

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof twelve new sections relating to local government.

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

1 Section A. Section 302.341, RSMo, is repealed and twelve
2 new sections enacted in lieu thereof, to be known as sections
3 67.287, 302.341, 479.155, 479.350, 479.353, 479.356, 479.359,
4 479.360, 479.362, 479.368, 479.372, and 479.375, to read as
5 follows:

6 67.287. 1. As used in this section, the following terms
7 mean:

8 (1) "Minimum standards", adequate and material provision of
9 each of the items listed in subsection 2 of this section;

10 (2) "Municipality", any city, town, or village located in
11 any county with a charter form of government and with more than
12 nine hundred fifty thousand inhabitants;

13 (3) "Peace officer", any peace officer as defined in
14 section 590.010 who is licensed under chapter 590.

15 2. Every municipality shall meet the following minimum
16 standards within three years of the effective date of this

1 section by providing the following municipal services, financial
2 services, and reports, except that the provision of subdivision
3 (6) of this subsection shall be completed within six years:

4 (1) A balanced annual budget listing anticipated revenues
5 and expenditures, as required in section 67.010;

6 (2) An annual audit by a certified public accountant of the
7 finances of the municipality that includes a report on the
8 internal controls utilized by the municipality and prepared by a
9 qualified financial consultant that are implemented to prevent
10 misuse of public funds. The municipality also shall include its
11 current procedures that show compliance with or reasonable
12 exceptions to the recommended internal controls;

13 (3) A cash management and accounting system that accounts
14 for all revenues and expenditures;

15 (4) Adequate levels of insurance to minimize risk to
16 include:

17 (a) General liability coverage;

18 (b) If applicable, liability coverage with endorsements to
19 cover emergency medical personnel and paramedics;

20 (c) If applicable, police professional liability coverage;

21 (d) Workers compensation benefits for injured employees
22 under the provisions of chapter 287; and

23 (e) Bonds for local officials as required by section
24 77.390, 79.260, 80.250, or local charter;

25 (5) Access to a complete set of ordinances adopted by the
26 governing body available to the public within ten business days
27 of a written request. An online version of the regulations or
28 code shall satisfy this requirement for those ordinances that are

1 codified;

2 (6) A police department accredited or certified by the
3 Commission on Accreditation for Law Enforcement Agencies or the
4 Missouri Police Chiefs Association or a contract for police
5 service with a police department accredited or certified by such
6 entities;

7 (7) Written policies regarding the safe operation of
8 emergency vehicles, including a policy on police pursuit;

9 (8) Written policies regarding the use of force by peace
10 officers;

11 (9) Written general orders for a municipal police
12 department unless contracting with another municipality or county
13 for police services;

14 (10) Written policies for collecting and reporting all
15 crime and police stop data for the municipality as required by
16 law. Such policies shall be forwarded to the attorney general's
17 office;

18 (11) Construction code review by existing staff, directly
19 or by contract with a public or private agency; and

20 (12) Information published annually on the website of the
21 municipality indicating how the municipality met the standards in
22 this subsection. If there is no municipal website, the
23 information shall be submitted to the county for publication on
24 its website, if it has a website.

25 3. If any resident of a municipality has belief or
26 knowledge that such municipality has failed to ensure that the
27 standards listed in subsection 2 of this section are regularly
28 provided and are likely to continue to be provided, he or she may

1 make an affidavit before any person authorized to administer
2 oaths setting forth the facts alleging the failure to meet the
3 required standards and file the affidavit with the attorney
4 general. It shall be the duty of the attorney general, if, in
5 his or her opinion, the facts stated in the affidavit justify, to
6 declare whether the municipality is operating below minimum
7 standards, and if it is, the municipality shall have sixty days
8 to rectify the deficiencies in services noted by the attorney
9 general. If after sixty days the municipality is still deemed by
10 the attorney general to have failed to rectify sufficient minimum
11 standards to be in compliance with those specified by subsection
12 2 of this section, the attorney general may file suit in the
13 circuit court of the county. If the court finds that the
14 municipality is not in compliance with the minimum standards
15 specified in subsection 2 of this section, the circuit court of
16 the county shall order the following remedies:

17 (1) Appointment of an administrative authority for the
18 municipality including, but not limited to, another political
19 subdivision, the state, or a qualified private party to
20 administer all revenues under the name of the municipality or its
21 agents and all funds collected on behalf of the municipality. If
22 the court orders an administrative authority to administer the
23 revenues under this subdivision, it may send an order to the
24 director of revenue or other party charged with distributing tax
25 revenue, as identified by the attorney general, to distribute
26 such revenues and funds to the administrative authority who shall
27 use such revenues and existing funds to provide the services
28 required under a plan approved by the court. The court shall

1 enter an order directing all financial and other institutions
2 holding funds of the municipality, as identified by the attorney
3 general, to honor the directives of the administrative authority;

4 (2) If the court finds that the minimum standards specified
5 in subsection 2 of this section still are not established at the
6 end of ninety days from the time the court finds that the
7 municipality is not in compliance with the minimum standards
8 specified in subsection 2 of this section, the court may either
9 enter an order disincorporating the municipality or order placed
10 on the ballot the question of whether to disincorporate the
11 municipality as provided in subdivisions (1), (2), (4), and (5)
12 of subsection 3 of section 479.368. The court also shall place
13 the question of disincorporation on the ballot as provided by
14 subdivisions (1), (2), (4), and (5) of subsection 3 of section
15 479.368 if at least twenty percent of the registered voters
16 residing in the subject municipality or forty percent of the
17 number of voters who voted in the last municipal election,
18 whichever is lesser, submit a petition to the court while the
19 matter is pending, seeking disincorporation. The question shall
20 be submitted to the voters in substantially the following form:

21 "The city/town/village of has failed to meet
22 minimum standards of governance as required by law. Shall the
23 city/town/village of be dissolved?"

24 YES NO

25 If electors vote to disincorporate, the court shall determine the
26 date upon which the disincorporation shall occur, taking into
27 consideration a logical transition.

28 4. The court shall have ongoing jurisdiction to enforce its

1 orders and carry out the remedies in subsection 3 of this
2 section.

3 302.341. 1. If a Missouri resident charged with a moving
4 traffic violation of this state or any county or municipality of
5 this state fails to dispose of the charges of which the resident
6 is accused through authorized prepayment of fine and court costs
7 and fails to appear on the return date or at any subsequent date
8 to which the case has been continued, or without good cause fails
9 to pay any fine or court costs assessed against the resident for
10 any such violation within the period of time specified or in such
11 installments as approved by the court or as otherwise provided by
12 law, any court having jurisdiction over the charges shall within
13 ten days of the failure to comply inform the defendant by
14 ordinary mail at the last address shown on the court records that
15 the court will order the director of revenue to suspend the
16 defendant's driving privileges if the charges are not disposed of
17 and fully paid within thirty days from the date of mailing.
18 Thereafter, if the defendant fails to timely act to dispose of
19 the charges and fully pay any applicable fines and court costs,
20 the court shall notify the director of revenue of such failure
21 and of the pending charges against the defendant. Upon receipt
22 of this notification, the director shall suspend the license of
23 the driver, effective immediately, and provide notice of the
24 suspension to the driver at the last address for the driver shown
25 on the records of the department of revenue. Such suspension
26 shall remain in effect until the court with the subject pending
27 charge requests setting aside the noncompliance suspension
28 pending final disposition, or satisfactory evidence of

1 disposition of pending charges and payment of fine and court
2 costs, if applicable, is furnished to the director by the
3 individual. The filing of financial responsibility with the
4 bureau of safety responsibility, department of revenue, shall not
5 be required as a condition of reinstatement of a driver's license
6 suspended solely under the provisions of this section.

7 2. [If any city, town, village, or county receives more
8 than thirty percent of its annual general operating revenue from
9 fines and court costs for traffic violations, including amended
10 charges from any traffic violation, occurring within the city,
11 town, village, or county, all revenues from such violations in
12 excess of thirty percent of the annual general operating revenue
13 of the city, town, village, or county shall be sent to the
14 director of the department of revenue and shall be distributed
15 annually to the schools of the county in the same manner that
16 proceeds of all penalties, forfeitures and fines collected for
17 any breach of the penal laws of the state are distributed. The
18 director of the department of revenue shall set forth by rule a
19 procedure whereby excess revenues as set forth above shall be
20 sent to the department of revenue. If any city, town, village,
21 or county disputes a determination that it has received excess
22 revenues required to be sent to the department of revenue, such
23 city, town, village, or county may submit to an annual audit by
24 the state auditor under the authority of Article IV, Section 13
25 of the Missouri Constitution. An accounting of the percent of
26 annual general operating revenue from fines and court costs for
27 traffic violations, including amended charges from any charged
28 traffic violation, occurring within the city, town, village, or

1 county and charged in the municipal court of that city, town,
2 village, or county shall be included in the comprehensive annual
3 financial report submitted to the state auditor by the city,
4 town, village, or county under section 105.145. Any city, town,
5 village, or county which fails to make an accurate or timely
6 report, or to send excess revenues from such violations to the
7 director of the department of revenue by the date on which the
8 report is due to the state auditor shall suffer an immediate loss
9 of jurisdiction of the municipal court of said city, town,
10 village, or county on all traffic-related charges until all
11 requirements of this section are satisfied. Any rule or portion
12 of a rule, as that term is defined in section 536.010, that is
13 created under the authority delegated in this section shall
14 become effective only if it complies with and is subject to all
15 of the provisions of chapter 536 and, if applicable, section
16 536.028. This section and chapter 536 are nonseverable and if
17 any of the powers vested with the general assembly under chapter
18 536 to review, to delay the effective date, or to disapprove and
19 annul a rule are subsequently held unconstitutional, then the
20 grant of rulemaking authority and any rule proposed or adopted
21 after August 28, 2009, shall be invalid and void.] The provisions
22 of subsection 1 of this section shall not apply to minor traffic
23 violations as defined in section 479.350.

24 479.155. 1. By September 1, 2015, the presiding judge of
25 the circuit court in which the municipal division is located
26 shall report to the clerk of the supreme court the name and
27 address of the municipal division and any other information
28 regarding the municipal division requested by the clerk of the

1 supreme court on a standardized form developed by the clerk of
2 the supreme court.

3 2. If a municipality elects to abolish or establish a
4 municipal division, the presiding judge of the circuit court in
5 which the municipal division is located shall notify the clerk of
6 the supreme court and shall complete the report required under
7 subsection 1 of this section within ninety days of the
8 establishment of the division.

9 3. The supreme court shall develop rules regarding conflict
10 of interest for any prosecutor, defense attorney, or judge that
11 has a pending case before the municipal division of any circuit
12 court.

13 479.350. For purposes of sections 479.350 to 479.372, the
14 following terms mean:

15 (1) "Annual general operating revenue", revenue that can be
16 used to pay any bill or obligation of a county, city, town, or
17 village, including general sales tax; general use tax; general
18 property tax; fees from licenses and permits; unrestricted user
19 fees; fines, court costs, bond forfeitures, and penalties.

20 Annual general operating revenue does not include designated
21 sales or use taxes; restricted user fees; grant funds; funds
22 expended by a political subdivision for technological assistance
23 in collecting, storing, and disseminating criminal history record
24 information and facilitating criminal identification activities
25 for the purpose of sharing criminal justice-related information
26 among political subdivisions; or other revenue designated for a
27 specific purpose;

28 (2) "Court costs", costs, fees, or surcharges which are

1 retained by a county, city, town, or village upon a finding of
2 guilty or plea of guilty, and shall exclude any costs, fees, or
3 surcharges disbursed to the state or other entities by a county,
4 city, town, or village;

5 (3) "Minor traffic violation", a municipal or county
6 ordinance violation prosecuted that does not involve an accident
7 or injury, that does not involve the operation of a commercial
8 motor vehicle, and for which the department of revenue is
9 authorized to assess no more than four points to a person's
10 driving record upon conviction. Minor traffic violation shall
11 exclude a violation for exceeding the speed limit by more than
12 nineteen miles per hour or a violation occurring within a
13 construction zone or school zone.

14 479.353. The following conditions shall apply to minor
15 traffic violations:

16 (1) The court shall not assess a fine, if combined with the
17 amount of court costs, totaling in excess of three hundred
18 dollars;

19 (2) The court shall not sentence a person to confinement,
20 except the court may sentence a person to confinement for
21 violations involving alcohol or controlled substances, violations
22 endangering the health or welfare of others, and eluding or
23 giving false information to a law enforcement officer;

24 (3) A person shall not be placed in confinement for failure
25 to pay a fine unless such nonpayment violates terms of probation;

26 (4) Court costs that apply shall be assessed against the
27 defendant unless the court finds that the defendant is indigent
28 based on standards set forth in determining such by the presiding

1 judge of the circuit. Such standards shall reflect model rules
2 and requirements to be developed by the supreme court; and

3 (5) No court costs shall be assessed if the case is
4 dismissed.

5 479.356. If a person fails to pay court costs, fines, fees,
6 or other sums ordered by a municipal court, to be paid to the
7 state or political subdivision, a municipal court may report any
8 such delinquencies in excess of twenty-five dollars to the
9 director of the department of revenue and request that the
10 department seek a setoff of an income tax refund as provided by
11 sections 143.782 to 143.788. The department shall promulgate
12 rules necessary to effectuate the purpose of the offset program.

13 479.359. 1. Every county, city, town, and village shall
14 annually calculate the percentage of its annual general operating
15 revenue received from fines, bond forfeitures, and court costs
16 for minor traffic violations, including amended charges for any
17 minor traffic violations, whether the violation was prosecuted in
18 municipal court, associate circuit court, or circuit court,
19 occurring within the county, city, town, or village. If the
20 percentage is more than thirty percent, the excess amount shall
21 be sent to the director of the department of revenue. The
22 director of the department of revenue shall set forth by rule a
23 procedure whereby excess revenues as set forth in this section
24 shall be sent to the department of revenue. The department of
25 revenue shall distribute these moneys annually to the schools of
26 the county in the same manner that proceeds of all fines
27 collected for any breach of the penal laws of this state are
28 distributed.

1 2. Beginning January 1, 2016, the percentage specified in
2 subsection 1 of this section shall be reduced from thirty percent
3 to twenty percent, unless any county, city, town, or village has
4 a fiscal year beginning on any date other than January first, in
5 which case the reduction shall begin on the first day of the
6 immediately following fiscal year except that any county with a
7 charter form of government and with more than nine hundred fifty
8 thousand inhabitants and any city, town, or village with
9 boundaries found within such county shall be reduced from thirty
10 percent to twelve and one-half percent.

11 3. An addendum to the annual financial report submitted to
12 the state auditor by the county, city, town, or village under
13 section 105.145 shall contain an accounting of:

14 (1) Annual general operating revenue as defined in section
15 479.350;

16 (2) The total revenues from fines, bond forfeitures, and
17 court costs for minor traffic violations occurring within the
18 county, city, town, or village, including amended charges from
19 any minor traffic violations;

20 (3) The percent of annual general operating revenue from
21 fines, bond forfeitures, and court costs for minor traffic
22 violations occurring within the county, city, town, or village,
23 including amended charges from any charged minor traffic
24 violation, charged in the municipal court of that county, city,
25 town, or village; and

26 (4) Said addendum shall be certified and signed by a
27 representative with knowledge of the subject matter as to the
28 accuracy of the addendum contents, under oath and under the

1 penalty of perjury, and witnessed by a notary public.

2 4. On or before December 31, 2015, the state auditor shall
3 set forth by rule a procedure for including the addendum
4 information required by this section. The rule shall also allow
5 reasonable opportunity for demonstration of compliance without
6 unduly burdensome calculations.

7 479.360. 1. Every county, city, town, and village shall
8 file with the state auditor, together with its report due under
9 section 105.145, its certification of its substantial compliance
10 signed by its municipal judge with the municipal court procedures
11 set forth in this subsection during the preceding fiscal year.
12 The procedures to be adopted and certified include the following:

13 (1) Defendants in custody pursuant to an initial arrest
14 warrant issued by a municipal court have an opportunity to be
15 heard by a judge in person, by telephone, or video conferencing
16 as soon as practicable and not later than forty-eight hours on
17 minor traffic violations and not later than seventy-two hours on
18 other violations and, if not given that opportunity, are
19 released;

20 (2) Defendants in municipal custody shall not be held more
21 than twenty-four hours without a warrant after arrest;

22 (3) Defendants are not detained in order to coerce payment
23 of fines and costs;

24 (4) The municipal court has established procedures to allow
25 indigent defendants to present evidence of their financial
26 condition and takes such evidence into account if determining
27 fines and costs and establishing related payment requirements;

28 (5) The municipal court only assesses fines and costs as

1 authorized by law;

2 (6) No additional charge shall be issued for the failure to
3 appear for a minor traffic violation;

4 (7) The municipal court conducts proceedings in a courtroom
5 that is open to the public and large enough to reasonably
6 accommodate the public, parties, and attorneys;

7 (8) The municipal court makes use of alternative payment
8 plans and community service alternatives; and

9 (9) The municipal court has adopted an electronic payment
10 system or payment by mail for the payment of minor traffic
11 violations.

12 2. On or before December 31, 2015, the state auditor shall
13 set forth by rule a procedure for including the addendum
14 information required by this section. The rule shall also allow
15 reasonable opportunity for demonstration of compliance.

16 479.362. 1. The auditor shall notify to the director of
17 the department of revenue whether or not county, city, town, or
18 village has timely filed the addendums required by sections
19 479.359 and 479.360 and transmit copies of all addendums filed in
20 accordance with sections 479.359 and 479.360. The director of
21 the department of revenue shall review the information filed in
22 the addendums as required by sections 479.359 and 479.360 and
23 shall determine if any county, city, town, or village:

24 (1) Failed to file an addendum; or

25 (2) Failed to remit to the department of revenue the excess
26 amount as set forth, certified, and signed in the addendum
27 required by section 479.359.

1 The director of the department of revenue shall send a notice by
2 certified mail to every county, city, town, or village failing to
3 make the required filing or excess payment. The notice shall
4 advise the county, city, town, or village of the failure and
5 state that the county, city, town, or village is to correct the
6 failure within sixty days of the date of the notice.

7 2. If a county, city, town, or village files the required
8 addendum after notice from the director of the department of
9 revenue, the director shall determine whether the county, city,
10 town, or village failed to pay any excess amount required. If
11 so, the director shall send an additional notice of failure to
12 pay the excess amount and the county, city, town, or village
13 shall pay the excess amount within sixty days of the date of the
14 original notice.

15 3. A county, city, town, or village sent a notice by the
16 director of the department of revenue for failure to pay or
17 failure to file the required addendum under this section may seek
18 judicial review of any determination made by the director of the
19 department of revenue in the circuit court in which the municipal
20 division is located by filing a petition under section 536.150
21 within thirty days of receipt of such determination. The county,
22 city, town, or village shall give written notice of such filing
23 to the director of revenue by certified mail. Within fifteen
24 days of filing the petition, the county, city, town, or village
25 shall deposit an amount equal to any amount in dispute into the
26 registry of the circuit court by the county, city, town, or
27 village. Failure to do so shall result in a dismissal of the
28 case.

1 4. In addition to other available remedies, if the circuit
2 court determines that the director of the department of revenue's
3 determination as to the amount of excess funds or failure to file
4 is in error, the circuit court shall return the amount not
5 required to be remitted to the department of revenue to the
6 county, city, town, or village immediately. The remainder of the
7 funds held in the registry shall be paid to the director of the
8 department of revenue for distribution under subsection 1 of
9 section 479.359.

10 5. If any county, city, town, or village has failed to file
11 an accurate or timely addendum or send excess revenue to the
12 director of the department of revenue and the sixty-day period
13 described in subsection 1 of this section has passed or there has
14 been a final adjudication of a petition filed pursuant to
15 subsection 3 of this section, whichever is later, the director of
16 the department of revenue shall send a final notice to the clerk
17 of the municipal court. If the county, city, town, or village
18 fails to become compliant within five days after the date of the
19 final notice, the director of the department of revenue shall
20 send a notice of the noncompliance to the presiding judge of the
21 circuit court in which any county, city, town, or village is
22 located and the presiding judge of the circuit court shall
23 immediately order the clerk of the municipal court to certify all
24 pending matters in the municipal court until such county, city,
25 town, or village files an accurate addendum and sends excess
26 revenue to the director of the department of revenue pursuant to
27 479.359 and 479.360. All fines, bond forfeitures, and court
28 costs ordered or collected while a county, city, town, or village

1 has its municipal court matters reassigned under this subsection
2 shall be paid to the director of the department of revenue to be
3 distributed to the schools of the county in the same manner that
4 proceeds of all penalties, forfeitures, and fines collection for
5 any breach of the penal laws of the state are distributed and the
6 county, city, town, or village shall not be entitled to such
7 revenue. If the noncompliant county, city, town, or village
8 thereafter files an accurate addendum and remits all the excess
9 revenue owed pursuant to section 479.359 to the director of the
10 department of revenue, the director of the department shall
11 notify the clerk of the municipal court and the presiding judge
12 of the circuit court that the county, city, town, or village may
13 again hear matters and receive revenue from fines, bond
14 forfeitures, and court costs subject to continuing compliance
15 with section 479.359.

16 6. The state auditor shall have the authority to audit any
17 addendum and any supporting documents submitted to the department
18 of revenue by any county, city, town, or village.

19 479.368. 1. Except for county sales taxes deposited in the
20 "County Sales Tax Trust Fund" as defined in section 66.620, any
21 county, city, town, or village failing to timely file the
22 required addendums or remit the required excess revenues, if
23 applicable, after the time period provided by the notice by the
24 director of the department of revenue or any final determination
25 on excess revenue by the court in a judicial proceeding,
26 whichever is later, shall not receive from that date any amount
27 of moneys to which the county, city, town, or village would

1 otherwise be entitled to receive from revenues from local sales
2 tax as defined in section 32.085.

3 (1) If any county, city, town, or village has failed to
4 timely file the required addendums, the director of the
5 department of revenue shall hold any moneys the noncompliant
6 city, town, village, or county would otherwise be entitled to
7 from local sales tax as defined in section 32.085 until a
8 determination is made by the director of revenue that the
9 noncompliant city, town, village, or county has come into
10 compliance with the provisions of sections 479.359 and 479.360.

11 (2) If any county, city, town, or village has failed to
12 remit the required excess revenue to the director of the
13 department of revenue such general local sales tax revenues shall
14 be distributed as provided in subsection 1 of section 479.359 by
15 the director of the department of revenue in the amount of excess
16 revenues that the county, city, town, or village failed to remit.

17
18 Upon a noncompliant city, town, village, or county coming into
19 compliance with the provisions of sections 479.359 and 479.360,
20 the director of the department of revenue shall disburse any
21 remaining balance of funds held under this subsection after
22 satisfaction of amounts due under section 479.359. Moneys held by
23 the director of the department of revenue under this subsection
24 shall not be deemed to be state funds and shall not be commingled
25 with any funds of the state.

26 2. Any city, town, village, or county that participates in

1 the distribution of local sales tax in sections 66.600 to 66.630
2 and fails to timely file the required addendums or remit the
3 required excess revenues, if applicable, after the time period
4 provided by the notice by the director of the department of
5 revenue or any final determination on excess revenue by the court
6 in a judicial proceeding, whichever is later, shall not receive
7 any amount of moneys to which said city, town, village, or county
8 would otherwise be entitled under 66.600 to 66.630. The director
9 of the department of revenue shall notify the county to which the
10 duties of the director have been delegated under section 66.601
11 of any noncompliant city, town, village, or county and the county
12 shall remit to the director of the department of revenue any
13 moneys to which said city, town, village, or county would
14 otherwise be entitled. No disbursements to the noncompliant
15 city, town, village, or county shall be permitted until a
16 determination is made by the director of revenue that the
17 noncompliant city, town, village, or county has come into
18 compliance with the provisions of sections 479.359 and 479.360.

19 (1) If such county, city, town, or village has failed to
20 timely file the required addendums, the director of the
21 department of revenue shall hold any moneys the noncompliant
22 city, town, village, or county would otherwise be entitled to
23 under sections 66.600 to 66.630 until a determination is made by
24 the director of revenue that the noncompliant city, town,
25 village, or county has come into compliance with the provisions
26 of sections 479.359 and 479.360.

1 (2) If any county, city, town, or village has failed to
2 remit the required excess revenue to the director of the
3 department of revenue, the director shall distribute such moneys
4 the county, city, town, or village would otherwise be entitled to
5 under sections 66.600 to 66.630 in the amount of excess revenues
6 that the city, town, village, or county failed to remit as
7 provided in subsection 1 of section 479.359.

8
9 Upon a noncompliant city, town, village, or county coming into
10 compliance with the provisions of sections 479.359 and 479.360,
11 the director of the department of revenue shall disburse any
12 remaining balance of funds held under this subsection after
13 satisfaction of amounts due under section 479.359 and shall
14 notify the county to which the duties of the director have been
15 delegated under section 66.601 that such compliant city, town,
16 village, or county is entitled to distributions under sections
17 66.600 to 66.630. If a noncompliant city, town, village, or
18 county becomes disincorporated, any moneys held by the director
19 of the department of revenue shall be distributed to the schools
20 of the county in the same manner that proceeds of all penalties,
21 forfeitures, and fines collected for any breach of the penal laws
22 of the state are distributed. Moneys held by the director of the
23 department of revenue under this subsection shall not be deemed
24 to be state funds and shall not be commingled with any funds of
25 the state.

26 3. In addition to the provisions of subsection 1 of this

1 section, any county that fails to remit the required excess
2 revenue as required by section 479.359 shall have an election
3 upon the question of disincorporation under article VI, section 5
4 of the Constitution of Missouri, and any such city, town, or
5 village that fails to remit the required excess revenue as
6 required by section 479.359 shall have an election upon the
7 question of disincorporation according to the following
8 procedure:

9 (1) The election upon the question of disincorporation of
10 such city, town, or village shall be held on the next general
11 election day, as defined by section 115.121;

12 (2) The director of the department of revenue shall notify
13 the election authorities responsible for conducting the election
14 according to the terms of section 115.125 and the county
15 governing body in which the city, town, or village is located not
16 later than 5:00 p.m. on the tenth Tuesday prior to the election
17 of the amount of the excess revenues due;

18 (3) The question shall be submitted to the voters of such
19 city, town, or village in substantially the following form:

20 "The city/town/village of has kept more
21 revenue from fines, bond forfeitures, and court costs
22 for minor traffic violations than is permitted by state
23 law and failed to remit those revenues to the county
24 school fund. Shall the city/town/village of
25 be dissolved?"

26 YES

NO

1 (4) Upon notification by the director of the department of
2 revenue, the county governing body in which the city, town, or
3 village is located shall give notice of the election for eight
4 consecutive weeks prior to the election by publication in a
5 newspaper of general circulation published in the city, town, or
6 village, or if there is no such newspaper in the city, town, or
7 village, then in the newspaper in the county published nearest
8 the city, town, or village; and

9 (5) Upon the affirmative vote of sixty percent of those
10 persons voting on the question, the county governing body shall
11 disincorporate the city, town, or village.

12 479.372. Any rule or portion of a rule, as that term is
13 defined in section 536.010, that is created under the authority
14 delegated in sections 479.350 to 479.372 shall become effective
15 only if it complies with and is subject to all of the provisions
16 of chapter 536 and, if applicable, section 536.028. This section
17 and chapter 536 are nonseverable, and if any of the powers vested
18 with the general assembly pursuant to chapter 536 to review, to
19 delay the effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2015,
22 shall be invalid and void.

23 479.375. If any provision of this act or their application
24 to any person or circumstance is held invalid, the invalidity
25 does not affect other provisions or applications of this act
26 which can be given effect without the invalid provision or

1 application, and to this end the provisions of this act are
2 severable.

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9 Eric Schmitt

Paul Curtman