

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 780, Page 1, Section A, Line 3, by
2 inserting immediately after all of said section and line the following:

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

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

14 YES NO

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

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

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

Action Taken _____ Date _____

1 4. In any:

2 (1) County of the third classification without a township form of government and with more
3 than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth
4 classification with more than one thousand seven hundred but fewer than one thousand nine hundred
5 inhabitants as the county seat that has elected to make the county prosecutor a full-time position
6 under this section after August 28, 2014;

7 (2) County of the third classification without a township form of government and with more
8 than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth
9 classification with more than three thousand but fewer than three thousand seven hundred
10 inhabitants as the county seat;

11 (3) County of the third classification without a township form of government and with more
12 than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third
13 classification with more than six thousand but fewer than seven thousand inhabitants as the county
14 seat; or

15 (4) County of the third classification without a township form of government and with more
16 than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth
17 classification with more than seven hundred but fewer than eight hundred inhabitants as the county
18 seat

19
20 the county commission may on its own motion and shall upon the petition of ten percent of the total
21 number of people who voted in the previous general election in the county submit to the voters at a
22 general or special election the proposition of changing the full-time prosecutor position to a part-
23 time position. The commission shall cause notice of the election to be published in a newspaper
24 published within the county, or if no newspaper is published within the county, in a newspaper
25 published in an adjoining county, for three weeks consecutively, the last insertion of which shall be
26 at least ten days and not more than thirty days before the day of the election, and by posting printed
27 notices thereof at three of the most public places in each township in the county. The proposition
28 shall be put before the voters substantially in the following form:

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

30 YES NO

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

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

44
45 Further amend said bill by amending the title, enacting clause, and intersectional references
46 accordingly.