

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SCS/Senate Bill No. 5, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "49.310. 1. Except as provided in sections 221.400 to  
4 221.420 and subsection 2 of this section, the county  
5 commission in each county in this state shall erect and  
6 maintain at the established seat of justice a good and  
7 sufficient courthouse, jail and necessary fireproof  
8 buildings for the preservation of the records of the county;  
9 except that in counties having a special charter, the jail  
10 or workhouse may be located at any place within the county.  
11 In pursuance of the authority herein delegated to the county  
12 commission, the county commission may acquire a site,  
13 construct, reconstruct, remodel, repair, maintain and equip  
14 the courthouse and jail, and in counties wherein more than  
15 one place is provided by law for holding of court, the  
16 county commission may buy and equip or acquire a site and  
17 construct a building or buildings to be used as a courthouse  
18 and jail, and may remodel, repair, maintain and equip  
19 buildings in both places. The county commission may issue  
20 bonds as provided by the general law covering the issuance  
21 of bonds by counties for the purposes set forth in this  
22 section. In bond elections for these purposes in counties  
23 wherein more than one place is provided by law for holding  
24 of court, a separate ballot question may be submitted  
25 covering proposed expenditures in each separate site  
26 described therein, or a single ballot question may be

submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. For any courthouse that contains both a county office and a courtroom, the presiding judge of the circuit in which the courthouse is located may establish rules for courtrooms, jury rooms, and chambers or offices of the court, but the county commission shall have authority over all other areas of the courthouse.

50.660. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the

60 accounting officer to certify that the bonds or taxes have  
61 been authorized by vote of the people and that there is a  
62 sufficient unencumbered amount of the bonds yet to be sold  
63 or of the taxes levied and yet to be collected to meet the  
64 obligation in case there is not a sufficient unencumbered  
65 cash balance in the treasury. All contracts and purchases  
66 shall be let to the lowest and best bidder after due  
67 opportunity for competition, including advertising the  
68 proposed letting in a newspaper in the county or township  
69 with a circulation of at least five hundred copies per  
70 issue, if there is one, except that the advertising is not  
71 required in case of contracts or purchases involving an  
72 expenditure of less than ~~[six]~~ twelve thousand dollars. It  
73 is not necessary to obtain bids on any purchase in the  
74 amount of ~~[six]~~ twelve thousand dollars or less made from  
75 any one person, firm or corporation during any period of  
76 ninety days. All bids for any contract or purchase may be  
77 rejected and new bids advertised for. Contracts which  
78 provide that the person contracting with the county or  
79 township shall, during the term of the contract, furnish to  
80 the county or township at the price therein specified the  
81 supplies, materials, equipment or services other than  
82 personal therein described, in the quantities required, and  
83 from time to time as ordered by the officer in charge of  
84 purchasing during the term of the contract, need not bear  
85 the certification of the accounting officer, as herein  
86 provided; but all orders for supplies, materials, equipment  
87 or services other than personal shall bear the  
88 certification. In case of such contract, no financial  
89 obligation accrues against the county or township until the  
90 supplies, materials, equipment or services other than  
91 personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

(1) Supplies are proprietary and only available from the manufacturer or a single distributor; or

(2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or

(3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is over ~~[six]~~ twelve thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure

125 is over ~~[six]~~ twelve thousand dollars, the commission shall  
126 post notice of the proposed purchase and advertise the  
127 commission's intent to make such purchase in at least one  
128 daily and one weekly newspaper of general circulation in  
129 such places as are most likely to reach prospective bidders  
130 or offerors and may provide such information through an  
131 electronic medium available to the general public at least  
132 ten days before the contract is to be let."; and

133 Further amend said bill, section 68.075, page 4, line  
134 87, by inserting after all of said line the following:

135 "115.646. No contribution or expenditure of public  
136 funds shall be made directly by any officer, employee or  
137 agent of any political subdivision, including school  
138 districts and charter schools, to advocate, support, or  
139 oppose the passage or defeat of any ballot measure or the  
140 nomination or election of any candidate for public office,   
141 or to direct any public funds to, or pay any debts or  
142 obligations of, any committee supporting or opposing such  
143 ballot measures or candidates. This section shall not be  
144 construed to prohibit any public official of a political  
145 subdivision, including school districts and charter schools,  
146 from making public appearances or from issuing press  
147 releases concerning any such ballot measure. Any purposeful  
148 violation of this section shall be punished as a class four  
149 election offense.

150 221.105. 1. The governing body of any county and of  
151 any city not within a county shall fix the amount to be  
152 expended for the cost of incarceration of prisoners confined  
153 in jails or medium security institutions. The per diem cost  
154 of incarceration of these prisoners chargeable by the law to  
155 the state shall be determined, subject to the review and  
156 approval of the department of corrections.

157           2. When the final determination of any criminal  
158 prosecution shall be such as to render the state liable for  
159 costs under existing laws, it shall be the duty of the  
160 sheriff to certify to the clerk of the circuit court or  
161 court of common pleas in which the case was determined the  
162 total number of days any prisoner who was a party in such  
163 case remained in the county jail. It shall be the duty of  
164 the county commission to supply the cost per diem for county  
165 prisons to the clerk of the circuit court on the first day  
166 of each year, and thereafter whenever the amount may be  
167 changed. It shall then be the duty of the clerk of the  
168 court in which the case was determined to include in the  
169 bill of cost against the state all fees which are properly  
170 chargeable to the state. In any city not within a county it  
171 shall be the duty of the superintendent of any facility  
172 boarding prisoners to certify to the chief executive officer  
173 of such city not within a county the total number of days  
174 any prisoner who was a party in such case remained in such  
175 facility. It shall be the duty of the superintendents of  
176 such facilities to supply the cost per diem to the chief  
177 executive officer on the first day of each year, and  
178 thereafter whenever the amount may be changed. It shall be  
179 the duty of the chief executive officer to bill the state  
180 all fees for boarding such prisoners which are properly  
181 chargeable to the state. The chief executive may by  
182 notification to the department of corrections delegate such  
183 responsibility to another duly sworn official of such city  
184 not within a county. The clerk of the court of any city not  
185 within a county shall not include such fees in the bill of  
186 costs chargeable to the state. The department of  
187 corrections shall revise its criminal cost manual in  
188 accordance with this provision.

189           3. Except as provided under subsection 6 of section  
190 217.718, the actual costs chargeable to the state, including  
191 those incurred for a prisoner who is incarcerated in the  
192 county jail because the prisoner's parole or probation has  
193 been revoked or because the prisoner has, or allegedly has,  
194 violated any condition of the prisoner's parole or  
195 probation, and such parole or probation is a consequence of  
196 a violation of a state statute, or the prisoner is a  
197 fugitive from the Missouri department of corrections or  
198 otherwise held at the request of the Missouri department of  
199 corrections regardless of whether or not a warrant has been  
200 issued shall be the actual cost of incarceration not to  
201 exceed:

202           (1) Until July 1, 1996, seventeen dollars per day per  
203 prisoner;

204           (2) On and after July 1, 1996, twenty dollars per day  
205 per prisoner;

206           (3) On and after July 1, 1997, up to thirty-seven  
207 dollars and fifty cents per day per prisoner, subject to  
208 appropriations[, but not less than the amount appropriated  
209 in the previous fiscal year].

210           4. The presiding judge of a judicial circuit may  
211 propose expenses to be reimbursable by the state on behalf  
212 of one or more of the counties in that circuit. Proposed  
213 reimbursable expenses may include pretrial assessment and  
214 supervision strategies for defendants who are ultimately  
215 eligible for state incarceration. A county may not receive  
216 more than its share of the amount appropriated in the  
217 previous fiscal year, inclusive of expenses proposed by the  
218 presiding judge. Any county shall convey such proposal to  
219 the department, and any such proposal presented by a  
220 presiding judge shall include the documented agreement with  
221 the proposal by the county governing body, prosecuting

attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of [the courthouse,] courtrooms, jury rooms, and chambers or offices of the court; serving court-generated papers and orders~~[,]~~; and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks,



254 municipal clerks, and any other staff personnel which may  
255 otherwise be provided by law.

256         2. The salary of a circuit court marshal shall be  
257 established by the presiding judge of the circuit within  
258 funds made available for that purpose, but such salary shall  
259 not exceed ninety percent of the salary of the highest paid  
260 sheriff serving a county wholly or partially within that  
261 circuit. Personnel authorized by this section shall be paid  
262 from state funds or federal grant moneys which are available  
263 for that purpose and not from county funds.

264         3. Any person appointed as a circuit court marshal  
265 pursuant to this section shall have at least five years'  
266 prior experience as a law enforcement officer. In addition,  
267 any such person shall within one year after appointment, or  
268 as soon as practicable, attend a court security school or  
269 training program operated by the United States Marshal  
270 Service. In addition to all other powers and duties  
271 prescribed in this section, a circuit court marshal may:

- 272             (1) Serve process;  
273             (2) Wear a concealable firearm; and  
274             (3) Make an arrest based upon local court rules and  
275 state law, and as directed by the presiding judge of the  
276 circuit."; and

277         Further amend the title and enacting clause accordingly.