

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 572

AN ACT

To repeal sections 67.287, 67.398, 67.451, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof twenty-four new sections relating to local government, with penalty provisions.

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

1 Section A. Sections 67.287, 67.398, 67.451, 79.490, 80.570,
2 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo,
3 are repealed and twenty-four new sections enacted in lieu
4 thereof, to be known as sections 67.287, 67.398, 67.451, 71.980,
5 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570,
6 82.133, 82.136, 82.139, 82.142, 82.145, 82.148, 479.020, 479.350,
7 479.353, 479.359, 479.360, and 479.368, to read as follows:

8 67.287. 1. As used in this section, the following terms
9 mean:

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

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

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

6 2. Every municipality shall meet the following minimum
7 standards within three years of August 28, 2015, by providing the
8 following municipal services, financial services, and reports,
9 except that the provision of subdivision (6) of this subsection
10 shall be completed within six years:

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

13 (2) An annual audit by a certified public accountant of the
14 finances of the municipality that includes a report on the
15 internal controls utilized by the municipality [and prepared by a
16 qualified financial consultant that are implemented] to prevent
17 misuse of public funds. The municipality also shall include its
18 current procedures that show compliance with or reasonable
19 exceptions to the recommended internal controls;

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

22 (4) Adequate levels of insurance to minimize risk to
23 include:

24 (a) General liability coverage;

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

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

28 (d) Workers compensation benefits for injured employees

1 under the provisions of chapter 287; and

2 (e) Bonds for local officials as required by section
3 77.390, 79.260, 80.250, or local charter;

4 (5) Access to a complete set of ordinances adopted by the
5 governing body available to the public within ten business days
6 of a written request. An online version of the regulations or
7 code shall satisfy this requirement for those ordinances that are
8 codified;

9 (6) If a municipality has a police department or contracts
10 with another police department for public safety services, a
11 police department accredited or certified by the Commission on
12 Accreditation for Law Enforcement Agencies or the Missouri Police
13 Chiefs Association or a contract for police service with a police
14 department accredited or certified by such entities;

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

17 (8) Written policies regarding the use of force by peace
18 officers;

19 (9) Written general orders for a municipal police
20 department unless contracting with another municipality or county
21 for police services;

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

26 (11) Construction code review by existing staff, directly
27 or by contract with a public or private agency. The provisions
28 of this subdivision shall not require the municipality to adopt

1 an updated construction code; and

2 (12) Information published annually on the website of the
3 municipality indicating how the municipality met the standards in
4 this subsection. If there is no municipal website, the
5 information shall be submitted to the county for publication on
6 its website, if it has a website.

7 3. If any resident of a municipality has belief or
8 knowledge that such municipality has failed to ensure that the
9 standards listed in subsection 2 of this section are regularly
10 provided and are likely to continue to be provided, he or she may
11 make an affidavit before any person authorized to administer
12 oaths setting forth the facts alleging the failure to meet the
13 required standards and file the affidavit with the attorney
14 general. It shall be the duty of the attorney general, if, in
15 his or her opinion, the facts stated in the affidavit justify, to
16 declare whether the municipality is operating below minimum
17 standards, and if it is, the municipality shall have sixty days
18 to rectify the deficiencies in services noted by the attorney
19 general. If after sixty days the municipality is still deemed by
20 the attorney general to have failed to rectify sufficient minimum
21 standards to be in compliance with those specified by subsection
22 2 of this section, the attorney general may file suit in the
23 circuit court of the county. If the court finds that the
24 municipality is not in compliance with the minimum standards
25 specified in subsection 2 of this section, the circuit court of
26 the county shall order the following remedies:

27 (1) Appointment of an administrative authority for the
28 municipality including, but not limited to, another political

1 subdivision, the state, or a qualified private party to
2 administer all revenues under the name of the municipality or its
3 agents and all funds collected on behalf of the municipality. If
4 the court orders an administrative authority to administer the
5 revenues under this subdivision, it may send an order to the
6 director of revenue or other party charged with distributing tax
7 revenue, as identified by the attorney general, to distribute
8 such revenues and funds to the administrative authority who shall
9 use such revenues and existing funds to provide the services
10 required under a plan approved by the court. The court shall
11 enter an order directing all financial and other institutions
12 holding funds of the municipality, as identified by the attorney
13 general, to honor the directives of the administrative authority;

14 (2) If the court finds that the minimum standards specified
15 in subsection 2 of this section still are not established at the
16 end of ninety days from the time the court finds that the
17 municipality is not in compliance with the minimum standards
18 specified in subsection 2 of this section, the court may either
19 enter an order disincorporating the municipality or order placed
20 on the ballot the question of whether to disincorporate the
21 municipality as provided in subdivisions (1), (2), (4), and (5)
22 of subsection 3 of section 479.368. The court also shall place
23 the question of disincorporation on the ballot as provided by
24 subdivisions (1), (2), (4), and (5) of subsection 3 of section
25 479.368 if at least twenty percent of the registered voters
26 residing in the subject municipality or forty percent of the
27 number of voters who voted in the last municipal election,
28 whichever is lesser, submit a petition to the court while the

1 matter is pending, seeking disincorporation. The question shall
2 be submitted to the voters in substantially the following form:

3 The city/town/village of has failed to meet
4 minimum standards of governance as required by law. Shall the
5 city/town/village of be dissolved?

6 YES NO

7
8 If electors vote to disincorporate, the court shall determine the
9 date upon which the disincorporation shall occur, taking into
10 consideration a logical transition.

11 4. The court shall have ongoing jurisdiction to enforce its
12 orders and carry out the remedies in subsection 3 of this
13 section.

14 67.398. 1. The governing body of any city or village, or
15 any county having a charter form of government, or any county of
16 the first classification that contains part of a city with a
17 population of at least three hundred thousand inhabitants, may
18 enact ordinances to provide for the abatement of a condition of
19 any lot or land that has the presence of a nuisance including,
20 but not limited to, debris of any kind, weed cuttings, cut,
21 fallen, or hazardous trees and shrubs, overgrown vegetation and
22 noxious weeds which are seven inches or more in height, rubbish
23 and trash, lumber not piled or stacked twelve inches off the
24 ground, rocks or bricks, tin, steel, parts of derelict cars or
25 trucks, broken furniture, any flammable material which may
26 endanger public safety or any material or condition which is
27 unhealthy or unsafe and declared to be a public nuisance.

28 2. The governing body of any home rule city with more than

1 four hundred thousand inhabitants and located in more than one
2 county may enact ordinances for the abatement of a condition of
3 any lot or land that has vacant buildings or structures open to
4 entry.

5 3. [Any ordinance authorized by this section may provide
6 that if the owner fails to begin removing or abating the nuisance
7 within a specific time which shall not be less than seven days of
8 receiving notice that the nuisance has been ordered removed or
9 abated, or upon] Any ordinance authorized by this section shall
10 provide for service to the owner of the property and, if the
11 property is not owner-occupied, to any occupant of the property
12 of a written notice specifically describing each condition of the
13 lot or land declared to be a public nuisance, and which notice
14 shall identify what action will remedy the public nuisance.
15 Unless a condition presents an immediate, specifically identified
16 risk to the public health or safety, the notice shall provide a
17 reasonable time, not less than ten days, in which to abate or
18 commence removal of each condition identified in the notice.
19 Written notice may be given by personal service or by first-class
20 mail to both the occupant of the property at the property address
21 and the owner at the last known address of the owner, if not the
22 same. Upon a failure of the owner to pursue the removal or
23 abatement of such nuisance without unnecessary delay, the
24 building commissioner or designated officer may cause the
25 condition which constitutes the nuisance to be removed or
26 abated. If the building commissioner or designated officer
27 causes such condition to be removed or abated, the cost of such
28 removal or abatement and the proof of notice to the owner of the

1 property shall be certified to the city clerk or officer in
2 charge of finance who shall cause the certified cost to be
3 included in a special tax bill or added to the annual real estate
4 tax bill, at the collecting official's option, for the property
5 and the certified cost shall be collected by the city collector
6 or other official collecting taxes in the same manner and
7 procedure for collecting real estate taxes. If the certified
8 cost is not paid, the tax bill shall be considered delinquent,
9 and the collection of the delinquent bill shall be governed by
10 the laws governing delinquent and back taxes. The tax bill from
11 the date of its issuance shall be deemed a personal debt against
12 the owner and shall also be a lien on the property from the date
13 the tax bill is delinquent until paid.

14 67.451. Any city in which voters have approved fees to
15 recover costs associated with enforcement of municipal housing,
16 property maintenance, or property nuisance ordinances may [issue
17 a special tax bill against] include any unrecovered costs or
18 finer relating to the real property in the annual real estate tax
19 bill for the property where such ordinance violations existed.
20 Notwithstanding the last sentence of subsection 5 of section
21 479.011, the officer in charge of finance shall cause the amount
22 of unrecovered costs or unpaid fines which are delinquent for
23 more than a year to be [included in a special tax bill or] added
24 to the annual real estate tax bill for the property if such
25 property is still owned by the person incurring the costs or
26 finer [at the collecting official's option,] and the costs and
27 finer shall be collected by the city collector or other official
28 collecting taxes in the same manner and procedure for collecting

1 real estate taxes. If the [cost is] costs and fines are not paid
2 by December 31 of the year in which the costs and fines are
3 included in the tax bill, the tax bill shall be considered
4 delinquent, and the collection of the delinquent bill shall be
5 governed by laws governing delinquent and back taxes. The tax
6 bill shall be deemed a personal debt against the owner from the
7 date of issuance, and shall also be a lien on the property from
8 the date the tax bill becomes delinquent until paid.

9 Notwithstanding any provision of the city's charter to the
10 contrary, the city may provide, by ordinance, that the city may
11 discharge all or any portion of the unrecovered costs or fines
12 added pursuant to this section to the [special] tax bill upon a
13 determination by the city that a public benefit will be gained by
14 such discharge, and such discharge shall include any costs of tax
15 collection, accrued interest, or attorney fees related to the
16 [special] tax bill.

17 71.980. Notwithstanding any provision to the contrary, the
18 state shall not be held liable for the debts of a municipality
19 that is financially insolvent. For purposes of this section, a
20 municipality is financially insolvent if it is not paying its
21 debts as they become due, unless such debts are the subject of a
22 bona fide dispute, or is unable to pay its debts as they become
23 due.

24 77.700. 1. The county governing body of any county in
25 which a city of the third classification is located shall
26 disincorporate the city as provided in sections 77.700 to 77.715.

27 2. The county governing body shall order an election upon
28 the question of disincorporation of a city of the third

1 classification upon petition of twenty-five percent of the voters
2 of the city.

3 3. The county governing body shall give notice of the
4 election by publication in a newspaper of general circulation
5 published in the city or, if there is no such newspaper in the
6 city, then in the newspaper in the county published nearest the
7 city. The notice shall contain a copy of the petition and the
8 names of the petitioners. No election on the question of
9 disincorporation shall be held until the notice has been
10 published for four weeks successively.

11 4. The question shall be submitted in substantially the
12 following form:

13 Shall the city of be
14 dissolved?

15 5. Upon the affirmative vote of a majority of those
16 persons voting on the question, the county governing body shall
17 disincorporate the city.

18 77.703. No dissolution of the corporation shall invalidate
19 or affect any right accruing to the corporation or to any person
20 or invalidate or affect any contract entered into or imposed on
21 the corporation.

22 77.706. Whenever the county governing body shall dissolve
23 any city of the third classification, the county governing body
24 shall appoint some competent person to act as trustee for the
25 corporation so dissolved, and such trustee, before entering upon
26 the discharge of his or her duties, shall take and subscribe an
27 oath that he or she will faithfully discharge the duties of his
28 or her office and shall give bond with sufficient security, to be

1 approved by the governing body, to the use of such
2 disincorporated city, conditioned for the faithful discharge of
3 his or her duty.

4 77.709. The trustee shall have power to prosecute and
5 defend to final judgment all suits instituted by or against the
6 corporation, collect all moneys due the same, liquidate all
7 lawful demands against the same, and for that purpose shall sell
8 any property belonging to the corporation, or so much thereof as
9 may be necessary, and generally to do all acts requisite to bring
10 to a speedy close all the affairs of the corporation.

11 77.712. The trustee shall employ counsel whenever necessary
12 in the discharge of his or her duties and shall make a report of
13 the proceedings to the county governing body at each regular term
14 thereof, and the trustee shall receive for his or her services
15 such compensation as the governing body shall think reasonable.

16 77.715. When the trustee shall have closed the affairs of
17 the corporation and shall have paid all debts due by the
18 corporation, he or she shall pay over to the county treasurer all
19 money remaining in his or her hands, take receipt therefor, and
20 deliver to the clerk of the county governing body all books,
21 papers, records, and deeds belonging to the dissolved
22 corporation.

23 79.490. 1. The county governing body of any county in
24 which a city of the fourth class is located shall disincorporate
25 such city as provided in this section.

26 2. The county governing body shall order an election upon
27 the question of disincorporation of a fourth class city upon
28 petition of ~~[one-half]~~ twenty-five percent of the voters of the

1 city.

2 3. The county governing body shall give notice of the
3 election by publication in a newspaper of general circulation
4 published in the city or, if there is no such newspaper in the
5 city, then in the newspaper in the county published nearest the
6 city. The notice shall contain a copy of the petition and the
7 names of the petitioners. No election on the question of
8 disincorporation shall be held until the notice has been
9 published for four weeks successively.

10 4. The question shall be submitted in substantially the
11 following form:

12 Shall the city of be
13 dissolved?

14 5. Upon the affirmative vote of [sixty percent] a majority
15 of those persons voting on the question, the county governing
16 body shall disincorporate the city.

17 80.570. 1. The county governing body of each county shall
18 have power to disincorporate any town or village which they may
19 have incorporated as provided in this section.

20 2. The county governing body shall order an election upon
21 the question of disincorporation of a town or village upon
22 petition of [one-half] twenty-five percent of the voters of the
23 town or village.

24 3. The county governing body shall give notice of the
25 election by publication in a newspaper of general circulation
26 published in the town or village or, if there is no such
27 newspaper in the town or village, then in the newspaper in the
28 county published nearest the town or village. The notice shall

1 contain a copy of the petition and the names of the petitioners.
2 No election on the question of disincorporation shall be held
3 until the notice has been published for eight weeks successively.

4 4. The question shall be submitted in substantially the
5 following form as the case may be:

6 Shall the town of be
7 dissolved?; or

8 Shall the village of be
9 dissolved?

10 5. Upon the affirmative vote of [sixty percent] a majority
11 of those persons voting on the question, the county governing
12 body shall disincorporate the town or village.

13 6. Any county governing body may, in its discretion, on the
14 application of any person or persons owning a tract of land
15 containing five acres or more in a town or village, used only for
16 agricultural purposes, to diminish the limits of such town or
17 village by excluding any such tract of land from said corporate
18 limits; provided, that such application shall be accompanied by a
19 petition asking such change and signed by a majority of the
20 voters in such town or village. And thereafter such tract of
21 land so excluded shall not be deemed or held to be any part of
22 such town or village.

23 82.133. 1. The county governing body of any county in
24 which a constitutional charter or home rule city is located shall
25 disincorporate the city as provided in sections 82.133 to 82.145.

26 2. The county governing body shall order an election upon
27 the question of disincorporation of a constitutional charter or
28 home rule city upon petition of twenty-five percent of the voters

1 of the city.

2 3. The county governing body shall give notice of the
3 election by publication in a newspaper of general circulation
4 published in the city or, if there is no such newspaper in the
5 city, then in the newspaper in the county published nearest the
6 city. The notice shall contain a copy of the petition and the
7 names of the petitioners. No election on the question of
8 disincorporation shall be held until the notice has been
9 published for four weeks successively.

10 4. The question shall be submitted in substantially the
11 following form:

12 Shall the city of be
13 dissolved?

14 5. Upon the affirmative vote of a majority of those
15 persons voting on the question, the county governing body shall
16 disincorporate the city.

17 82.136. No dissolution of the corporation shall invalidate
18 or affect any right accruing to the corporation or to any person,
19 or invalidate or affect any contract entered into or imposed on
20 the corporation.

21 82.139. Whenever the county governing body shall dissolve
22 any constitutional charter or home rule city, the county
23 governing body shall appoint some competent person to act as
24 trustee for the corporation so dissolved, and the trustee, before
25 entering upon the discharge of his or her duties, shall take and
26 subscribe an oath that he or she will faithfully discharge the
27 duties of the office and shall give bond with sufficient
28 security, to be approved by the governing body, to the use of the

1 disincorporated city, conditioned for the faithful discharge of
2 the trustee's duty.

3 82.142. The trustee shall have power to prosecute and
4 defend to final judgment all suits instituted by or against the
5 corporation, collect all moneys due the same, liquidate all
6 lawful demands against the same, and for that purpose shall sell
7 any property belonging to the corporation, or so much thereof as
8 may be necessary, and generally to do all acts requisite to bring
9 to a speedy close all the affairs of the corporation.

10 82.145. The trustee shall employ counsel whenever necessary
11 in the discharge of his or her duties and shall make a report of
12 the proceedings to the county governing body at each regular term
13 thereof, and the trustee shall receive for his or her services
14 such compensation as the governing body shall think reasonable.

15 82.148. When the trustee shall have closed the affairs of
16 the corporation, and shall have paid all debts due by the
17 corporation, he or she shall pay over to the county treasurer all
18 moneys remaining in his or her hands, take receipt therefor, and
19 deliver to the clerk of the county governing body all books,
20 papers, records, and deeds belonging to the dissolved
21 corporation.

22 479.020. 1. Any city, town or village, including those
23 operating under a constitutional or special charter, may, and
24 cities with a population of four hundred thousand or more shall,
25 provide by ordinance or charter for the selection, tenure and
26 compensation of a municipal judge or judges consistent with the
27 provisions of this chapter who shall have original jurisdiction
28 to hear and determine all violations against the ordinances of

1 the municipality. The method of selection of municipal judges
2 shall be provided by charter or ordinance. Each municipal judge
3 shall be selected for a term of not less than two years as
4 provided by charter or ordinance.

5 2. Except where prohibited by charter or ordinance, the
6 municipal judge may be a part-time judge and may serve as
7 municipal judge in more than one municipality.

8 3. No person shall serve as a municipal judge of any
9 municipality with a population of seven thousand five hundred or
10 more or of any municipality in a county of the first class with a
11 charter form of government unless the person is licensed to
12 practice law in this state unless, prior to January 2, 1979, such
13 person has served as municipal judge of that same municipality
14 for at least two years.

15 4. Notwithstanding any other statute, a municipal judge
16 need not be a resident of the municipality or of the circuit in
17 which the municipal judge serves except where ordinance or
18 charter provides otherwise. Municipal judges shall be residents
19 of Missouri.

20 5. Judges selected under the provisions of this section
21 shall be municipal judges of the circuit court and shall be
22 divisions of the circuit court of the circuit in which the
23 municipality, or major geographical portion thereof, is located.
24 The judges of these municipal divisions shall be subject to the
25 rules of the circuit court which are not inconsistent with the
26 rules of the supreme court. The presiding judge of the circuit
27 shall have general administrative authority over the judges and
28 court personnel of the municipal divisions within the circuit.

1 6. No municipal judge shall hold any other office in the
2 municipality which the municipal judge serves as judge. The
3 compensation of any municipal judge and other court personnel
4 shall not be dependent in any way upon the number of cases tried,
5 the number of guilty verdicts reached or the amount of fines
6 imposed or collected.

7 7. Municipal judges shall be at least twenty-one years of
8 age. No person shall serve as municipal judge after that person
9 has reached that person's seventy-fifth birthday.

10 8. Within six months after selection for the position, each
11 municipal judge who is not licensed to practice law in this state
12 shall satisfactorily complete the course of instruction for
13 municipal judges prescribed by the supreme court. The state
14 courts administrator shall certify to the supreme court the names
15 of those judges who satisfactorily complete the prescribed
16 course. If a municipal judge fails to complete satisfactorily
17 the prescribed course within six months after the municipal
18 judge's selection as municipal judge, the municipal judge's
19 office shall be deemed vacant and such person shall not
20 thereafter be permitted to serve as a municipal judge, nor shall
21 any compensation thereafter be paid to such person for serving as
22 municipal judge.

23 9. No municipal judge shall serve as a municipal judge in
24 more than five municipalities at one time.

25 479.350. For purposes of sections 479.350 to 479.372, the
26 following terms mean:

27 (1) "Annual general operating revenue", revenue that can be
28 used to pay any bill or obligation of a county, city, town, or

1 village, including general sales tax; general use tax; general
2 property tax; fees from licenses and permits; unrestricted user
3 fees; fines, court costs, bond forfeitures, and penalties.

4 Annual general operating revenue does not include designated
5 sales or use taxes; restricted user fees; grant funds; funds
6 expended by a political subdivision for technological assistance
7 in collecting, storing, and disseminating criminal history record
8 information and facilitating criminal identification activities
9 for the purpose of sharing criminal justice-related information
10 among political subdivisions; or other revenue designated for a
11 specific purpose;

12 (2) "Court costs", costs, fees, or surcharges which are
13 retained by a county, city, town, or village upon a finding of
14 guilty or plea of guilty, and shall exclude any costs, fees, or
15 surcharges disbursed to the state or other entities by a county,
16 city, town, or village and any certified costs, not including
17 fines added to the annual real estate tax bill or a special tax
18 bill under section 67.398, 67.402, or 67.451;

19 (3) "Minor traffic violation", a municipal or county
20 traffic ordinance violation prosecuted that does not involve an
21 accident or injury, that does not involve the operation of a
22 commercial motor vehicle, and for which no points are assessed by
23 the department of revenue or the department of revenue is
24 authorized to assess [no more than] one to four points to a
25 person's driving record upon conviction. Minor traffic violation
26 shall include amended charges for any minor traffic violation.
27 Minor traffic violation shall exclude a violation for exceeding
28 the speed limit by more than nineteen miles per hour or a

1 violation occurring within a construction zone or school zone;

2 (4) "Municipal ordinance violation", a municipal or county
3 ordinance violation prosecuted for which penalties are authorized
4 by statute under sections 64.160, 64.200, 64.295, 64.487, 64.690,
5 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance
6 violation shall include amended charges for municipal ordinance
7 violations.

8 479.353. Notwithstanding any provisions to the contrary,
9 the following conditions shall apply to minor traffic violations
10 and municipal ordinance violations:

11 (1) The court shall not assess a fine, if combined with the
12 amount of court costs, totaling in excess of [three]:

13 (a) Two hundred twenty-five dollars for minor traffic
14 violations; and

15 (b) For municipal ordinance violations committed within a
16 twelve month period beginning with the first violation: two
17 hundred dollars for the first municipal ordinance violation, two
18 hundred seventy-five dollars for the second municipal ordinance
19 violation, three hundred fifty dollars for the third municipal
20 ordinance violation, and four hundred fifty dollars for the
21 fourth and any subsequent municipal ordinance violations;

22 (2) The court shall not sentence a person to confinement,
23 except the court may sentence a person to confinement for
24 [violations] any violation involving alcohol or controlled
25 substances, violations endangering the health or welfare of
26 others, [and] or eluding or giving false information to a law
27 enforcement officer;

28 (3) A person shall not be placed in confinement for failure

1 to pay a fine unless such nonpayment violates terms of probation
2 or unless the due process procedures mandated by Missouri Supreme
3 Court Rule 37.65 or its successor rule are strictly followed by
4 the court;

5 (4) Court costs that apply shall be assessed against the
6 defendant unless the court finds that the defendant is indigent
7 based on standards set forth in determining such by the presiding
8 judge of the circuit. Such standards shall reflect model rules
9 and requirements to be developed by the supreme court; and

10 (5) No court costs shall be assessed if the defendant is
11 found to be indigent under subdivision (4) of this section or if
12 the case is dismissed.

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

1 are distributed.

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

12 3. An addendum to the annual financial report submitted to
13 the state auditor under section 105.145 by the county, city,
14 town, or village [under section 105.145] that has chosen to have
15 a municipal court division shall contain an accounting of:

16 (1) Annual general operating revenue as defined in section
17 479.350;

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

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

1 town, or village; and

2 (4) Said addendum shall be certified and signed by a
3 representative with knowledge of the subject matter as to the
4 accuracy of the addendum contents, under oath and under the
5 penalty of perjury, and witnessed by a notary public.

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

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

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

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

26 (3) Defendants are not detained in order to coerce payment
27 of fines and costs unless found to be in contempt after strict
28 compliance by the court with the due process procedures mandated

1 by Missouri Supreme Court Rule 37.65 or its successor rule;

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

6 (5) The municipal court only assesses fines and costs as
7 authorized by law;

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

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

13 (8) The municipal court makes use of alternative payment
14 plans [and];

15 (9) The municipal court makes use of community service
16 alternatives for which no associated costs are charged to the
17 defendant; and

18 [(9)] (10) The municipal court has adopted an electronic
19 payment system or payment by mail for the payment of minor
20 traffic violations.

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

25 479.368. 1. (1) Except for county sales taxes deposited
26 in the county sales tax trust fund as defined in section 66.620,
27 any county, city, town, or village failing to timely file the
28 required addendums or remit the required excess revenues, if

1 applicable, after the time period provided by the notice by the
2 director of the department of revenue or any final determination
3 on excess revenue by the court in a judicial proceeding,
4 whichever is later, shall not receive from that date any amount
5 of moneys to which the county, city, town, or village would
6 otherwise be entitled to receive from revenues from local sales
7 tax as defined in section 32.085.

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

16 (3) If any county, city, town, or village has failed to
17 remit the required excess revenue to the director of the
18 department of revenue such general local sales tax revenues shall
19 be distributed as provided in subsection 1 of section 479.359 by
20 the director of the department of revenue in the amount of excess
21 revenues that the county, city, town, or village failed to remit.
22

23 Upon a noncompliant city, town, village, or county coming into
24 compliance with the provisions of sections 479.359 and 479.360,
25 the director of the department of revenue shall disburse any
26 remaining balance of funds held under this subsection after
27 satisfaction of amounts due under section 479.359. Moneys held
28 by the director of the department of revenue under this

1 subsection shall not be deemed to be state funds and shall not be
2 commingled with any funds of the state.

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

23 (2) If such county, city, town, or village has failed to
24 timely file the required addendums, the director of the
25 department of revenue shall hold any moneys the noncompliant
26 city, town, village, or county would otherwise be entitled to
27 under sections 66.600 to 66.630 until a determination is made by
28 the director of revenue that the noncompliant city, town,

1 village, or county has come into compliance with the provisions
2 of sections 479.359 and 479.360.

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

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

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

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

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

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

18 (3) The question shall be submitted to the voters of such
19 city, town, or village in substantially the following form:
20 The city/town/village of has kept more revenue
21 from fines, bond forfeitures, and court costs for municipal
22 ordinance violations and minor traffic violations than is
23 permitted by state law and failed to remit those revenues to the
24 county school fund. Shall the city/town/village of
25 be dissolved?

26 YES NO

27 (4) Upon notification by the director of the department of
28 revenue, the county governing body in which the city, town, or

1 village is located shall give notice of the election for eight
2 consecutive weeks prior to the election by publication in a
3 newspaper of general circulation published in the city, town, or
4 village, or if there is no such newspaper in the city, town, or
5 village, then in the newspaper in the county published nearest
6 the city, town, or village; and

7 (5) Upon the affirmative vote of [sixty percent] a majority
8 of those persons voting on the question, the county governing
9 body shall disincorporate the city, town, or village.

10 ✓

11 _____
12

13
14
15 _____

16 Eric Schmitt

Robert Cornejo