

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2112**  
**97TH GENERAL ASSEMBLY**

6365H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 8.681, 34.040, 43.535, 43.543, 49.272, 64.170, 64.205, 72.401, 192.310, 221.407, and 546.902, RSMo, and to enact in lieu thereof thirteen new sections relating to political subdivisions, with penalty provisions.

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

Section A. Sections 8.681, 34.040, 43.535, 43.543, 49.272, 64.170, 64.205, 72.401, 192.310, 221.407, and 546.902, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 8.681, 34.040, 43.535, 43.543, 49.272, 64.170, 67.1367, 72.401, 88.005, 192.310, 221.407, 488.2240, and 546.902, to read as follows:

8.681. When selecting a construction manager for a project, the public owner shall consider the following for each construction manager who has submitted a proposal: fees for overhead and profit; reimbursable costs for reimbursable items as defined in the public owner's request for proposal; qualifications; demonstration of ability to perform projects comparable in design, scope and complexity; demonstration of good faith efforts to achieve compliance with federal, state and local affirmative action requirements; references of owners for whom construction management has been performed; financial strength; qualifications of in-house personnel who will manage the project; **whether the construction manager is a local business;** and the demonstration of successful management systems which have been employed for the purposes of estimating, scheduling and cost controls. The public owner may negotiate a contract for construction management services with any construction manager thus selected. If the public owner is unable to negotiate a contract for the type of services required with any of the construction managers selected for a project at a price determined by the public owner to be fair and reasonable, the public owner shall reevaluate the necessary construction management services, including the scope and reasonable fee requirements, and again advertise and solicit

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.

16 proposals from construction managers complying with the terms of the revised requests for  
17 proposal.

34.040. 1. All purchases in excess of three thousand dollars shall be based on  
2 competitive bids, except as otherwise provided in this chapter.

3 2. On any purchase where the estimated expenditure shall be twenty-five thousand  
4 dollars or over, except as provided in subsection 5 of this section, the commissioner of  
5 administration shall:

6 (1) Advertise for bids in at least two daily newspapers of general circulation in such  
7 places as are most likely to reach prospective bidders and may advertise in at least two weekly  
8 minority newspapers and may provide such information through an electronic medium available  
9 to the general public at least five days before bids for such purchases are to be opened. Other  
10 methods of advertisement, which may include minority business purchase councils, however,  
11 may be adopted by the commissioner of administration when such other methods are deemed  
12 more advantageous for the supplies to be purchased;

13 (2) Post a notice of the proposed purchase in his or her office; and

14 (3) Solicit bids by mail or other reasonable method generally available to the public from  
15 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the  
16 commissioner of administration so as to reach such office before the time set for opening bids.

17 3. The contract shall be let to the lowest and best bidder. **As used in this subsection,**  
18 **the term lowest and best bidder may include as a consideration the locality of the**  
19 **prospective supplier.** The commissioner of administration shall have the right to reject any or  
20 all bids and advertise for new bids, or purchase the required supplies on the open market if they  
21 can be so purchased at a better price. When bids received pursuant to this section are  
22 unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds  
23 available funds and it is determined in writing by the commissioner of administration that time  
24 or other circumstances will not permit the delay required to resolicit competitive bids, a contract  
25 may be negotiated pursuant to this section, provided that each responsible bidder who submitted  
26 such bid under the original solicitation is notified of the determination and is given a reasonable  
27 opportunity to modify their bid and submit a best and final bid to the state. In cases where the  
28 bids received are noncompetitive or the low bid exceeds available funds, the negotiated price  
29 shall be lower than the lowest rejected bid of any responsible bidder under the original  
30 solicitation.

31 4. All bids shall be based on standard specifications wherever such specifications have  
32 been approved by the commissioner of administration. The commissioner of administration shall  
33 make rules governing the delivery, inspection, storage and distribution of all supplies so  
34 purchased and governing the manner in which all claims for supplies delivered shall be

35 submitted, examined, approved and paid. The commissioner shall determine the amount of bond  
36 or deposit and the character thereof which shall accompany bids or contracts.

37 5. The department of natural resources may, without the approval of the commissioner  
38 of administration required pursuant to this section, enter into contracts of up to five hundred  
39 thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director  
40 of the department determines that urgent action is needed to protect public health, safety, natural  
41 resources or the environment. The department shall follow bidding procedures pursuant to this  
42 section and may promulgate rules necessary to establish such procedures. Any rule or portion  
43 of a rule, as that term is defined in section 536.010, that is created under the authority delegated  
44 in this section shall become effective only if it complies with and is subject to all of the  
45 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
46 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536  
47 to review, to delay the effective date or to disapprove and annul a rule are subsequently held  
48 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
49 August 28, 1999, shall be invalid and void.

50 6. The commissioner of administration and other agencies to which the state purchasing  
51 law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of  
52 the vendor makes sales at retail of tangible personal property or for the purpose of storage, use,  
53 or consumption in this state but fails to collect and properly pay the tax as provided in chapter  
54 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity  
55 that is controlled by or is under common control with the vendor, whether through stock  
56 ownership or otherwise.

43.535. 1. [Law enforcement agencies within the state of Missouri may perform a  
2 Missouri criminal record review for only open records through the MULES system for the  
3 purpose of hiring of municipal or county governmental employees. For each request, other than  
4 those related to the administration of criminal justice, the requesting entity shall pay a fee to the  
5 central repository, pursuant to section 43.530. For purposes of this section, "requesting entity"  
6 shall not be the law enforcement agency unless the request is made by the law enforcement  
7 agency for purposes of hiring law enforcement personnel.

8 2.] Municipalities [and] , counties, **and other political subdivisions** may, by local or  
9 county ordinance **or political subdivision policy, rule, or regulation**, require the fingerprinting  
10 of applicants or licensees in specified occupations for the purpose of receiving criminal history  
11 record information by local [or] , county, **or other political subdivision** officials. A copy of the  
12 ordinance, **policy, rule, or regulation** must be forwarded for approval to the Missouri state  
13 highway patrol prior to the submission of fingerprints to the central repository. The local or  
14 county law enforcement agency **or for a political subdivision, the county law enforcement**

15 **agency** shall submit a set of fingerprints of the applicant or licensee, accompanied with the  
16 appropriate fees, to the central repository for the purpose of checking the person's criminal  
17 history. The set of fingerprints shall be used to search the Missouri criminal records repository  
18 and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal  
19 criminal history files if necessary. The fingerprints shall be submitted on forms and in the  
20 manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of  
21 section 610.120, all records related to any criminal history information discovered shall be  
22 accessible and available to the municipal [or] , county, **or political subdivision** officials making  
23 the record request.

24 [3.] 2. All criminal record check information shall be confidential and any person who  
25 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

43.543. Any state agency listed in section 621.045, the division of professional  
2 registration of the department of insurance, financial institutions and professional registration,  
3 the department of social services, the supreme court of Missouri, the state courts administrator,  
4 the department of elementary and secondary education, the department of natural resources, the  
5 Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency  
6 which screens persons seeking employment with such agencies or issuance or renewal of a  
7 license, permit, certificate, or registration of authority from such agencies; or any state,  
8 municipal, or county agency or committee, **or political subdivision**, or state school of higher  
9 education which is authorized by state statute or executive order, or local or county ordinance  
10 to screen applicants or candidates seeking or considered for employment, assignment,  
11 contracting, or appointment to a position within state, municipal, or county government; or the  
12 Missouri peace officers standards and training, POST, commission which screens persons, not  
13 employed by a criminal justice agency, who seek enrollment or access into a certified POST  
14 training academy police school, or persons seeking a permit to purchase or possess a firearm for  
15 employment as a watchman, security personnel, or private investigator; or law enforcement  
16 agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or  
17 registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri  
18 state highway patrol, Missouri criminal records repository, for the purpose of checking the  
19 person's criminal history. The first set of fingerprints shall be used to search the Missouri  
20 criminal records repository and the second set shall be submitted to the Federal Bureau of  
21 Investigation to be used for searching the federal criminal history files if necessary. The  
22 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state  
23 highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner  
24 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section

25 610.120, all records related to any criminal history information discovered shall be accessible  
26 and available to the state, municipal, or county agency making the record request.

49.272. The county commission of any county of the first classification without a charter  
2 form of government and with more than one hundred thirty-five thousand four hundred but less  
3 than one hundred thirty-five thousand five hundred inhabitants, [and in] any county of the first  
4 classification without a charter form of government having a population of at least eighty-two  
5 thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, any county of  
6 the first classification with more than one hundred four thousand six hundred but fewer than one  
7 hundred four thousand seven hundred inhabitants, any county of the first classification with more  
8 than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two  
9 hundred inhabitants, [and] any county of the first classification with more than two hundred forty  
10 thousand three hundred but less than two hundred forty thousand four hundred inhabitants, **and**  
11 **any county of the first classification with more than eighty-three thousand but fewer than**  
12 **ninety-two thousand inhabitants and with a home rule city with more than seventy-six**  
13 **thousand but fewer than ninety-one thousand inhabitants as the county seat**, which has an  
14 appointed county counselor and which adopts or has adopted rules, regulations or ordinances  
15 under authority of a statute which prescribes or authorizes a violation of such rules, regulations  
16 or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or  
17 ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines  
18 imposed and collected under such rules, regulations or ordinances shall be payable to the county  
19 general fund to be used to pay for the cost of enforcement of such rules, regulations or  
20 ordinances.

64.170. 1. For the purpose of promoting the public safety, health and general welfare,  
2 to protect life and property and to prevent the construction of fire hazardous buildings, the county  
3 commission in all counties [of the first and second classification], as provided by law, is for this  
4 purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by  
5 order or ordinance regulations to control the construction, reconstruction, alteration or repair of  
6 any building or structure and any electrical wiring or electrical installation, plumbing or drain  
7 laying therein, and provide for the issuance of building permits and adopt regulations licensing  
8 persons, firms or corporations other than federal, state or local governments, public utilities and  
9 their contractors engaged in the business of electrical wiring or installations and provide for the  
10 inspection thereof and establish a schedule of permit, license and inspection fees and appoint a  
11 building commission to prepare the regulations, as herein provided.

12 2. Any county which has not adopted a building code prior to August 28, 2001, pursuant  
13 to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to

14 such sections unless the authority is approved by voters, subject to the provisions of subsection  
15 3 of this section.

16 The ballot of submission for authority pursuant to this subsection shall be in substantially the  
17 following form:

18 Shall ..... (insert name of county) have authority to create, adopt  
19 and impose a county building code?

20  YES  NO

21 3. The proposal of the authority to adopt a building code shall be voted on only by voters  
22 in the area affected by the proposed code, such that a code affecting a county shall not be voted  
23 upon by citizens of any incorporated territory.

24 **4. Except in counties of the first and second classification, no structure used solely**  
25 **for agricultural purposes in which the use is exclusively in connection with the production,**  
26 **harvesting, storage, drying, or raising of agricultural commodities, including the raising**  
27 **of livestock, shall be subject to any code adopted under this section.**

**67.1367. 1. The governing body of any county of the third classification without a**  
2 **township form of government and with more than eighteen thousand but fewer than**  
3 **twenty thousand inhabitants and with a city of the fourth classification with more than**  
4 **eight thousand but fewer than nine thousand inhabitants as the county seat may impose**  
5 **a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels**  
6 **situated in the county or a portion thereof, which shall be no more than six percent per**  
7 **occupied room per night, except that such tax shall not become effective unless the**  
8 **governing body of the county submits to the voters of the county at a state general or**  
9 **primary election, a proposal to authorize the governing body of the county to impose a tax**  
10 **pursuant to this section. The tax authorized by this section shall be in addition to the**  
11 **charge for the sleeping room and shall be in addition to any and all taxes imposed by law,**  
12 **and the proceeds of such tax shall be used by the county solely for the promotion of**  
13 **tourism. Such tax shall be stated separately from all other charges and taxes.**

14 2. The ballot of submission for the tax authorized in this section shall be in  
15 substantially the following form:

16 Shall .....(insert the name of the county) impose a tax on the charges for all sleeping  
17 rooms paid by the transient guests of hotels and motels situated in .....(name of county) at  
18 a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

19  YES  NO

20 3. As used in this section, "transient guests" means a person or persons who occupy  
21 a room or rooms in a hotel or motel for thirty-one days or less during any calendar  
22 quarter.

72.401. 1. If a commission has been established [pursuant to section 72.400] **under sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of

37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be  
38 automatically vacated when the commissioner changes his or her residence so as to no longer  
39 conform to the terms of the requirements of the commissioner's appointment. The commission  
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing  
42 a boundary commission, the governing body of the county shall, within ten days, send by United  
43 States mail written notice of the passage of the ordinance to the chief elected official of each  
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection  
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the  
47 commission to compile its list of appointees. Each list shall be delivered to the county executive  
48 within forty-one days of the passage of such ordinance. The county executive shall appoint  
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the  
50 time specified, the county executive shall appoint the members using the criteria of subsection  
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting  
52 of the commission appointed after the effective date of the ordinance, the commissioners shall  
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for  
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve  
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner  
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than  
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete  
59 his term, the respective appointing authority shall appoint such member's successor. Each  
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely  
61 manner, when a member's term expires or as soon as possible when a member is unable to  
62 complete his term. A member whose term has expired shall continue to serve until his successor  
63 is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation  
65 of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the  
66 requirements for open meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment  
68 approved by the residential property owners and the governing bodies of the affected  
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal  
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous  
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall

72 not be subject to commission review. Such a boundary adjustment or annexation is not  
73 prohibited by the existence of an established unincorporated area.

74 **9. Any annexation of property or defined areas of properties approved by a**  
75 **majority of property owners residing thereon and by ordinance of any municipality that**  
76 **is a service provider for both the water and sanitary sewer within the municipality shall**  
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**  
78 **review. The annexation shall not be prohibited by the existence of an established**  
79 **unincorporated area.**

**88.005. As used in this chapter, the term lowest and best bidder may include as a**  
2 **consideration the locality of the prospective supplier.**

192.310. Nothing in sections 192.260 to 192.320 shall apply to **any home rule city with**  
2 **more than sixty-four thousand but fewer than seventy-one thousand inhabitants or cities**  
3 which now have, or may hereafter have, a population of seventy-five thousand or over which are  
4 maintaining organized health departments; provided, that such cities shall furnish the department  
5 of health and senior services reports of contagious, infectious, communicable or dangerous  
6 diseases, which have been designated by them as such and such other statistical information as  
7 the board may require.

221.407. 1. The commission of any regional jail district may impose, by order, a sales  
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one  
3 percent, or one-half of one percent on all retail sales made in such region which are subject to  
4 taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing  
5 jail services and court facilities and equipment for such region. The tax authorized by this  
6 section shall be in addition to any and all other sales taxes allowed by law, except that no order  
7 imposing a sales tax pursuant to this section shall be effective unless the commission submits  
8 to the voters of the district, on any election date authorized in chapter 115, a proposal to  
9 authorize the commission to impose a tax.

10 2. The ballot of submission shall contain, but need not be limited to, the following  
11 language:

12 Shall the regional jail district of ..... (counties' names) impose a region-wide  
13 sales tax of ..... (insert amount) for the purpose of providing jail services and court  
14 facilities and equipment for the region?

15  YES  NO

16 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed  
17 to the question, place an "X" in the box opposite "No".

18 If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon  
19 are in favor of the proposal, then the order and any amendment to such order shall be in effect  
20 on the first day of the second quarter immediately following the election approving the proposal.  
21 If the proposal receives less than the required majority, the commission shall have no power to  
22 impose the sales tax authorized pursuant to this section unless and until the commission shall  
23 again have submitted another proposal to authorize the commission to impose the sales tax  
24 authorized by this section and such proposal is approved by the required majority of the qualified  
25 voters of the district voting on such proposal; however, in no event shall a proposal pursuant to  
26 this section be submitted to the voters sooner than twelve months from the date of the last  
27 submission of a proposal pursuant to this section.

28         3. All revenue received by a district from the tax authorized pursuant to this section shall  
29 be deposited in a special trust fund and shall be used solely for providing jail services and court  
30 facilities and equipment for such district for so long as the tax shall remain in effect.

31         4. Once the tax authorized by this section is abolished or terminated by any means, all  
32 funds remaining in the special trust fund shall be used solely for providing jail services and court  
33 facilities and equipment for the district. Any funds in such special trust fund which are not  
34 needed for current expenditures may be invested by the commission in accordance with  
35 applicable laws relating to the investment of other county funds.

36         5. All sales taxes collected by the director of revenue pursuant to this section on behalf  
37 of any district, less one percent for cost of collection which shall be deposited in the state's  
38 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,  
39 shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional  
40 Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund  
41 shall not be deemed to be state funds and shall not be commingled with any funds of the state.  
42 The director of revenue shall keep accurate records of the amount of money in the trust fund  
43 which was collected in each district imposing a sales tax pursuant to this section, and the records  
44 shall be open to the inspection of officers of each member county and the public. Not later than  
45 the tenth day of each month the director of revenue shall distribute all moneys deposited in the  
46 trust fund during the preceding month to the district which levied the tax. Such funds shall be  
47 deposited with the treasurer of each such district, and all expenditures of funds arising from the  
48 regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the  
49 commission and shall be approved by the commission. Expenditures may be made from the fund  
50 for any function authorized in the order adopted by the commission submitting the regional jail  
51 district tax to the voters.

52         6. The director of revenue may authorize the state treasurer to make refunds from the  
53 amounts in the trust fund and credited to any district for erroneous payments and overpayments

54 made, and may redeem dishonored checks and drafts deposited to the credit of such districts.  
55 If any district abolishes the tax, the commission shall notify the director of revenue of the action  
56 at least ninety days prior to the effective date of the repeal, and the director of revenue may order  
57 retention in the trust fund, for a period of one year, of two percent of the amount collected after  
58 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
59 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
60 after the effective date of abolition of the tax in such district, the director of revenue shall remit  
61 the balance in the account to the district and close the account of that district. The director of  
62 revenue shall notify each district in each instance of any amount refunded or any check redeemed  
63 from receipts due the district.

64 7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall  
65 apply to the tax imposed pursuant to this section.

66 8. The provisions of this section shall expire September 30, [2015] **2027**.

**488.2240. 1. In addition to all other court costs for municipal ordinance violations,  
2 any home rule city with more than one hundred fifty-five thousand but fewer than two  
3 hundred thousand inhabitants may provide for additional court costs in an amount up to  
4 ten dollars per case for each municipal ordinance violation case filed before a municipal  
5 division judge or associate circuit judge.**

6 **2. Such cost shall be collected by the clerk and disbursed to the city at least  
7 monthly. The city shall use such additional costs only for the land assemblage and  
8 purchase, construction, maintenance, and upkeep of a municipal courthouse. The costs  
9 collected may be pledged to directly or indirectly secure bonds for the cost of land  
10 assemblage and purchase, construction, maintenance, and upkeep of the courthouse.**

546.902. Any municipality located within any county of the first classification with a  
2 population in excess of nine hundred thousand, **and any city of the fourth classification  
3 located in any county with a charter form of government and with more than six hundred  
4 thousand but fewer than seven hundred thousand inhabitants**, for any purpose or purposes  
5 mentioned in this chapter, may enact and make all necessary ordinances, rules and regulations;  
6 and they may enact and make all such ordinances and rules, not inconsistent with the laws of the  
7 state, as may be expedient for maintaining the peace and good government and welfare of the  
8 city and its trade and commerce; and all ordinances may be enforced by prescribing and inflicting  
9 upon its inhabitants, or other persons violating the same, such fine not exceeding one thousand  
10 dollars, and such imprisonment not exceeding three months, or both such fine and imprisonment,  
11 as may be just for any offense, recoverable with costs of suit, together with judgment of  
12 imprisonment, until the fine and costs are paid or satisfied; and any person committed for the  
13 nonpayment of fine and costs, or either, may be compelled to work out the same as herein

14 provided; but, in any case wherein the penalty for an offense is fixed by any statute, the council  
15 shall affix the same penalty by ordinance for the punishment of such offense, except that  
16 imprisonments, when made under city ordinances, may be in the city prison or workhouse  
17 instead of the county jail.

2 [64.205. Sections 64.170 to 64.200 shall apply to all counties of the first  
and second class.]

✓