

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 935
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, February 7, 2008, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 935, adopted February 14, 2008.

Taken up for Perfection February 14, 2008. Bill declared Perfected and Ordered Printed, as amended.

4385S.05P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 57.280, 488.435, and 650.350, RSMo, and to enact in lieu thereof four new sections relating to deputy sheriffs' salaries.

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

Section A. Sections 57.280, 488.435, and 650.350, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 57.278, 57.280,
3 488.435, and 650.350, to read as follows:

57.278. 1. There is hereby created in the state treasury the
2 **"Deputy Sheriff Salary Supplementation Fund", which shall consist of**
3 **money collected from charges for service received by county sheriffs**
4 **under subsection 4 of section 57.280. The money in the fund shall be**
5 **used solely to supplement the salaries, and employee benefits resulting**
6 **from such salary increases, of county deputy sheriffs. The state**
7 **treasurer shall be custodian of the fund and may approve**
8 **disbursements from the fund in accordance with sections 30.170 and**
9 **30.180, RSMo. The Missouri sheriff methamphetamine relief taskforce**
10 **created under section 650.350, RSMo, shall administer the fund.**

11 **2. Notwithstanding the provisions of section 33.080, RSMo, to the**
12 **contrary, any moneys remaining in the fund at the end of the biennium**
13 **shall not revert to the credit of the general revenue fund. The state**
14 **treasurer shall invest moneys in the fund in the same manner as other**
15 **funds are invested. Any interest and moneys earned on such**
16 **investments shall be credited to the fund.**

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

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ
2 or other order of court, in connection with any civil case, and making on the same
3 either a return indicating service, a non est return or a nulla bona return, the
4 sum of twenty dollars for each item to be served, except that a sheriff shall
5 receive a charge for service of any subpoena, and making a return on the same,
6 the sum of ten dollars; however, no such charge shall be collected in any
7 proceeding when court costs are to be paid by the state, county or municipality.
8 In addition to such charge, the sheriff shall be entitled to receive for each mile
9 actually traveled in serving any summons, writ, subpoena or other order of court,
10 the rate prescribed by the Internal Revenue Service for all allowable expenses for
11 motor vehicle use expressed as an amount per mile, provided that such mileage
12 shall not be charged for more than one subpoena or summons or other writ served
13 in the same cause on the same trip. All of such charges shall be received by the
14 sheriff who is requested to perform the service. Except as otherwise provided by
15 law, all charges made pursuant to this section shall be collected by the court clerk
16 as court costs and are payable prior to the time the service is rendered; provided
17 that if the amount of such charge cannot be readily determined, then the sheriff
18 shall receive a deposit based upon the likely amount of such charge, and the
19 balance of such charge shall be payable immediately upon ascertainment of the
20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution
25 or other process, where lands or goods have been levied and advertised and sold,
26 five percent on five hundred dollars and four percent on all sums above five
27 hundred dollars, and half of these sums, when the money is paid to the sheriff
28 without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The
30 party at whose application any writ, execution, subpoena or other process has
31 issued from the court shall pay the sheriff's costs for the removal, transportation,
32 storage, safekeeping and support of any property to be seized pursuant to legal
33 process before such seizure. The sheriff shall be allowed for each mile, going and
34 returning from the courthouse of the county in which he resides to the place
35 where the court is held, the rate prescribed by the Internal Revenue Service for
36 all allowable expenses for motor vehicle use expressed as an amount per

37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38 3. The sheriff upon the receipt of the charge herein provided for shall pay
39 into the treasury of the county any and all charges received pursuant to the
40 provisions of this section; however, in any county, any funds, not to exceed fifty
41 thousand dollars in any calendar year, other than as a result of regular budget
42 allocations or land sale proceeds, coming into the possession of the sheriff's office,
43 such as from the sale of recovered evidence, shall be held in a fund established
44 by the county treasurer, which may be expended at the discretion of the sheriff
45 for the furtherance of the sheriff's set duties. Any such funds in excess of fifty
46 thousand dollars, other than regular budget allocations or land sale proceeds,
47 shall be placed to the credit of the general revenue fund of the county. Moneys
48 in the fund shall be used only for the procurement of services and equipment to
49 support the operation of the sheriff's office. Moneys in the fund established
50 pursuant to this subsection shall not lapse to the county general revenue fund at
51 the end of any county budget or fiscal year.

52 **4. Notwithstanding the provisions of subsection 3 of this section**
53 **to the contrary, the sheriff shall receive ten dollars for service of any**
54 **summons, writ, subpoena, or other order of the court included under**
55 **subsection 1 of this section, in addition to the charge for such service**
56 **that each sheriff receives under subsection 1 of this section. The**
57 **money received by the sheriff under this subsection shall be paid into**
58 **the county treasury and the county treasurer shall make such money**
59 **payable to the state treasurer. The state treasurer shall deposit such**
60 **moneys in the deputy sheriff salary supplementation fund created**
61 **under section 57.278.**

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280,
2 RSMo, for service of any summons, writ or other order of court, in connection with
3 any civil case, and making on the same either a return indicating service, a non
4 est return or a nulla bona return, the sum of twenty dollars for each item to be
5 served, as provided in section 57.280, RSMo, except that a sheriff shall receive a
6 charge for service of any subpoena, and making a return on the same, the sum of
7 ten dollars, as provided in section 57.280, RSMo; however, no such charge shall
8 be collected in any proceeding when court costs are to be paid by the state, county
9 or municipality. In addition to such charge, the sheriff shall be entitled, as
10 provided in section 57.280, RSMo, to receive for each mile actually traveled in
11 serving any summons, writ, subpoena or other order of court, the rate prescribed

12 by the Internal Revenue Service for all allowable expenses for motor vehicle use
13 expressed as an amount per mile, provided that such mileage shall not be charged
14 for more than one subpoena or summons or other writ served in the same cause
15 on the same trip. All of such charges shall be received by the sheriff who is
16 requested to perform the service. Except as otherwise provided by law, all
17 charges made pursuant to section 57.280, RSMo, shall be collected by the court
18 clerk as court costs and are payable prior to the time the service is rendered;
19 provided that if the amount of such charge cannot be readily determined, then the
20 sheriff shall receive a deposit based upon the likely amount of such charge, and
21 the balance of such charge shall be payable immediately upon ascertainment of
22 the proper amount of such charge. A sheriff may refuse to perform any service
23 in any action or proceeding, other than when court costs are waived as provided
24 by law, until the charge provided by this section is paid. Failure to receive the
25 charge shall not affect the validity of the service.

26 2. The sheriff shall, as provided in section 57.280, RSMo, receive for
27 receiving and paying moneys on execution or other process, where lands or goods
28 have been levied and advertised and sold, five percent on five hundred dollars
29 and four percent on all sums above five hundred dollars, and half of these sums,
30 when the money is paid to the sheriff without a levy, or where the lands or goods
31 levied on shall not be sold and the money is paid to the sheriff or person entitled
32 thereto, his or her agent or attorney. The party at whose application any writ,
33 execution, subpoena or other process has issued from the court shall pay the
34 sheriff's costs, as provided in section 57.280, RSMo, for the removal,
35 transportation, storage, safekeeping and support of any property to be seized
36 pursuant to legal process before such seizure. The sheriff shall be allowed for
37 each mile, as provided in section 57.280, RSMo, going and returning from the
38 courthouse of the county in which he or she resides to the place where the court
39 is held, the rate prescribed by the Internal Revenue Service for all allowable
40 expenses for motor vehicle use expressed as an amount per mile. The provisions
41 of this subsection shall not apply to garnishment proceeds.

42 **3. As provided in subsection 4 of section 57.280, RSMo, the sheriff**
43 **shall receive ten dollars for service of any summons, writ, subpoena, or**
44 **other order of the court included under subsection 1 of such section, in**
45 **addition to the charge for such service that each sheriff receives under**
46 **subsection 1 of such section. The money received by the sheriff under**
47 **subsection 4 of section 57.280, RSMo, shall be paid into the county**

48 **treasury and the county treasurer shall make such money payable to**
49 **the state treasurer. The state treasurer shall deposit such moneys in**
50 **the deputy sheriff salary supplementation fund created under section**
51 **57.278, RSMo.**

650.350. 1. There is hereby created within the department of public
2 safety the "Missouri Sheriff Methamphetamine Relief Taskforce"
3 (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two
4 years, the Missouri Sheriffs' Association board of directors will submit twenty
5 names of sitting sheriffs to the governor. The governor shall appoint five
6 members from the list of twenty names, having no more than three from any one
7 political party, to serve a term of two years on MoSMART. The members shall
8 elect a chair from among their membership. Members shall receive no
9 compensation for the performance of their duties pursuant to this section, but
10 each member shall be reimbursed from the MoSMART fund for actual and
11 necessary expenses incurred in carrying out duties pursuant to this section.

12 2. MoSMART shall meet no less than twice each calendar year with
13 additional meetings called by the chair upon the request of at least two members.
14 A majority of the appointed members shall constitute a quorum.

15 3. A special fund is hereby created in the state treasury to be [know]
16 **known** as the "MoSMART Fund". The state treasurer shall invest the moneys
17 in such fund in the manner authorized by law. All moneys received for
18 MoSMART from interest, state, and federal moneys shall be deposited to the
19 credit of the fund. The director of the department of public safety shall distribute
20 at least fifty percent but not more than one hundred percent of the fund annually
21 in the form of grants approved by MoSMART.

22 4. **Except for money deposited into the deputy sheriff salary**
23 **supplemental fund created under section 57.278, RSMo,** all moneys
24 appropriated to or received by MoSMART shall be deposited and credited to the
25 MoSMART fund. The department of public safety shall only be reimbursed for
26 actual and necessary expenses for the administration of MoSMART, which shall
27 be no less than one percent and which shall not exceed two percent of all moneys
28 appropriated to the fund, **except that the department shall not receive any**
29 **amount of the money deposited into the deputy sheriff salary**
30 **supplemental fund for administrative purposes.** The provisions of section
31 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund
32 shall not lapse to general revenue at the end of the biennium.

33 5. Any rule or portion of a rule, as that term is defined in section 536.010,
34 RSMo, that is created under the authority delegated in this section shall become
35 effective only if it complies with and is subject to all of the provisions of chapter
36 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
37 536, RSMo, are nonseverable and if any of the powers vested with the general
38 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
39 or to disapprove and annul a rule are subsequently held unconstitutional, then
40 the grant of rulemaking authority and any rule proposed or adopted after August
41 28, 2003, shall be invalid and void.

42 6. Any county law enforcement entity or established task force with a
43 memorandum of understanding and protocol may apply for grants from the
44 MoSMART fund on an application to be developed by the department of public
45 safety with the approval of MoSMART. All applications shall be evaluated by
46 MoSMART and approved or denied based upon the level of funding designated for
47 methamphetamine enforcement before 1997 and upon current need and
48 circumstances. No applicant shall receive a MoSMART grant in excess of one
49 hundred thousand dollars per year. The department of public safety shall
50 monitor all MoSMART grants.

51 7. MoSMART's anti-methamphetamine funding priorities are as follows:

52 (1) Sheriffs who are participating in coordinated multijurisdictional task
53 forces and have their task forces apply for funding;

54 (2) Sheriffs whose county has been designated HIDTA counties, yet have
55 received no HIDTA or narcotics assistance program funding; and

56 (3) Sheriffs without HIDTA designations or task forces, whose application
57 justifies the need for MoSMART funds to eliminate methamphetamine labs.

58 **8. MoSMART shall administer the deputy sheriff salary**
59 **supplemental fund as provided under section 57.278, RSMo.**

✓