

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 145
96TH GENERAL ASSEMBLY

0990L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 55.030, 56.807, 475.115, and 488.026, RSMo, and to enact in lieu thereof six new sections relating to political subdivisions.

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

Section A. Sections 55.030, 56.807, 475.115, and 488.026, RSMo, are repealed and six
2 new sections enacted in lieu thereof, to be known as sections 55.030, 56.807, 67.319, 475.115,
3 488.026, and 1, to read as follows:

55.030. The county auditor of a county [of the first class] having a charter form of
2 government shall prescribe, with the approval of the governing body of the county and the state
3 auditor, the accounting system of the county. He shall keep accounts of all appropriations and
4 expenditures made by the governing body of the county; and no warrant shall be drawn or
5 obligation incurred without his certification that an unencumbered balance, sufficient to pay the
6 same, remains in the appropriation account against which such warrant or obligation is to be
7 charged. He shall audit and examine all accounts, demands, and claims of every kind and
8 character presented for payment against such county, and shall approve to the governing body
9 of the county all lawful, true, and just accounts, demands, and claims of every kind and character
10 payable out of the county revenue or out of any county funds before the same shall be allowed
11 and a warrant issued therefor. Whenever the county auditor deems it necessary to the proper
12 examination of any account, demand, or claim, he may examine the parties, witnesses, and others
13 on oath or affirmation touching any matter or circumstance in the examination of such account,
14 demand, or claim. At the direction of the governing body of the county, he shall audit the
15 accounts of all officers and employees of the county and upon their retirement from office and
16 shall keep a correct account between the county and all county officers; and he shall examine all
17 records and settlements made by them for and with the governing body of the county or with

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 each other; and the county auditor shall, at all reasonable times, have access to all books, county
19 records, or papers kept by any county or township officer, employee, or road overseer. He may
20 keep an inventory of all county property under the control and management of the various
21 officers and departments and shall annually take an inventory of any such property at an original
22 value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and
23 estimated value thereof. He shall perform such other duties in relation to the fiscal
24 administration of the county as the governing body of the county shall from time to time
25 prescribe. The county auditor shall not be personally liable for any costs for any proceeding
26 instituted against him in his official capacity.

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

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

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

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

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

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

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

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

29 (1) For counties of the third and fourth classification except as provided in subdivision
30 (3) of this subsection, one hundred eighty-seven dollars;

31 (2) For counties of the second classification, two hundred seventy-one dollars;

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

36 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
37 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
38 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
39 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
40 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
41 purpose.

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

44 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
45 filed in the courts of this state including violation of any county ordinance [or] , any violation
46 of criminal or traffic laws of this state, including infractions **and against any person who pled**
47 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed
48 when the costs are waived or are to be paid by the state, county, or municipality or when a
49 criminal proceeding or the defendant has been dismissed by the court [or against any person who
50 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of
51 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

52 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
53 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
54 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
55 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
56 provided for in sections 56.800 to 56.840 and for no other purpose.

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

59 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
60 unless provided for by law.

**67.319. 1. If approved by a majority of the voters voting on the proposal, any city,
2 town, village, sewer district, or water supply district located within this state may, by**

3 ordinance, levy and impose annually, upon water service lines providing water service to
4 residential property having four or fewer dwelling units within the jurisdiction of such city,
5 town, village, sewer district, or water supply district a fee not to exceed one dollar per
6 month or twelve dollars annually.

7 2. The ballot of submission shall be in substantially the following form:

8 For the purpose of repair or replacement of water lines extending from the water
9 main to a residential dwelling due to failure of the line, shall (city, town, village,
10 sewer district, or water supply district) be authorized to impose a fee not to exceed one
11 dollar per month or twelve dollars annually on residential property for each water service
12 line providing water service within the (city, town, village, sewer district, or water supply
13 district) to residential property having four or fewer dwelling units for the purpose of
14 paying for the costs of necessary water service line repairs or replacements?

15 G YES

G NO

16 3. For the purpose of this section, a water service line may be defined by local
17 ordinance, but may not include the water meter or exceed that portion of water piping and
18 related valves and connectors which extends from the water mains owned by the utility or
19 municipality distributing public water supply to the first opportunity for a connection or
20 joint beyond the point of entry into the premises receiving water service, and may not
21 include facilities owned by the utility or municipality distributing public water supply. For
22 purposes of this section, repair may be defined and limited by local ordinance, and may
23 include replacement or repairs.

24 4. If a majority of the voters voting thereon approve the proposal authorized in
25 subsection 1 of this section, the governing body of the city, town, village, sewer district, or
26 water supply district may enact an ordinance for the collection of such fee. The funds
27 collected under such ordinance shall be deposited in a special account to be used solely for
28 the purpose of paying for the reasonable costs associated with and necessary to administer
29 and carry out the water service line repairs as defined in the ordinance and to reimburse
30 the necessary costs of water service line repair or replacement. All interest generated on
31 deposited funds shall be accrued to the special account established for the repair of water
32 service lines.

33 5. The city, town, village, sewer district, or water supply district may establish, as
34 provided in the ordinance, regulations necessary for the administration of collections,
35 claims, repairs, replacements and all other activities necessary and convenient for the
36 implementation of any ordinance adopted and approved under this section. The city, town,
37 village, sewer district, or water supply district may administer the program or may
38 contract with one or more persons, through a competitive process, to provide for

39 **administration of any portion of implementation activities of any ordinance adopted and**
40 **approved under this section, and reasonable costs of administering the program may be**
41 **paid from the special account established under this section.**

42 **6. Notwithstanding any other provision of law to the contrary, the collector in any**
43 **city, town, village, sewer district, or water supply district or county that adopts an**
44 **ordinance under this section, who now or hereafter collects any fee to provide for, ensure**
45 **or guarantee the repair of water service lines, may add such fee to the general tax levy bills**
46 **of property owners within the city, town, village, sewer district, or water supply district or**
47 **unincorporated area of the county. All revenues received on such combined bill which are**
48 **for the purpose of providing for, ensuring or guaranteeing the repair of water service lines,**
49 **shall be separated from all other revenues so collected and credited to the appropriate fund**
50 **or account of the city, town, village, sewer district, or water supply district or county. The**
51 **collector of the city, town, village, sewer district, or water supply district or county may**
52 **collect such fee in the same manner and to the same extent as the collector now or hereafter**
53 **may collect delinquent real estate taxes and tax bills.**

475.115. **1.** When a guardian or conservator dies, is removed by order of the court, or
2 resigns and his **or her** resignation is accepted by the court, the court shall have the same
3 authority as it has in like cases over personal representatives and their sureties and may appoint
4 another guardian or conservator in the same manner and subject to the same requirements as are
5 herein provided for an original appointment of a guardian or conservator.

6 **2. A public administrator may request transfer of any case to the jurisdiction of**
7 **another county by filing a petition for transfer. If the receiving county meets the venue**
8 **requirements of section 475.035 and the public administrator of the receiving county**
9 **consents to the transfer, the court shall transfer the case. The court with jurisdiction over**
10 **the receiving county shall, without the necessity of any hearing as required by section**
11 **475.075, appoint the public administrator of the receiving county as successor guardian**
12 **and/or successor conservator and issue letters therein. In the case of a conservatorship, the**
13 **final settlement of the public administrator's conservatorship shall be filed within thirty**
14 **days of the court's transfer of the case, in the court with jurisdiction over the original**
15 **conservatorship, and forwarded to the receiving county upon audit and approval.**

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

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

**Section 1. 1. If approved by a majority of the voters voting on the proposal, any
2 city, town, village, sewer district, or water supply district located within this state may, by
3 order or ordinance, levy and impose annually, upon lateral sewer service lines providing
4 sewer service to residential property having four or fewer dwelling units within the
5 jurisdiction of such city, town, village, sewer district, or water supply district, a fee not to
6 exceed four dollars per month or forty-eight dollars annually.**

7 **2. The ballot of submission shall be in substantially the following form:**

8 **For the purpose of repair or replacement of lateral sewer service lines extending
9 from the residential dwelling to its connection with the public sewer system line, due to
10 failure of the line, shall (city, town, village, sewer district, or water supply
11 district) be authorized to impose a fee not to exceed four dollars per month or forty-eight
12 dollars annually on residential property for each lateral sewer service line providing sewer
13 service within the (city, town, village, sewer district, or water supply district) to residential
14 property having four or fewer dwelling units for the purpose of paying for the costs of
15 necessary lateral sewer service line repairs or replacements?**

16 **3. For the purpose of this section, a lateral sewer service line may be defined by
17 local order or ordinance, but shall not include the water meter or exceed that portion of
18 water piping and related valves and connectors which extends from the water mains owned
19 by the utility or municipality distributing public water supply to the first opportunity for
20 a connection or joint beyond the point of entry into the premises receiving sewer service,
21 and may not include facilities owned by the utility or municipality distributing public
22 water supply. For purposes of this section, repair may be defined and limited by local
23 ordinance, and may include replacement or repairs.**

24 **4. If a majority of the voters voting thereon approve the proposal authorized in
25 subsection 1 of this section, the governing body of the city, town, village, sewer district, or
26 water supply district may enact an order or ordinance for the collection of such fee. The
27 funds collected under such ordinance shall be deposited in a special account to be used
28 solely for the purpose of paying for the reasonable costs associated with and necessary to
29 administer and carry out the lateral sewer service line repairs as defined in the order or
30 ordinance and to reimburse the necessary costs of lateral sewer service line repair or**

31 replacement. All interest generated on deposited funds shall be accrued to the special
32 account established for the repair of lateral sewer service lines.

33 **5. The city, town, village, sewer district, or water supply district may establish, as**
34 **provided in the order or ordinance, regulations necessary for the administration of**
35 **collections, claims, repairs, replacements and all other activities necessary and convenient**
36 **for the implementation of any order or ordinance adopted and approved under this**
37 **section. The city, town, village, sewer district, or water supply district may administer the**
38 **program or may contract with one or more persons, through a competitive process, to**
39 **provide for administration of any portion of implementation activities of any order or**
40 **ordinance adopted and approved under this section, and reasonable costs of administering**
41 **the program may be paid from the special account established under this section not to**
42 **exceed five percent of the fund on an annual basis.**

43 **6. Notwithstanding any other provision of law to the contrary, the collector in any**
44 **city, town, village, sewer district, or water supply district that adopts an order or ordinance**
45 **under this section, who now or hereafter collects any fee to provide for, ensure or**
46 **guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy**
47 **bills of property owners within the city, town, village, sewer district, or water supply**
48 **district. All revenues received on such combined bill which are for the purpose of**
49 **providing for, ensuring or guaranteeing the repair of lateral sewer service lines, shall be**
50 **separated from all other revenues so collected and credited to the appropriate fund or**
51 **account of the city, town, village, sewer district, or water supply district. The collector of**
52 **the city, town, village, sewer district, or water supply district may collect such fee in the**
53 **same manner and to the same extent as the collector now or hereafter may collect**
54 **delinquent real estate taxes and tax bills.**