

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1291

AN ACT

To repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, 227.600, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, 227.600, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 41.657, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, 227.600, 227.601, to read as follows:

41.657. 1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand

1 inhabitants may adopt ordinances regulating incompatible land
2 uses and structures within all or any portion of the
3 unincorporated area extending up to three thousand feet outward
4 from the boundaries of any National Guard training center if the
5 county has participated in the completion of a joint land use
6 study associated with that training center.

7 2. As used in this section, "incompatible land uses and
8 structures" are determined by the county governing body or county
9 planning commission, if any, to be incompatible with noise,
10 vibration, and other training impacts identified in the joint
11 land use study or the most recent state operational noise
12 management plan. Regulations the county governing body or county
13 planning commission, if any, determines are necessary to
14 effectuate the purposes of this section and the recommendations
15 in the joint land use study or operational noise management plan
16 may include, but are not limited to, density, lot size, outdoor
17 lighting, land use, construction standards, and subdivision of
18 land.

19 3. The county governing body or county planning commission,
20 if any, may also provide for coordination with National Guard
21 officials and notification to current and future property owners
22 with respect to potentially incompatible land uses, military
23 training impacts, and the existence of any regulation adopted
24 under this section.

25 56.363. 1. The county commission of any county may on its
26 own motion and shall upon the petition of ten percent of the
27 total number of people who voted in the previous general election
28 in the county submit to the voters at a general or special

1 election the proposition of making the county prosecutor a
2 full-time position. The commission shall cause notice of the
3 election to be published in a newspaper published within the
4 county, or if no newspaper is published within the county, in a
5 newspaper published in an adjoining county, for three weeks
6 consecutively, the last insertion of which shall be at least ten
7 days and not more than thirty days before the day of the
8 election, and by posting printed notices thereof at three of the
9 most public places in each township in the county. The
10 proposition shall be put before the voters substantially in the
11 following form:

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

14 YES NO

15
16 If a majority of the voters voting on the proposition vote in
17 favor of making the county prosecutor a full-time position, it
18 shall become effective upon the date that the prosecutor who is
19 elected at the next election subsequent to the passage of such
20 proposal is sworn into office. The position shall then qualify
21 for the retirement benefits available to a full-time prosecutor
22 of a county of the first classification. Any county that elects
23 to make the position of prosecuting attorney full-time shall pay
24 into the Missouri prosecuting attorneys and circuit attorneys'
25 retirement fund at the same contribution amount as paid by
26 counties of the first classification.

27 2. The provisions of subsection 1 of this section
28 notwithstanding, in any county where the proposition of making

1 the county prosecutor a full-time position was submitted to the
2 voters at a general election in 1998 and where a majority of the
3 voters voting on the proposition voted in favor of making the
4 county prosecutor a full-time position, the proposition shall
5 become effective on May 1, 1999. Any prosecuting attorney whose
6 position becomes full time on May 1, 1999, under the provisions
7 of this subsection shall have the additional duty of providing
8 not less than three hours of continuing education to peace
9 officers in the county served by the prosecuting attorney in each
10 year of the term beginning January 1, 1999.

11 3. In counties that, prior to August 28, 2001, have elected
12 pursuant to this section to make the position of prosecuting
13 attorney a full-time position, the county commission may at any
14 time elect to have that position also qualify for the retirement
15 benefit available for a full-time prosecutor of a county of the
16 first classification. Such election shall be made by a majority
17 vote of the county commission and once made shall be irrevocable,
18 unless the voters of the county elect to change the position of
19 prosecuting attorney back to a part-time position under
20 subsection 4 of this section. When such an election is made, the
21 results shall be transmitted to the Missouri prosecuting
22 attorneys and circuit attorneys' retirement system fund, and the
23 election shall be effective on the first day of January following
24 such election. Such election shall also obligate the county to
25 pay into the Missouri prosecuting attorneys and circuit
26 attorneys' system retirement fund the same retirement
27 contributions for full-time prosecutors as are paid by counties
28 of the first classification.

1 4. In any county of the third classification without a
2 township form of government and with more than twelve thousand
3 but fewer than fourteen thousand inhabitants and with a city of
4 the fourth classification with more than one thousand seven
5 hundred but fewer than one thousand nine hundred inhabitants as
6 the county seat that has elected to make the county prosecutor a
7 full-time position under this section after August 28, 2014, the
8 county commission may on its own motion and shall upon the
9 petition of ten percent of the total number of people who voted
10 in the previous general election in the county submit to the
11 voters at a general or special election the proposition of
12 changing the full-time prosecutor position to a part-time
13 position. The commission shall cause notice of the election to
14 be published in a newspaper published within the county, or if no
15 newspaper is published within the county, in a newspaper
16 published in an adjoining county, for three weeks consecutively,
17 the last insertion of which shall be at least ten days and not
18 more than thirty days before the day of the election, and by
19 posting printed notices thereof at three of the most public
20 places in each township in the county. The proposition shall be
21 put before the voters substantially in the following form:

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

24 YES NO

25
26 If a majority of the voters vote in favor of making the county
27 prosecutor a part-time position, it shall become effective upon
28 the date that the prosecutor who is elected at the next election

1 subsequent to the passage of such proposal is sworn into office.

2 5. In any county that has elected to make the full-time
3 position of county prosecutor a part-time position under
4 subsection 4 of this section, the county's retirement
5 contribution to the retirement system and the retirement benefit
6 earned by the member shall prospectively be that of a part-time
7 prosecutor as established in this chapter. Any retirement
8 contribution made and retirement benefit earned prior to the
9 effective date of the voter-approved proposition under subsection
10 4 of this section shall be maintained by the retirement system
11 and used to calculate the retirement benefit for such prior
12 full-time position service. Under no circumstances shall a
13 member in a part-time prosecutor position earn full-time position
14 retirement benefit service accruals for time periods after the
15 effective date of the proposition changing the county prosecutor
16 back to a part-time position.

17 56.805. As used in sections 56.800 to 56.840, the following
18 words and terms mean:

19 (1) "Annuity", annual payments, made in equal monthly
20 installments, to a retired member from funds provided for, in, or
21 authorized by, the provisions of sections 56.800 to 56.840;

22 (2) "Average final compensation", the average compensation
23 of an employee for the two consecutive years prior to retirement
24 when the employee's compensation was greatest;

25 (3) "Board of trustees" or "board", the board of trustees
26 established by the provisions of sections 56.800 to 56.840;

27 (4) "Compensation", all salary and other compensation
28 payable by a county to an employee for personal services rendered

1 as an employee, including any salary reduction amounts under a
2 cafeteria plan that satisfies 26 U.S.C. Section 125 or an
3 eligible deferred compensation plan that satisfies 26 U.S.C.
4 Section 457 but not including [~~travel and mileage~~] reimbursement
5 for any expenses, any consideration for agreeing to terminate
6 employment, or any other nonrecurring or unusual payment that is
7 not part of regular remuneration;

8 (5) "County", the City of St. Louis and each county in the
9 state;

10 (6) "Creditable service", the sum of both membership
11 service and creditable prior service;

12 (7) "Effective date of the establishment of the system",
13 August 28, 1989;

14 (8) "Employee", an elected or appointed prosecuting
15 attorney or circuit attorney who is employed by a county or a
16 city not within a county;

17 (9) "Membership service", service as a prosecuting attorney
18 or circuit attorney after becoming a member that is creditable in
19 determining the amount of the member's benefits under this
20 system;

21 (10) "Prior service", service of a member rendered prior to
22 the effective date of the establishment of the system which is
23 creditable under section 56.823;

24 (11) "Retirement system" or "system", the prosecuting
25 attorneys and circuit attorneys' retirement system authorized by
26 the provisions of sections 56.800 to 56.840.

27 56.807. 1. Beginning August 28, 1989, and continuing
28 monthly thereafter until August 27, 2003, the funds for

1 prosecuting attorneys and circuit attorneys provided for in
2 subsection 2 of this section shall be paid from county or city
3 funds.

4 2. Beginning August 28, 1989, and continuing monthly
5 thereafter until August 27, 2003, each county treasurer shall pay
6 to the system the following amounts to be drawn from the general
7 revenues of the county:

8 (1) For counties of the third and fourth classification
9 except as provided in subdivision (3) of this subsection, three
10 hundred seventy-five dollars;

11 (2) For counties of the second classification, five hundred
12 forty-one dollars and sixty-seven cents;

13 (3) For counties of the first classification, and, except
14 as otherwise provided under section 56.363, counties which
15 pursuant to section 56.363 elect to make the position of
16 prosecuting attorney a full-time position after August 28, 2001,
17 or whose county commission has elected a full-time retirement
18 benefit pursuant to subsection 3 of section 56.363, and the City
19 of St. Louis, one thousand two hundred ninety-one dollars and
20 sixty-seven cents.

21 3. Beginning August 28, 1989, and continuing until August
22 27, 2003, the county treasurer shall at least monthly transmit
23 the sums specified in subsection 2 of this section to the
24 Missouri office of prosecution services for deposit to the credit
25 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'
26 Retirement System Fund", which is hereby created. All moneys
27 held by the state treasurer on behalf of the system shall be paid
28 to the system within ninety days after August 28, 1993. Moneys

1 in the Missouri prosecuting attorneys and circuit attorneys'
2 retirement system fund shall be used only for the purposes
3 provided in sections 56.800 to 56.840 and for no other purpose.

4 4. Beginning August 28, 2003, the funds for prosecuting
5 attorneys and circuit attorneys provided for in this section
6 shall be paid from county or city funds and the surcharge
7 established in this section and collected as provided by this
8 section and sections 488.010 to 488.020.

9 5. (1) Beginning August 28, 2003, each county treasurer
10 shall pay to the system the following amounts to be drawn from
11 the general revenues of the county:

12 (a) For counties of the third and fourth classification
13 except as provided in paragraph (c) of this subdivision, one
14 hundred eighty-seven dollars;

15 (b) For counties of the second classification, two hundred
16 seventy-one dollars;

17 (c) For counties of the first classification, counties
18 which pursuant to section 56.363 elect to make the position of
19 prosecuting attorney a full-time position after August 28, 2001,
20 or whose county commission has elected a full-time retirement
21 benefit pursuant to subsection 3 of section 56.363, and the City
22 of St. Louis, six hundred forty-six dollars.

23 (2) Beginning August 28, 2015, the county contribution set
24 forth in paragraphs (a) to (c) of subdivision (1) of this
25 subsection shall be adjusted in accordance with the following
26 schedule based upon the prosecuting attorneys and circuit
27 attorneys' retirement system's annual actuarial valuation report.
28 If the system's funding ratio is:

1 (a) One hundred twenty percent or more, no monthly sum
2 shall be transmitted;

3 (b) More than one hundred ten percent but less than one
4 hundred twenty percent, the monthly sum transmitted shall be
5 reduced fifty percent;

6 (c) At least ninety percent and up to and including one
7 hundred ten percent, the monthly sum transmitted shall remain the
8 same;

9 (d) At least eighty percent and less than ninety percent,
10 the monthly sum transmitted shall be increased fifty percent; and

11 (e) Less than eighty percent, the monthly sum transmitted
12 shall be increased one hundred percent.

13 6. Beginning August 28, 2003, the county treasurer shall at
14 least monthly transmit the sums specified in subsection 5 of this
15 section to the Missouri office of prosecution services for
16 deposit to the credit of the Missouri prosecuting attorneys and
17 circuit attorneys' retirement system fund. Moneys in the
18 Missouri prosecuting attorneys and circuit attorneys' retirement
19 system fund shall be used only for the purposes provided in
20 sections 56.800 to 56.840, and for no other purpose.

21 7. Beginning August 28, 2003, the following surcharge for
22 prosecuting attorneys and circuit attorneys shall be collected
23 and paid as follows:

24 (1) There shall be assessed and collected a surcharge of
25 four dollars in all criminal cases filed in the courts of this
26 state including violation of any county ordinance, any violation
27 of criminal or traffic laws of this state, including infractions,
28 and against any person who has pled guilty for any violation and

1 paid a fine through a fine collection center, but no such
2 surcharge shall be assessed when the costs are waived or are to
3 be paid by the state, county, or municipality or when a criminal
4 proceeding or the defendant has been dismissed by the court. For
5 purposes of this section, the term "county ordinance" shall
6 include any ordinance of the City of St. Louis;

7 (2) The clerk responsible for collecting court costs in
8 criminal cases shall collect and disburse such amounts as
9 provided by sections 488.010 to 488.026. Such funds shall be
10 payable to the prosecuting attorneys and circuit attorneys'
11 retirement fund. Moneys credited to the prosecuting attorneys
12 and circuit attorneys' retirement fund shall be used only for the
13 purposes provided for in sections 56.800 to 56.840 and for no
14 other purpose.

15 8. The board may accept gifts, donations, grants and
16 bequests from private or public sources to the Missouri
17 prosecuting attorneys and circuit attorneys' retirement system
18 fund.

19 9. No state moneys shall be used to fund section 56.700 and
20 sections 56.800 to 56.840 unless provided for by law.

21 10. Beginning January first following the effective date of
22 this subsection, all members, who upon vesting and retiring are
23 eligible to receive a normal annuity equal to fifty percent of
24 the final average compensation, shall, as a condition of
25 participation, contribute two percent of their gross salary to
26 the fund. Beginning on January 1, 2020, each such member shall
27 contribute four percent of the member's gross salary to the fund.
28 Each county treasurer shall deduct the appropriate amount from

1 the gross salary of the prosecuting attorney or circuit attorney
2 and, at least monthly, shall transmit the sum to the prosecuting
3 attorney and circuit attorney retirement system for deposit in
4 the prosecuting attorneys and circuit attorneys' retirement fund.

5 11. Upon separation from the system, a nonvested member
6 shall receive a lump sum payment equal to the total contribution
7 of the member without interest or other increases in value.

8 12. Upon retirement and in the sole discretion of the board
9 on the advice of the actuary, a member shall receive a lump sum
10 payment equal to the total contribution of the member without
11 interest or other increases in value, but such lump sum shall not
12 exceed twenty-five percent of the final average compensation of
13 the member. This amount shall be in addition to any retirement
14 benefits to which the member is entitled.

15 13. Upon the death of a nonvested member or the death of a
16 vested member prior to retirement, the lump sum payment in
17 subsection 11 or 12 of this section shall be made to the
18 designated beneficiary of the member or, if no beneficiary has
19 been designated, to the member's estate.

20 56.814. 1. Any ~~member~~ person who became a member prior
21 to January 1, 2019, who has attained the age of sixty-two years
22 and who has twelve years or more of creditable service as
23 prosecuting attorney or circuit attorney may retire with a normal
24 annuity as determined in subsection 3 of section 56.840.

25 2. Any person who becomes a member on or after January 1,
26 2019, who has attained the age of sixty-five and who has twelve
27 years or more of creditable service as a prosecuting attorney or
28 circuit attorney may retire with a normal annuity.

1 56.833. 1. Upon termination of employment, any ~~member~~
2 ~~with twelve or more years of creditable service~~ person who
3 became a member prior to January 1, 2019, shall be entitled to a
4 deferred normal annuity, payable at age fifty-five with twelve or
5 more years of creditable service as determined in subsection 3 of
6 section 56.840. Upon termination of employment, any person who
7 became a member on or after January 1, 2019, shall be entitled to
8 a deferred normal annuity, payable at age sixty with twelve or
9 more years of creditable service as determined in subsection 3 of
10 section 56.840. Any member with less than twelve years of
11 creditable service shall forfeit all rights in the fund,
12 including the member's accrued creditable service as of the date
13 of the member's termination of employment.

14 2. A former member who has forfeited creditable service may
15 have the creditable service restored by again becoming an
16 employee ~~and~~ within ten years of the date of the termination of
17 employment, by completing four years of continuous membership
18 service, and by contributing an amount to the fund equal to any
19 lump sum payment received under subsections 11 and 12 of section
20 56.807. Notwithstanding any other provision of section 104.800
21 to the contrary, a former member shall not be entitled to
22 transfer creditable service into this retirement system unless
23 the member previously vested in this system.

24 3. Absences for sickness or injury of less than twelve
25 months shall be counted as membership service.

26 56.840. 1. Annuity payments to retired employees under the
27 provisions of sections 56.800 to 56.840 shall be available
28 beginning January first next succeeding the expiration of two

1 calendar years from the effective date of the establishment of
2 the system to eligible retired employees, and employees with at
3 least twelve years of creditable service shall have vested rights
4 and upon reaching the required age shall be entitled to
5 retirement benefits.

6 2. All members serving as a prosecuting attorney or circuit
7 attorney in a county of the first classification, a county with a
8 charter form of government, or a city not within a county shall
9 receive one year of creditable service for each year served.

10 3. Notwithstanding any provision of law to the contrary,
11 members serving as a prosecuting attorney in counties that
12 elected to make the position of prosecuting attorney a full-time
13 position shall receive one year of creditable vesting service for
14 each year served as a part-time or full-time prosecuting
15 attorney. Such members shall receive one year of creditable
16 benefit service for each year served as a full-time prosecuting
17 attorney and six-tenths of a year of creditable benefit service
18 for each year served as a part-time prosecuting attorney. Upon
19 retirement, any member who has less than twelve years of
20 creditable benefit service shall receive a reduced full-time
21 benefit in a sum equal to the portion that the member's
22 creditable benefit years bear to twelve vesting years.

23 4. Members restoring creditable service under subsection 2
24 of section 56.833 shall receive one year of creditable service
25 for each restored year served as a full-time prosecuting attorney
26 and six-tenths of a year of creditable service for each restored
27 year served as a part-time prosecuting attorney. Unless
28 otherwise permitted by law, no member shall receive credit for

1 any partial year of employment.

2 5. Notwithstanding any provision of law to the contrary,
3 any member who vested in the system as a part-time prosecuting
4 attorney and who ceased being a member for more than six months
5 before returning as a full-time prosecuting attorney shall be
6 entitled only to retirement benefits as a part-time prosecuting
7 attorney. Any creditable service earned by such an employee upon
8 returning to the system as a full-time prosecuting attorney shall
9 begin a new vesting period subject to the provision of the system
10 in effect at the time of the member's return. No member shall
11 receive benefits while employed as a prosecuting attorney or
12 circuit attorney.

13 59.800. 1. Beginning on July 1, 2001, notwithstanding any
14 other condition precedent required by law to the recording of any
15 instrument specified in subdivisions (1) and (2) of subsection 1
16 of section 59.330, an additional fee of five dollars shall be
17 charged and collected by every recorder of deeds in this state on
18 each instrument recorded. The additional fee shall be
19 distributed as follows:

20 (1) One dollar and twenty-five cents to the recorder's fund
21 established ~~[pursuant to]~~ under subsection 1 of section 59.319,
22 provided, however, that all funds received ~~[pursuant to]~~ under
23 this section shall be used exclusively for the purchase,
24 installation, upgrade and maintenance of modern technology
25 necessary to operate the recorder's office in an efficient
26 manner;

27 (2) One dollar and seventy-five cents to the county general
28 revenue fund; and

1 (3) Two dollars to the fund established in subsection 2 of
2 this section.

3 2. (1) There is hereby established a revolving fund known
4 as the "Statutory County Recorder's Fund", which shall receive
5 funds paid to the recorders of deeds of the counties of this
6 state ~~【pursuant to】~~ under subdivision (3) of subsection 1 of this
7 section. The director of the department of revenue shall be
8 custodian of the fund and shall make disbursements from the fund
9 for the purpose of subsidizing the fees collected by counties
10 that hereafter elect or have heretofore elected to separate the
11 offices of clerk of the circuit court and recorder. The subsidy
12 shall consist of the total amount of moneys collected ~~【pursuant~~
13 ~~to】~~ under subdivisions (1) and (2) of subsection 1 of this
14 section subtracted from fifty-five thousand dollars, except under
15 such circumstances where the annual average of funds collected
16 under subsection 1 of this section during the previous three
17 calendar years are insufficient to meet all obligations
18 calculated in this subdivision. In such cases the provisions of
19 subdivision (2) of this subsection shall apply. The moneys paid
20 to qualifying counties ~~【pursuant to】~~ under this subsection shall
21 be deposited in the county general revenue fund. For purposes of
22 this section a "qualified county" is a county that hereafter
23 elects or has heretofore elected to separate the offices of clerk
24 of the circuit court and recorder and in which the office of the
25 recorder of deeds collects less than fifty-five thousand dollars
26 in fees ~~【pursuant to】~~ under subdivisions (1) and (2) of
27 subsection 1 of this section, on an annual basis. Moneys in the
28 statutory county recorder's fund shall not be considered state

1 funds and shall be deemed nonstate funds.

2 (2) In the event funds collected under subdivision (3) of
3 subsection 1 of this section are insufficient to meet the
4 obligations set out in subdivision (1) of this subsection, the
5 director of the department of revenue shall calculate the
6 projected shortfall that would otherwise be incurred based on the
7 formula outlined in subdivision (1) of this subsection. If the
8 fund balance is greater than the annual average disbursement from
9 the fund during the previous three years, up to thirty-three
10 percent of the amount that exceeds the annual three-year average
11 to meet the obligation may be used to meet the obligations.
12 Should this amount be insufficient or unavailable to meet the
13 shortfall, the director of the department of revenue shall set a
14 new requisite amount to determine a qualified county under
15 subdivision (1) of this subsection other than fifty-five thousand
16 dollars, which reflects the revenue collected under subdivision
17 (3) of subsection 1 of this section in addition to thirty-three
18 percent of the excess fund balance.

19 65.610. 1. Upon the petition of at least ten percent of
20 voters at the last general election of any county having
21 heretofore adopted township organization, praying therefor, the
22 county commission shall submit the question of the abolition of
23 township organization to the voters of the county at a general or
24 special election. The question shall include a countywide tax
25 levy for road and bridge purposes. The total vote for governor
26 at the last general election before the filing of the petition
27 where a governor was elected shall be used to determine the
28 number of voters necessary to sign the petition. If the petition

1 is filed six months or more prior to a general election, the
2 proposition shall be submitted at a special election to be
3 ordered by the county commission within sixty days after the
4 petition is filed; if the petition is filed less than six months
5 before a general election, then the proposition shall be
6 submitted at the general election next succeeding the filing of
7 the petition. The election shall be conducted, the vote
8 canvassed and the result declared in the same manner as provided
9 by law in respect to elections of county officers. The clerk of
10 the county commission shall give notice that a proposition for
11 the abolition of township organization form of county government
12 in the county is to be voted upon by causing a copy of the order
13 of the county commission authorizing such election to be
14 published at least once each week for three successive weeks, the
15 last insertion to be not more than one week prior to the
16 election, in some newspaper published in the county where the
17 election is to be held, if there is a newspaper published in the
18 county and, if not, by posting printed or written handbills in at
19 least two public places in each election precinct in the county
20 at least twenty-one days prior to the date of election. The
21 clerk of the county commission shall provide the ballot which
22 shall be printed and in substantially the following form:

23 OFFICIAL BALLOT

24 (Check the one for which you wish to vote)

25 Shall township organization form of county government be
26 abolished in _____ County and a countywide tax at a
27 rate of collected for road and bridge purposes?

- 28 YES NO

1 If a majority of the electors voting upon the proposition shall
2 vote for the abolition thereof the township organization form of
3 county government shall be declared to have been abolished; and
4 township organization shall cease in said county; and except as
5 provided in section 65.620 all laws in force in relation to
6 counties not having township organization shall immediately take
7 effect and be in force in such county.

8 2. No election or any proposal for either the adoption of
9 township organization or for the abolition of township
10 organization in any county shall be held within two years after
11 an election is held under this section.

12 65.620. 1. Whenever any county abolishes township
13 organization the county treasurer and ex officio collector shall
14 immediately settle his accounts as treasurer with the county
15 commission and shall thereafter perform all duties, exercise all
16 powers, have all rights and be subject to all liabilities imposed
17 and conferred upon the county collector of revenue under chapter
18 52 until the first Monday in March after the general election
19 next following the abolishment of township organization and until
20 a collector of revenue for the county is elected and qualified.
21 The person elected collector at the general election as
22 aforesaid, if that election is not one for collector of revenue
23 under chapter 52, shall serve until the first Monday in March
24 following the election and qualification of a collector of
25 revenue under chapter 52. Upon abolition of township
26 organization a county treasurer shall be appointed to serve until
27 the expiration of the term of such officer pursuant to chapter
28 54.

1 2. Upon abolition of township organization, title to all
2 property of all kinds theretofore owned by the several townships
3 of the county shall vest in the county and the county shall be
4 liable for all outstanding obligations and liabilities of the
5 several townships.

6 3. The terms of office of all township officers shall
7 expire on the abolition of township organization and the township
8 trustee of each township shall immediately settle his accounts
9 with the county clerk and all township officers shall promptly
10 deliver to the appropriate county officers, as directed by the
11 county commission, all books, papers, records and property
12 pertaining to their offices.

13 ~~[4. For a period of one calendar year following the
14 abolition of the townships or until the voters of the county have
15 approved a tax levy for road and bridge purposes, whichever
16 occurs first, the county collector shall continue to collect a
17 property tax on a countywide basis in an amount equal to the tax
18 levied by the township that had the lowest total tax rate in the
19 county immediately prior to the abolishment of the townships.
20 The continued collection of the tax shall be considered a
21 continuation of an existing tax and shall not be considered a new
22 tax levy.]~~

23 87.135. 1. Under such rules and regulations as the board
24 of trustees shall adopt, each member who was a firefighter on and
25 prior to the date of the establishment of the retirement system
26 shall file a detailed statement of all service as a firefighter
27 rendered by him or her prior to that date for which the
28 firefighter claims credit.

1 2. The board of trustees shall fix and determine by proper
2 rules and regulations how much service in any year is equivalent
3 to one year of service, but in no case shall more than one year
4 of service be creditable for all service in one calendar year,
5 nor shall the board of trustees allow credit as service for any
6 period of more than one month's duration during which the member
7 was absent without pay.

8 3. Subject to the above restrictions and to such other
9 rules and regulations as the board of trustees may adopt, the
10 board of trustees shall verify the service claims as soon as
11 practicable after the filing of the statement of service.

12 4. Upon verification of the statements of service the board
13 of trustees shall issue prior service certificates, certifying to
14 each member the length of prior service with which the member is
15 credited on the basis of his or her statement of service. So
16 long as the holder of the certificate continues to be a member, a
17 prior service certificate shall be final and conclusive for
18 retirement purposes as to such service, except that any member
19 may, within one year from the date of issuance or modification of
20 the certificate, request the board of trustees to modify or
21 correct the member's prior service certificate, and upon such
22 request or of its own motion the board may correct the
23 certificate. When any firefighter ceases to be a member his or
24 her prior service certificate shall become void. Should he or
25 she again become a member, he or she shall enter the retirement
26 system as a member not entitled to prior service credit except as
27 provided in section 87.215.

28 5. Creditable service at retirement on which the retirement

1 allowance of a member shall be based shall consist of creditable
2 membership service rendered by him or her, and also if the member
3 has a prior service certificate which is in full force and
4 effect, the amount of the service certified on the member's prior
5 service certificate. Service rendered by a firefighter after the
6 operative date and prior to becoming a member shall be included
7 as creditable membership service provided the service was
8 rendered since he or she last became a firefighter.

9 6. The retirement system, with the approval of the board of
10 trustees, may enter into cooperative agreements to transfer
11 creditable service between the retirement system and any other
12 retirement plan established by the state of Missouri or any
13 political subdivision or instrumentality of the state when a
14 member who has been employed in a position covered by one plan is
15 employed in a position covered by another plan. The transfer of
16 creditable service shall be in accordance with the provisions of
17 section 105.691 and the policies and procedures established by
18 the board of trustees.

19 94.900. 1. (1) The governing body of the following cities
20 may impose a tax as provided in this section:

21 (a) Any city of the third classification with more than ten
22 thousand eight hundred but less than ten thousand nine hundred
23 inhabitants located at least partly within a county of the first
24 classification with more than one hundred eighty-four thousand
25 but less than one hundred eighty-eight thousand inhabitants;

26 (b) Any city of the fourth classification with more than
27 four thousand five hundred but fewer than five thousand
28 inhabitants;

1 (c) Any city of the fourth classification with more than
2 eight thousand nine hundred but fewer than nine thousand
3 inhabitants;

4 (d) Any home rule city with more than forty-eight thousand
5 but fewer than forty-nine thousand inhabitants;

6 (e) Any home rule city with more than seventy-three
7 thousand but fewer than seventy-five thousand inhabitants;

8 (f) Any city of the fourth classification with more than
9 thirteen thousand five hundred but fewer than sixteen thousand
10 inhabitants; ~~[or]~~

11 (g) Any city of the fourth classification with more than
12 seven thousand but fewer than eight thousand inhabitants;

13 (h) Any city of the fourth classification with more than
14 four thousand but fewer than four thousand five hundred
15 inhabitants and located in any county of the first classification
16 with more than one hundred fifty thousand but fewer than two
17 hundred thousand inhabitants; or

18 (i) Any city of the third classification with more than
19 thirteen thousand but fewer than fifteen thousand inhabitants and
20 located in any county of the third classification without a
21 township form of government and with more than thirty-three
22 thousand but fewer than thirty-seven thousand inhabitants.

23 (2) The governing body of any city listed in subdivision
24 (1) of this subsection is hereby authorized to impose, by
25 ordinance or order, a sales tax in the amount of up to one-half
26 of one percent on all retail sales made in such city which are
27 subject to taxation under the provisions of sections 144.010 to
28 144.525 for the purpose of improving the public safety for such

1 city, including but not limited to expenditures on equipment,
2 city employee salaries and benefits, and facilities for police,
3 fire and emergency medical providers. The tax authorized by this
4 section shall be in addition to any and all other sales taxes
5 allowed by law, except that no ordinance or order imposing a
6 sales tax pursuant to the provisions of this section shall be
7 effective unless the governing body of the city submits to the
8 voters of the city, at a county or state general, primary or
9 special election, a proposal to authorize the governing body of
10 the city to impose a tax.

11 2. If the proposal submitted involves only authorization to
12 impose the tax authorized by this section, the ballot of
13 submission shall contain, but need not be limited to, the
14 following language:

15 Shall the city of _____ (city's name) impose a citywide
16 sales tax of _____ (insert amount) for the purpose of improving
17 the public safety of the city?

18 YES NO

19 If you are in favor of the question, place an "X" in the box
20 opposite "YES". If you are opposed to the question, place an "X"
21 in the box opposite "NO".

22
23 If a majority of the votes cast on the proposal by the qualified
24 voters voting thereon are in favor of the proposal submitted
25 pursuant to this subsection, then the ordinance or order and any
26 amendments thereto shall be in effect on the first day of the
27 second calendar quarter after the director of revenue receives
28 notification of adoption of the local sales tax. If a proposal

1 receives less than the required majority, then the governing body
2 of the city shall have no power to impose the sales tax herein
3 authorized unless and until the governing body of the city shall
4 again have submitted another proposal to authorize the governing
5 body of the city to impose the sales tax authorized by this
6 section and such proposal is approved by the required majority of
7 the qualified voters voting thereon. However, in no event shall
8 a proposal pursuant to this section be submitted to the voters
9 sooner than twelve months from the date of the last proposal
10 pursuant to this section.

11 3. All revenue received by a city from the tax authorized
12 under the provisions of this section shall be deposited in a
13 special trust fund and shall be used solely for improving the
14 public safety for such city for so long as the tax shall remain
15 in effect.

16 4. Once the tax authorized by this section is abolished or
17 is terminated by any means, all funds remaining in the special
18 trust fund shall be used solely for improving the public safety
19 for the city. Any funds in such special trust fund which are not
20 needed for current expenditures may be invested by the governing
21 body in accordance with applicable laws relating to the
22 investment of other city funds.

23 5. All sales taxes collected by the director of the
24 department of revenue under this section on behalf of any city,
25 less one percent for cost of collection which shall be deposited
26 in the state's general revenue fund after payment of premiums for
27 surety bonds as provided in section 32.087, shall be deposited in
28 a special trust fund, which is hereby created, to be known as the

1 "City Public Safety Sales Tax Trust Fund". The moneys in the
2 trust fund shall not be deemed to be state funds and shall not be
3 commingled with any funds of the state. The provisions of
4 section 33.080 to the contrary notwithstanding, money in this
5 fund shall not be transferred and placed to the credit of the
6 general revenue fund. The director of the department of revenue
7 shall keep accurate records of the amount of money in the trust
8 and which was collected in each city imposing a sales tax
9 pursuant to this section, and the records shall be open to the
10 inspection of officers of the city and the public. Not later
11 than the tenth day of each month the director of the department
12 of revenue shall distribute all moneys deposited in the trust
13 fund during the preceding month to the city which levied the tax;
14 such funds shall be deposited with the city treasurer of each
15 such city, and all expenditures of funds arising from the trust
16 fund shall be by an appropriation act to be enacted by the
17 governing body of each such city. Expenditures may be made from
18 the fund for any functions authorized in the ordinance or order
19 adopted by the governing body submitting the tax to the voters.

20 6. The director of the department of revenue may make
21 refunds from the amounts in the trust fund and credited to any
22 city for erroneous payments and overpayments made, and may redeem
23 dishonored checks and drafts deposited to the credit of such
24 cities. If any city abolishes the tax, the city shall notify the
25 director of the department of revenue of the action at least
26 ninety days prior to the effective date of the repeal and the
27 director of the department of revenue may order retention in the
28 trust fund, for a period of one year, of two percent of the

1 amount collected after receipt of such notice to cover possible
2 refunds or overpayment of the tax and to redeem dishonored checks
3 and drafts deposited to the credit of such accounts. After one
4 year has elapsed after the effective date of abolition of the tax
5 in such city, the director of the department of revenue shall
6 remit the balance in the account to the city and close the
7 account of that city. The director of the department of revenue
8 shall notify each city of each instance of any amount refunded or
9 any check redeemed from receipts due the city.

10 7. Except as modified in this section, all provisions of
11 sections 32.085 and 32.087 shall apply to the tax imposed
12 pursuant to this section.

13 108.120. 1. The county commissions of the counties of this
14 state are hereby authorized to issue bonds for and on behalf of
15 their respective counties for the construction, reconstruction,
16 improvement, maintenance and repair of any and all public roads,
17 highways, bridges ~~[and]~~ , culverts, streets, avenues, or alleys
18 within such county, including the payment of any cost, judgment
19 and expense for property, or rights in property, acquired by
20 purchase or eminent domain, as may be provided by law, in such
21 amount and such manner as may be provided by the general law
22 authorizing the issuance of bonds by counties.

23 2. The proceeds of all bonds issued under the provisions of
24 this section shall be paid into the county treasury where they
25 shall be kept as a separate fund to be known as "The Road Bond
26 Construction Fund" and such proceeds shall be used only for the
27 purpose mentioned herein. ~~[Such funds may be used in the~~
28 ~~construction, reconstruction, improvement, maintenance and repair~~

1 ~~of any street, avenue, road or alley in any incorporated city,~~
2 ~~town or village if such street, avenue, road or alley or any part~~
3 ~~thereof shall form a part of a continuous road, highway, bridge~~
4 ~~or culvert of said county leading into or through such city, town~~
5 ~~or village.] The county may contract with any other political~~
6 ~~subdivision to share the proceeds of such bonds to be used for~~
7 ~~the purposes authorized.~~

8 137.555. In addition to other levies authorized by law, the
9 county commission in counties not adopting an alternative form of
10 government and the proper administrative body in counties
11 adopting an alternative form of government, in their discretion
12 may levy an additional tax, not exceeding thirty-five cents on
13 each one hundred dollars assessed valuation, all of such tax to
14 be collected and turned into the county treasury, where it shall
15 be known and designated as "The Special Road and Bridge Fund" to
16 be used for road and bridge purposes and for no other purpose
17 whatever; except that the term "road and bridge purposes" may
18 include certain storm water control projects off rights of way
19 that are directly related to the construction of roads and
20 bridges, in any county of the first classification without a
21 charter form of government with a population of at least ninety
22 thousand inhabitants but not more than one hundred thousand
23 inhabitants, in any county of the first classification without a
24 charter form of government with a population of at least two
25 hundred thousand inhabitants, in any county of the first
26 classification without a charter form of government and bordered
27 by one county of the first classification and one county of the
28 second classification or in any county of the first

1 classification with a charter form of government and containing
2 part of a city with a population of three hundred thousand or
3 more inhabitants; provided, however, that all that part or
4 portion of such tax which shall arise from and be collected and
5 paid upon any property lying and being within any special road
6 district shall be paid into the county treasury and four-fifths
7 of such part or portion of such tax so arising from and collected
8 and paid upon any property lying and being within any such
9 special road district shall be placed to the credit of such
10 special road district from which it arose and shall be paid out
11 to such special road district upon warrants of the county
12 commission, in favor of the commissioners or treasurer of the
13 district as the case may be; provided further, that the part of
14 such special road and bridge tax arising from and paid upon
15 property not situated in any special road district and the
16 one-fifth part retained in the county treasury may, in the
17 discretion of the county commission and pursuant to a written
18 contract, be shared with any other political subdivision to be
19 used [in] for road and bridge purposes within the county
20 including, but not limited to, constructing, improving, or
21 repairing [any street in any incorporated city or village in the
22 county, if such street shall form a part of a continuous highway
23 of such county leading through such city or village] streets,
24 avenues, or alleys of such political subdivision.

25 137.556. 1. Notwithstanding the provisions of section
26 137.555, any county of the second class which now has or may
27 hereafter have more than one hundred thousand inhabitants, and
28 any county of the first class not having a charter form of

1 government, shall expend not less than twenty-five percent of the
2 moneys accruing to it from the county's special road and bridge
3 tax levied upon property situated within the limits of any city,
4 town or village within the county for the repair and improvement
5 of existing roads, streets and bridges within the city, town or
6 village from which such moneys accrued, except that any county of
7 the ~~[second]~~ first classification with more than sixty-five
8 thousand but fewer than seventy-five thousand inhabitants and
9 with a county seat with more than fifteen thousand but fewer than
10 seventeen thousand inhabitants shall not be required to expend
11 such moneys as prescribed in this section.

12 2. The city council or other governing body of the city,
13 town or village shall designate the roads, streets and bridges to
14 be repaired and improved and shall specify the kinds and types of
15 materials to be used.

16 3. The county commission may make and supervise the
17 improvements or the city, town or village, with the consent and
18 approval of the county commission, may provide for the repairs
19 and improvement by private contract and, in either case, the
20 county commission shall pay the costs thereof out of any funds
21 available under the provisions of this section.

22 162.441. 1. If any school district desires to be attached
23 to a community college district organized under sections 178.770
24 to 178.890 or to one or more adjacent seven-director school
25 districts for school purposes, upon the receipt of a petition
26 setting forth such fact, signed either by voters of the district
27 equal in number to ten percent of those voting in the last school
28 election at which school board members were elected or by a

1 majority of the voters of the district, whichever is the lesser,
2 the school board of the district desiring to be so attached shall
3 submit the question to the voters.

4 2. As an alternative to the procedure in subsection 1 of
5 this section, a seven-director district may, by a majority vote
6 of its board of education, propose a plan to the voters of the
7 district to attach the district to one or more adjacent
8 seven-director districts and call [~~for~~] an election upon the
9 question of such plan.

10 3. As an alternative to the procedures in subsection 1 or 2
11 of this section, a community college district organized under
12 sections 178.770 to 178.890 may, by a majority vote of its board
13 of trustees, propose a plan to the voters of the school district
14 to attach the school district to the community college district,
15 levy the tax rate applicable to the community college district at
16 the time of the vote of the board of trustees, and call an
17 election upon the question of such plan. The community college
18 district shall be responsible for the costs associated with the
19 election.

20 4. A plat of the proposed changes to all affected districts
21 shall be published and posted with the notice of election.

22 [~~4.~~] 5. The question shall be submitted in substantially
23 the following form:

24 Shall the _____ school district be annexed to the _____
25 school districts effective the _____ day of _____, _____?

26 [~~5.~~] 6. If a majority of the votes cast in the district
27 proposing annexation favor annexation, the secretary shall
28 certify the fact, with a copy of the record, to the board of the

1 district and to the boards of the districts to which annexation
2 is proposed; whereupon the boards of the seven-director districts
3 to which annexation is proposed shall meet to consider the
4 advisability of receiving the district or a portion thereof, and
5 if a majority of all the members of each board favor annexation,
6 the boundary lines of the seven-director school districts from
7 the effective date shall be changed to include the district, and
8 the board shall immediately notify the secretary of the district
9 which has been annexed of its action.

10 ~~[6.]~~ 7. Upon the effective date of the annexation, all
11 indebtedness, property and money on hand belonging thereto shall
12 immediately pass to the seven-director school district. If the
13 district is annexed to more than one district, the provisions of
14 sections 162.031 and 162.041 shall apply.

15 227.600. 1. Sections 227.600 to 227.669 shall be known and
16 may be cited as the "Missouri Public-Private Partnerships
17 Transportation Act".

18 2. As used in sections 227.600 to 227.669, unless the
19 context clearly requires otherwise, the following terms mean:

20 (1) "Commission", the Missouri highways and transportation
21 commission;

22 (2) "Comprehensive agreement", the final binding written
23 comprehensive project agreement between a private partner and the
24 commission required in section 227.621 to finance, develop,
25 and/or operate the project;

26 (3) "Department", the Missouri department of
27 transportation;

28 (4) "Develop" or "development", to plan, locate, relocate,

1 establish, acquire, lease, design, or construct;

2 (5) "Finance", to fund the costs, expenses, liabilities,
3 fees, profits, and all other charges incurred to finance,
4 develop, and/or operate the project;

5 (6) "Interim agreement", a preliminary binding written
6 agreement between a private partner and the commission that
7 provides for completion of studies and any other activities to
8 advance the financing, development, and/or operation of the
9 project required by section 227.618;

10 (7) "Material default", any uncured default by a private
11 partner in the performance of its duties that jeopardizes
12 adequate service to the public from the project as determined by
13 the commission;

14 (8) "Operate" or "operation", to improve, maintain, equip,
15 modify, repair, administer, or collect user fees;

16 (9) "Private partner", any natural person, corporation,
17 partnership, limited liability company, joint venture, business
18 trust, nonprofit entity, other business entity, or any
19 combination thereof;

20 (10) "Project", exclusively includes any pipeline, ferry,
21 port facility, water facility, water way, water supply facility
22 or pipeline, stormwater facility or system, wastewater system or
23 [~~wastewater~~] treatment facility, public building, airport,
24 railroad, light rail, vehicle parking facility, mass transit
25 facility, or other similar facility currently available or to be
26 made available to a government entity for public use, including
27 any structure, parking area, appurtenance and other property
28 required to operate the structure or facility to be financed,

1 developed, and/or operated under agreement between the commission
2 and a private partner. The commission or private partner shall
3 not have the authority to collect user fees in connection with
4 the project from motor carriers as defined in section 227.630.
5 Project shall not include any highway, interstate or bridge
6 construction, or any rest area, rest stop, or truck parking
7 facility connected to an interstate or other highway under the
8 authority of the commission. Any project not specifically
9 included in this subdivision shall not be financed, developed, or
10 operated by a private partner until such project is approved by a
11 vote of the people;

12 (11) "Public use", a finding by the commission that the
13 project to be financed, developed, and/or operated by a private
14 partner under sections 227.600 to 227.669 will improve or is
15 needed as a necessary addition to the state transportation
16 system;

17 (12) "Revenues", include but are not limited to the
18 following which arise out of or in connection with the financing,
19 development, and/or operation of the project:

20 (a) Income;

21 (b) Earnings;

22 (c) Proceeds;

23 (d) User fees;

24 (e) Lease payments;

25 (f) Allocations;

26 (g) Federal, state, and local moneys; or

27 (h) Private sector moneys, grants, bond proceeds, and/or
28 equity investments;

1 (13) "State", the state of Missouri;

2 (14) "State highway system", the state system of highways
3 and bridges planned, located, relocated, established, acquired,
4 constructed, and maintained by the commission under Section
5 30(b), Article IV, Constitution of Missouri;

6 (15) "State transportation system", the state system of
7 nonhighway transportation programs, including but not limited to
8 aviation, transit and mass transportation, railroads, ports,
9 waterborne commerce, freight and intermodal connections;

10 (16) "User fees", tolls, fees, or other charges authorized
11 to be imposed by the commission and collected by the private
12 partner for the use of all or a portion of a project under a
13 comprehensive agreement.

14 227.601. 1. Notwithstanding any provision of sections
15 227.600 to 227.669 to the contrary, the process and approval for
16 concession agreements to build, maintain, operate, or finance
17 projects owned by a political subdivision shall be approved by
18 the governing body of such political subdivision and shall not be
19 subject to approval by the commission. Notwithstanding the
20 provisions of subsection 5 of this section, the sale or
21 conveyance of any project owned by a political subdivision shall
22 be subject to voter approval if required by law.

23 2. As used in this section, the following terms shall mean:

24 (1) "Competitive bidding process", a request for proposal
25 for the financing, development, or operation of the project,
26 including any deadline for submission of such proposals, and
27 notice of the request, which shall be published once a week for
28 two consecutive weeks in:

1 (a) A newspaper of general circulation in the city where
2 the proposed project is located;

3 (b) At least one construction industry trade publication
4 that is nationally distributed; and

5 (c) Such other publications or manner as the governing body
6 of the political subdivision may determine;

7 (2) "Concession agreement", a license or lease between a
8 private partner and a political subdivision for the development,
9 finance, operation, or maintenance of a project, as such term is
10 defined in section 227.600.

11 3. Notwithstanding any provision of law to the contrary,
12 political subdivisions may enter into concession agreements,
13 provided that:

14 (1) The term of the concession agreement shall be for a
15 term not exceeding thirty years;

16 (2) The political subdivision shall retain oversight of
17 operations of any such project;

18 (3) The political subdivision shall retain oversight of
19 rate setting methodology; and

20 (4) The political subdivision shall have the right to
21 terminate the agreement if the private partner does not comply
22 with the concession agreement.

23 4. The commission shall not be required to oversee, or
24 issue an annual report under section 227.669 for, projects
25 approved by political subdivisions, provided that any political
26 subdivision entering into a concession agreement shall use a
27 public-private partnership framework that shall include a
28 competitive bidding process.

