

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 672
97TH GENERAL ASSEMBLY

5090H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 37.020, 49.266, 56.010, 56.060, 56.067, 56.265, 56.363, 56.800, 56.805, 56.807, 56.811, 56.816, 56.827, 56.833, 56.840, 67.281, 77.030, 79.050, 79.130, 105.684, 105.687, 105.688, 105.690, 192.310, 321.130, 321.210, 321.322, 408.040, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, and 578.120, RSMo, and to enact in lieu thereof forty-five new sections relating to political subdivisions.

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

Section A. Sections 37.020, 49.266, 56.010, 56.060, 56.067, 56.265, 56.363, 56.800, 56.805, 56.807, 56.811, 56.816, 56.827, 56.833, 56.840, 67.281, 77.030, 79.050, 79.130, 105.684, 105.687, 105.688, 105.690, 192.310, 321.130, 321.210, 321.322, 408.040, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, and 578.120, RSMo, are repealed and forty-five new sections enacted in lieu thereof, to be known as sections 37.020, 49.266, 56.010, 56.060, 56.067, 56.265, 56.363, 56.800, 56.805, 56.807, 56.811, 56.816, 56.827, 56.833, 56.840, 56.850, 56.860, 67.281, 77.030, 79.050, 79.130, 79.135, 79.145, 105.684, 105.687, 105.688, 105.690, 105.1415, 135.980, 190.088, 192.310, 316.265, 321.130, 321.210, 321.322, 407.1610, 408.040, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, and 578.120, to read as follows:

37.020. 1. As used in this section, the following words and phrases mean:

- (1) "Certification", the determination, through whatever procedure is used by the office of administration, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;
- (2) "Department", the office of administration and any public institution of higher learning in the state of Missouri;

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.

7 (3) "Minority business enterprise", a business that is:

8 (a) A sole proprietorship owned and controlled by a minority;

9 (b) A partnership or joint venture owned and controlled by minorities in which at least
10 fifty-one percent of the ownership interest is held by minorities and the management and daily
11 business operations of which are controlled by one or more of the minorities who own it; or

12 (c) A corporation or other entity whose management and daily business operations are
13 controlled by one or more minorities who own it, and which is at least fifty-one percent owned
14 by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned
15 by one or more minorities;

16 (4) "Socially and economically disadvantaged individuals", individuals, regardless of
17 gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because
18 of their identity as a member of a group without regard to their individual qualities and whose
19 ability to compete in the free enterprise system has been impaired due to diminished capital and
20 credit opportunities as compared to others in the same business area. In determining the degree
21 of diminished credit and capital opportunities the office of administration shall consider, but not
22 be limited to, the assets and net worth of such individual;

23 (5) "Socially and economically disadvantaged small business concern", any small
24 business concern:

25 (a) Which is at least fifty-one percentum owned by one or more socially and
26 economically disadvantaged individuals; or, in the case of any publicly owned business, at least
27 fifty-one percentum of the stock of which is owned by one or more socially and economically
28 disadvantaged individuals; and

29 (b) Whose management and daily business operations are controlled by one or more of
30 such individuals;

31 (6) "Women's business enterprise", a business that is:

32 (a) A sole proprietorship owned and controlled by a woman;

33 (b) A partnership or joint venture owned and controlled by women in which at least
34 fifty-one percent of the ownership interest is held by women and the management and daily
35 business operations of which are controlled by one or more of the women who own it; or

36 (c) A corporation or other entity whose management and daily business operations are
37 controlled by one or more women who own it, and which is at least fifty-one percent owned by
38 women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more
39 women.

40 2. The office of administration, in consultation with each department, shall establish and
41 implement a plan to increase and maintain the participation of certified socially and economically
42 disadvantaged small business concerns or minority business enterprises, directly or indirectly,

43 in contracts for supplies, services, and construction contracts, consistent with goals determined
44 after an appropriate study conducted to determine the availability of socially and economically
45 disadvantaged small business concerns and minority business enterprises in the marketplace.
46 Such study shall be completed by December 31, 1991. The commissioner of administration shall
47 appoint an oversight review committee to oversee and review the results of such study. The
48 committee shall be composed of nine members, four of whom shall be members of business,
49 three of whom shall be from staff of selected departments, one of whom shall be a member of
50 the house of representatives, and one of whom shall be a member of the senate.

51 3. The goals to be pursued by each department under the provisions of this section shall
52 be construed to overlap with those imposed by federal law or regulation, if any, shall run
53 concurrently therewith and shall be in addition to the amount required by federal law only to the
54 extent the percentage set by this section exceeds those required by federal law or regulations.

55 **4. For any Missouri-based 501(c)(3) organization or limited liability corporation**
56 **solely owned or governed by Missouri-based 501(c)(3) organizations that meets the**
57 **following criteria, additional points shall be awarded through the state purchasing process**
58 **in the same manner as a for-profit corporation that has been certified as either a minority**
59 **business enterprise or a women's business enterprise:**

60 (1) **To receive the same number of points on a bid proposal as a minority business**
61 **enterprise, the following is required:**

62 (a) **The organization's entire staff is comprised of at least twenty-five percent**
63 **minorities or such staff is comprised of more than five percent greater than the average**
64 **minority population of the geographic area that is served by the organization; and**

65 (b) **The organization's staff that is classified as management or the twenty percent**
66 **of the staff with the highest salaries is comprised of at least twenty percent minorities or**
67 **such staff is comprised of a percentage that is greater than the average minority population**
68 **of the geographic area that is served by the organization; and**

69 (2) **To receive the same number of points on a bid proposal as a women's business**
70 **enterprise, the following is required:**

71 (a) **The organization's entire staff is comprised of at least fifty-five percent women;**
72 **and**

73 (b) **The organization's staff that is classified as management or the twenty percent**
74 **of the staff with the highest salaries is comprised of at least forty-five percent women.**

75 5. **Under no circumstances shall any bidder under this section be awarded more**
76 **than five points for qualifying as a minority business enterprise or a women's business**
77 **enterprise under this section for a maximum award of ten points.**

49.266. 1. The county commission in all **noncharter** counties [of the first, second or
2 fourth classification] may by order or ordinance promulgate reasonable regulations concerning
3 the use of county property, the hours, conditions, methods and manner of such use and the
4 regulation of pedestrian and vehicular traffic and parking thereon.

5 2. Violation of any regulation so adopted under subsection 1 of this section is an
6 infraction.

7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for
8 a county because:

9 (1) An actual or impending occurrence of a natural disaster of major proportions within
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and

11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for
14 fire management or suppression activities and persons conducting agricultural burning using best
15 management practices shall not be subject to the provisions of this subsection. The ability of an
16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or
18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American
19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other
20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public
22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

56.010. At the general election to be held in this state in the year A.D. 1982, and every
2 four years thereafter, there shall be elected in each county of this state a prosecuting attorney,
3 who shall be a person learned in the law, duly licensed to practice as an attorney at law in this
4 state, and enrolled as such, at least twenty-one years of age, and who has been a bona fide
5 resident of the county in which he **or she** seeks election for twelve months next preceding the
6 date of the general election at which he is a candidate for such office and shall hold his **or her**
7 office for four years, and until his **or her** successor is elected, commissioned and qualified.

56.060. 1. Each prosecuting attorney shall:

2 (1) Commence and prosecute all [civil and] criminal actions **by adults** in the prosecuting
3 attorney's county in which the county or state is concerned[,] ;

4 (2) **Represent the state in any misdemeanor case that is taken to the court of**
5 **appeals by appeal and make out and cause to be printed, at the expense of the county, all**
6 **necessary abstracts of record and briefs, and if necessary appear in the court in person, or**
7 **employ some attorney at the prosecuting attorney's own expense to represent the state in**

8 **the court, and for his or her services he or she shall receive the compensation that is**
9 **proper, not to exceed twenty-five dollars for each case, and necessary traveling expenses,**
10 **to be audited and paid as other claims are audited and paid by the county commission;**

11 (3) Defend all suits against the state [or county, and] ;

12 (4) Prosecute forfeited recognizances and actions for the recovery of debts, fines,
13 penalties and forfeitures accruing to the state or county; **and**

14 (5) **Follow and prosecute or defend, as the case may be, all cases in which changes**
15 **of venue are granted, for which, in addition to the fees now allowed by law, the prosecuting**
16 **attorney shall receive his or her actual expenses.** [In all cases, civil and criminal, in which
17 changes of venue are granted, the prosecuting attorney shall follow and prosecute or defend, as
18 the case may be, all the causes, for which, in addition to the fees now allowed by law, the
19 prosecuting attorney shall receive his or her actual expenses. If any misdemeanor case is taken
20 to the court of appeals by appeal the prosecuting attorney shall represent the state in the case in
21 the court and make out and cause to be printed, at the expense of the county, all necessary
22 abstracts of record and briefs, and if necessary appear in the court in person, or shall employ
23 some attorney at the prosecuting attorney's own expense to represent the state in the court, and
24 for his or her services he or she shall receive the compensation that is proper, not to exceed
25 twenty-five dollars for each case, and necessary traveling expenses, to be audited and paid as
26 other claims are audited and paid by the county commission of the county.]

27 2. Notwithstanding the provisions of subsection 1 of this section, in any county for which
28 a county counselor is appointed, the prosecuting attorney shall only perform those duties
29 prescribed by subsection 1 of this section which are not performed by the county counselor under
30 the provisions of law relating to the office of county counselor.

56.067. In counties of the first classification not having a charter form of government[,]
2 and **other counties in** which [have passed the proposition authorized by section 56.363] **the**
3 **prosecuting attorney is a full-time position**, the prosecuting attorney, except in the
4 performance of special prosecutions or otherwise representing the state or its political
5 subdivisions, shall devote full time to his office, and shall not engage in the practice of law.

56.265. 1. [The county] **A prosecuting attorney** [in any county], other than a
2 **prosecuting attorney** in a chartered county, shall receive an annual salary computed using the
3 following schedule, when applicable. The assessed valuation factor shall be the amount thereof
4 as shown for the year immediately preceding the year for which the computation is done.

5 (1) For a full-time prosecutor the prosecutor shall receive compensation equal to the
6 compensation of an associate circuit judge;

7 (2) For a part-time [prosecutor] **prosecuting attorney, the governing body of the**
 8 **county may elect to pay the part-time prosecuting attorney in accordance with one of the**
 9 **following options:**

10 **Option 1. Using the following scale:**

11 Assessed Valuation	Amount
12 \$ 18,000,000 to 40,999,999	\$37,000
13 41,000,000 to 53,999,999	38,000
14 54,000,000 to 65,999,999	39,000
15 66,000,000 to 85,999,999	41,000
16 86,000,000 to 99,999,999	43,000
17 100,000,000 to 130,999,999	45,000
18 131,000,000 to 159,999,999	47,000
19 160,000,000 to 189,999,999	49,000
20 190,000,000 to 249,999,999	51,000
21 250,000,000 to 299,999,999	53,000
22 300,000,000 or more	55,000; or

23 **Option 2. Compensation equal to one-half the compensation of a full-time prosecuting**
 24 **attorney provided under subdivision (2) of this subsection, but this option may only be**
 25 **selected if the presiding judge of the circuit court appoints the part-time prosecuting**
 26 **attorney to represent the juvenile officer in all juvenile court cases.**

27 2. Two thousand dollars of the salary authorized in **subdivisions (2) or (3) of subsection**
 28 **1 of this section** shall be payable to the prosecuting attorney only if the prosecuting attorney has
 29 completed at least twenty hours of classroom instruction each calendar year relating to the
 30 operations of the prosecuting attorney's office when approved by a professional association of
 31 the county prosecuting attorneys of Missouri unless exempted from the training by the
 32 professional association. The professional association approving the program shall provide a
 33 certificate of completion to each prosecuting attorney who completes the training program and
 34 shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses
 35 incurred for attending the training session may be reimbursed to the county prosecuting attorney
 36 in the same manner as other expenses as may be appropriated for that purpose.

37 3. As used in this section, the term "prosecuting attorney" includes the circuit attorney
 38 of any city not within a county.

39 4. The prosecuting attorney of any county which becomes a county of the first
 40 classification during a four-year term of office or a county which passed the proposition
 41 authorized by **subsection 1 of section 56.363** shall not be required to devote full time to such

42 office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of
43 office or until the proposition otherwise becomes effective.

44 5. The provisions of section 56.066 shall not apply to full-time prosecutors who are
45 compensated pursuant to subdivision (1) of subsection 1 **or subdivision (2)** of this section.

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

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

12 YES NO

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

16 2. **Upon passage of the proposition under subsection 1 of this section, the position**
17 **shall qualify for the retirement benefit available for a full-time prosecutor of a county of**
18 **the first classification. Regardless of the county classification, any county which has**
19 **elected at any time to make the position of prosecuting attorney a full-time position shall**
20 **pay the same contribution amount that is paid by counties of the first classification into the**
21 **Missouri prosecuting attorneys and circuit attorneys' retirement fund established under**
22 **section 56.800.**

23 3. The provisions of subsection 1 of this section notwithstanding, in any county where
24 the proposition of making the county prosecutor a full-time position was submitted to the voters
25 at a general election in 1998 and where a majority of the voters voting on the proposition voted
26 in favor of making the county prosecutor a full-time position, the proposition shall become
27 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May
28 1, 1999, under the provisions of this subsection shall have the additional duty of providing not
29 less than three hours of continuing education to peace officers in the county served by the
30 prosecuting attorney in each year of the term beginning January 1, 1999.

31 [3.] 4. In counties that, prior to August 28, 2001, have elected pursuant to this section
32 to make the position of prosecuting attorney a full-time position, the county commission may at

33 any time elect to have that position also qualify for the retirement benefit available for a full-time
 34 prosecutor of a county of the first classification. Such election shall be made by a majority vote
 35 of the county commission and once made shall be irrevocable, **unless the voters of the county**
 36 **elect to change the position of prosecuting attorney back to a part-time position under**
 37 **subsection 4 of this section.** When such an election is made, the results shall be transmitted to
 38 the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election
 39 shall be effective on the first day of January following such election. Such election shall also
 40 obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system
 41 retirement fund the same retirement contributions for full-time prosecutors as are paid by
 42 counties of the first classification.

43 **5. In any county that has elected to make the county prosecutor a full-time position**
 44 **under this section after the effective date of this act, the county commission may on its own**
 45 **motion and shall upon the petition of ten percent of the total number of people who voted**
 46 **in the previous general election in the county submit to the voters at a general or special**
 47 **election the proposition of changing the full-time prosecutor position to a part-time**
 48 **position. The commission shall cause notice of the election to be published in a newspaper**
 49 **published within the county, or if no newspaper is published within the county, in a**
 50 **newspaper published in an adjoining county, for three weeks consecutively, the last**
 51 **insertion of which shall be at least ten days and not more than thirty days before the day**
 52 **of the election, and by posting printed notices thereof at three of the most public places in**
 53 **each township in the county. The proposition shall be put before the voters substantially**
 54 **in the following form:**

55 **Shall the office of prosecuting attorney be made a part-time position in**
 56 **County?**

57 **YES** **NO**

58 **If a majority of the voters vote in favor of making the county prosecutor a part-time**
 59 **position, it shall become effective upon the date that the prosecutor who is elected at the**
 60 **next election subsequent to the passage of such proposal is sworn into office. The**
 61 **provisions of this subsection shall not apply to any county that contains a state correctional**
 62 **facility.**

63 **6. In any county that has elected to make the full-time position of county prosecutor**
 64 **a part-time position under subsection 4 of this section, the county's retirement contribution**
 65 **to the retirement system and the retirement benefit earned by the member shall**
 66 **prospectively be that of a part-time prosecutor as established in this chapter. Any**
 67 **retirement contribution made and retirement benefit earned prior to the effective date of**
 68 **the voter approved proposition under subsection 4 of this section shall be maintained by**

69 **the retirement system and used to calculate the retirement benefit for such prior full-time**
70 **position service. Under no circumstances shall a member in a part-time prosecutor**
71 **position earn full-time position retirement benefit service accruals for time periods after**
72 **the effective date of the proposition changing the county prosecutor back to a part-time**
73 **position.**

56.800. There is hereby authorized a "Prosecuting Attorneys and Circuit Attorneys'
2 Retirement Fund" which shall be under the management of a board of trustees described in
3 section 56.809. The board of trustees shall be responsible for the administration of such
4 prosecuting attorneys and circuit attorneys' retirement fund. If insufficient funds are generated
5 to provide the benefits payable pursuant to the provisions of sections 56.800 to [56.840] **56.860**,
6 the board shall proportion the benefits according to the funds available. The prosecuting
7 attorneys and circuit attorneys' retirement fund shall be a body corporate and may sue and be
8 sued, transact business, invest funds, and hold cash, securities, and other property.

56.805. As used in sections 56.800 to [56.840] **56.860**, the following words and terms
2 mean:

- 3 (1) "Annuity", annual payments, made in equal monthly installments, to a retired
4 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to
5 [56.840] **56.860**;
- 6 (2) "Average final compensation", the average compensation of an employee for the two
7 consecutive years prior to retirement when the employee's compensation was greatest;
- 8 (3) "Board of trustees" or "board", the board of trustees established by the provisions of
9 sections 56.800 to [56.840] **56.860**;
- 10 (4) "Compensation", all salary and other compensation payable by a county to an
11 employee, **including any salary reduction amounts authorized under a cafeteria plan**
12 **satisfying 26 U.S.C. 125 or eligible deferred compensation plan satisfying 26 U.S.C. 457** for
13 personal services rendered as an employee, but not including travel [and] , mileage,
14 reimbursement **for any expenses, and consideration for agreeing to terminate employment**
15 **or other nonrecurring or unusual payment that is not part of regular remuneration**;
- 16 (5) "County", the city of St. Louis and each county in the state;
- 17 (6) "Creditable service", the sum of both membership service and creditable prior
18 service;
- 19 (7) "Effective date of the establishment of the system", August 28, 1989;
- 20 (8) "Employee", an elected or appointed prosecuting attorney [or circuit attorney who
21 is employed by a county or a city not within a county];

22 (9) "Membership service", service as a prosecuting [attorney or circuit] attorney after
23 becoming a member that is creditable in determining the amount of the member's benefits under
24 this system;

25 (10) "Prior service", service of a member rendered prior to the effective date of the
26 establishment of the system which is creditable under [section] **sections 56.823 and 56.850**;

27 (11) **"Prosecuting attorney", shall include any elected or appointed prosecuting**
28 **attorney employed by a county or circuit attorney employed by a city not within a county**;

29 (12) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'
30 retirement system authorized by the provisions of sections 56.800 to [56.840] **56.860**.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2
3 of this section shall be paid from county or city funds.

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

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

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

11 (3) For counties of the first classification, counties which pursuant to section 56.363
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and
15 sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

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

27 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 [~~(1)~~] **(a)** For counties of the third and fourth classification except as provided in
30 [~~subdivision (3)~~] **paragraph (c)** of this [~~subsection~~] **subdivision**, one hundred eighty-seven
31 dollars;

32 [~~(2)~~] **(b)** For counties of the second classification, two hundred seventy-one dollars;

33 [~~(3)~~] **(c)** For counties of the first classification, counties which pursuant to section 56.363
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

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

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

42 **(b) More than one hundred ten percent, but less than one hundred twenty percent,**
43 **the monthly sum transmitted shall be reduced fifty percent;**

44 **(c) At least ninety percent and up to and including one hundred ten percent, the**
45 **monthly sum transmitted shall remain the same;**

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

48 **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
54 shall be used only for the purposes provided in sections 56.800 to [~~56.840~~] **56.860**, and for no
55 other purpose.

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

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
59 filed in the courts of this state including violation of any county ordinance [or] , any violation
60 of criminal or traffic laws of this state, including infractions, **and against any person who pled**
61 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed
62 when the costs are waived or are to be paid by the state, county, or municipality or when a

63 criminal proceeding or the defendant has been dismissed by the court [or against any person who
64 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of
65 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

66 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
67 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
68 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
69 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
70 provided for in sections 56.800 to [56.840] **56.860** and for no other purpose.

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

73 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to [56.840]
74 **56.860** unless provided for by law.

56.811. On and after the effective date of the establishment of the system, as an incident
2 to his employment or continued employment, each person employed as an elected or appointed
3 prosecuting attorney or circuit attorney shall become a member of the system. Such membership
4 shall continue as long as the person continues to be an employee, or receives or is eligible to
5 receive benefits under the provisions of sections 56.800 to [56.840] **56.860**.

56.816. 1. The normal annuity of a retired member who served as prosecuting attorney
2 of a county of the third or fourth class shall, except as provided in subsection 3 of this section,
3 be equal to:

4 (1) Any member who has served twelve or more years as a prosecuting attorney and who
5 meets the conditions of retirement at or after the member's normal retirement age shall be entitled
6 to a normal annuity in a monthly amount equal to one hundred five dollars multiplied by the
7 number of two-year periods and partial two-year periods served as a prosecuting attorney;

8 (2) Any member who has served twenty or more years as a prosecuting attorney and who
9 meets the conditions of retirement at or after the member's normal retirement age shall be entitled
10 to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the
11 number of two-year periods and partial two-year periods as a prosecuting attorney.

12 2. The normal annuity of a retired member who served as prosecuting attorney of a first
13 or second class county or as circuit attorney of a city not within a county shall be equal to fifty
14 percent of the final average compensation.

15 3. **Except as otherwise provided under section 56.363**, the normal annuity of a retired
16 member who served as a prosecuting attorney of a county which after August 28, 2001, elected
17 to make the position of prosecuting attorney full time pursuant to section 56.363 shall be equal
18 to fifty percent of the final average compensation.

19 4. The actuarial present value of a retired member's benefits shall be placed in a reserve
20 account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be
21 increased by the actuarial present value of retiring members' benefits, and by the interest earning
22 of the total fund on a pro rata basis and it shall be decreased by payments to retired members and
23 their survivors. Each year the actuary shall compare the actuarial present value of retired
24 members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one
25 year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives,
26 then distribution of this excess may be made equally to all retired members, or their eligible
27 survivors. The distribution may be in a single sum or in monthly payments at the discretion of
28 the board on the advice of the actuary.

 56.827. 1. The normal annuity of a member shall be paid to a member during his
2 lifetime. Upon his death no further payments shall be made.

3 2. In lieu of the normal annuity otherwise payable to a member, the member may elect
4 in the member's application for retirement to receive his choice of the following options:

5 Option 1. The actuarial equivalent of the member's normal annuity in reduced monthly
6 payments for life during retirement with the provision that upon the member's death, fifty percent
7 of the reduced normal annuity shall be continued throughout the life of and paid to the member's
8 spouse; or

9 Option 2. Some other option approved by the board which shall be the actuarial
10 equivalent of the annuity to which the member is entitled under this system.

11 3. The election may be made only in the application for retirement and such application
12 shall be filed prior to the date on which the retirement of the member is to be effective unless
13 otherwise provided. If, after the reduced normal annuity begins under option 1, the spouse
14 predeceases the retired member, the reduced normal annuity continues to the retired member
15 during the member's lifetime; but, when a member dies any time after August 28, 1989, who is
16 eligible for retirement prior to retiring and receiving retirement benefits, the surviving spouse
17 of such member of the retirement system coming under the provisions of sections 56.800 to
18 [56.840] **56.860** shall, upon application, be appointed and employed as a special consultant by
19 the retirement system for the remainder of the spouse's life, and upon request shall give oral or
20 written opinions on the benefits of the retirement system, and shall be entitled to receive benefits
21 under option 1, and shall be eligible for all other benefits that other spouses are entitled to
22 receive.

 56.833. 1. Upon termination of employment, any member with twelve or more years of
2 creditable service shall be entitled to a deferred normal annuity, payable at age fifty-five with
3 twelve or more years of creditable service. Any member with less than twelve years of creditable

4 service shall forfeit all rights in the fund, including the member's accrued creditable service as
5 of the date of the member's termination of employment.

6 2. A former member who has forfeited creditable service may have the creditable service
7 restored by again becoming an employee and completing four years of continuous membership
8 service.

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

11 **4. Notwithstanding the provisions of section 104.800 to the contrary, no former or**
12 **current member shall be entitled to transfer creditable service into the retirement system**
13 **unless the member was previously vested in the system.**

56.840. Annuity payments to retired employees under the provisions of sections 56.800
2 to [56.840] **56.860** shall be available beginning January first next succeeding the expiration of
3 two calendar years from the effective date of the establishment of the system to eligible retired
4 employees, and employees with at least twelve years of creditable service shall have vested rights
5 and upon reaching the required age shall be entitled to retirement benefits.

56.850. All non-vested members of the retirement system serving as prosecuting
2 **attorney or circuit attorney in counties of the first classification or any city not within a**
3 **county shall receive one year of creditable service for each year served. Non-vested**
4 **members serving as prosecuting attorney in counties that have elected to make the position**
5 **of prosecuting attorney a full-time position shall receive one year of creditable service for**
6 **each year served as a full-time prosecuting attorney and sixty percent creditable service**
7 **for each year served as a part-time prosecuting attorney. Unless otherwise permitted by**
8 **law, credit shall not be earned by any member for employment of only a portion of a year.**

56.860. Notwithstanding any provision of law to the contrary, any part-time vested
2 **member of the retirement system who ceased being a member for more than six months**
3 **before returning as a full-time member shall be entitled to retirement benefits for**
4 **creditable service as calculated on the date the member was terminated. Any creditable**
5 **service earned by such a member after rejoining the plan begins a new vesting period. No**
6 **member shall receive any retirement benefits while employed as a prosecuting attorney or**
7 **circuit attorney.**

67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any
2 purchaser on or before the time of entering into the purchase contract the option, at the
3 purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding
4 any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling
5 or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in
6 such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or

7 resolution by any county or other political subdivision. Any county or other political subdivision
8 shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory
9 option for purchasers to have the right to choose and the requirement that builders offer to
10 purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or
11 two-family dwelling or townhouse. [The provisions of this section shall expire on December 31,
12 2019.]

13 2. Any governing body of any political subdivision that adopts the 2009 International
14 Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code
15 without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the
16 language in section R317 of the 2006 International Residential Code for two-family dwellings
17 (R317.1) and townhouses (R317.2).

77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council
2 shall by ordinance divide the city into not less than four wards, and two councilmen shall be
3 elected from each of such wards by the qualified voters thereof at the first election for
4 councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the
5 highest number of votes in each ward shall hold his office for two years, and the one receiving
6 the next highest number of votes shall hold his office for one year; but thereafter each ward shall
7 elect annually one councilman, who shall hold his office for two years.

8 2. In lieu of electing councilmen as provided in subsection 1 of this section, the council
9 may elect to establish wards and elect councilmen as provided in this subsection. If the council
10 so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman
11 shall be elected from each of such wards by the qualified voters thereof at the first election for
12 councilmen held in the city after it adopts the provisions of this subsection. At the first election
13 held under this subsection the councilmen elected from the odd-numbered wards shall be elected
14 for a term of one year and the councilmen elected from the even-numbered wards shall be elected
15 for a term of two years. At each annual election held thereafter, successors for councilmen
16 whose terms expire in such year shall be elected for a term of two years.

17 3. (1) Council members may serve four-year terms if the two-year terms provided under
18 subsection 1 or 2 of this section have been extended to four years by approval of a majority of
19 the voters voting on the proposal.

20 (2) The ballot of submission shall be in substantially the following form:

21 Shall the terms of council members which are currently set at two years in
22 (city) be extended to four years for members elected after August 28, 2013?

23 YES NO

24 (3) If a majority of the voters voting approve the proposal authorized in this subsection,
25 the members of council who would serve two years under subsections 1 and 2 of this section

26 shall be elected to four-year terms beginning with any election occurring after approval of the
27 ballot question.

28 **4. In any city that has approved the proposal under subsection 3 of this section, the**
29 **council may, by ordinance, elect to establish a system for holding elections for one-half of**
30 **the council every other year. The ordinance may stipulate that any council member whose**
31 **term of office expires during the year of the next election after the adoption of the**
32 **ordinance shall be elected for a term of three years. Any council member not elected to a**
33 **three-year term at such election shall be elected for a term of four years at the election in**
34 **the year in which the member's term of office expires. All successors for council shall**
35 **thereafter be elected to four-year terms of office. Any new terms in office for particular**
36 **wards shall be effective only upon the expiration of any term in office authorized under**
37 **this section for a particular ward prior to the adoption of an ordinance under this**
38 **subsection.**

79.050. 1. The following officers shall be elected by the qualified voters of the city, and
2 shall hold office for the term of two years, except as otherwise provided in this section, and until
3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of
4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an
5 election at which the issue is submitted, for the appointment of a collector and for the
6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and
7 any other police officers found by the board of aldermen to be necessary for the good government
8 of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board
9 of aldermen does not provide for the appointment of a chief of police and collector as provided
10 by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall
11 be elected, and the board of aldermen may provide by ordinance that the same person may be
12 elected marshal and collector, at the same election, and hold both offices and the board of
13 aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and
14 street commissioner, who shall hold their respective offices for a term of two years and until their
15 successors shall be elected or appointed and qualified, except that the term of the city marshal
16 shall be four years.

17 2. The board of aldermen may provide by ordinance, after the approval of a majority of
18 the voters voting thereon at the next municipal election at which the issue is submitted, that the
19 term of the collector shall be four years and the term of the mayor shall be two, three, or four
20 years. Any person elected as collector after the passage of such an ordinance shall serve for a
21 term of four years and until his successor is elected and qualified. Any person elected as mayor
22 after the passage of such ordinance shall serve for a term of two, three, or four years, as provided,
23 and until his successor is elected and qualified.

24 3. The board of aldermen may provide by ordinance that the term of the board of
25 aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the
26 city and shall take effect only upon the approval of a majority of the voters voting at an election
27 at which the issue is submitted. Any person elected to the board of aldermen after the passage
28 of such an ordinance shall serve for a term of four years and until his successor is elected and
29 qualified.

30 **4. In any city that has approved the proposal under subsection 3 of this section, the**
31 **board of aldermen may, by ordinance, elect to establish a system for holding elections for**
32 **one-half of the board of aldermen every other year. The ordinance may stipulate that any**
33 **member of the board of aldermen whose term of office expires during the year of the next**
34 **election after the adoption of the ordinance shall be elected for a term of three years. Any**
35 **member of the board of aldermen not elected to a three-year term at such election shall be**
36 **elected for a term of four years at the election in the year in which the member's term of**
37 **office expires. All successors for the board of aldermen shall thereafter be elected to four-**
38 **year terms of office. Any new terms in office for the board of aldermen shall be effective**
39 **only upon the expiration of any term in office authorized under this section prior to the**
40 **adoption of an ordinance under this subsection.**

79.130. 1. The style of the ordinances of the city shall be: "Be it ordained by the board
2 of aldermen of the city of, as follows:" No ordinance shall be passed except by bill, and
3 no bill shall become an ordinance unless on its final passage a majority of the members elected
4 to the board of aldermen shall vote for it, and the ayes and nays be entered on the journal. Every
5 proposed ordinance shall be introduced to the board of aldermen in writing and shall be read by
6 title or in full two times prior to passage, both readings may occur at a single meeting of the
7 board of aldermen. If the proposed ordinance is read by title only, copies of the proposed
8 ordinance shall be made available for public inspection prior to the time the bill is under
9 consideration by the board of aldermen. No bill shall become an ordinance until it shall have
10 been signed by the mayor or person exercising the duties of the mayor's office, or shall have been
11 passed over the mayor's veto, as herein provided.

12 **2. This section shall not apply to ordinances proposed or passed under section**
13 **79.135.**

79.135. 1. **Any proposed ordinance may be submitted to the board of aldermen by**
2 **petition signed by at least ten percent of the registered voters voting for mayor at the last**
3 **municipal election. The petition shall contain, in addition to the requisite number of valid**
4 **signatures, the full text of the ordinance sought to be passed and a request that the**
5 **ordinance be submitted to a vote of the people if not passed by the board of aldermen.**

6 **2. The signatures to the petition need not all be appended to one paper, but each**
7 **signer shall add to his or her signature his or her place of residence, giving the street and**
8 **number. One of the signers of each such paper shall make oath before an officer**
9 **competent to administer oaths that the statements therein made are true as he or she**
10 **believes and that each signature to the paper appended is the genuine signature of the**
11 **person whose name it purports to be.**

12 **3. Within ten days from the date of filing such petition, the city clerk shall examine**
13 **and ascertain whether the petition is signed by the requisite number of voters, and, if**
14 **necessary, the board of aldermen shall allow the clerk extra help for such purpose. The**
15 **clerk shall attach a certificate of examination to the petition. If by the clerk's certificate**
16 **the petition is shown to be insufficient, the petition may be amended within ten days from**
17 **the date of the issuance of the clerk's certificate. The clerk shall, within ten days after such**
18 **amendment, make like examination of the amended petition. If the second certificate**
19 **shows the petition to be insufficient, the petition shall be returned to the person filing it,**
20 **without prejudice to the filing of a new petition to the same effect. If the petition is deemed**
21 **to be sufficient, the clerk shall submit it to the board of aldermen without delay.**

22 **4. Upon receipt of the petition and certificate from the clerk, the board of aldermen**
23 **shall either:**

24 **(1) Pass said ordinance without alteration within twenty days after attachment of**
25 **the clerk's certificate to the accompanying petition; or**

26 **(2) Submit the question without alteration to the voters at the next municipal**
27 **election, or, if the petition has been signed by twenty five percent or more of the registered**
28 **voters voting for mayor at the last municipal election, the board of aldermen shall**
29 **immediately submit the question without alteration to the voters of the city.**

30 **5. The question shall be submitted in substantially the following form:**

31 **Shall the following ordinance be (adopted) (repealed)? (Set out ordinance)**

32 **6. If a majority of the voters vote in favor thereof, such ordinance shall thereupon**
33 **become a valid and binding ordinance of the city.**

34 **7. Any number of proposed ordinances may be voted upon at the same election, in**
35 **accordance with the provisions of this section.**

36 **8. Any ordinance in effect that was proposed by petition cannot be repealed or**
37 **amended except by a vote of the people. The board of aldermen may submit a proposition**
38 **for the repeal of any such ordinance or for amendments thereto, to be voted upon at any**
39 **municipal election; and should such proposition receive a majority of the votes cast**
40 **thereon, such ordinance shall thereby be repealed or amended accordingly.**

79.145. 1. No ordinance passed by the board of aldermen, except when otherwise required by the laws of the state or an ordinance for the immediate preservation of the public peace, health, or safety that contains a statement of its urgency and is passed by a two-thirds vote of the board of aldermen, shall go into effect before ten days from the time of its final passage.

2. If during the ten-day period required under subsection 1 of this section, a petition signed by at least twenty five percent of the registered voters of the city voting for mayor at the last municipal election is presented to the board of aldermen in protest against the passage of an ordinance, the ordinance shall be suspended from going into operation. Upon the receipt of such petition, it shall be the duty of the board of aldermen to reconsider the ordinance. If the ordinance is not entirely repealed, the board of aldermen shall submit the ordinance to a vote in the same manner as required under section 79.135 for ordinances proposed by petition. Such ordinance shall not go into effect or become operative unless it receives approval from a majority of the voters voting thereon. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under section 79.135.

105.684. 1. Notwithstanding any law to the contrary, no plan shall adopt or implement any additional benefit increase, supplement, enhancement, lump sum benefit payments to participants, or cost-of-living adjustment beyond current plan provisions in effect prior to August 28, 2007, unless the plan's actuary determines that the funded ratio of the most recent periodic actuarial valuation and prior to such adoption or implementation is at least eighty percent and will not be less than seventy-five percent after such adoption or implementation.

2. The unfunded actuarial accrued liabilities associated with benefit changes described in this section shall be amortized over a period not to exceed twenty years for purposes of determining the contributions associated with the adoption or implementation of any such benefit increase, supplement, or enhancement.

3. Any plan with a funded ratio below sixty percent shall have the actuary prepare an accelerated contribution schedule based on a descending amortization period for inclusion in the actuarial valuation.

4. Nothing in this section shall apply to any plan established under [chapter] chapters 56, 70, or [chapter] 476.

5. Nothing in this section shall prevent a plan from adopting and implementing any provision necessary to maintain a plan's status as a qualified trust pursuant to 26 U.S.C. 401(a).

105.687. As used in sections 105.687 to [105.689] 105.690, the following terms mean:

2 (1) "Equity interests", limited partnership interests and other interests in which the
3 liability of the investor is limited to the amount of the investment, but does not include general
4 partnership interests or other interests involving general liability of the investor;

5 (2) "Invest" or "investment", utilization of money in the expectation of future returns in
6 the form of income or capital gain;

7 (3) "Investment fiduciary", a person who either exercises any discretionary authority or
8 control in the investment of a public employee retirement system's assets or who renders for a
9 fee advice for a public employment retirement system;

10 (4) "Small business", an independently owned and operated business as defined in Title
11 15 U.S.C. Section 632A and as described by Title 13 CFR Part 121;

12 (5) "Small business investment company", an incorporated body or a limited partnership
13 under Section 301 of Title III of the Small Business Investment Act of 1958, 15 U.S.C. 681;

14 (6) "System", a public employee retirement system established by the state or any
15 political subdivision of the state;

16 (7) "Venture capital firm", a corporation, partnership, proprietorship, or other entity, the
17 principal businesses of which is the making of investments in small businesses **or other**
18 **investments which are not otherwise prohibited by law**, either directly or indirectly by
19 investing in entities the principal business of which is the making of investments in small
20 businesses **or other investments which are not otherwise prohibited by law**.

105.688. The assets of a system may be invested, reinvested and managed by an
2 investment fiduciary subject to the terms, conditions and limitations provided in sections 105.687
3 to [105.689] **105.690**. An investment fiduciary shall discharge his or her duties in the interest
4 of the participants in the system and their beneficiaries and shall:

5 (1) Act with the same care, skill, prudence, and diligence under the circumstances then
6 prevailing that a prudent person acting in a similar capacity and familiar with those matters
7 would use in the conduct of a similar enterprise with similar aims;

8 (2) Act with due regard for the management, reputation, and stability of the issuer and
9 the character of the particular investments being considered;

10 (3) Make investments for the purposes of providing benefits to participants and
11 participants' beneficiaries, and of defraying reasonable expenses of investing the assets of the
12 system;

13 (4) Give appropriate consideration to those facts and circumstances that the investment
14 fiduciary knows or should know are relevant to the particular investment or investment course
15 of action involved, including the role of the investment or investment course of action plays in
16 that portion of the system's investments for which the investment fiduciary has responsibility.
17 For purposes of this subdivision, "appropriate consideration" shall include, but is not necessarily

18 limited to a determination by the investment fiduciary that a particular investment or investment
19 course of action is reasonably designed, as part of the investments of the system, to further the
20 purposes of the system, taking into consideration the risk of loss and the opportunity for gain or
21 other return associated with the investment or investment course of action; and consideration of
22 the following factors as they relate to the investment or investment course of action:

23 (a) The diversification of the investments of the system;

24 (b) The liquidity and current return of the investments of the system relative to the
25 anticipated cash flow requirements of the system; and

26 (c) The projected return of the investments of the system relative to the funding
27 objectives of the system;

28 (5) Give appropriate consideration to investments which would enhance the general
29 welfare of this state and its citizens if those investments offer the safety and rate of return
30 comparable to other investments available to the investment fiduciary at the time the investment
31 decision is made.

105.690. **It is hereby declared to be the public policy of the State of Missouri to**
2 **promote the use of venture capital firms, consultant and investment fiduciaries organized**
3 **or incorporated in Missouri, or having a principal place of business in Missouri, to the**
4 **greatest extent feasible within the bounds of financial and fiduciary prudence.** When
5 selection is made of a venture capital firm, a consultant, or [a] an investment fiduciary,
6 [preference must be given to a Missouri based company] **each system shall promote the**
7 **general welfare of this state and its citizens by:**

8 (a) **Investing not less than two percent and not more than five percent of its assets**
9 **in a venture capital firm that is organized or incorporated in Missouri, or that has its**
10 **principal place of business in Missouri; and**

11 (b) **Giving preference to the selection of a consultant or investment fiduciary that**
12 **is organized or incorporated in Missouri, or that has its principal place of business in**
13 **Missouri.**

105.1415. **Any person who performs volunteer work in the office of a judge or**
2 **prosecutor and receives no pay or compensation shall not be considered an employee of the**
3 **county or municipality.**

135.980. 1. **As used in this section, the term "public financial incentive" means any**
2 **economic or financial incentive offered, including:**

3 (1) **Any tax reduction, credit, forgiveness, abatement, subsidy, or other tax-relieving**
4 **measure;**

5 (2) **Any tax increment financing or similar financial arrangement;**

6 (3) Any monetary or non-monetary benefit related to any bond, loan, or similar
7 financial arrangement;

8 (4) Any reduction, credit, forgiveness, abatement, subsidy, or other relief related
9 to any bond, loan, or similar financial arrangement; and

10 (5) The ability to form, own, direct, or receive any economic or financial benefit
11 from any special taxation district.

12 2. No political subdivision of this state shall by ballot measure impose any
13 restriction on any public financial incentive authorized by statute.

190.088. 1. A city of the fourth classification with more than two thousand seven
2 hundred but fewer than three thousand inhabitants and located in any county of the first
3 classification with more than eighty-three thousand but fewer than ninety-two thousand
4 inhabitants that is located partially within an ambulance district may file with the
5 ambulance district's board of directors a notice of intention of detachment stating the city's
6 intent that the area located within the city and the ambulance district, or a portion of such
7 area, is to be excluded and taken from the district. The filing of a notice of intention of
8 detachment must be authorized by ordinance. Such notice of intention of detachment shall
9 describe the subject area to be excluded from the ambulance district in the form of a legal
10 description and map.

11 2. After filing the notice of intention of detachment with the ambulance district, the
12 city shall conduct a public hearing on the notice of intention of detachment and give notice
13 by publication in a newspaper of general circulation qualified to publish legal matters in
14 the county where the subject area is located, at least once a week for three consecutive
15 weeks prior to the hearing, with the last notice being not more than twenty days and not
16 less than ten days before the hearing. The hearing may be continued to another date
17 without further notice other than a motion to be entered upon the minutes fixing the time
18 and place of the subsequent hearing. At the public hearing, the city shall present its
19 reasons why it desires to detach the subject area from the ambulance district and its plan
20 to provide or cause to be provided ambulance services to the subject area.

21 3. Following the public hearing, the governing body of the city may approve the
22 detachment of the subject area from the ambulance district by enacting an ordinance with
23 two-thirds of all members of the legislative body of the city voting in favor of the
24 ordinance.

25 4. Upon duly enacting such detachment ordinance, the city shall cause three
26 certified copies of the same to be filed with the county assessor and the clerk of the county
27 wherein the city is located and one certified copy to be filed with the election authority if
28 different from the clerk of the county that has jurisdiction over the area being detached.

29 **5. Upon the effective date of the ordinance, which may be up to one year from the**
30 **date of its passage and approval, the ambulance district shall no longer provide or cause**
31 **to be provided ambulance services to the subject area and shall no longer levy and collect**
32 **any tax upon the property included within the detached area, provided that all real**
33 **property excluded from an ambulance district shall thereafter be subject to the levy of**
34 **taxes for the payment of any indebtedness of the ambulance district outstanding at the time**
35 **of exclusion; provided that after any real property shall have been excluded from an**
36 **ambulance district as provided under this section, any buildings and improvements**
37 **thereafter erected or constructed on the excluded real property, all machinery and**
38 **equipment thereafter installed or placed on the excluded real property, and all tangible**
39 **personal property not in the ambulance district at the time of the exclusion of the subject**
40 **area, shall not be subject to any taxes levied by the ambulance district.**

41 **6. The city shall also:**

42 **(1) On or before January first of the second calendar year after the date on which**
43 **the property was detached from the ambulance district, pay to the ambulance district a fee**
44 **equal to the amount of revenue that would have been generated during the previous**
45 **calendar year by the ambulance district tax on the property in the area detached which**
46 **was formerly part of the ambulance district;**

47 **(2) On or before January first of the third calendar year after the date on which**
48 **the property was detached from the ambulance district, pay to the ambulance district a fee**
49 **equal to four-fifths of the amount of revenue that would have been generated during the**
50 **previous calendar year by the ambulance district tax on the property in the area detached**
51 **which was formerly a part of the ambulance district;**

52 **(3) On or before January first of the fourth calendar year occurring after the date**
53 **on which the property was detached from the ambulance district, pay to the ambulance**
54 **district a fee equal to three-fifths of the amount of revenue that would have been generated**
55 **during the previous calendar year by the ambulance district tax on the property in the area**
56 **detached which was formerly a part of the ambulance district;**

57 **(4) On or before January first of the fifth calendar year occurring after the date on**
58 **which the property was detached from the ambulance district, pay to the ambulance**
59 **district a fee equal to two-fifths of the amount of revenue that would have been generated**
60 **during the previous calendar year by the ambulance district tax on the property in the area**
61 **detached which was formerly a part of the ambulance district; and**

62 **(5) On or before January first of the sixth calendar year occurring after the date**
63 **on which the property was detached from the ambulance district, pay to the ambulance**
64 **district a fee equal to one-fifth of the amount of revenue that would have been generated**

65 **during the previous calendar year by the ambulance district tax on the property in the area**
66 **detached which was formerly a part of the ambulance district.**

67 **7. The provisions of this section shall not apply to any county in which a boundary**
68 **commission has been established under sections 72.400 to 72.423.**

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.

316.265. No employee or employer primarily engaged in the practice of combing,
2 **braiding, or curling hair without the use of potentially harmful chemicals shall be subject**
3 **to the provisions of chapter 329 while working in conjunction with any licensee for any**
4 **public amusement or entertainment venue as defined in this chapter.**

321.130. [1.] A person, to be qualified to serve as a director, shall be a **resident and**
2 voter of the district **for** at least one year before the election or appointment and be over the age
3 of twenty-five years[; except as provided in subsections 2 and 3 of this section. The person shall
4 also be a resident of such fire protection district]. In the event the person is no longer a resident
5 of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in
6 section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters
7 of the fire protection district by paying a [ten dollar] filing fee **equal to the amount of a**
8 **candidate for county office as set forth under section 115.357**, and filing a statement under
9 oath that such person possesses the required qualifications.

10 [2. In any fire protection district located in more than one county one of which is a first
11 class county without a charter form of government having a population of more than one hundred
12 ninety-eight thousand and not adjoining any other first class county or located wholly within a
13 first class county as described herein, a resident shall have been a resident of the district for more
14 than one year to be qualified to serve as a director.

15 3. In any fire protection district located in a county of the third or fourth classification,
16 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
17 be a voter of the district for more than one year before the election or appointment, except that
18 for the first board of directors in such district, a person need only be a voter of the district for one
19 year before the election or appointment.

20 4. A person desiring to become a candidate for the first board of directors of the
21 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and

22 shall file with the election authority a statement under oath that such person possesses all of the
23 qualifications set out in this chapter for a director of a fire protection district.] Thereafter, such
24 candidate shall have the candidate's name placed on the ballot as a candidate for director.

321.210. On the first Tuesday in April after the expiration of at least two full calendar
2 years from the date of the election of the first board of directors, and on the first Tuesday in April
3 every two years thereafter, an election for members of the board of directors shall be held in the
4 district. Nominations shall be filed at the headquarters of the fire protection district in which a
5 majority of the district is located by paying a filing fee up to the amount of a candidate for [state
6 representative] **county office** as set forth under section 115.357 and filing a statement under oath
7 that [he] **the candidate** possesses the required qualifications. The candidate receiving the most
8 votes shall be elected. Any new member of the board shall qualify in the same manner as the
9 members of the first board qualify.

321.322. 1. If any property located within the boundaries of a fire protection district
2 shall be included within a city having a population of at least two thousand five hundred but not
3 more than sixty-five thousand which is not wholly within the fire protection district and which
4 maintains a city fire department, then upon the date of actual inclusion of the property within the
5 city, as determined by the annexation process, the city shall within sixty days assume by contract
6 with the fire protection district all responsibility for payment in a lump sum or in installments
7 an amount mutually agreed upon by the fire protection district and the city for the city to cover
8 all obligations of the fire protection district to the area included within the city, and thereupon
9 the fire protection district shall convey to the city the title, free and clear of all liens or
10 encumbrances of any kind or nature, any such tangible real and personal property of the fire
11 protection district as may be agreed upon, which is located within the part of the fire protection
12 district located within the corporate limits of the city with full power in the city to use and
13 dispose of such tangible real and personal property as the city deems best in the public interest,
14 and the fire protection district shall no longer levy and collect any tax upon the property included
15 within the corporate limits of the city; except that, if the city and the fire protection district
16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire
17 protection in the annexed area on or before January first of the third calendar year following the
18 actual inclusion of the property within the city, as determined by the annexation process, and
19 furthermore the fire protection district shall not levy and collect any tax upon that property
20 included within the corporate limits of the city after the date of inclusion of that property:

21 (1) On or before January first of the second calendar year occurring after the date on
22 which the property was included within the city, the city shall pay to the fire protection district
23 a fee equal to the amount of revenue which would have been generated during the previous

24 calendar year by the fire protection district tax on the property in the area annexed which was
25 formerly a part of the fire protection district;

26 (2) On or before January first of the third calendar year occurring after the date on which
27 the property was included within the city, the city shall pay to the fire protection district a fee
28 equal to four-fifths of the amount of revenue which would have been generated during the
29 previous calendar year by the fire protection district tax on the property in the area annexed
30 which was formerly a part of the fire protection district;

31 (3) On or before January first of the fourth calendar year occurring after the date on
32 which the property was included within the city, the city shall pay to the fire protection district
33 a fee equal to three-fifths of the amount of revenue which would have been generated during the
34 previous calendar year by the fire protection district tax on the property in the area annexed
35 which was formerly a part of the fire protection district;

36 (4) On or before January first of the fifth calendar year occurring after the date on which
37 the property was included within the city, the city shall pay to the fire protection district a fee
38 equal to two-fifths of the amount of revenue which would have been generated during the
39 previous calendar year by the fire protection district tax on the property in the area annexed
40 which was formerly a part of the fire protection district; and

41 (5) On or before January first of the sixth calendar year occurring after the date on which
42 the property was included within the city, the city shall pay to the fire protection district a fee
43 equal to one-fifth of the amount of revenue which would have been generated during the
44 previous calendar year by the fire protection district tax on the property in the area annexed
45 which was formerly a part of the fire protection district.

46

47 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with
48 a fire protection district for mutually agreeable services. This section shall also apply to those
49 fire protection districts and cities which have not reached agreement on overlapping boundaries
50 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though
51 inclusion of the annexed area took place on December thirty-first immediately following August
52 28, 1990.

53 2. Any property excluded from a fire protection district by reason of subsection 1 of this
54 section shall be subject to the provisions of section 321.330.

55 3. The provisions of this section shall not apply in any county of the first class having
56 a charter form of government and having a population of over nine hundred thousand inhabitants.

57 4. [The provisions of this section shall not apply where the annexing city or town operates
58 a city fire department and was on January 1, 2005, a city of the fourth classification with more
59 than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely

60 surrounded by a single fire district. In such cases, the provision of fire and emergency medical
61 services following annexation shall be governed by subsections 2 and 3 of section 72.418.

62 5.] The provisions of this section shall not apply where the annexing city or town
63 operates a city fire department, is any city of the third classification with more than six thousand
64 but fewer than seven thousand inhabitants and located in any county with a charter form of
65 government and with more than two hundred thousand but fewer than three hundred fifty
66 thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases,
67 the provision of fire and emergency medical services following annexation shall be governed by
68 subsections 2 and 3 of section 72.418.

**407.1610. It shall be unlawful for any person or entity to engage in the speculative
2 accumulation of asphalt roofing shingles in any city not within a county. For the purposes
3 of this section, the term "speculative accumulation" means the collection or storage of
4 asphalt shingles without a showing that, during a calendar year, at least seventy-five
5 percent of the material accumulated during the year, either by weight or by volume, will
6 be recycled for other use.**

408.040. 1. **Judgments shall accrue interest on the judgment balance as set forth
2 in this section. The "judgment balance" is defined as the total amount of the judgment
3 awarded on the day judgment is entered including, but not limited to, principal,
4 prejudgment interest, and all costs and fees. Post-judgment payments or credits shall be
5 applied first to post-judgment costs, then to post-judgment interest, and then to the
6 judgment balance.**

7 2. In all nontort actions, interest shall be allowed on all money due upon any judgment
8 or order of any court from the date judgment is entered by the trial court until satisfaction be
9 made by payment, accord or sale of property; all such judgments and orders for money upon
10 contracts bearing more than nine percent interest shall bear the same interest borne by such
11 contracts, and all other judgments and orders for money shall bear nine percent per annum until
12 satisfaction made as aforesaid.

13 [2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section, in tort actions,
14 interest shall be allowed on all money due upon any judgment or order of any court from the date
15 [of] judgment is entered by the trial court until full satisfaction. All such judgments and orders
16 for money shall bear a per annum interest rate equal to the intended Federal Funds Rate, as
17 established by the Federal Reserve Board, plus five percent, until full satisfaction is made. The
18 judgment shall state the applicable interest rate, which shall not vary once entered. In tort
19 actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a
20 claim, to the party, parties or their representatives, and to such party's liability insurer if known
21 to the claimant, and the amount of the judgment or order exceeds the demand for payment or

22 offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety
23 days after the demand or offer was received, as shown by the certified mail return receipt, or
24 from the date the demand or offer was rejected without counter offer, whichever is earlier. In
25 order to qualify as a demand or offer pursuant to this section, such demand must:

26 (1) Be in writing and sent by certified mail return receipt requested; and

27 (2) Be accompanied by an affidavit of the claimant describing the nature of the claim,
28 the nature of any injuries claimed and a general computation of any category of damages sought
29 by the claimant with supporting documentation, if any is reasonably available; and

30 (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a
31 list of the names and addresses of medical providers who have provided treatment to the claimant
32 or decedent for such injuries, copies of all reasonably available medical bills, a list of employers
33 if the claimant is seeking damages for loss of wages or earning, and written authorizations
34 sufficient to allow the party, its representatives, and liability insurer if known to the claimant to
35 obtain records from all employers and medical care providers; and

36 (4) Reference this section and be left open for ninety days.

37

38 Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause
39 of action in circuit court prior to a date one hundred twenty days after the demand or offer was
40 received, then the court shall not award prejudgment interest to the claimant. If the claimant is
41 a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably
42 appears to be qualified to act as next friend or conservator or personal representative. If the
43 claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to
44 section 537.080 to make claim for the death. Nothing contained herein shall limit the right of
45 a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise
46 provided by law or contract.

47 [3.] 4. In tort actions, a judgment for prejudgment interest awarded pursuant to this
48 [subsection] **section** should bear interest at a per annum interest rate equal to the intended
49 Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The
50 judgment shall state the applicable interest rate, which shall not vary once entered.

488.026. As provided by section 56.807, there shall be assessed and collected a
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including
4 infractions, **or against any person who pled guilty and paid a fine through a fine collection**
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by
6 the state, county, or municipality or when a criminal proceeding or the defendant has been
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant

8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'
12 retirement fund.

488.305. 1. The clerk of the circuit court shall charge and collect fees for the clerk's
2 duties as prescribed by sections 429.090 and 429.120 in such amounts as are determined
3 pursuant to sections 488.010 to 488.020.

4 **2. The clerk of the circuit court may charge and collect in cases where a**
5 **garnishment is granted, a surcharge not to exceed ten dollars for the clerk's duties. Any**
6 **moneys collected under this subsection shall be placed in a fund to be used at the discretion**
7 **of the circuit clerk to maintain and improve case processing and record preservation.**

525.040. 1. Notice of garnishment, served as provided in sections 525.010 to 525.480
2 shall have the effect of attaching all personal property, money, rights, credits, bonds, bills, notes,
3 drafts, checks or other choses in action of the defendant in the garnishee's possession or charge,
4 or under his **or her** control at the time of the service of the garnishment, or which may come into
5 his **or her** possession or charge, or under his **or her** control, or be owing by him **or her**, between
6 that time and the time of filing his **or her** answer, **or in the case of a continuous wage**
7 **garnishment, until the judgment is paid in full or until the employment relationship is**
8 **terminated, whichever occurs first**; but he **or she** shall not be liable to a judgment in money
9 on account of such bonds, bills, notes, drafts, checks or other choses in action, unless the same
10 shall have been converted into money since the garnishment, or he **or she** [fail] **fails**, in such
11 time as the court may prescribe, to deliver them into court, or to the sheriff or other person
12 designated by the court.

13 **2. Writs of garnishment which would otherwise have equal priority shall have**
14 **priority according to the date of service on the garnishee. If the employee's wages have**
15 **been attached by more than one writ of garnishment, the employer shall inform the**
16 **inferior garnisher of the existence and case number of all senior garnishments.**

525.070. Whenever any property, effects, money or debts, belonging or owing to the
2 defendant, shall be confessed, or found by the court or jury, to be in the hands of the garnishee,
3 the garnishee may, at any time before final judgment, discharge himself **or herself**, by paying
4 or delivering the same, or so much thereof as the court shall order, to the sheriff [or] , to the
5 court, **or if applicable, to the attorney for the party on whose behalf the order of**
6 **garnishment was issued**, from all further liability on account of the property, money or debts
7 so paid or delivered.

2 525.080. 1. If it appear that a garnishee, at or after his or her garnishment, was possessed
3 of any property of the defendant, or was indebted to him **or her**, the court, or judge in vacation,
4 may order the delivery of such property, or the payment of the amount owing by the garnishee,
5 to the sheriff [or] , into court, **or to the attorney for the party on whose behalf the order of**
6 **garnishment was issued**, at such time as the court may direct; or may permit the garnishee to
7 retain the same, upon his or her executing a bond to the plaintiff, with security, approved by the
8 court, to the effect that the property shall be forthcoming, or the amount paid, as the court may
9 direct. Upon a breach of the obligation of such bond, the plaintiff may proceed against the
10 obligors therein, in the manner prescribed in the case of a delivery bond given to the sheriff.

11 2. Notwithstanding subsection 1 of this section, when property is protected from
12 garnishment by state or federal law including but not limited to federal restrictions on the
13 garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677 and Old Age, Survivors and
14 Disability Insurance benefits as provided in Title 42, U.S.C. Section 407, such property need not
15 be delivered to the court, **or to any other person**, by the garnishee to the extent such protection
or preemption is applicable.

2 525.230. [1. The court shall make the garnishee a reasonable allowance] **The garnishee**
3 **may deduct a one-time sum not to exceed twenty dollars, or the fee previously agreed upon**
4 **between the garnishee and judgment debtor if the garnishee is a financial institution**, for
5 his or her trouble and expenses in answering the interrogatories **and withholding the funds**, to
6 be [paid out of the funds or proceeds of the property or effects confessed in his or her hands. The
7 reasonable allowances shall include any court costs, attorney's fees and any other bona fide
8 expenses of the garnishee.

9 2. The court also shall allow the garnishee, in addition to the reasonable allowance for
10 his or her trouble and expenses in answering the interrogatories, to collect an administrative fee
11 consisting of the greater of eight dollars or two percent of the amount required to be deducted
12 by any court-ordered garnishment or series of garnishments arising out of the same judgment
13 debt. Such fee shall be for the trouble and expenses in administering the notice of garnishment
14 and paying over any garnished funds available to the court. The fee shall be withheld by the
15 employer from the employee, or by any other garnishee from any fund garnished, in addition to
16 the moneys withheld to satisfy the court-ordered judgment. Such fee shall not be a credit against
17 the court-ordered judgment and shall be collected first] **withheld from any funds garnished,**
18 **in addition to the moneys withheld to satisfy the court-ordered judgment. Such fee shall**
19 **not be a credit against the court-ordered judgment and shall be collected first. The**
20 **garnishee may file a motion with the court for additional costs, including attorney's fees,**
reasonably incurred in answering the interrogatories in which case the court may make

21 **such award as it deems reasonable. The motion shall be filed on or before the date the**
22 **garnishee makes payment or delivers property subject to garnishment to the court.**

2 525.310. 1. [When a judgment has been rendered against an officer, appointee or
3 employee of the state of Missouri, or any municipal corporation or other political subdivision of
4 the state, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the
5 court before whom the judgment was rendered, an application setting forth such facts, and that
6 the judgment debtor is employed by the state, or a municipal corporation or other political
7 subdivision of the state, with the name of the department of state or the municipal corporation
8 or other political subdivision of the state which employs the judgment debtor, and the name of
9 the treasurer, or the name and title of the paying, disbursing or auditing officer of the state,
10 municipal corporation or other political subdivision of the state, charged with the duty of
11 payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing
12 of such application the clerk shall issue a writ of sequestration directed to the sheriff or other
13 officer authorized to execute writs in the county in which such paying, disbursing or auditing
14 officer may be found and the sheriff or other officer to whom the writ is directed shall serve a
15 true copy thereof upon such paying, disbursing or auditing officer named therein, which shall
16 have the effect of attaching any and all salary, wages, fees or earnings of the judgment debtor,
17 which are not made exempt by virtue of the exemption statutes of this state and are not in excess
18 of the amount due on the judgment and costs, then due and payable, from the date of the writ to
19 the return day thereof.

20 2. The paying, disbursing or auditing officer charged with the duty of payment or audit
21 of the salary, wages, fees or earnings of the judgment debtor shall deliver to the sheriff or officer
22 serving the writ the amount, not to exceed the amount due upon the judgment and costs, of the
23 salary, wages, fees or earnings of the judgment debtor not made exempt by virtue of the
24 exemption statutes of this state, as the same shall become due to the judgment debtor. The
25 paying, disbursing or auditing officer shall pay to the judgment debtor the remaining portion of
26 his salary, wages, fees or earnings, as the same shall become due to the judgment debtor. The
27 sheriff, or officer serving the writ, shall provide to the paying, disbursing or auditing officer
28 along with the writ sufficient information to compute the amount which shall be delivered to the
29 sheriff or officer serving the writ. Neither the state, municipal corporation or other political
30 subdivision of the state, nor the paying, disbursing or auditing officer shall be liable for the
31 payment of any amount above the amount delivered to the sheriff or officer serving the writ if
32 the computation of the amount delivered is in accordance with the information provided with the
33 writ.

34 3. The sheriff or officer serving such writ shall endorse thereon the day and date he
received the same, and upon receiving any amount in connection with the writ, shall issue his

35 receipt to such paying, disbursing or auditing officer therefor. All amounts delivered to the
36 sheriff, or officer serving said writ, in connection with the writ, or so much thereof as shall be
37 necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the
38 same manner as in the case of garnishment under execution. The sheriff or other officer serving
39 the writ shall make his return to the writ showing the manner of serving the same, and he shall
40 be allowed the same fees therefor as provided for levy of execution, and the writ shall be
41 returnable in the same manner as the execution issued out of the court in which the judgment was
42 rendered. Nothing in this section shall deprive the judgment debtor of any exemptions to which
43 he may be entitled under the exemption laws of this state, and the same may be claimed by him
44 to the sheriff or other officer serving the writ at any time on or before the return day of the writ
45 in the manner provided under the exemption laws of this state. It shall be the duty of such sheriff
46 or other officer serving the writ, at the time of the service thereof, to apprise the judgment debtor
47 of his exemption rights, either in person or by registered letter directed to the judgment debtor
48 to his last known address.] **The provisions of this section constitute a waiver of sovereign**
49 **immunity with respect to garnishment of the pay of state, municipal, or other political**
50 **subdivision employees. The state, municipal, or other political subdivision employer served**
51 **with a garnishment shall have the same duties and obligations as those imposed upon a**
52 **private employer when served with a garnishment.**

53 **2. Pay of any officer, appointee, or employee of the state of Missouri, or any**
54 **municipal corporation or other political subdivision of the state, shall be subject to**
55 **garnishment to the same extent as in any other garnishment. All garnishments against**
56 **such employee shall proceed in the same manner as any other garnishment, except as**
57 **provided in subsection 3 of this section.**

58 **3. Service of legal process to which a department, municipal corporation, or other**
59 **political subdivision of the state is subject under this section may be accomplished by**
60 **certified mail, return receipt requested, or by personal service upon:**

61 **(1) The appropriate agent designated for receipt of such service of process; or**

62 **(2) The head of such department, municipal corporation, or other political**
63 **subdivision of the state if no agent has been so designated.**

578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer,
2 distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in
3 keeping open or operating any established place of business for the purpose of buying, selling,
4 bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new
5 or used, on Sunday. However, this section does not apply to the sale of manufactured housing;
6 **the sale of motorcycles as that term is defined in section 301.010;** the sale of recreational
7 motor vehicles; washing, towing, wrecking or repairing operations; the sale of petroleum

8 products, tires, and repair parts and accessories; or new vehicle shows or displays participated
9 in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

10 2. No association consisting of motor vehicle dealers, distributors or manufacturers
11 licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under
12 chapter 416 or regulation promulgated thereunder solely because it encourages its members not
13 to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or
14 exchanging any motor vehicle.

15 3. Any person who violates the provisions of this section shall be guilty of a class C
16 misdemeanor.

✓