

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 896

97TH GENERAL ASSEMBLY

2014

6124S.06T

AN ACT

To repeal section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135, and to enact in lieu thereof four new sections relating to county governance, with a penalty provision.

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

Section A. Section 49.272, RSMo, and sections 1 to 21 of an act of the
2 general assembly of the state of Missouri approved on February 26, 1885, Laws
3 of Missouri, pages 116 to 120, are repealed and four new sections enacted in lieu
4 thereof, to be known as sections 49.272, 67.585, 67.587, and 67.1367, to read as
5 follows:

49.272. The county commission of any county of the first classification
2 without a charter form of government and with more than one hundred thirty-five
3 thousand four hundred but less than one hundred thirty-five thousand five
4 hundred inhabitants, [and in] any county of the first classification without a
5 charter form of government having a population of at least eighty-two thousand
6 inhabitants, but less than eighty-two thousand one hundred inhabitants, any
7 county of the first classification with more than one hundred four thousand six
8 hundred but fewer than one hundred four thousand seven hundred inhabitants,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 any county of the first classification with more than one hundred ninety-eight
10 thousand but fewer than one hundred ninety-nine thousand two hundred
11 inhabitants, [and] any county of the first classification with more than two
12 hundred forty thousand three hundred but less than two hundred forty thousand
13 four hundred inhabitants, **and any county of the first classification with**
14 **more than eighty-three thousand but fewer than ninety-two thousand**
15 **inhabitants and with a home rule city with more than seventy-six**
16 **thousand but fewer than ninety-one thousand inhabitants as the county**
17 **seat, which has an appointed county counselor and which adopts or has adopted**
18 **rules, regulations or ordinances under authority of a statute which prescribes or**
19 **authorizes a violation of such rules, regulations or ordinances to be a**
20 **misdemeanor punishable as provided by law, may by rule, regulation or ordinance**
21 **impose a civil fine not to exceed one thousand dollars for each violation. Any**
22 **finances imposed and collected under such rules, regulations or ordinances shall be**
23 **payable to the county general fund to be used to pay for the cost of enforcement**
24 **of such rules, regulations or ordinances.**

67.585. 1. The governing body of any county of the first
2 **classification with more than two hundred thousand but fewer than two**
3 **hundred sixty thousand inhabitants, through the creation of a**
4 **recreational and community center district which shall include only the**
5 **area encompassed by the portion of a school district located within that**
6 **county having an average daily attendance for the 2012-2013 school**
7 **year between eleven thousand and twelve thousand students and any**
8 **public park located wholly or partially within that portion of the school**
9 **district, upon voter approval as outlined in subsections 2 and 3 of this**
10 **section, shall impose, by order or ordinance, a sales tax on all retail**
11 **sales made within the recreational and community center district**
12 **which are subject to sales tax under chapter 144. The tax authorized**
13 **in this section shall not exceed one half of one percent and shall be**
14 **imposed for the purpose of funding the construction, maintenance, and**
15 **operation of and the purchase of equipment for community centers and**
16 **other purposes of recreation and wellness as determined by the board**
17 **which is established in subsection 8 of this section. The tax authorized**
18 **in this section shall be in addition to all other sales taxes imposed by**
19 **law and shall be stated separately from all other charges and taxes.**

20 **2. (1) No such order or ordinance adopted under subsection 1 of**

21 this section shall become effective unless the governing body of the
22 county submits to the voters residing within the recreational and
23 community center district on any date available for elections in the
24 county, a proposal to authorize the governing body of the county to
25 impose a tax under this section; or

26 (2) If the governing body of the county receives a petition signed
27 by ten percent of the registered voters of the county within the
28 recreational and community center district who voted in the last
29 gubernatorial election calling for an election to impose a tax under this
30 section, the governing body shall submit to the voters of the county
31 within the recreational and community center district on any date
32 available for elections in the county, a proposal to authorize the
33 governing body of the county to impose a tax under this section; or

34 (3) If the governing body of a special charter city with more than
35 twenty-nine thousand but fewer than thirty-two thousand inhabitants,
36 and a governing body of a home rule city with more than four hundred
37 thousand inhabitants and located in more than one county, jointly
38 request, the governing body of the county shall submit to the voters of
39 the county within the recreational and community center district on
40 any date available for elections in the county a proposal to authorize
41 the governing body of the county to impose a tax under this section.

42 All costs associated with placing such a question to the voters within
43 the recreational and community center district shall be borne by the
44 cities referenced in subdivision (3) of subsection 2 of this section. If
45 such tax is authorized by the voters of the recreational and community
46 center district, the cost may be reimbursed to such cities upon
47 implementation of the tax.

48 3. The ballot of submission shall contain, but need not be limited
49 to, the following language:

50 Shall the county of (county's name) impose a sales tax of
51 (insert amount) within the boundaries of the (insert name) school
52 district for the purpose of funding the construction, repair,
53 improvement, maintenance, and operation of and purchase of
54 equipment for community centers and other recreational facilities and
55 programs?

56 If a majority of the votes cast on the question by the qualified voters
57 voting thereon are in favor of the question, then the tax shall become

58 effective on the first day of the second calendar quarter. If a majority
59 of the votes cast on the question by the qualified voters voting thereon
60 are opposed to the question, then the tax shall not become effective
61 unless and until the question is resubmitted under this section to the
62 qualified voters and such question is approved by the requisite
63 majority of the qualified voters voting on the question. In no event
64 shall a proposal under this section be submitted to the voters sooner
65 than twelve months from the date of the last proposal under this
66 section.

67 4. Except as modified in this section, all provisions of sections
68 32.085 and 32.087 shall apply to the tax imposed under this section.

69 5. All revenue collected under this section by the director of the
70 department of revenue on behalf of any county, except for one percent
71 for the cost of collection which shall be deposited in the state's general
72 revenue fund after payment of premiums for surety bonds as provided
73 in section 32.087, shall be deposited in a special trust fund, which is
74 hereby created and shall be known as the "Recreational and Community
75 Center District Sales Tax Trust Fund", and shall be used solely for the
76 designated purposes. Moneys in the fund shall not be deemed to be
77 state funds and shall not be commingled with any funds of the
78 state. The director may make refunds from the amounts in the fund
79 and credited to the county for erroneous payments and overpayments
80 made and may redeem dishonored checks and drafts deposited to the
81 credit of such county.

82 6. A question of repeal of the sales tax authorized in this section
83 shall be submitted to the voters on any date available for elections in
84 the county, of the recreational and community center district by the
85 governing body of any county that has adopted the sales tax authorized
86 in this section if:

87 (1) The board authorized in subsection 8 of this section requests
88 such; or

89 (2) A petition signed by a number of registered voters of the
90 county within the recreational and community center district equal to
91 at least ten percent of the number of registered voters of the county
92 within the recreational and community center district voting in the last
93 gubernatorial election is received requesting such.

94 If a majority of the votes cast on the question by the qualified voters

95 voting thereon are in favor of the repeal, that repeal shall become
96 effective on December thirty-first of the calendar year in which such
97 repeal was approved. If less than a majority of the votes cast on the
98 question by the qualified voters voting thereon are in favor of the
99 repeal, then the sales tax authorized in this section shall remain
100 effective until the question is resubmitted under this section to the
101 qualified voters. In no event shall a proposal under this section be
102 submitted to the voters sooner than twelve months from the date of the
103 last proposal under this section. No tax imposed pursuant to this
104 section for the purpose of retiring bonds, as authorized in subsection
105 8 in this section, may be terminated until all such bonds have been
106 retired.

107 7. If the tax is repealed or terminated by any means, all funds
108 remaining in the special trust fund shall continue to be used solely for
109 the designated purposes, and the county shall notify the director of the
110 department of revenue of the action at least ninety days before the
111 effective date of the repeal, and the director may order retention in the
112 trust fund, for a period of one year, of two percent of the amount
113 collected after receipt of such notice to cover possible refunds or
114 overpayment of the tax and to redeem dishonored checks and drafts
115 deposited to the credit of such accounts. After one year has elapsed
116 after the effective date of abolition of the tax in such county, the
117 director shall remit the balance in the account to the county and close
118 the account of that county. The director shall notify each county of
119 each instance of any amount refunded or any check redeemed from
120 receipts due to the county.

121 8. A board shall be established to administer the powers and
122 duties as provided in this section. The board may issue debt for the
123 district as authorized under section 67.798. All board members shall be
124 residents of the recreational and community center district. The board
125 shall consist of eight members as follows:

126 (1) Four members appointed by the mayor of a home rule city
127 with more than four hundred thousand inhabitants and located in more
128 than one county, with two of the first members appointed for a
129 two-year term and the other two members appointed for a four-year
130 term. Thereafter, each appointment shall be for a four-year term;

131 (2) Four members appointed by the mayor of a special charter

132 city with more than twenty-nine thousand but fewer than thirty-two
 133 thousand inhabitants, with two of the first members appointed for a
 134 two-year term and the other two members appointed for a four-year
 135 term. Thereafter, each appointment shall be for a four-year term;
 136 A board member may be removed by the mayor who appointed him or
 137 her, at any time during his or her term, for reasons of excessive
 138 absence at regularly scheduled board meetings. The mayor shall
 139 appoint a replacement member to serve for the remainder of the
 140 current term. No member may serve more than two full terms. A
 141 partial term shall not be considered a term.

67.587. 1. The governing body of any county of the third
 2 classification without a township form of government and with more
 3 than eighteen thousand but fewer than twenty thousand inhabitants
 4 and with a city of the fourth classification with more than three
 5 thousand but fewer than three thousand seven hundred inhabitants as
 6 the county seat may impose, by order or ordinance, a sales tax on all
 7 retail sales made within the county which are subject to sales tax under
 8 chapter 144. The tax authorized in this section shall be equal to
 9 one-half of one percent, and shall be imposed solely for the purpose of
 10 improving transportation infrastructure in such county. The tax
 11 authorized in this section shall be in addition to all other sales taxes
 12 imposed by law, and shall be stated separately from all other charges
 13 and taxes. The order or ordinance shall not become effective unless the
 14 governing body of the county submits to the voters residing within the
 15 county at a state general, primary, or special election a proposal to
 16 authorize the governing body of the county to impose a tax under this
 17 section.

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

20 Shall (insert the name of the political
 21 subdivision) impose a sales tax at a rate of (insert rate of
 22 percent) percent, solely for the purpose of funding improvements to
 23 transportation infrastructure?

24 YES NO

25 If you are in favor of the question, place an "X" in the box opposite
 26 "YES". If you are opposed to the question, place an "X" in the box

27 **opposite "NO".**

28 **If a majority of the votes cast on the question by the qualified voters**
29 **voting thereon are in favor of the question, then the tax shall become**
30 **effective on the first day of the second calendar quarter immediately**
31 **following notification to the department of revenue. If a majority of the**
32 **votes cast on the question by the qualified voters voting thereon are**
33 **opposed to the question, then the tax shall not become effective unless**
34 **and until the question is resubmitted under this section to the qualified**
35 **voters and such question is approved by a majority of the qualified**
36 **voters voting on the question.**

37 **3. All revenue collected under this section by the director of the**
38 **department of revenue on behalf of any county, except for one percent**
39 **for the cost of collection which shall be deposited in the state's general**
40 **revenue fund, shall be deposited in a special trust fund and shall be**
41 **used solely for the designated purposes. Moneys in the fund shall not**
42 **be deemed to be state funds, and shall not be commingled with any**
43 **funds of the state. The director may make refunds from the amounts**
44 **in the trust fund and credited to the county for erroneous payments**
45 **and overpayments made, and may redeem dishonored checks and drafts**
46 **deposited to the credit of such county. Any funds in the special trust**
47 **fund which are not needed for current expenditures shall be invested**
48 **in the same manner as other funds are invested. Any interest and**
49 **moneys earned on such investments shall be credited to the fund.**

50 **4. On or after the effective date of the tax, the director of**
51 **revenue shall be responsible for the administration, collection,**
52 **enforcement, and operation of the tax, and sections 32.085 and 32.087**
53 **shall apply. In order to permit sellers required to collect and report**
54 **the sales tax to collect the amount required to be reported and**
55 **remitted, but not to change the requirements of reporting or remitting**
56 **the tax, or to serve as a levy of the tax, and in order to avoid fractions**
57 **of pennies, the governing body of the county may authorize the use of**
58 **a bracket system similar to that authorized in section 144.285, and**
59 **notwithstanding the provisions of that section, this new bracket system**
60 **shall be used where this tax is imposed and shall apply to all taxable**
61 **transactions. Beginning with the effective date of the tax, every**
62 **retailer in the county shall add the sales tax to the sale price, and this**
63 **tax shall be a debt of the purchaser to the retailer until paid, and shall**

64 be recoverable at law in the same manner as the purchase price. For
65 purposes of this section, all retail sales shall be deemed to be
66 consummated at the place of business of the retailer.

67 5. All applicable provisions in sections 144.010 to 144.525,
68 governing the state sales tax, and section 32.057, the uniform
69 confidentiality provision, shall apply to the collection of the tax, and
70 all exemptions granted to agencies of government, organizations, and
71 persons under sections 144.010 to 144.525 are hereby made applicable
72 to the imposition and collection of the tax. The same sales tax permit,
73 exemption certificate, and retail certificate required by sections 144.010
74 to 144.525 for the administration and collection of the state sales tax
75 shall satisfy the requirements of this section, and no additional permit
76 or exemption certificate or retail certificate shall be required; except
77 that, the director of revenue may prescribe a form of exemption
78 certificate for an exemption from the tax. All discounts allowed the
79 retailer under the state sales tax for the collection of and for payment
80 of taxes are hereby allowed and made applicable to the tax. The
81 penalties for violations provided in section 32.057 and sections 144.010
82 to 144.525 are hereby made applicable to violations of this section. If
83 any person is delinquent in the payment of the amount required to be
84 paid under this section, or in the event a determination has been made
85 against the person for taxes and penalty under this section, the
86 limitation for bringing suit for the collection of the delinquent tax and
87 penalty shall be the same as that provided in sections 144.010 to
88 144.525.

89 6. The governing body of any county that has adopted the sales
90 tax authorized in this section may submit the question of repeal of the
91 tax to the voters on any date available for elections for the county and
92 shall submit such question at least every four years. The ballot of
93 submission shall be in substantially the following form:

94 Shall (insert the name of the political subdivision)
95 repeal the sales tax imposed at a rate of (insert rate of percent)
96 percent for the purpose of funding improvements to transportation
97 infrastructure?

98 YES NO

99 If you are in favor of the question, place an "X" in the box opposite

100 **"YES". If you are opposed to the question, place an "X" in the box**
101 **opposite "NO".**

102 **If a majority of the votes cast on the question by the qualified voters**
103 **voting thereon are in favor of repeal, that repeal shall become effective**
104 **on December thirty-first of the calendar year in which such repeal was**
105 **approved.**

106 **If a majority of the votes cast on the question by the qualified voters**
107 **voting thereon are opposed to the repeal, then the sales tax authorized**
108 **in this section shall remain effective until the question is resubmitted**
109 **under this section to the qualified voters and the repeal is approved by**
110 **a majority of the qualified voters voting on the question.**

111 **7. If the tax is repealed or terminated by any means, all funds**
112 **remaining in the special trust fund shall continue to be used solely for**
113 **the designated purposes, and the county shall notify the director of the**
114 **department of revenue of the action at least thirty days before the**
115 **effective date of the repeal and the director may order retention in the**
116 **trust fund, for a period of one year, of two percent of the amount**
117 **collected after receipt of such notice to cover possible refunds or**
118 **overpayment of the tax and to redeem dishonored checks and drafts**
119 **deposited to the credit of such accounts. After one year has elapsed**
120 **after the effective date of abolition of the tax in such county, the**
121 **director shall remit the balance in the account to the county and close**
122 **the account of that county. The director shall notify each county of**
123 **each instance of any amount refunded or any check redeemed from**
124 **receipts due the county.**

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

13 authorized by this section shall be in addition to the charge for the
 14 sleeping room and shall be in addition to any and all taxes imposed by
 15 law and the proceeds of such tax shall be used by the county solely for
 16 the promotion of tourism. Such tax shall be stated separately from all
 17 other charges and taxes.

18 **2. The ballot of submission for the tax authorized in this section**
 19 **shall be in substantially the following form:**

20 Shall (insert the name of the county) impose a tax on the
 21 charges for all sleeping rooms paid by the transient guests of hotels
 22 and motels situated in (name of county) at a rate of
 23 (insert rate of percent) percent for the sole purpose of promoting
 24 tourism?

25 YES NO

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

[Section 1. In pursuance of a notice published in accordance
 2 with the provisions of law, the tenor of which is as follows: Notice
 3 is hereby given by the householders and citizens of Randolph
 4 county, Missouri, that a bill will be presented to the thirty third
 5 general assembly of the state of Missouri, asking that two terms of
 6 the Randolph county circuit court be held at the city of Moberly, in
 7 said county, with like jurisdiction in all civil and criminal cases
 8 arising in said county or removed to the same by change of venue
 9 from any other county and like concurrent jurisdiction with, and
 10 appellate jurisdiction from, and like superintending control over
 11 the probate court, county court, municipal corporation courts,
 12 justices of the peace and all inferior tribunals in said county, and
 13 like power and jurisdiction over all persons, subjects, matters and
 14 things as is or may be provided by law in reference to circuit courts
 15 in this state, and for the repeal of "an act to establish a court of
 16 common pleas, and define the jurisdiction thereof in the city of
 17 Moberly, Randolph county, Missouri," approved February 26, 1875,
 18 and all acts amendatory thereof. It is hereby provided that the
 19 judge of the Randolph county circuit court shall hold two terms of
 20 the circuit court each year in the city of Moberly in the county of

21 Randolph, at the following times, to wit: on the first Monday in
22 February and the third Monday in September.]

[Sec. 2. The judge of the circuit court in Randolph county
2 shall select a suitable place for holding said court at the city of
3 Moberly, and for the various offices herein provided for, and the
4 place so selected by the said judge for the holding the said courts
5 shall be known and designated as the court house at the city of
6 Moberly; and cause the same and said offices to be furnished in a
7 proper manner for said court and its officers and report the rental,
8 cost and expense thereof to the county court of Randolph county,
9 which shall pay the same as other claims against said county are
10 paid out of the county treasury, and the judge of said court may
11 change the place of holding said court in said city of Moberly when
12 he deems it advisable, to some other place in said city.]

[Sec 3. Said court shall have and exercise like powers and
2 jurisdiction in all civil and criminal causes and proceedings
3 whatsoever arising in said county or removed to the same by
4 change of venue from any other county, and like concurrent
5 jurisdiction with, and appellate jurisdiction from, and like
6 superintending control over the county courts, probate courts,
7 municipal corporation courts, justices of the peace, and all inferior
8 tribunals in said county; and like powers, control and jurisdiction
9 over all persons, corporations, subjects, matters and things as is or
10 may be provided by law with reference to circuit courts in this
11 state.]

[Sec. 4. The circuit clerk of Randolph county shall be clerk
2 of said court and shall attend the same in person or by deputy, and
3 shall perform such duties as may be required of him by law, for
4 which he shall receive the same fees as are provided by law for
5 similar services in like courts.]

[Sec. 5. The clerk of said court shall procure and keep a
2 seal to be used as the seal of said court. He shall also keep an
3 office at the said city of Moberly and shall appoint a deputy,
4 resident of said city of Moberly, for whose acts he shall be
5 responsible, and who shall in his absence have the care and
6 management of all books and papers pertaining to said court, and

7 exercise the powers and perform all the duties of the office in the
8 absence of his principal.]

[Sec. 6. The sheriff of Randolph county shall attend said
2 court in person or by deputy, and perform such duties as shall be
3 required of him by law. He shall also keep an office at said city of
4 Moberly and shall appoint a deputy, resident of said city, who shall
5 keep said office and have the care and management of the same,
6 and exercise the powers and perform all the duties of sheriff of said
7 county in the absence of his principal, for whose acts said principal
8 shall be responsible.]

[Sec. 7. The books, stationery, furniture, fuel, light, rent
2 and other incidental expenses necessary for said court and offices
3 shall be from time to time supplied and paid for out of the county
4 treasury.]

[Sec. 8. All general laws now in force or which may
2 hereafter be enacted, regulating and governing courts of record,
3 and all laws defining the practice and proceedings in such courts,
4 are declared to be in force and effect in the court hereby
5 established.]

[Sec. 9. All causes taken by change of venue from any other
2 county to the circuit court of Randolph county may be transferred
3 and certified into the circuit court either at the city of Huntsville
4 or at the city of Moberly, in said county, unless one of said courts
5 be designated in the order of removal, in which case said cause
6 shall be certified into the court so designated in the order granting
7 the change of venue.]

[Sec. 10. The parties to any suit or proceeding pending in
2 the circuit court of Randolph county may, by agreement, in writing,
3 signed by the said parties or their counsel and filed therein,
4 remove the same from the city of Moberly to the city of Huntsville,
5 or from the city of Huntsville to the city of Moberly, or the judge of
6 the circuit court of said Randolph county, upon the application of
7 either party, and upon reasonable notice to the adverse party may,
8 for good cause shown by affidavit or otherwise, remove any cause
9 as aforesaid from the circuit court at Moberly to the circuit court
10 at Huntsville, or from the circuit court at Huntsville to the circuit

11 court at Moberly; and in such case the judge of said court may
12 order the original papers transferred without the cost of copying
13 the same, and the cause so transferred and removed shall be
14 proceeded with in every respect as in changes of venue from one
15 county to another.]

[Sec. 11. All judgments, orders and decrees of said court
2 shall be a lien upon real estate to the same extent, and shall have
3 like force and effect in every part of said county as similar
4 judgments, orders, decrees and process of the circuit court of said
5 Randolph county held at the city of Huntsville, and all real estate
6 taken in execution by the sheriff of Randolph county under
7 judgments rendered by the said circuit court at the said city of
8 Moberly on all real estate situated in said county, and sold in
9 pursuance of the judgment, order or decree thereof, shall be
10 exposed to sale at the door of the court house at the city of
11 Moberly, in the same time and manner as is or may be regulated
12 by law.]

[Sec. 12. All mechanics' liens upon real estate situate in
2 Randolph county, and all papers, notices and process necessary to
3 be filed or taken in the circuit court to obtain, maintain and
4 complete a lien of any kind authorized by law, upon real estate
5 situate in said county, or upon any personal property, debts,
6 credits, bonds, notes, assets or effects whatsoever may be filed and
7 taken in the circuit court at the city of Moberly with like force and
8 effect as if the same had been filed and taken in the circuit court
9 at Huntsville, in said county. And all suits and process for the
10 enforcement thereof shall be brought in the court where filed.]

[Sec. 13. All appeals from the county court, probate court,
2 municipal corporation courts, justices of the peace and all inferior
3 tribunals in said county of Randolph, may be granted and certified
4 into the circuit court at the city of Moberly, or the circuit court at
5 the city of Huntsville, in said county, as the one place or the other
6 shall, in the opinion of the judge or justice granting the appeal, be
7 most convenient to the parties, unless the parties to the cause,
8 either by themselves or their attorneys, shall, in writing, filed in
9 said cause, agree as to the appellate court, in which event the

10 appeal shall be certified into the one of said courts so agreed upon
11 in the manner provided by law.]

[Sec. 14. The secretary of state shall, after the passage of
2 this act, forward to the clerk of said court, from time to time, all
3 statutes, reports and other books required by law to be furnished
4 to courts of record, for the use of said circuit court of the city of
5 Moberly.]

[Sec. 15. The dockets now required by law to be kept by the
2 clerk of the circuit court at the city of Huntsville, of all judgments
3 rendered there, and notices and liens of every kind filed there shall
4 include and contain all judgments, notices and liens rendered by
5 and filed in the circuit court at the city of Moberly, and he shall
6 also keep similar dockets at his office at the city of Moberly, which
7 shall also include and contain all judgments rendered by and
8 notices filed in the circuit court at the city of Huntsville.]

[Sec. 16. An act entitled, "an act to establish a court of
2 common pleas, and define the jurisdiction thereof, in the city of
3 Moberly, Randolph county, Missouri," approved February 26th,
4 1875, and all acts amendatory thereof, are hereby repealed. All the
5 records, books, papers and furniture pertaining to the said court of
6 common pleas are hereby transferred into the said circuit court at
7 Moberly, together with all suits, process and business of every kind
8 pending therein, which shall be proceeded with and determined by
9 the said circuit court in the same manner, and with like effect, as
10 if the same had been begun in said circuit court; and the clerk of
11 said circuit court shall have the custody and control of all the
12 books, records, papers, furniture, and other effects appertaining to
13 the said court of common pleas, which are or may be transferred to
14 the said circuit court, and be responsible therefor, and perform
15 such duties in relation thereto as he is required by law to perform
16 in regard to similar things appertaining to his own office, and he
17 shall, when required, make and certify copies, transcripts and
18 exemplifications of such books, papers and records, which said
19 copies, transcripts and exemplifications shall have the same force
20 and effect as if said act had not been repealed and the same had
21 been made by the clerk of said court of common pleas, and the said

22 circuit court shall have the same power and control over the books,
23 papers and records so transferred, including the power to alter or
24 amend the same in cases allowed by law as it has or may have over
25 its own books, papers and records.]

[Sec. 17. All mechanics' liens and other liens of every kind
2 filed in said court of common pleas, and all judgments, orders and
3 decrees of the said court of common pleas remaining unsatisfied,
4 unperformed or unexecuted shall be enforced by the said circuit
5 court to be held at the said city of Moberly, in the said manner as
6 if the same had been filed, rendered or made therein; the said
7 circuit court shall complete the unfinished process of said court of
8 common pleas. The lien of all such process, judgments and decrees
9 shall continue as if the law establishing said court of common
10 pleas, and the acts amendatory thereof, were still in force, and may
11 be revived by the said circuit court, in the manner provided by law
12 for reviving the lien of judgments and decrees of circuit courts in
13 this state; and the clerk of said circuit court may, whenever
14 required, issue execution upon any such judgment or decree in any
15 case authorized by law.]

[Sec. 18. All cases which may have been taken by appeal or
2 writ of error from said court of common pleas to the supreme court,
3 upon the decision of said supreme court remanding the same, shall
4 be remanded to the said circuit court to be held at the city of
5 Moberly, and be therein proceeded with as if the same had been
6 taken from that court, and if any party to any action or proceeding
7 in said court of common pleas shall, after the passage of this act,
8 desire to sue out a writ of error therein, said writ shall be directed
9 to the said circuit court held at the said city of Moberly and be
10 returnable by the clerk thereof.]

[Sec. 19. All writs, rules, process and orders issued or made
2 by the said court of common pleas and returnable to any term of
3 said court, which would be held after the day that this act takes
4 effect if the said court continued in existence, and which shall not
5 have been returned before that day, shall be valid and shall be
6 returned to the said circuit court at the city of Moberly at such
7 time as they would respectively have been returnable in said court,

8 and the said circuit court at Moberly may enforce the return
9 thereof.]

[Sec. 20. All writs and other process of every kind issued
2 from the said court of common pleas, being and remaining
3 unexecuted in the hands of the sheriff of Randolph county, or any
4 other county, shall be proceeded with and executed according to
5 law, and shall be returned to the first term of said circuit court at
6 Moberly, after the taking effect of this act, and all sales of real
7 estate advertised to be made by said sheriff, and not made before
8 the taking effect of this act, shall be made at the first term of the
9 said circuit court at the city of Moberly, to be held after this act
10 takes effect, and the said sheriff shall execute deeds for the same,
11 acknowledge the same before the said circuit court as provided by
12 law. In all cases where sales of real estate have been made upon
13 execution issued from the said court of common pleas, and the
14 deeds therefor have not been executed, the same shall be executed
15 according to law, and the acknowledgment taken and certified
16 before the said circuit court at the city of Moberly.]

[Sec. 21. The necessity of securing to the people of said
2 Randolph county the benefits of this act at as early a day as
3 practicable, by reason of the special circumstances of said county,
4 creates an emergency in the meaning of the constitution of this
5 state; therefore, this act shall take effect and be in force from and
6 after its passage.]

Section B. Sections 1 to 11 of an act of the general assembly of the state
2 of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133
3 are repealed as follows:

[Section 1. In pursuance of notice published in accordance
2 with the provisions of law, the tenor of which is as follows: Notice
3 is hereby given by the householders and citizens of Randolph
4 county that a bill will be presented to the thirty-third general
5 assembly of the state of Missouri, asking that four terms of the
6 county court of said Randolph county be authorized and required
7 to be held at the city of Moberly in said county, with like power
8 and jurisdiction co-extensive with said county as pertains to similar
9 courts of record in this state, and for the establishment of a place

10 of holding said court, and a county court clerk's office at the city of
11 Moberly, in said county, and a deputy clerk of said court to reside
12 in said city of Moberly and be in charge of said office. It is hereby
13 provided that the judges of the county court of Randolph county, in
14 addition to the terms of the county court of said county, required
15 by law to be held at the city of Huntsville, in said county, be and
16 they are hereby authorized, empowered and required to hold four
17 terms annually of said county court of Randolph county, at the city
18 of Moberly, in said county, commencing on the second Mondays in
19 February, May, August and November, and may hold special and
20 adjourned terms of said county court at said city of Moberly at any
21 time required, with like power and jurisdiction in all respects co-
22 extensive with said Randolph county as pertains to county courts
23 in this state.]

[Sec. 2. The judges of the county court of Randolph county
2 shall select a suitable place for holding said court at the city of
3 Moberly, and also an office for the clerk of said court at said city of
4 Moberly, which, when so selected, shall be known and designated
5 as the county court room and the county clerk's office at the city of
6 Moberly, and cause the same to be furnished in a proper manner
7 for said county court and said county clerk, the rental cost and
8 expense of which shall be paid as other claims against said county
9 are paid out of the county treasury.]

[Sec. 3. The county clerk of Randolph county shall be clerk
2 of said county court at Moberly, and shall attend the same in
3 person or by deputy, and shall perform such duties as may be
4 required of him by law, for which he shall receive the same fees as
5 are provided by law for similar services in county courts in this
6 state, and in addition thereto he shall be paid out of the county
7 treasury three hundred dollars per annum, in quarterly
8 installments, to enable him to furnish a competent clerk for said
9 office at Moberly as hereinafter provided.]

[Sec. 4. The county clerk of said county shall procure and
2 keep a seal, to be used as the seal of said county court at
3 Moberly. He shall also keep an office at the said city of Moberly
4 and shall appoint a deputy clerk, resident of said city of Moberly,

5 for whose acts he shall be responsible, and who shall, in his
6 absence, have the care and management of all the books and
7 papers pertaining to said county court at Moberly, and exercise the
8 powers and perform all the duties of the office of county clerk at
9 said city of Moberly.]

[Sec. 5. The sheriff of Randolph county shall attend said
2 court, either in person or by deputy, and shall perform such duties
3 as are required of him by law, and for his services he shall receive
4 the fees allowed by law for like services in similar cases, and all
5 process to him directed from said county court at Moberly shall be
6 by him returned into said court at Moberly.]

[Sec. 6. All the books, papers and records pertaining to
2 matters and causes of action pending in said county court, and all
3 business transacted in said county court at the city of Moberly,
4 shall be kept at the county clerk's office herein provided for, at the
5 said city of Moberly; and all business begun in said county court at
6 Moberly, shall be proceeded with to final determination therein,
7 unless removed out of said court according to law; but the parties
8 to any matter or cause of action pending in said county court at
9 Moberly may, by agreement, in writing, signed by the parties or
10 their attorneys, and filed in said court, remove the same into the
11 county court at Huntsville in said county, and parties to any
12 matter or cause of action pending in the county court at the city of
13 Huntsville, in said county, may, in like manner, remove the same
14 into the county court at Moberly, in said county, and said matter
15 or cause of action, when so removed, shall be proceeded in as if it
16 had originated in said court into which it is so removed; and in
17 every such case the clerk of the county court may transfer the
18 original papers on file in said matter or cause, with a certified copy
19 of the record entries in the same, into said court into which said
20 matter or cause of action has been so removed, and the record in
21 said cause shall show such removal and transfer.]

[Sec. 7. all sales of real estate sold at public sale in said
2 county of Randolph in pursuance of the judgments or order of the
3 said county court at Moberly, shall be exposed to sale at the court
4 house door at the city of Moberly, in said county, during the session

5 of the said county court, or some other court of record, at said city
6 of Moberly.]

[Sec. 8. Said county court, at the said city of Moberly, in the
2 exercise of its jurisdiction, shall be governed by the statutes now,
3 or that may hereafter be enacted, defining and limiting the practice
4 in county courts in this state.]

[Sec. 9. The books, stationery, furniture, fuel, lights, rent
2 and other incidental expenses necessary for said court and clerk's
3 office shall be, from time to time, supplied and paid for out the
4 county treasury of Randolph county.]

[Sec. 10. The secretary of state shall, after the passage of
2 this act, forward to the clerk of said county court at the city of
3 Moberly, from time to time, all statutes, reports and other books
4 required by law to be furnished to similar courts of record for the
5 use of said county court at the said city of Moberly.]

[Sec. 11. The necessity of securing to the people of said
2 Randolph county the benefits of this act at as early a day as
3 practicable, by reason of the special circumstances of said county,
4 creates an emergency in the meaning of the constitution of this
5 state; therefore, this act shall take effect and be in force from and
6 after its passage.]

Section C. Sections 1 to 10 of an act of the general assembly of the state
2 of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135
3 are repealed as follows:

[Section 1. In pursuance of notice published in accordance
2 with the provisions of law, the tenor of which is as follows: Notice
3 is hereby given by the householders and citizens of Randolph
4 county, that a bill will be presented to the thirty-third general
5 assembly of the state of Missouri, asking that four terms of the
6 probate court of Randolph county be held at the city of Moberly, in
7 said county, with like power and jurisdiction co-extensive with said
8 county as pertain to similar courts of record in this state, and for
9 the establishment of a probate office at said city of Moberly and the
10 appointment of a separate clerk, to reside in said city and be in
11 charge of said office. It is hereby provided that the judge of
12 probate in said Randolph county, in addition to the terms of the

13 probate court required by law to be held at the city of Huntsville,
14 in said county, be and he is hereby authorized, empowered and
15 required to hold four terms annually of said probate court at the
16 city of Moberly, in said county, commencing on the first Monday in
17 February, May, August and November, and may hold special and
18 adjourned terms of said court at said city of Moberly at any time
19 required, with like power and jurisdiction co-extensive with said
20 Randolph county in all matters as pertain to similar courts of
21 record in this state.]

[Sec. 2. The judge of probate of said Randolph county shall
2 have and keep, at the said city of Moberly, an office for the
3 transaction of the business of said court and the keeping of the
4 records thereof, to be selected by himself, and which, when so
5 selected, shall be known and designated as the probate office at the
6 city of Moberly. He shall also appoint a separate clerk, resident of
7 said city of Moberly, for whose acts he shall be responsible, who
8 shall qualify according to law and have charge of said probate office
9 at Moberly, and in the absence of said judge of probate shall have
10 the custody and control of the books, records, papers and furniture
11 pertaining to said office, and shall discharge all the duties of clerk
12 according to law, and have power and authority to do and perform
13 all acts and duties in vacation, which the judge of said court is or
14 may be authorized to perform in vacation, subject to the
15 confirmation or rejection of said probate court at Moberly at the
16 next regular term thereafter.]

[Sec. 3. The judge of probate of said court shall procure and
2 keep a seal, to be used as the seal of said probate court at Moberly,
3 the expense of which, together with the necessary expense incurred
4 by said probate court for books, stationery, furniture, fuel, light,
5 rent and other necessaries, shall be paid by the said Randolph
6 county.]

[Sec. 4. All the books, papers and records pertaining to
2 matters and causes of action pending in said court, and all
3 business transacted in said probate court at Moberly, shall be kept
4 at the office herein provided for at the said city of Moberly; and all
5 business begun in said court at Moberly shall be proceeded with to

6 final determination therein, unless removed out of said court
7 according to law. But the parties to any matter or cause of action
8 pending in said probate court at Moberly may, by agreement, in
9 writing, signed by said parties or their attorneys, and filed in said
10 court by order of said court, remove the same into the probate court
11 at Huntsville, in said county; and parties to any matter or cause of
12 action pending in the probate court at Huntsville, in said county,
13 may, in like manner, remove the same into the probate court at
14 Moberly, in said county, and said matter or cause of action, when
15 so removed, shall proceed in as if it had originated in said court
16 into which it is removed; and in every such case the judge of
17 probate may transfer the original papers of file in said matter or
18 cause of action into said court into which said matter or cause of
19 action has been so removed, and his record in said case shall show
20 such removal and transfer.]

[Sec. 5. The sheriff of Randolph county, either in person or
2 by deputy, shall attend said court and shall perform such duties as
3 are enjoined upon him by law, and for his services shall receive the
4 fees allowed by law for like services in similar cases, and all
5 process to him directed from the said probate court at Moberly,
6 shall be by him returned into said court at Moberly.]

[Sec. 6. The said judge of probate shall receive for his
2 services as judge of said probate court at Moberly, in said Randolph
3 county, the fees allowed by law for like services in similar cases,
4 and in addition thereto an annual salary of five hundred dollars,
5 to be paid in quarterly installments, out of the treasury of said
6 Randolph county, to enable him to employ the separate clerk at the
7 said office at Moberly, herein required and provided for.]

[Sec. 7. All real estate sold at public sale in said Randolph
2 county, in pursuance of the judgment, order [or] decree of said
3 probate court at Moberly, shall be exposed to sale at the court
4 house door at the city of Moberly, in said county, during the session
5 of said probate, or some other court of record in said city of
6 Moberly.]

[Sec. 8. Said probate court at the said city of Moberly, in
2 the exercise of its jurisdiction, shall be governed by the statutes in

3 relation to administration, to guardians and curators of minors and
4 persons of unsound mind, to apprentices and to such laws as may
5 be enacted defining and limiting the practice in such courts in this
6 state.]

[Sec. 9. The secretary of state shall, after the passage of
2 this act, forward to the clerk of said probate court at Moberly, from
3 time to time, all statutes, reports and other books required by law
4 to be furnished to similar courts of record, for the use of said court
5 at the said city of Moberly.]

[Sec. 10. The necessity of securing to the people of said
2 Randolph county the benefits of this act at as early a day as
3 practicable by reason of the special circumstances of said county,
4 creates an emergency in the meaning of the constitution of this
5 state; therefore, this act shall take effect and be in force from and
6 after its passage.]

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Bill

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