

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 896

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:

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4 repealed and four new sections enacted in lieu thereof, to be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

7 49.272. The county commission of any county of the first
8 classification without a charter form of government and with more
9 than one hundred thirty-five thousand four hundred but less than
10 one hundred thirty-five thousand five hundred inhabitants, [and

1 in] any county of the first classification without a charter form
2 of government having a population of at least eighty-two thousand
3 inhabitants, but less than eighty-two thousand one hundred
4 inhabitants, any county of the first classification with more
5 than one hundred four thousand six hundred but fewer than one
6 hundred four thousand seven hundred inhabitants, any county of
7 the first classification with more than one hundred ninety-eight
8 thousand but fewer than one hundred ninety-nine thousand two
9 hundred inhabitants, [and] any county of the first classification
10 with more than two hundred forty thousand three hundred but less
11 than two hundred forty thousand four hundred inhabitants, and any
12 county of the first classification with more than eighty-three
13 thousand but fewer than ninety-two thousand inhabitants and with
14 a home rule city with more than seventy-six thousand but fewer
15 than ninety-one thousand inhabitants as the county seat, which
16 has an appointed county counselor and which adopts or has adopted
17 rules, regulations or ordinances under authority of a statute
18 which prescribes or authorizes a violation of such rules,
19 regulations or ordinances to be a misdemeanor punishable as
20 provided by law, may by rule, regulation or ordinance impose a
21 civil fine not to exceed one thousand dollars for each violation.
22 Any fines imposed and collected under such rules, regulations or
23 ordinances shall be payable to the county general fund to be used
24 to pay for the cost of enforcement of such rules, regulations or
25 ordinances.

26 67.585. 1. The governing body of any county of the first
27 classification with more than two hundred thousand but fewer than
28 two hundred sixty thousand inhabitants, through the creation of a

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

19 2. (1) No such order or ordinance adopted under subsection
20 1 of this section shall become effective unless the governing
21 body of the county submits to the voters residing within the
22 recreational and community center district on any date available
23 for elections in the county, a proposal to authorize the
24 governing body of the county to impose a tax under this section;
25 or

26 (2) If the governing body of the county receives a petition
27 signed by ten percent of the registered voters of the county
28 within the recreational and community center district who voted

1 in the last gubernatorial election calling for an election to
2 impose a tax under this section, the governing body shall submit
3 to the voters of the county within the recreational and community
4 center district on any date available for elections in the
5 county, a proposal to authorize the governing body of the county
6 to impose a tax under this section; or

7 (3) If the governing body of a special charter city with
8 more than twenty-nine thousand but fewer than thirty-two thousand
9 inhabitants, and a governing body of a home rule city with more
10 than four hundred thousand inhabitants and located in more than
11 one county, jointly request, the governing body of the county
12 shall submit to the voters of the county within the recreational
13 and community center district on any date available for elections
14 in the county a proposal to authorize the governing body of the
15 county to impose a tax under this section.

16
17 All costs associated with placing such a question to the voters
18 within the recreational and community center district shall be
19 borne by the cities referenced in subdivision (3) of subsection 2
20 of this section. If such tax is authorized by the voters of the
21 recreational and community center district, the cost may be
22 reimbursed to such cities upon implementation of the tax.

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

25 Shall the county of (county's name) impose a sales
26 tax of (insert amount) within the boundaries of the (insert name)
27 school district for the purpose of funding the
28 construction, repair, improvement, maintenance, and operation of

1 and purchase of equipment for community centers and other
2 recreational facilities and programs?

3
4 If a majority of the votes cast on the question by the qualified
5 voters voting thereon are in favor of the question, then the tax
6 shall become effective on the first day of the second calendar
7 quarter. If a majority of the votes cast on the question by the
8 qualified voters voting thereon are opposed to the question, then
9 the tax shall not become effective unless and until the question
10 is resubmitted under this section to the qualified voters and
11 such question is approved by the requisite majority of the
12 qualified voters voting on the question. In no event shall a
13 proposal under this section be submitted to the voters sooner
14 than twelve months from the date of the last proposal under this
15 section.

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

19 5. All revenue collected under this section by the director
20 of the department of revenue on behalf of any county, except for
21 one percent for the cost of collection which shall be deposited
22 in the state's general revenue fund after payment of premiums for
23 surety bonds as provided in section 32.087, shall be deposited in
24 a special trust fund, which is hereby created and shall be known
25 as the "Recreational and Community Center District Sales Tax
26 Trust Fund", and shall be used solely for the designated
27 purposes. Moneys in the fund shall not be deemed to be state
28 funds and shall not be commingled with any funds of the state.

1 The director may make refunds from the amounts in the fund and
2 credited to the county for erroneous payments and overpayments
3 made and may redeem dishonored checks and drafts deposited to the
4 credit of such county.

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

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

12 (2) A petition signed by a number of registered voters of
13 the county within the recreational and community center district
14 equal to at least ten percent of the number of registered voters
15 of the county within the recreational and community center
16 district voting in the last gubernatorial election is received
17 requesting such.

18
19 If a majority of the votes cast on the question by the qualified
20 voters voting thereon are in favor of the repeal, that repeal
21 shall become effective on December thirty-first of the calendar
22 year in which such repeal was approved. If less than a
23 two-thirds majority of the votes cast on the question by the
24 qualified voters voting thereon are in favor of the repeal, then
25 the sales tax authorized in this section shall remain effective
26 until the question is resubmitted under this section to the
27 qualified voters. In no event shall a proposal under this
28 section be submitted to the voters sooner than twelve months from

1 the date of the last proposal under this section. No tax imposed
2 pursuant to this section for the purpose of retiring bonds, as
3 authorized in subsection 8 in this section, may be terminated
4 until all such bonds have been retired.

5 7. If the tax is repealed or terminated by any means, all
6 funds remaining in the special trust fund shall continue to be
7 used solely for the designated purposes, and the county shall
8 notify the director of the department of revenue of the action at
9 least ninety days before the effective date of the repeal, and
10 the director may order retention in the trust fund, for a period
11 of one year, of two percent of the amount collected after receipt
12 of such notice to cover possible refunds or overpayment of the
13 tax and to redeem dishonored checks and drafts deposited to the
14 credit of such accounts. After one year has elapsed after the
15 effective date of abolition of the tax in such county, the
16 director shall remit the balance in the account to the county and
17 close the account of that county. The director shall notify each
18 county of each instance of any amount refunded or any check
19 redeemed from receipts due to the county.

20 8. A board shall be established to administer the powers
21 and duties as provided in this section. The board may issue debt
22 for the district as authorized under section 67.798. All board
23 members shall be residents of the recreational and community
24 center district. The board shall consist of eight members as
25 follows:

26 (1) Four members appointed by the mayor of a home rule city
27 with more than four hundred thousand inhabitants and located in
28 more than one county, with two of the first members appointed for

1 a two-year term and the other two members appointed for a
2 four-year term. Thereafter, each appointment shall be for a
3 four-year term;

4 (2) Four members appointed by the mayor of a special
5 charter city with more than twenty-nine thousand but fewer than
6 thirty-two thousand inhabitants, with two of the first members
7 appointed for a two-year term and the other two members appointed
8 for a four-year term. Thereafter, each appointment shall be for a
9 four-year term;

10
11 A board member may be removed by the mayor who appointed him or
12 her, at any time during his or her term, for reasons of excessive
13 absence at regularly scheduled board meetings. The mayor shall
14 appoint a replacement member to serve for the remainder of the
15 current term. No member may serve more than two full terms. A
16 partial term shall not be considered a term.

17 67.587. 1. The governing body of any county of the third
18 classification without a township form of government and with
19 more than eighteen thousand but fewer than twenty thousand
20 inhabitants and with a city of the fourth classification with
21 more than three thousand but fewer than three thousand seven
22 hundred inhabitants as the county seat may impose, by order or
23 ordinance, a sales tax on all retail sales made within the county
24 which are subject to sales tax under chapter 144. The tax
25 authorized in this section shall be equal to one-half of one
26 percent, and shall be imposed solely for the purpose of improving
27 transportation infrastructure in such county. The tax authorized
28 in this section shall be in addition to all other sales taxes

1 imposed by law, and shall be stated separately from all other
2 charges and taxes. The order or ordinance shall not become
3 effective unless the governing body of the county submits to the
4 voters residing within the county at a state general, primary, or
5 special election a proposal to authorize the governing body of
6 the county to impose a tax under this section.

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

9 Shall (insert
10 the name of the political subdivision) impose a sales tax at a
11 rate of (insert rate of percent) percent, solely for
12 the purpose of funding improvements to transportation
13 infrastructure?

14 ☐ YES

☐ NO

15 If you are in favor of the question, place an "X" in the box
16 opposite "YES". If you are opposed to the question, place an "X"
17 in the box opposite "NO".

18
19 If a majority of the votes cast on the question by the qualified
20 voters voting thereon are in favor of the question, then the tax
21 shall become effective on the first day of the second calendar
22 quarter immediately following notification to the department of
23 revenue. If a majority of the votes cast on the question by the
24 qualified voters voting thereon are opposed to the question, then
25 the tax shall not become effective unless and until the question
26 is resubmitted under this section to the qualified voters and
27 such question is approved by a majority of the qualified voters
28 voting on the question.

1 3. All revenue collected under this section by the director
2 of the department of revenue on behalf of any county, except for
3 one percent for the cost of collection which shall be deposited
4 in the state's general revenue fund, shall be deposited in a
5 special trust fund and shall be used solely for the designated
6 purposes. Moneys in the fund shall not be deemed to be state
7 funds, and shall not be commingled with any funds of the state.
8 The director may make refunds from the amounts in the trust fund
9 and credited to the county for erroneous payments and
10 overpayments made, and may redeem dishonored checks and drafts
11 deposited to the credit of such county. Any funds in the special
12 trust fund which are not needed for current expenditures shall be
13 invested in the same manner as other funds are invested. Any
14 interest and moneys earned on such investments shall be credited
15 to the fund.

16 4. On or after the effective date of the tax, the director
17 of revenue shall be responsible for the administration,
18 collection, enforcement, and operation of the tax, and sections
19 32.085 and 32.087 shall apply. In order to permit sellers
20 required to collect and report the sales tax to collect the
21 amount required to be reported and remitted, but not to change
22 the requirements of reporting or remitting the tax, or to serve
23 as a levy of the tax, and in order to avoid fractions of pennies,
24 the governing body of the county may authorize the use of a
25 bracket system similar to that authorized in section 144.285, and
26 notwithstanding the provisions of that section, this new bracket
27 system shall be used where this tax is imposed and shall apply to
28 all taxable transactions. Beginning with the effective date of

1 the tax, every retailer in the county shall add the sales tax to
2 the sale price, and this tax shall be a debt of the purchaser to
3 the retailer until paid, and shall be recoverable at law in the
4 same manner as the purchase price. For purposes of this section,
5 all retail sales shall be deemed to be consummated at the place
6 of business of the retailer.

7 5. All applicable provisions in sections 144.010 to
8 144.525, governing the state sales tax, and section 32.057, the
9 uniform confidentiality provision, shall apply to the collection
10 of the tax, and all exemptions granted to agencies of government,
11 organizations, and persons under sections 144.010 to 144.525 are
12 hereby made applicable to the imposition and collection of the
13 tax. The same sales tax permit, exemption certificate, and
14 retail certificate required by sections 144.010 to 144.525 for
15 the administration and collection of the state sales tax shall
16 satisfy the requirements of this section, and no additional
17 permit or exemption certificate or retail certificate shall be
18 required; except that, the director of revenue may prescribe a
19 form of exemption certificate for an exemption from the tax. All
20 discounts allowed the retailer under the state sales tax for the
21 collection of and for payment of taxes are hereby allowed and
22 made applicable to the tax. The penalties for violations
23 provided in section 32.057 and sections 144.010 to 144.525 are
24 hereby made applicable to violations of this section. If any
25 person is delinquent in the payment of the amount required to be
26 paid under this section, or in the event a determination has been
27 made against the person for taxes and penalty under this section,
28 the limitation for bringing suit for the collection of the

delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525.

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

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

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

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

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

1 7. If the tax is repealed or terminated by any means, all
2 funds remaining in the special trust fund shall continue to be
3 used solely for the designated purposes, and the county shall
4 notify the director of the department of revenue of the action at
5 least thirty days before the effective date of the repeal and the
6 director may order retention in the trust fund, for a period of
7 one year, of two percent of the amount collected after receipt of
8 such notice to cover possible refunds or overpayment of the tax
9 and to redeem dishonored checks and drafts deposited to the
10 credit of such accounts. After one year has elapsed after the
11 effective date of abolition of the tax in such county, the
12 director shall remit the balance in the account to the county and
13 close the account of that county. The director shall notify each
14 county of each instance of any amount refunded or any check
15 redeemed from receipts due the county.

16 67.1367. 1. The governing body of any county of the third
17 classification without a township form of government and with
18 more than eighteen thousand but fewer than twenty thousand
19 inhabitants and with a city of the fourth classification with
20 more than eight thousand but fewer than nine thousand inhabitants
21 as the county seat may impose a tax on the charges for all
22 sleeping rooms paid by the transient guests of hotels or motels
23 situated in the county or a portion thereof, which shall be no
24 more than six percent per occupied room per night, except that
25 such tax shall not become effective unless the governing body of
26 the county submits to the voters of the county at a state general
27 or primary election, a proposal to authorize the governing body
28 of the county to impose a tax pursuant to this section. The tax

1 authorized by this section shall be in addition to the charge for
2 the sleeping room and shall be in addition to any and all taxes
3 imposed by law and the proceeds of such tax shall be used by the
4 county solely for the promotion of tourism. Such tax shall be
5 stated separately from all other charges and taxes.

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

8 Shall (insert the name of the county) impose a
9 tax on the charges for all sleeping rooms paid by the transient
10 guests of hotels and motels situated in (name of
11 county) at a rate of (insert rate of percent) percent
12 for the sole purpose of promoting tourism?

13 ☐ YES

☐ NO

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

17 [Section 1. In pursuance of a notice published in
18 accordance with the provisions of law, the tenor of
19 which is as follows: Notice is hereby given by the
20 householders and citizens of Randolph county, Missouri,
21 that a bill will be presented to the thirty third
22 general assembly of the state of Missouri, asking that
23 two terms of the Randolph county circuit court be held
24 at the city of Moberly, in said county, with like
25 jurisdiction in all civil and criminal cases arising in
26 said county or removed to the same by change of venue
27 from any other county and like concurrent jurisdiction
28 with, and appellate jurisdiction from, and like
29 superintending control over the probate court, county
30 court, municipal corporation courts, justices of the
31 peace and all inferior tribunals in said county, and
32 like power and jurisdiction over all persons, subjects,
33 matters and things as is or may be provided by law in
34 reference to circuit courts in this state, and for the
35 repeal of "an act to establish a court of common pleas,
36 and define the jurisdiction thereof in the city of
37 Moberly, Randolph county, Missouri," approved February
38 26, 1875, and all acts amendatory thereof. It is

1 hereby provided that the judge of the Randolph county
2 circuit court shall hold two terms of the circuit court
3 each year in the city of Moberly in the county of
4 Randolph, at the following times, to wit: on the first
5 Monday in February and the third Monday in September.]
6

7 [Sec. 2. The judge of the circuit court in
8 Randolph county shall select a suitable place for
9 holding said court at the city of Moberly, and for the
10 various offices herein provided for, and the place so
11 selected by the said judge for the holding the said
12 courts shall be known and designated as the court house
13 at the city of Moberly; and cause the same and said
14 offices to be furnished in a proper manner for said
15 court and its officers and report the rental, cost and
16 expense thereof to the county court of Randolph county,
17 which shall pay the same as other claims against said
18 county are paid out of the county treasury, and the
19 judge of said court may change the place of holding
20 said court in said city of Moberly when he deems it
21 advisable, to some other place in said city.]
22

23 [Sec 3. Said court shall have and exercise like
24 powers and jurisdiction in all civil and criminal
25 causes and proceedings whatsoever arising in said
26 county or removed to the same by change of venue from
27 any other county, and like concurrent jurisdiction
28 with, and appellate jurisdiction from, and like
29 superintending control over the county courts, probate
30 courts, municipal corporation courts, justices of the
31 peace, and all inferior tribunals in said county; and
32 like powers, control and jurisdiction over all persons,
33 corporations, subjects, matters and things as is or may
34 be provided by law with reference to circuit courts in
35 this state.]
36

37 [Sec. 4. The circuit clerk of Randolph county
38 shall be clerk of said court and shall attend the same
39 in person or by deputy, and shall perform such duties
40 as may be required of him by law, for which he shall
41 receive the same fees as are provided by law for
42 similar services in like courts.]
43

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

1 said court, and exercise the powers and perform all the
2 duties of the office in the absence of his principal.】
3

4 [Sec. 6. The sheriff of Randolph county shall
5 attend said court in person or by deputy, and perform
6 such duties as shall be required of him by law. He
7 shall also keep an office at said city of Moberly and
8 shall appoint a deputy, resident of said city, who
9 shall keep said office and have the care and management
10 of the same, and exercise the powers and perform all
11 the duties of sheriff of said county in the absence of
12 his principal, for whose acts said principal shall be
13 responsible.】
14

15 [Sec. 7. The books, stationery, furniture, fuel,
16 light, rent and other incidental expenses necessary for
17 said court and offices shall be from time to time
18 supplied and paid for out of the county treasury.】
19

20 [Sec. 8. All general laws now in force or which
21 may hereafter be enacted, regulating and governing
22 courts of record, and all laws defining the practice
23 and proceedings in such courts, are declared to be in
24 force and effect in the court hereby established.】
25

26 [Sec. 9. All causes taken by change of venue from
27 any other county to the circuit court of Randolph
28 county may be transferred and certified into the
29 circuit court either at the city of Huntsville or at
30 the city of Moberly, in said county, unless one of said
31 courts be designated in the order of removal, in which
32 case said cause shall be certified into the court so
33 designated in the order granting the change of venue.】
34

35 [Sec. 10. The parties to any suit or proceeding
36 pending in the circuit court of Randolph county may, by
37 agreement, in writing, signed by the said parties or
38 their counsel and filed therein, remove the same from
39 the city of Moberly to the city of Huntsville, or from
40 the city of Huntsville to the city of Moberly, or the
41 judge of the circuit court of said Randolph county,
42 upon the application of either party, and upon
43 reasonable notice to the adverse party may, for good
44 cause shown by affidavit or otherwise, remove any cause
45 as aforesaid from the circuit court at Moberly to the
46 circuit court at Huntsville, or from the circuit court
47 at Huntsville to the circuit court at Moberly; and in
48 such case the judge of said court may order the
49 original papers transferred without the cost of copying
50 the same, and the cause so transferred and removed

1 shall be proceeded with in every respect as in changes
2 of venue from one county to another.】
3

4 [Sec. 11. All judgments, orders and decrees of
5 said court shall be a lien upon real estate to the same
6 extent, and shall have like force and effect in every
7 part of said county as similar judgments, orders,
8 decrees and process of the circuit court of said
9 Randolph county held at the city of Huntsville, and all
10 real estate taken in execution by the sheriff of
11 Randolph county under judgments rendered by the said
12 circuit court at the said city of Moberly on all real
13 estate situated in said county, and sold in pursuance
14 of the judgment, order or decree thereof, shall be
15 exposed to sale at the door of the court house at the
16 city of Moberly, in the same time and manner as is or
17 may be regulated by law.】
18

19 [Sec. 12. All mechanics' liens upon real estate
20 situate in Randolph county, and all papers, notices and
21 process necessary to be filed or taken in the circuit
22 court to obtain, maintain and complete a lien of any
23 kind authorized by law, upon real estate situate in
24 said county, or upon any personal property, debts,
25 credits, bonds, notes, assets or effects whatsoever may
26 be filed and taken in the circuit court at the city of
27 Moberly with like force and effect as if the same had
28 been filed and taken in the circuit court at
29 Huntsville, in said county. And all suits and process
30 for the enforcement thereof shall be brought in the
31 court where filed.】
32

33 [Sec. 13. All appeals from the county court,
34 probate court, municipal corporation courts, justices
35 of the peace and all inferior tribunals in said county
36 of Randolph, may be granted and certified into the
37 circuit court at the city of Moberly, or the circuit
38 court at the city of Huntsville, in said county, as the
39 one place or the other shall, in the opinion of the
40 judge or justice granting the appeal, be most
41 convenient to the parties, unless the parties to the
42 cause, either by themselves or their attorneys, shall,
43 in writing, filed in said cause, agree as to the
44 appellate court, in which event the appeal shall be
45 certified into the one of said courts so agreed upon in
46 the manner provided by law.】
47

48 [Sec. 14. The secretary of state shall, after the
49 passage of this act, forward to the clerk of said
50 court, from time to time, all statutes, reports and

1 other books required by law to be furnished to courts
2 of record, for the use of said circuit court of the
3 city of Moberly.]
4

5 [Sec. 15. The dockets now required by law to be
6 kept by the clerk of the circuit court at the city of
7 Huntsville, of all judgments rendered there, and
8 notices and liens of every kind filed there shall
9 include and contain all judgments, notices and liens
10 rendered by and filed in the circuit court at the city
11 of Moberly, and he shall also keep similar dockets at
12 his office at the city of Moberly, which shall also
13 include and contain all judgments rendered by and
14 notices filed in the circuit court at the city of
15 Huntsville.]
16

17 [Sec. 16. An act entitled, "an act to establish a
18 court of common pleas, and define the jurisdiction
19 thereof, in the city of Moberly, Randolph county,
20 Missouri," approved February 26th, 1875, and all acts
21 amendatory thereof, are hereby repealed. All the
22 records, books, papers and furniture pertaining to the
23 said court of common pleas are hereby transferred into
24 the said circuit court at Moberly, together with all
25 suits, process and business of every kind pending
26 therein, which shall be proceeded with and determined
27 by the said circuit court in the same manner, and with
28 like effect, as if the same had been begun in said
29 circuit court; and the clerk of said circuit court
30 shall have the custody and control of all the books,
31 records, papers, furniture, and other effects
32 appertaining to the said court of common pleas, which
33 are or may be transferred to the said circuit court,
34 and be responsible therefor, and perform such duties in
35 relation thereto as he is required by law to perform in
36 regard to similar things appertaining to his own
37 office, and he shall, when required, make and certify
38 copies, transcripts and exemplifications of such books,
39 papers and records, which said copies, transcripts and
40 exemplifications shall have the same force and effect
41 as if said act had not been repealed and the same had
42 been made by the clerk of said court of common pleas,
43 and the said circuit court shall have the same power
44 and control over the books, papers and records so
45 transferred, including the power to alter or amend the
46 same in cases allowed by law as it has or may have over
47 its own books, papers and records.]
48

49 [Sec. 17. All mechanics' liens and other liens of
50 every kind filed in said court of common pleas, and all

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

17
18 [Sec. 18. All cases which may have been taken by
19 appeal or writ of error from said court of common pleas
20 to the supreme court, upon the decision of said supreme
21 court remanding the same, shall be remanded to the said
22 circuit court to be held at the city of Moberly, and be
23 therein proceeded with as if the same had been taken
24 from that court, and if any party to any action or
25 proceeding in said court of common pleas shall, after
26 the passage of this act, desire to sue out a writ of
27 error therein, said writ shall be directed to the said
28 circuit court held at the said city of Moberly and be
29 returnable by the clerk thereof.]

30
31 [Sec. 19. All writs, rules, process and orders
32 issued or made by the said court of common pleas and
33 returnable to any term of said court, which would de
34 held after the day that this act takes effect if the
35 said court continued in existence, and which shall not
36 have been returned before that day, shall be valid and
37 shall be returned to the said circuit court at the city
38 of Moberly at such time as they would respectively have
39 been returnable in said court, and the said circuit
40 court at Moberly may enforce the return thereof.]

41
42 [Sec. 20. All writs and other process of every
43 kind issued from the said court of common pleas, being
44 and remaining unexecuted in the hands of the sheriff of
45 Randolph county, or any other county, shall be
46 proceeded with and executed according to law, and shall
47 be returned to the first term of said circuit court at
48 Moberly, after the taking effect of this act, and all
49 sales of real estate advertised to be made by said
50 sheriff, and not made before the taking effect of this

1 act, shall be made at the first term of the said
2 circuit court at the city of Moberly, to be held after
3 this act takes effect, and the said sheriff shall
4 execute deeds for the same, acknowledge the same before
5 the said circuit court as provided by law. In all
6 cases where sales of real estate have been made upon
7 execution issued from the said court of common pleas,
8 and the deeds therefor have not been executed, the same
9 shall be executed according to law, and the
10 acknowledgment taken and certified before the said
11 circuit court at the city of Moberly.]

12
13 [Sec. 21. The necessity of securing to the people
14 of said Randolph county the benefits of this act at as
15 early a day as practicable, by reason of the special
16 circumstances of said county, creates an emergency in
17 the meaning of the constitution of this state;
18 therefore, this act shall take effect and be in force
19 from and after its passage.]

20
21 Section B. Sections 1 to 11 of an act of the general
22 assembly of the state of Missouri approved on February 26, 1885,
23 Laws of Missouri, pages 131 to 133 are repealed as follows:

24
25 [Section 1. In pursuance of notice published in
26 accordance with the provisions of law, the tenor of
27 which is as follows: Notice is hereby given by the
28 householders and citizens of Randolph county that a
29 bill will be presented to the thirty-third general
30 assembly of the state of Missouri, asking that four
31 terms of the county court of said Randolph county be
32 authorized and required to be held at the city of
33 Moberly in said county, with like power and
34 jurisdiction co-extensive with said county as pertains
35 to similar courts of record in this state, and for the
36 establishment of a place of holding said court, and a
37 county court clerk's office at the city of Moberly, in
38 said county, and a deputy clerk of said court to reside
39 in said city of Moberly and be in charge of said
40 office. It is hereby provided that the judges of the
41 county court of Randolph county, in addition to the
42 terms of the county court of said county, required by
43 law to be held at the city of Huntsville, in said
44 county, be and they are hereby authorized, empowered
45 and required to hold four terms annually of said county
46 court of Randolph county, at the city of Moberly, in
47 said county, commencing on the second Mondays in
48 February, May, August and November, and may hold

1 special and adjourned terms of said county court at
2 said city of Moberly at any time required, with like
3 power and jurisdiction in all respects co-extensive
4 with said Randolph county as pertains to county courts
5 in this state.]
6

7 [Sec. 2. The judges of the county court of
8 Randolph county shall select a suitable place for
9 holding said court at the city of Moberly, and also an
10 office for the clerk of said court at said city of
11 Moberly, which, when so selected, shall be known and
12 designated as the county court room and the county
13 clerk's office at the city of Moberly, and cause the
14 same to be furnished in a proper manner for said county
15 court and said county clerk, the rental cost and
16 expense of which shall be paid as other claims against
17 said county are paid out of the county treasury.]
18

19 [Sec. 3. The county clerk of Randolph county
20 shall be clerk of said county court at Moberly, and
21 shall attend the same in person or by deputy, and shall
22 perform such duties as may be required of him by law,
23 for which he shall receive the same fees as are
24 provided by law for similar services in county courts
25 in this state, and in addition thereto he shall be paid
26 out of the county treasury three hundred dollars per
27 annum, in quarterly installments, to enable him to
28 furnish a competent clerk for said office at Moberly as
29 hereinafter provided.]
30

31 [Sec. 4. The county clerk of said county shall
32 procure and keep a seal, to be used as the seal of said
33 county court at Moberly. He shall also keep an office
34 at the said city of Moberly and shall appoint a deputy
35 clerk, resident of said city of Moberly, for whose acts
36 he shall be responsible, and who shall, in his absence,
37 have the care and management of all the books and
38 papers pertaining to said county court at Moberly, and
39 exercise the powers and perform all the duties of the
40 office of county clerk at said city of Moberly.]
41

42 [Sec. 5. The sheriff of Randolph county shall
43 attend said court, either in person or by deputy, and
44 shall perform such duties as are required of him by
45 law, and for his services he shall receive the fees
46 allowed by law for like services in similar cases, and
47 all process to him directed from said county court at
48 Moberly shall be by him returned into said court at
49 Moberly.]
50

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

27
28 [Sec. 7. all sales of real estate sold at public
29 sale in said county of Randolph in pursuance of the
30 judgments or order of the said county court at Moberly,
31 shall be exposed to sale at the court house door at the
32 city of Moberly, in said county, during the session of
33 the said county court, or some other court of record,
34 at said city of Moberly.]

35
36 [Sec. 8. Said county court, at the said city of
37 Moberly, in the exercise of its jurisdiction, shall be
38 governed by the statutes now, or that may hereafter be
39 enacted, defining and limiting the practice in county
40 courts in this state.]

41
42 [Sec. 9. The books, stationery, furniture, fuel,
43 lights, rent and other incidental expenses necessary
44 for said court and clerk's office shall be, from time
45 to time, supplied and paid for out the county treasury
46 of Randolph county.]

47
48 [Sec. 10. The secretary of state shall, after the
49 passage of this act, forward to the clerk of said
50 county court at the city of Moberly, from time to time,

1 all statutes, reports and other books required by law
2 to be furnished to similar courts of record for the use
3 of said county court at the said city of Moberly.]

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

12
13 Section C. Sections 1 to 10 of an act of the general
14 assembly of the state of Missouri approved on February 26, 1885,
15 Laws of Missouri, pages 134 and 135 are repealed as follows:

16 [Section 1. In pursuance of notice published in
17 accordance with the provisions of law, the tenor of
18 which is as follows: Notice is hereby given by the
19 householders and citizens of Randolph county, that a
20 bill will be presented to the thirty-third general
21 assembly of the state of Missouri, asking that four
22 terms of the probate court of Randolph county be held
23 at the city of Moberly, in said county, with like power
24 and jurisdiction co-extensive with said county as
25 pertain to similar courts of record in this state, and
26 for the establishment of a probate office at said city
27 of Moberly and the appointment of a separate clerk, to
28 reside in said city and be in charge of said office.
29 It is hereby provided that the judge of probate in said
30 Randolph county, in addition to the terms of the
31 probate court required by law to be held at the city of
32 Huntsville, in said county, be and he is hereby
33 authorized, empowered and required to hold four terms
34 annually of said probate court at the city of Moberly,
35 in said county, commencing on the first Monday in
36 February, May, August and November, and may hold
37 special and adjourned terms of said court at said city
38 of Moberly at any time required, with like power and
39 jurisdiction co-extensive with said Randolph county in
40 all matters as pertain to similar courts of record in
41 this state.]

42
43 [Sec. 2. The judge of probate of said Randolph
44 county shall have and keep, at the said city of
45 Moberly, an office for the transaction of the business
46 of said court and the keeping of the records thereof,
47 to be selected by himself, and which, when so selected,
48 shall be known and designated as the probate office at

1 the city of Moberly. He shall also appoint a separate
2 clerk, resident of said city of Moberly, for whose acts
3 he shall be responsible, who shall qualify according to
4 law and have charge of said probate office at Moberly,
5 and in the absence of said judge of probate shall have
6 the custody and control of the books, records, papers
7 and furniture pertaining to said office, and shall
8 discharge all the duties of clerk according to law, and
9 have power and authority to do and perform all acts and
10 duties in vacation, which the judge of said court is or
11 may be authorized to perform in vacation, subject to
12 the confirmation or rejection of said probate court at
13 Moberly at the next regular term thereafter.】
14

15 [Sec. 3. The judge of probate of said court shall
16 procure and keep a seal, to be used as the seal of said
17 probate court at Moberly, the expense of which,
18 together with the necessary expense incurred by said
19 probate court for books, stationery, furniture, fuel,
20 light, rent and other necessities, shall be paid by the
21 said Randolph county.】
22

23 [Sec. 4. All the books, papers and records
24 pertaining to matters and causes of action pending in
25 said court, and all business transacted in said probate
26 court at Moberly, shall be kept at the office herein
27 provided for at the said city of Moberly; and all
28 business begun in said court at Moberly shall be
29 proceeded with to final determination therein, unless
30 removed out of said court according to law. But the
31 parties to any matter or cause of action pending in
32 said probate court at Moberly may, by agreement, in
33 writing, signed by said parties or their attorneys, and
34 filed in said court by order of said court, remove the
35 same into the probate court at Huntsville, in said
36 county; and parties to any matter or cause of action
37 pending in the probate court at Huntsville, in said
38 county, may, in like manner, remove the same into the
39 probate court at Moberly, in said county, and said
40 matter or cause of action, when so removed, shall
41 proceed in as if it had originated in said court into
42 which it is removed; and in every such case the judge
43 of probate may transfer the original papers of file in
44 said matter or cause of action into said court into
45 which said matter or cause of action has been so
46 removed, and his record in said case shall show such
47 removal and transfer.】
48

49 [Sec. 5. The sheriff of Randolph county, either
50 in person or by deputy, shall attend said court and

1 shall perform such duties as are enjoined upon him by
2 law, and for his services shall receive the fees
3 allowed by law for like services in similar cases, and
4 all process to him directed from the said probate court
5 at Moberly, shall be by him returned into said court at
6 Moberly.]

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

17
18 [Sec. 7. All real estate sold at public sale in
19 said Randolph county, in pursuance of the judgment,
20 order [or] decree of said probate court at Moberly,
21 shall be exposed to sale at the court house door at the
22 city of Moberly, in said county, during the session of
23 said probate, or some other court of record in said
24 city of Moberly.]

25
26 [Sec. 8. Said probate court at the said city of
27 Moberly, in the exercise of its jurisdiction, shall be
28 governed by the statutes in relation to administration,
29 to guardians and curators of minors and persons of
30 unsound mind, to apprentices and to such laws as may be
31 enacted defining and limiting the practice in such
32 courts in this state.]

33
34 [Sec. 9. The secretary of state shall, after the
35 passage of this act, forward to the clerk of said
36 probate court at Moberly, from time to time, all
37 statutes, reports and other books required by law to be
38 furnished to similar courts of record, for the use of
39 said court at the said city of Moberly.]

40
41 [Sec. 10. The necessity of securing to the people
42 of said Randolph county the benefits of this act at as
43 early a day as practicable by reason of the special
44 circumstances of said county, creates an emergency in
45 the meaning of the constitution of this state;
46 therefore, this act shall take effect and be in force
47 from and after its passage.]

48 ✓
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5	Wayne Wallingford	Kevin Engler