

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1102
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government April 27, 2006 with recommendation that House Committee Substitute for Senate Bill No. 1102 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

5300L.03C

AN ACT

To repeal sections 67.320 and 227.559, RSMo, and to enact in lieu thereof two new sections relating to county ordinances.

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

Section A. Sections 67.320 and 227.559, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 67.320 and 227.559, to read as follows:

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

11 2. In any county which has elected to establish a county municipal court pursuant to this
12 section, the judges for such court shall be appointed by the county commission of such county,
13 subject to confirmation by the legislative body of such county in the same manner as

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.

14 confirmation for other county appointed officers. The number of judges appointed, and
15 qualifications for their appointment, shall be established by order of the commission.

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

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

21 **5. No county of the first, second, third, or fourth classification shall have the power**
22 **to adopt any ordinance, resolution, or regulation under this section governing any railroad**
23 **company, telecommunications or wireless companies, public utilities, rural electric**
24 **cooperatives, or municipal utilities.**

227.559. Any home rule city having a population of sixty thousand inhabitants or greater
2 [or] , any charter county of the first classification, **or any county of the first classification with**
3 **more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine**
4 **thousand two hundred inhabitants** may adopt ordinances, policies, resolutions, or regulations
5 consistent with sections 227.551 to 227.559 regarding the relocation of utility facilities located
6 within the right-of-way of streets, highways, or roads under their respective jurisdiction, which
7 are not state highways. Any ordinance, policy, resolution, or regulation adopted under the
8 authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right
9 to construct, own, operate, and maintain utility facilities within the right-of-ways of such political
10 subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy,
11 resolution, or regulation.

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