television stations desiring to receive grants under the
2 provisions of sections 185.200 to 185.230 shall make an annual application to the
3 commissioner of administration and submit a certification of its actual operating and
4 programming expenses for the previous fiscal year.

185.225. Each public television station receiving grants under the provisions of
2 sections 185.200 to 185.230 shall furnish the commissioner of administration and the
3 oversight division of the committee on legislative research within sixty days after the end
4 of each fiscal year with an annual report and accounting of the funds received and
5 expended by such stations during the just ended fiscal year and may furnish

6 **recommendations and suggestions for improvement in programs and services under the**
7 **provisions of sections 185.200 to 185.230.**

2 **185.230. The amount appropriated as grants under the provisions of sections**
3 **185.200 to 185.230 shall not be more than the sum of fifty cents multiplied by the total**
4 **number of residents of the state as determined by the most recent federal decennial census.**

211.393. 1. For purposes of this section, the following words and phrases mean:

2 (1) "County retirement plan", any public employees' defined benefit retirement plan
3 established by law that provides retirement benefits to county or city employees, but not to
4 include the county employees' retirement system as provided in sections 50.1000 to 50.1200,
5 RSMo;

6 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
7 position normally requiring one thousand hours or more of service per year but not including any
8 service in such a position that was financed in whole or in part by a public or private grant on
9 or after July 1, 1999;

10 (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

11 (4) "Multicounty circuit", all other judicial circuits not included in the definition of a
12 single county circuit;

13 (5) "Single county circuit", a judicial circuit composed of a single county of the first
14 classification, including the circuit for the city of St. Louis;

15 (6) "State retirement plan", the public employees' retirement plan administered by the
16 Missouri state employees' retirement system pursuant to chapter 104, RSMo.

17 2. Juvenile court employees employed in a single county circuit shall be subject to the
18 following provisions:

19 (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

20 (a) Be state employees on that portion of their salary received from the state pursuant to
21 section 211.381, and in addition be county employees on that portion of their salary provided by
22 the county at a rate determined pursuant to section 50.640, RSMo;

23 (b) Receive state-provided benefits, including retirement benefits from the state
24 retirement plan, on that portion of their salary paid by the state and may participate as members
25 in a county retirement plan on that portion of their salary provided by the county except any
26 juvenile officer whose service as a juvenile court officer is being credited based on all salary
27 received from any source in a county retirement plan on June 30, 1999, shall not be eligible to
28 receive state-provided benefits, including retirement benefits, or any creditable prior service as
29 described in this section but shall continue to participate in such county retirement plan;

30 (c) Receive creditable prior service in the state retirement plan for service rendered as
31 a juvenile court employee, to the extent they have not already received credit for such service in

32 a county retirement plan on salary paid to them for such service, if such service was rendered in
33 a judicial circuit that was not a single county of the first classification;

34 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
35 though they already have received credit for such creditable service in a county retirement plan
36 if they elect to forfeit their creditable service from such plan in which case such plan shall
37 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
38 forfeited creditable service, determined as if the person were going to continue to be an active
39 member of the county retirement plan, less the amount of any refunds of member contributions;

40 (e) Receive creditable prior service for service rendered as a juvenile court employee in
41 a position that was financed in whole or in part by a public or private grant prior to July 1, 1999,
42 pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this section;

43 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a
44 single county circuit on or after July 1, 1999, shall:

45 (a) Be county employees and receive salary from the county at a rate determined
46 pursuant to section 50.640, RSMo, subject to reimbursement by the state as provided in section
47 211.381; and

48 (b) Participate as members in the applicable county retirement plan subject to
49 reimbursement by the state for the retirement contribution due on that portion of salary
50 reimbursed by the state;

51 (3) All other juvenile court employees who are employed in a single county circuit on
52 or after July 1, 1999:

53 (a) Shall be county employees and receive a salary from the county at a rate determined
54 pursuant to section 50.640, RSMo; and

55 (b) Shall, in accordance with their status as county employees, receive other
56 county-provided benefits including retirement benefits from the applicable county retirement
57 plan if such employees otherwise meet the eligibility requirements for such benefits;

58 (4) (a) The state shall reimburse each county comprised of a single county circuit for an
59 amount equal to the greater of:

60 a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding
61 the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement,
62 health and other fringe benefits; or

63 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
64 officer class I, as provided in section 211.381;

65 (b) The state may reimburse a single county circuit up to fifty percent of such circuit's
66 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state
67 may reimburse, subject to appropriations, the following percentages of such circuits' total

68 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a
69 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty
70 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until
71 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
72 reimbursement from the state in an amount less than the greater of:

73 a. Twenty-five percent of the total juvenile court personnel budget of the single county
74 circuit expended for calendar year 1997, excluding fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
76 officer class I, as provided in section 211.381;

77 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding
78 year's budget with the office of [administration] **the state courts administrator** after January
79 first each year and prior to reimbursement. The office of [administration] **the state courts**
80 **administrator** shall make payment for the reimbursement from appropriations made for that
81 purpose on or before July fifteenth of each year following the calendar year in which the
82 expenses were made. The office of [administration] **the state courts administrator** shall submit
83 the information from the budgets relating to full-time juvenile court personnel from each county
84 to the general assembly;

85 (6) Any single county circuit may apply to the office of the state courts administrator to
86 become subject to subsection 3 of this section, and such application shall be approved subject
87 to appropriation of funds for that purpose;

88 (7) The state auditor may audit any single county circuit to verify compliance with the
89 requirements of this section, including an audit of the 1997 budget.

90 3. Juvenile court employees in multicounty circuits shall be subject to the following
91 provisions:

92 (1) Juvenile court employees including detention personnel hired in 1998 in those
93 multicounty circuits who began actual construction on detention facilities in 1996, employed in
94 a multicounty circuit on or after July 1, 1999, shall:

95 (a) Be state employees and receive all salary from the state, which shall include any
96 salary as provided in section 211.381 in addition to any salary provided by the applicable county
97 or counties during calendar year 1997 and any general salary increase approved by the state of
98 Missouri for fiscal year 1999 and fiscal year 2000;

99 (b) Participate in the state retirement plan;

100 (c) Receive creditable prior service in the state retirement plan for service rendered as
101 a juvenile court employee, to the extent they have not already received credit for such service in
102 a county retirement plan on salary paid to them for such service if such service was rendered in
103 a judicial circuit that was not a single county of the first classification, except that if they

forfeited such credit in such county retirement plan prior to being eligible to receive creditable prior service under this paragraph, they may receive creditable service under this paragraph;

(d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even though they already have received credit for such creditable service in a county retirement plan if they elect within six months from the date they become participants in the state retirement plan pursuant to this section to forfeit their service from such plan in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the forfeited creditable service, determined as if the person was going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

(e) Receive creditable prior service for service rendered as a juvenile court employee in a position that was financed in whole or in part by a public or private grant prior to July 1, 1999:

a. Pursuant to paragraph (c) of this subdivision, except that if they already received credit for such creditable service in a county retirement plan, they may not receive creditable prior service pursuant to paragraph (c) of this subdivision unless they elect to forfeit their service from such plan, in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial liability for the forfeited creditable service, determined as if the person was going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

b. Pursuant to subparagraph a. of this paragraph, if they terminated employment prior to August 28, 2004, and apply to the board of trustees of the state retirement plan to be made and employed as a special consultant and be available to give opinions regarding retirement;

c. Pursuant to subparagraph a. of this paragraph, if they retired prior to August 28, 2004, and apply to the board of trustees of the state retirement plan to be made and employed as a special consultant and be available to give opinions regarding retirement, in which case they shall have their retirement benefits adjusted so they receive retirement benefits equal to the amount they would have received had their retirement benefit been initially calculated to include such creditable prior service;

d. Pursuant to subparagraph a. of this paragraph, if they purchased creditable prior service pursuant to section 104.344, RSMo, or section 105.691, RSMo, based on service as a juvenile court employee in a position that was financed in whole or in part by a public or private grant prior to July 1, 1999, in which case they shall receive a refund based on the amount paid for such purchased service;

(2) Juvenile court employee positions added after December 31, 1997, shall be terminated and not subject to the provisions of subdivision (1) of this subsection, unless the office of the state courts administrator requests and receives an appropriation specifically for such positions;

(3) The salary of any juvenile court employee who becomes a state employee, effective July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set in accordance with guidelines established by the state pursuant to a salary survey conducted by the office of the state courts administrator, but such salary shall in no event be less than the amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled to additional compensation paid by a county as a public officer or employee. Such employees shall be considered employees of the judicial branch of state government for all purposes;

(4) All other employees of a multicounty circuit who are not juvenile court employees as defined in subsection 1 of this section shall be county employees subject to the county's own terms and conditions of employment.

4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section is contingent upon the office of the state courts administrator providing the state retirement plan information, in a form subject to verification and acceptable to the state retirement plan, indicating the dates of service and amount of monthly salary paid to each juvenile court employee for such creditable prior service.

5. No juvenile court employee employed by any single or multicounty circuit shall be eligible to participate in the county employees' retirement system fund pursuant to sections 50.1000 to 50.1200, RSMo.

6. Each county in every circuit in which a juvenile court employee becomes a state employee shall maintain each year in the local juvenile court budget an amount, defined as "maintenance of effort funding", not less than the total amount budgeted for all employees of the juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court employees in calendar year 1997, minus the state reimbursements as described in this section received for the calendar year 1997 personnel costs for the salaries of all such juvenile court employees who become state employees. The juvenile court shall provide a proposed budget to the county commission each year. The budget shall contain a separate section specifying all funds to be expended in the juvenile court. Such funding may be used for contractual costs for detention services, guardians ad litem, transportation costs for those circuits without detention facilities to transport children to and from detention and hearings, short-term residential services, indebtedness for juvenile facilities, expanding existing detention facilities or services, continuation of services funded by public grants or subsidy, and enhancing the court's ability to provide prevention, probation, counseling and treatment services. The county commission may review such budget and may appeal the proposed budget to the judicial finance commission pursuant to section 50.640, RSMo.

176 7. Any person who is employed on or after July 1, 1999, in a position covered by the
177 state retirement plan or the transportation department and highway patrol retirement system and
178 who has rendered service as a juvenile court employee in a judicial circuit that was not a single
179 county of the first classification shall be eligible to receive creditable prior service in such plan
180 or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the
181 provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and
182 paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state
183 retirement plan shall also apply to the transportation department and highway patrol retirement
184 system.

185 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
186 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
187 by this section unless such juvenile officer elects to:

188 (a) Receive retirement benefits from the state retirement plan based on all years of
189 service as a juvenile officer and a final average salary which shall include salary paid by the
190 county and the state; and

191 (b) Forfeit any county retirement benefits from any county retirement plan based on
192 service rendered as a juvenile officer.

193 (2) Upon making the election described in this subsection, the county retirement plan
194 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
195 forfeited creditable service determined as if the person was going to continue to be an active
196 member of the county retirement plan, less the amount of any refunds of member contributions.
197

198 9. The elections described in this section shall be made on forms developed and made
199 available by the state retirement plan.

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails or
3 medium security institutions. The per diem cost of incarceration of these prisoners chargeable
4 by the law to the state shall be determined, subject to the review and approval of the [office of
5 administration] **department of corrections**.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to

13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
20 are properly chargeable to the state. The chief executive may by notification to the [office of
21 administration] **department of corrections** delegate such responsibility to another duly sworn
22 official of such city not within a county. The clerk of the court of any city not within a county
23 shall not include such fees in the bill of costs chargeable to the state. The [office of
24 administration] **department of corrections** shall revise its criminal cost manual in accordance
25 with this provision.

26 3. The actual costs chargeable to the state, including those incurred for a prisoner who
27 is incarcerated in the county jail because the prisoner's parole or probation has been revoked or
28 because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or
29 probation, and such parole or probation is a consequence of a violation of a state statute, or the
30 prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request
31 of the Missouri department of corrections regardless of whether or not a warrant has been issued
32 shall be the actual cost of incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
37 fiscal year.

550.190. The prosecuting attorney shall strictly examine each bill of costs which shall
2 be delivered to him, as provided in section 550.140, for allowance against the state or county,
3 and shall ascertain as far as possible whether the services have been rendered for which the
4 charges are made, and whether the fees charged are expressly given by law for such services, or
5 whether greater charges are made than the law authorizes. If the fee bill has been made out
6 according to law, or if not, after correcting all errors therein, he shall report the same to the judge
7 of the court, either in term or in vacation, and if the same appears to be formal and correct, the
8 judge and prosecuting attorney shall certify to the [commissioner of administration] **director of**
9 **the department of corrections**, or clerk of the county commission, accordingly as the state or
10 county is liable, the amount of costs due by the state or county on the fee bill, and deliver the

11 same to the clerk who made it out, to be collected without delay, and paid over to those entitled
12 to the fees allowed.

550.200. The original fee bill, signed by the judge and prosecuting attorney, shall be sent
2 by the clerk to the [commissioner of administration] **director of the department of corrections**
3 or county commission, as the case may be, and the clerk shall make out, under his hand and seal,
4 a true and certified copy of the same, which shall be carefully preserved by the clerk in his office,
5 and shall be prima facie evidence of the facts therein stated.

550.210. When a fee bill shall be certified to the [commissioner of administration]
2 **director of the department of corrections** for payment, the certificate of the judge and
3 prosecuting attorney shall contain a statement of the following facts: That they have strictly
4 examined the bill of costs; that the defendant was convicted or acquitted, and if convicted, the
5 nature and extent of punishment assessed, or the cause continued generally, as the case may be;
6 that the offense charged is a capital one, or punishable solely by imprisonment in the
7 penitentiary, as the case may be; that the services were rendered for which charges are made, and
8 that the fees charged are expressly authorized by law, and that they are properly taxed against the
9 proper party, and that the fees of no more than three witnesses to prove any one fact are allowed.
10 In cases in which the defendant is convicted, the judge and prosecuting attorney shall certify, in
11 addition to the foregoing facts, that the defendant is insolvent, and that no costs charged in the
12 fee bill, fees for the cost of incarceration, including a reasonable sum to cover occupancy costs,
13 excepted, were incurred on the part of the defendant.

550.220. Each and every bill of costs presented to any county commission for allowance
2 shall be examined and certified to by the judge and prosecuting attorney in the same manner, all
3 necessary charges excepted, as provided for certifying bills of costs to the [commissioner of
4 administration] **director of the department of corrections** for payment; and any county
5 commissioner who shall pay, or vote to pay, any costs incurred in any criminal case or
6 proceeding, unless the same is so certified to, shall be adjudged guilty of a misdemeanor.

550.230. When the clerk shall send a bill of costs to the [commissioner of
2 administration] **director of the department of corrections** or county commission, as provided
3 in section 550.200, he shall expressly state in his certificate that he has not at any previous time
4 certified or sent a copy of the same bill, or part thereof, for payment; provided, that if the clerk
5 shall, by oversight or mistake, fail to include any costs properly chargeable against the state or
6 county in any fee bill, he may make out and present, as herein provided for making out bills of
7 costs, a supplemental bill for the costs so omitted; provided, that the clerk shall in no case charge
8 or receive any fee or fees whatsoever for the issuance of such supplemental fee bill.

550.260. 1. All criminal court cost bills shall be certified for payment as herein
2 provided, and in addition thereto the circuit clerks of each county shall make copies of all

3 original criminal court cost bills certified to the [commissioner of administration] **director of**
4 **the department of corrections** for payment, and shall file the same with the treasurers of their
5 respective counties, and the city of St. Louis, at the time of transmitting the original for payment.

6 2. When criminal court cost bills are certified to the [commissioner of administration]
7 **director of the department of corrections**, warrants shall be drawn on the state treasurer as
8 provided by law, provided that the amounts due to the state contained within such criminal court
9 cost bills may be withheld by the state before payment is made to the counties. Costs payable
10 to the state contained in such criminal costs bills shall not be reimbursed to the counties, but the
11 county shall be reimbursed only for those costs payable to the county. Payment shall be
12 transmitted to the treasurer of the county from whence the bill originated, or the city of St. Louis.
13 When any criminal cost bill shall be certified to the county commission or the comptroller of the
14 city of St. Louis, for payment, the county clerk, or the comptroller of the city of St. Louis, when
15 the same is allowed, shall draw a warrant on the county treasurer or city treasurer in payment
16 thereof, and deliver the same to the county treasurer, or to the treasurer of the city of St. Louis,
17 together with a list of the names of the various parties to whom the fees are due, stating the
18 amount due each person.

19 3. The treasurers, on receipt of any such warrants and criminal court cost bills, shall
20 record the criminal court cost bills in a well-bound book arranged with appropriate headings, so
21 that the same shall correspond, as near as may be, with the accounts required to be kept by other
22 officers in section 50.470, RSMo.

2 [37.200. The general assembly, giving due consideration to the historical
3 and continuing interest of the people of the state of Missouri in encouraging the
4 educational and cultural enrichment of its residents, finds that public television
5 stations, especially with local programming, contribute significantly to such
6 enrichment, are a valuable state resource, and consequently that support of public
7 television is an important public purpose.]

2 [37.205. As used in sections 37.200 to 37.230, the term "public television
3 station" means a television broadcasting station operating as of January 1, 1980,
4 under authority of section 73.621 of the Federal Communications Commission
5 rules and regulations as a noncommercial educational or public television station,
6 owned and operated by a political subdivision of this state, an educational
7 institution of this state, or by a not-for-profit corporation, accepting or
8 broadcasting no commercial messages, and receiving all or part of its operating
9 revenues from public funds, federal funds, donations or grants, or public
10 subscriptions.]

2 [37.210. The general assembly may appropriate funds to the
commissioner of administration for use as grants to public television stations.

3 Such grants shall be distributed to each of the public television stations in this
4 state after receipt of the station's certification of operating and programming
5 expenses for the prior fiscal year. Certification shall consist of the most recent
6 fiscal year financial statement submitted by a station to the corporation for public
7 broadcasting. At least twenty percent of the state funds received under sections
8 37.200 to 37.230 by any public television station shall be used for instructional
9 television services to be provided through local agreements. A substantial
10 portion of the state funds received under this or any other act by any public
11 television station shall be used for local programming related to the needs and
12 problems of the community served by the broadcast licensee. The grants shall be
13 divided into two categories, an annual basic service grant and an operating grant.
14 The basic service grant shall be equal to thirty-five percent of the total amount
15 appropriated and shall be divided equally among the public television stations
16 receiving grants. The remaining amount of the appropriation shall be distributed
17 as an operating grant to the stations on the basis of the proportion that the total
18 operating expenses of the individual station in the prior fiscal year bears to the
19 aggregate total of operating expenses for the same fiscal year for all Missouri
20 public television stations receiving state grants. State funds received by a public
21 television station under sections 37.200 to 37.230 and not expended shall be
22 returned to the state of Missouri.]
23

2 [37.215. The amount of any state funding provided by sections 37.200
3 to 37.230 shall not exceed thirty percent of the operating expenditures for the
4 previous year of the public television station receiving said grant.]

2 [37.220. Eligible public television stations desiring to receive grants
3 under the provisions of section 37.200 to 37.230 shall make an annual application
4 to the commissioner of administration and submit a certification of its actual
5 operating and programming expenses for the previous fiscal year.]

2 [37.225. Each public television station receiving grants under the
3 provisions of sections 37.200 to 37.230 shall furnish the commissioner of
4 administration and the oversight division of the committee on legislative research
5 within sixty days after the end of each fiscal year with an annual report and
6 accounting of the funds received and expended by such stations during the just
7 ended fiscal year and may furnish recommendations and suggestions for
8 improvement in programs and services under the provisions of sections 37.200
9 to 37.230.]

2 [37.230. The amount appropriated as grants under the provisions of
3 section 37.200 to 37.230 shall not be more than the sum of fifty cents multiplied
4 by the total number of residents of the state as determined by the most recent
federal decennial census.]

Section B. Because immediate action is necessary to ensure the effective transfer of state
2 services, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect on July 1,
5 2006, or upon its passage and approval, whichever later occurs.

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