

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1291**  
**99TH GENERAL ASSEMBLY**

4497H.05T

2018

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**AN ACT**

To repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, and 227.600, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions.

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

Section A. Sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 2 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, and 227.600, RSMo, are repealed 3 and eighteen new sections enacted in lieu thereof, to be known as sections 41.657, 56.363, 4 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 5 137.555, 137.556, 162.441, 227.600, and 227.601, to read as follows:

**41.657. 1. The county governing body or county planning commission, if any, of 2 any county of the second classification with more than fifty-eight thousand but fewer than 3 sixty-five thousand inhabitants and any county of the third classification without a 4 township form of government and with more than twenty-three thousand but fewer than 5 twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses 6 and structures within all or any portion of the unincorporated area extending up to three 7 thousand feet outward from the boundaries of any National Guard training center if the 8 county has participated in the completion of a joint land use study associated with that 9 training center.**

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

10           **2. As used in this section, “incompatible land uses and structures” are determined**  
 11 **by the county governing body or county planning commission, if any, to be incompatible**  
 12 **with noise, vibration, and other training impacts identified in the joint land use study or**  
 13 **the most recent state operational noise management plan. Regulations the county**  
 14 **governing body or county planning commission, if any, determines are necessary to**  
 15 **effectuate the purposes of this section and the recommendations in the joint land use study**  
 16 **or operational noise management plan may include, but are not limited to, density, lot size,**  
 17 **outdoor lighting, land use, construction standards, and subdivision of land.**

18           **3. The county governing body or county planning commission, if any, may also**  
 19 **provide for coordination with National Guard officials and notification to current and**  
 20 **future property owners with respect to potentially incompatible land uses, military training**  
 21 **impacts, and the existence of any regulation adopted under this section.**

56.363. 1. The county commission of any county may on its own motion and shall upon  
 2 the petition of ten percent of the total number of people who voted in the previous general  
 3 election in the county submit to the voters at a general or special election the proposition of  
 4 making the county prosecutor a full-time position. The commission shall cause notice of the  
 5 election to be published in a newspaper published within the county, or if no newspaper is  
 6 published within the county, in a newspaper published in an adjoining county, for three weeks  
 7 consecutively, the last insertion of which shall be at least ten days and not more than thirty days  
 8 before the day of the election, and by posting printed notices thereof at three of the most public  
 9 places in each township in the county. The proposition shall be put before the voters  
 10 substantially in the following form:

11           Shall the office of prosecuting attorney be made a full-time position in \_\_\_\_\_ County?  
 12                                    YES                                    NO

13

14 If a majority of the voters voting on the proposition vote in favor of making the county  
 15 prosecutor a full-time position, it shall become effective upon the date that the prosecutor who  
 16 is elected at the next election subsequent to the passage of such proposal is sworn into office.  
 17 **The position shall then qualify for the retirement benefits available to a full-time**  
 18 **prosecutor of a county of the first classification. Any county that elects to make the**  
 19 **position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys**  
 20 **and circuit attorneys' retirement fund at the same contribution amount as paid by counties**  
 21 **of the first classification.**

22           2. The provisions of subsection 1 of this section notwithstanding, in any county where  
 23 the proposition of making the county prosecutor a full-time position was submitted to the voters  
 24 at a general election in 1998 and where a majority of the voters voting on the proposition voted

25 in favor of making the county prosecutor a full-time position, the proposition shall become  
26 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May  
27 1, 1999, under the provisions of this subsection shall have the additional duty of providing not  
28 less than three hours of continuing education to peace officers in the county served by the  
29 prosecuting attorney in each year of the term beginning January 1, 1999.

30 3. In counties that, prior to August 28, 2001, have elected pursuant to this section to  
31 make the position of prosecuting attorney a full-time position, the county commission may at any  
32 time elect to have that position also qualify for the retirement benefit available for a full-time  
33 prosecutor of a county of the first classification. Such election shall be made by a majority vote  
34 of the county commission and once made shall be irrevocable, unless the voters of the county  
35 elect to change the position of prosecuting attorney back to a part-time position under subsection  
36 4 of this section. When such an election is made, the results shall be transmitted to the Missouri  
37 prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be  
38 effective on the first day of January following such election. Such election shall also obligate  
39 the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement  
40 fund the same retirement contributions for full-time prosecutors as are paid by counties of the  
41 first classification.

42 4. In any county of the third classification without a township form of government and  
43 with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of  
44 the fourth classification with more than one thousand seven hundred but fewer than one thousand  
45 nine hundred inhabitants as the county seat that has elected to make the county prosecutor a  
46 full-time position under this section after August 28, 2014, the county commission may on its  
47 own motion and shall upon the petition of ten percent of the total number of people who voted  
48 in the previous general election in the county submit to the voters at a general or special election  
49 the proposition of changing the full-time prosecutor position to a part-time position. The  
50 commission shall cause notice of the election to be published in a newspaper published within  
51 the county, or if no newspaper is published within the county, in a newspaper published in an  
52 adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten  
53 days and not more than thirty days before the day of the election, and by posting printed notices  
54 thereof at three of the most public places in each township in the county. The proposition shall  
55 be put before the voters substantially in the following form:

56 Shall the office of prosecuting attorney be made a part-time position in \_\_\_\_\_ County?

57  YES

NO

58

59 If a majority of the voters vote in favor of making the county prosecutor a part-time position, it  
60 shall become effective upon the date that the prosecutor who is elected at the next election  
61 subsequent to the passage of such proposal is sworn into office.

62 5. In any county that has elected to make the full-time position of county prosecutor a  
63 part-time position under subsection 4 of this section, the county's retirement contribution to the  
64 retirement system and the retirement benefit earned by the member shall prospectively be that  
65 of a part-time prosecutor as established in this chapter. Any retirement contribution made and  
66 retirement benefit earned prior to the effective date of the voter-approved proposition under  
67 subsection 4 of this section shall be maintained by the retirement system and used to calculate  
68 the retirement benefit for such prior full-time position service. Under no circumstances shall a  
69 member in a part-time prosecutor position earn full-time position retirement benefit service  
70 accruals for time periods after the effective date of the proposition changing the county  
71 prosecutor back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

2 (1) "Annuity", annual payments, made in equal monthly installments, to a retired  
3 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to  
4 56.840;

5 (2) "Average final compensation", the average compensation of an employee for the two  
6 consecutive years prior to retirement when the employee's compensation was greatest;

7 (3) "Board of trustees" or "board", the board of trustees established by the provisions of  
8 sections 56.800 to 56.840;

9 (4) "Compensation", all salary and other compensation payable by a county to an  
10 employee for personal services rendered as an employee, **including any salary reduction**  
11 **amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred**  
12 **compensation plan that satisfies 26 U.S.C. Section 457** but not including [~~travel and mileage~~]  
13 reimbursement for any expenses, any consideration for agreeing to terminate employment,  
14 or any other nonrecurring or unusual payment that is not part of regular remuneration;

15 (5) "County", the City of St. Louis and each county in the state;

16 (6) "Creditable service", the sum of both membership service and creditable prior  
17 service;

18 (7) "Effective date of the establishment of the system", August 28, 1989;

19 (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is  
20 employed by a county or a city not within a county;

21 (9) "Membership service", service as a prosecuting attorney or circuit attorney after  
22 becoming a member that is creditable in determining the amount of the member's benefits under  
23 this system;

24 (10) "Prior service", service of a member rendered prior to the effective date of the  
25 establishment of the system which is creditable under section 56.823;

26 (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'  
27 retirement system authorized by the provisions of sections 56.800 to 56.840.

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

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

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

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

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

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

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

27 5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the  
28 following amounts to be drawn from the general revenues of the county:

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

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

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

36 (2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c)  
37 of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule  
38 based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial  
39 valuation report. If the system's funding ratio is:

40 (a) One hundred twenty percent or more, no monthly sum shall be transmitted;

41 (b) More than one hundred ten percent but less than one hundred twenty percent, the  
42 monthly sum transmitted shall be reduced fifty percent;

43 (c) At least ninety percent and up to and including one hundred ten percent, the monthly  
44 sum transmitted shall remain the same;

45 (d) At least eighty percent and less than ninety percent, the monthly sum transmitted  
46 shall be increased fifty percent; and

47 (e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred  
48 percent.

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

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

57 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases  
58 filed in the courts of this state including violation of any county ordinance, any violation of  
59 criminal or traffic laws of this state, including infractions, and against any person who has pled  
60 guilty for any violation and paid a fine through a fine collection center, but no such surcharge  
61 shall be assessed when the costs are waived or are to be paid by the state, county, or municipality  
62 or when a criminal proceeding or the defendant has been dismissed by the court. For purposes  
63 of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis;

64 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
65 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable  
66 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the

67 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes  
68 provided for in sections 56.800 to 56.840 and for no other purpose.

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

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

73 **10. Beginning January first following the effective date of this subsection, all**  
74 **members, who upon vesting and retiring are eligible to receive a normal annuity equal to**  
75 **fifty percent of the final average compensation, shall, as a condition of participation,**  
76 **contribute two percent of their gross salary to the fund. Beginning on January 1, 2020,**  
77 **each such member shall contribute four percent of the member's gross salary to the fund.**  
78 **Each county treasurer shall deduct the appropriate amount from the gross salary of the**  
79 **prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the**  
80 **prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting**  
81 **attorneys and circuit attorneys' retirement fund.**

82 **11. Upon separation from the system, a nonvested member shall receive a lump sum**  
83 **payment equal to the total contribution of the member without interest or other increases**  
84 **in value.**

85 **12. Upon retirement and in the sole discretion of the board on the advice of the**  
86 **actuary, a member shall receive a lump sum payment equal to the total contribution of the**  
87 **member without interest or other increases in value, but such lump sum shall not exceed**  
88 **twenty-five percent of the final average compensation of the member. This amount shall**  
89 **be in addition to any retirement benefits to which the member is entitled.**

90 **13. Upon the death of a nonvested member or the death of a vested member prior**  
91 **to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made**  
92 **to the designated beneficiary of the member or, if no beneficiary has been designated, to**  
93 **the member's estate.**

56.814. 1. Any ~~member~~ person who became a member prior to January 1, 2019,  
2 who has attained the age of sixty-two years and who has twelve years or more of creditable  
3 service as prosecuting attorney or circuit attorney may retire with a normal annuity as  
4 determined in subsection 3 of section 56.840.

5 2. Any person who becomes a member on or after January 1, 2019, who has  
6 attained the age of sixty-five and who has twelve years or more of creditable service as a  
7 prosecuting attorney or circuit attorney may retire with a normal annuity.

56.833. 1. Upon termination of employment, any ~~member with twelve or more years~~  
2 ~~of creditable service~~ person who became a member prior to January 1, 2019, shall be

3 entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of  
4 creditable service as **determined in subsection 3 of section 56.840. Upon termination of**  
5 **employment, any person who became a member on or after January 1, 2019, shall be**  
6 **entitled to a deferred normal annuity, payable at age sixty with twelve or more years of**  
7 **creditable service as determined in subsection 3 of section 56.840.** Any member with less  
8 than twelve years of creditable service shall forfeit all rights in the fund, including the member's  
9 accrued creditable service as of the date of the member's termination of employment.

10 2. A former member who has forfeited creditable service may have the creditable service  
11 restored by again becoming an employee ~~and~~ **within ten years of the date of the termination**  
12 **of employment, by** completing four years of continuous membership service, **and by**  
13 **contributing an amount to the fund equal to any lump sum payment received under**  
14 **subsections 11 and 12 of section 56.807. Notwithstanding any other provision of section**  
15 **104.800 to the contrary, a former member shall not be entitled to transfer creditable service**  
16 **into this retirement system unless the member previously vested in this system.**

17 3. Absences for sickness or injury of less than twelve months shall be counted as  
18 membership service.

56.840. 1. Annuity payments to retired employees under the provisions of sections  
2 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two  
3 calendar years from the effective date of the establishment of the system to eligible retired  
4 employees, and employees with at least twelve years of creditable service shall have vested rights  
5 and upon reaching the required age shall be entitled to retirement benefits.

6 2. **All members serving as a prosecuting attorney or circuit attorney in a county of**  
7 **the first classification, a county with a charter form of government, or a city not within a**  
8 **county shall receive one year of creditable service for each year served.**

9 3. **Notwithstanding any provision of law to the contrary, members serving as a**  
10 **prosecuting attorney in counties that elected to make the position of prosecuting attorney**  
11 **a full-time position shall receive one year of creditable vesting service for each year served**  
12 **as a part-time or full-time prosecuting attorney. Such members shall receive one year of**  
13 **creditable benefit service for each year served as a full-time prosecuting attorney and six-**  
14 **tenths of a year of creditable benefit service for each year served as a part-time prosecuting**  
15 **attorney. Upon retirement, any member who has less than twelve years of creditable**  
16 **benefit service shall receive a reduced full-time benefit in a sum equal to the portion that**  
17 **the member's creditable benefit years bear to twelve vesting years.**

18 4. **Members restoring creditable service under subsection 2 of section 56.833 shall**  
19 **receive one year of creditable service for each restored year served as a full-time**  
20 **prosecuting attorney and six-tenths of a year of creditable service for each restored year**



21 served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member  
22 shall receive credit for any partial year of employment.

23 **5. Notwithstanding any provision of law to the contrary, any member who vested**  
24 **in the system as a part-time prosecuting attorney and who ceased being a member for more**  
25 **than six months before returning as a full-time prosecuting attorney shall be entitled only**  
26 **to retirement benefits as a part-time prosecuting attorney. Any creditable service earned**  
27 **by such an employee upon returning to the system as a full-time prosecuting attorney shall**  
28 **begin a new vesting period subject to the provision of the system in effect at the time of the**  
29 **member's return. No member shall receive benefits while employed as a prosecuting**  
30 **attorney or circuit attorney.**

59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent  
2 required by law to the recording of any instrument specified in subdivisions (1) and (2) of  
3 **subsection 1 of section 59.330**, an additional fee of five dollars shall be charged and collected  
4 by every recorder of deeds in this state on each instrument recorded. The additional fee shall be  
5 distributed as follows:

6 (1) One dollar and twenty-five cents to the recorder's fund established ~~[pursuant to]~~  
7 **under** subsection 1 of section 59.319, provided, however, that all funds received ~~[pursuant to]~~  
8 **under** this section shall be used exclusively for the purchase, installation, upgrade and  
9 maintenance of modern technology necessary to operate the recorder's office in an efficient  
10 manner;

11 (2) One dollar and seventy-five cents to the county general revenue fund; and

12 (3) Two dollars to the fund established in subsection 2 of this section.

13 2. **(1)** There is hereby established a revolving fund known as the "Statutory County  
14 Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this  
15 state ~~[pursuant to]~~ **under** subdivision (3) of subsection 1 of this section. The director of the  
16 department of revenue shall be custodian of the fund and shall make disbursements from the fund  
17 for the purpose of subsidizing the fees collected by counties that hereafter elect or have  
18 heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy  
19 shall consist of the total amount of moneys collected ~~[pursuant to]~~ **under** subdivisions (1) and  
20 (2) of subsection 1 of this section subtracted from fifty-five thousand dollars, **except under such**  
21 **circumstances where the annual average of funds collected under subsection 1 of this**  
22 **section during the previous three calendar years are insufficient to meet all obligations**  
23 **calculated in this subdivision. In such cases the provisions of subdivision (2) of this**  
24 **subsection shall apply.** The moneys paid to qualifying counties ~~[pursuant to]~~ **under** this  
25 subsection shall be deposited in the county general revenue fund. For purposes of this section  
26 a "qualified county" is a county that hereafter elects or has heretofore elected to separate the

27 offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds  
28 collects less than fifty-five thousand dollars in fees ~~[pursuant to]~~ **under** subdivisions (1) and (2)  
29 of subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's  
30 fund shall not be considered state funds and shall be deemed nonstate funds.

31 **(2) In the event funds collected under subdivision (3) of subsection 1 of this section**  
32 **are insufficient to meet the obligations set out in subdivision (1) of this subsection, the**  
33 **director of the department of revenue shall calculate the projected shortfall that would**  
34 **otherwise be incurred based on the formula outlined in subdivision (1) of this subsection.**  
35 **If the fund balance is greater than the annual average disbursement from the fund during**  
36 **the previous three years, up to thirty-three percent of the amount that exceeds the annual**  
37 **three-year average to meet the obligation may be used to meet the obligations. Should this**  
38 **amount be insufficient or unavailable to meet the shortfall, the director of the department**  
39 **of revenue shall set a new requisite amount to determine a qualified county under**  
40 **subdivision (1) of this subsection other than fifty-five thousand dollars, which reflects the**  
41 **revenue collected under subdivision (3) of subsection 1 of this section in addition to thirty-**  
42 **three percent of the excess fund balance.**

65.610. 1. Upon the petition of at least ten percent of voters at the last general election  
2 of any county having heretofore adopted township organization, praying therefor, the county  
3 commission shall submit the question of the abolition of township organization to the voters of  
4 the county at a general or special election. **The question shall include a countywide tax levy**  
5 **for road and bridge purposes.** The total vote for governor at the last general election before  
6 the filing of the petition where a governor was elected shall be used to determine the number of  
7 voters necessary to sign the petition. If the petition is filed six months or more prior to a general  
8 election, the proposition shall be submitted at a special election to be ordered by the county  
9 commission within sixty days after the petition is filed; if the petition is filed less than six  
10 months before a general election, then the proposition shall be submitted at the general election  
11 next succeeding the filing of the petition. The election shall be conducted, the vote canvassed  
12 and the result declared in the same manner as provided by law in respect to elections of county  
13 officers. The clerk of the county commission shall give notice that a proposition for the abolition  
14 of township organization form of county government in the county is to be voted upon by  
15 causing a copy of the order of the county commission authorizing such election to be published  
16 at least once each week for three successive weeks, the last insertion to be not more than one  
17 week prior to the election, in some newspaper published in the county where the election is to  
18 be held, if there is a newspaper published in the county and, if not, by posting printed or written  
19 handbills in at least two public places in each election precinct in the county at least twenty-one

20 days prior to the date of election. The clerk of the county commission shall provide the ballot  
 21 which shall be printed and in substantially the following form:

22 OFFICIAL BALLOT

23 (Check the one for which you wish to vote)

24 Shall township organization form of county government be abolished in \_\_\_\_\_  
 25 County **and a countywide ..... tax at a rate of ..... collected for road and bridge purposes?**

26  YES  NO

27

28 If a majority of the electors voting upon the proposition shall vote for the abolition thereof the  
 29 township organization form of county government shall be declared to have been abolished; and  
 30 township organization shall cease in said county; and except as provided in section 65.620 all  
 31 laws in force in relation to counties not having township organization shall immediately take  
 32 effect and be in force in such county.

33 2. No election or any proposal for either the adoption of township organization or for the  
 34 abolition of township organization in any county shall be held within two years after an election  
 35 is held under this section.

65.620. 1. Whenever any county abolishes township organization the county treasurer  
 2 and ex officio collector shall immediately settle his accounts as treasurer with the county  
 3 commission and shall thereafter perform all duties, exercise all powers, have all rights and be  
 4 subject to all liabilities imposed and conferred upon the county collector of revenue under  
 5 chapter 52 until the first Monday in March after the general election next following the  
 6 abolishment of township organization and until a collector of revenue for the county is elected  
 7 and qualified. The person elected collector at the general election as aforesaid, if that election  
 8 is not one for collector of revenue under chapter 52, shall serve until the first Monday in March  
 9 following the election and qualification of a collector of revenue under chapter 52. Upon  
 10 abolition of township organization a county treasurer shall be appointed to serve until the  
 11 expiration of the term of such officer pursuant to chapter 54.

12 2. Upon abolition of township organization, title to all property of all kinds theretofore  
 13 owned by the several townships of the county shall vest in the county and the county shall be  
 14 liable for all outstanding obligations and liabilities of the several townships.

15 3. The terms of office of all township officers shall expire on the abolition of township  
 16 organization and the township trustee of each township shall immediately settle his accounts with  
 17 the county clerk and all township officers shall promptly deliver to the appropriate county  
 18 officers, as directed by the county commission, all books, papers, records and property pertaining  
 19 to their offices.

20 ~~[4. For a period of one calendar year following the abolition of the townships or until the~~  
21 ~~voters of the county have approved a tax levy for road and bridge purposes, whichever occurs~~  
22 ~~first, the county collector shall continue to collect a property tax on a countywide basis in an~~  
23 ~~amount equal to the tax levied by the township that had the lowest total tax rate in the county~~  
24 ~~immediately prior to the abolishment of the townships. The continued collection of the tax shall~~  
25 ~~be considered a continuation of an existing tax and shall not be considered a new tax levy.]~~

87.135. 1. Under such rules and regulations as the board of trustees shall adopt, each  
2 member who was a firefighter on and prior to the date of the establishment of the retirement  
3 system shall file a detailed statement of all service as a firefighter rendered by him or her prior  
4 to that date for which the firefighter claims credit.

5 2. The board of trustees shall fix and determine by proper rules and regulations how  
6 much service in any year is equivalent to one year of service, but in no case shall more than one  
7 year of service be creditable for all service in one calendar year, nor shall the board of trustees  
8 allow credit as service for any period of more than one month's duration during which the  
9 member was absent without pay.

10 3. Subject to the above restrictions and to such other rules and regulations as the board  
11 of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable  
12 after the filing of the statement of service.

13 4. Upon verification of the statements of service the board of trustees shall issue prior  
14 service certificates, certifying to each member the length of prior service with which the member  
15 is credited on the basis of his or her statement of service. So long as the holder of the certificate  
16 continues to be a member, a prior service certificate shall be final and conclusive for retirement  
17 purposes as to such service, except that any member may, within one year from the date of  
18 issuance or modification of the certificate, request the board of trustees to modify or correct the  
19 member's prior service certificate, and upon such request or of its own motion the board may  
20 correct the certificate. When any firefighter ceases to be a member his or her prior service  
21 certificate shall become void. Should he or she again become a member, he or she shall enter  
22 the retirement system as a member not entitled to prior service credit except as provided in  
23 section 87.215.

24 5. Creditable service at retirement on which the retirement allowance of a member shall  
25 be based shall consist of creditable membership service rendered by him or her, and also if the  
26 member has a prior service certificate which is in full force and effect, the amount of the service  
27 certified on the member's prior service certificate. Service rendered by a firefighter after the  
28 operative date and prior to becoming a member shall be included as creditable membership  
29 service provided the service was rendered since he or she last became a firefighter.

30           **6. The retirement system, with the approval of the board of trustees, may enter into**  
31 **cooperative agreements to transfer creditable service between the retirement system and**  
32 **any other retirement plan established by the state of Missouri or any political subdivision**  
33 **or instrumentality of the state when a member who has been employed in a position**  
34 **covered by one plan is employed in a position covered by another plan. The transfer of**  
35 **creditable service shall be in accordance with the provisions of section 105.691 and the**  
36 **policies and procedures established by the board of trustees.**

          94.900. 1. (1) The governing body of the following cities may impose a tax as provided  
2 in this section:

3           (a) Any city of the third classification with more than ten thousand eight hundred but less  
4 than ten thousand nine hundred inhabitants located at least partly within a county of the first  
5 classification with more than one hundred eighty-four thousand but less than one hundred  
6 eighty-eight thousand inhabitants;

7           (b) Any city of the fourth classification with more than four thousand five hundred but  
8 fewer than five thousand inhabitants;

9           (c) Any city of the fourth classification with more than eight thousand nine hundred but  
10 fewer than nine thousand inhabitants;

11           (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine  
12 thousand inhabitants;

13           (e) Any home rule city with more than seventy-three thousand but fewer than  
14 seventy-five thousand inhabitants;

15           (f) Any city of the fourth classification with more than thirteen thousand five hundred  
16 but fewer than sixteen thousand inhabitants; [ø€]

17           (g) Any city of the fourth classification with more than seven thousand but fewer than  
18 eight thousand inhabitants;

19           **(h) Any city of the fourth classification with more than four thousand but fewer**  
20 **than four thousand five hundred inhabitants and located in any county of the first**  
21 **classification with more than one hundred fifty thousand but fewer than two hundred**  
22 **thousand inhabitants; or**

23           **(i) Any city of the third classification with more than thirteen thousand but fewer**  
24 **than fifteen thousand inhabitants and located in any county of the third classification**  
25 **without a township form of government and with more than thirty-three thousand but**  
26 **fewer than thirty-seven thousand inhabitants.**

27           (2) The governing body of any city listed in subdivision (1) of this subsection is hereby  
28 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one  
29 percent on all retail sales made in such city which are subject to taxation under the provisions

30 of sections 144.010 to 144.525 for the purpose of improving the public safety for such city,  
31 including but not limited to expenditures on equipment, city employee salaries and benefits, and  
32 facilities for police, fire and emergency medical providers. The tax authorized by this section  
33 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or  
34 order imposing a sales tax pursuant to the provisions of this section shall be effective unless the  
35 governing body of the city submits to the voters of the city, at a county or state general, primary  
36 or special election, a proposal to authorize the governing body of the city to impose a tax.

37 2. If the proposal submitted involves only authorization to impose the tax authorized by  
38 this section, the ballot of submission shall contain, but need not be limited to, the following  
39 language:

40 Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of \_\_\_\_\_ (insert  
41 amount) for the purpose of improving the public safety of the city?

42  YES  NO

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

45

46 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
47 of the proposal submitted pursuant to this subsection, then the ordinance or order and any  
48 amendments thereto shall be in effect on the first day of the second calendar quarter after the  
49 director of revenue receives notification of adoption of the local sales tax. If a proposal receives  
50 less than the required majority, then the governing body of the city shall have no power to  
51 impose the sales tax herein authorized unless and until the governing body of the city shall again  
52 have submitted another proposal to authorize the governing body of the city to impose the sales  
53 tax authorized by this section and such proposal is approved by the required majority of the  
54 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section  
55 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant  
56 to this section.

57 3. All revenue received by a city from the tax authorized under the provisions of this  
58 section shall be deposited in a special trust fund and shall be used solely for improving the public  
59 safety for such city for so long as the tax shall remain in effect.

60 4. Once the tax authorized by this section is abolished or is terminated by any means, all  
61 funds remaining in the special trust fund shall be used solely for improving the public safety for  
62 the city. Any funds in such special trust fund which are not needed for current expenditures may  
63 be invested by the governing body in accordance with applicable laws relating to the investment  
64 of other city funds.

65           5. All sales taxes collected by the director of the department of revenue under this  
66 section on behalf of any city, less one percent for cost of collection which shall be deposited in  
67 the state's general revenue fund after payment of premiums for surety bonds as provided in  
68 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known  
69 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be  
70 deemed to be state funds and shall not be commingled with any funds of the state. The  
71 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be  
72 transferred and placed to the credit of the general revenue fund. The director of the department  
73 of revenue shall keep accurate records of the amount of money in the trust and which was  
74 collected in each city imposing a sales tax pursuant to this section, and the records shall be open  
75 to the inspection of officers of the city and the public. Not later than the tenth day of each month  
76 the director of the department of revenue shall distribute all moneys deposited in the trust fund  
77 during the preceding month to the city which levied the tax; such funds shall be deposited with  
78 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall  
79 be by an appropriation act to be enacted by the governing body of each such city. Expenditures  
80 may be made from the fund for any functions authorized in the ordinance or order adopted by  
81 the governing body submitting the tax to the voters.

82           6. The director of the department of revenue may make refunds from the amounts in the  
83 trust fund and credited to any city for erroneous payments and overpayments made, and may  
84 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes  
85 the tax, the city shall notify the director of the department of revenue of the action at least ninety  
86 days prior to the effective date of the repeal and the director of the department of revenue may  
87 order retention in the trust fund, for a period of one year, of two percent of the amount collected  
88 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
89 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
90 after the effective date of abolition of the tax in such city, the director of the department of  
91 revenue shall remit the balance in the account to the city and close the account of that city. The  
92 director of the department of revenue shall notify each city of each instance of any amount  
93 refunded or any check redeemed from receipts due the city.

94           7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
95 apply to the tax imposed pursuant to this section.

108.120. 1. The county commissions of the counties of this state are hereby authorized  
2 to issue bonds for and on behalf of their respective counties for the construction, reconstruction,  
3 improvement, maintenance and repair of any and all public roads, highways, bridges ~~and~~ ,  
4 culverts, **streets, avenues, or alleys** within such county, including the payment of any cost,  
5 judgment and expense for property, or rights in property, acquired by purchase or eminent

6 domain, as may be provided by law, in such amount and such manner as may be provided by the  
7 general law authorizing the issuance of bonds by counties.

8 2. The proceeds of all bonds issued under the provisions of this section shall be paid into  
9 the county treasury where they shall be kept as a separate fund to be known as "The Road Bond  
10 Construction Fund" and such proceeds shall be used only for the purpose mentioned herein.  
11 ~~[Such funds may be used in the construction, reconstruction, improvement, maintenance and~~  
12 ~~repair of any street, avenue, road or alley in any incorporated city, town or village if such street,~~  
13 ~~avenue, road or alley or any part thereof shall form a part of a continuous road, highway, bridge~~  
14 ~~or culvert of said county leading into or through such city, town or village.]~~ **The county may**  
15 **contract with any other political subdivision to share the proceeds of such bonds to be used**  
16 **for the purposes authorized.**

137.555. In addition to other levies authorized by law, the county commission in  
2 counties not adopting an alternative form of government and the proper administrative body in  
3 counties adopting an alternative form of government, in their discretion may levy an additional  
4 tax, not exceeding thirty-five cents on each one hundred dollars assessed valuation, all of such  
5 tax to be collected and turned into the county treasury, where it shall be known and designated  
6 as "The Special Road and Bridge Fund" to be used for road and bridge purposes and for no other  
7 purpose whatever; except that the term "road and bridge purposes" may include certain storm  
8 water control projects off rights of way that are directly related to the construction of roads and  
9 bridges, in any county of the first classification without a charter form of government with a  
10 population of at least ninety thousand inhabitants but not more than one hundred thousand  
11 inhabitants, in any county of the first classification without a charter form of government with  
12 a population of at least two hundred thousand inhabitants, in any county of the first classification  
13 without a charter form of government and bordered by one county of the first classification and  
14 one county of the second classification or in any county of the first classification with a charter  
15 form of government and containing part of a city with a population of three hundred thousand  
16 or more inhabitants; provided, however, that all that part or portion of such tax which shall arise  
17 from and be collected and paid upon any property lying and being within any special road district  
18 shall be paid into the county treasury and four-fifths of such part or portion of such tax so arising  
19 from and collected and paid upon any property lying and being within any such special road  
20 district shall be placed to the credit of such special road district from which it arose and shall be  
21 paid out to such special road district upon warrants of the county commission, in favor of the  
22 commissioners or treasurer of the district as the case may be; provided further, that the part of  
23 such special road and bridge tax arising from and paid upon property not situated in any special  
24 road district and the one-fifth part retained in the county treasury may, in the discretion of the  
25 county commission **and pursuant to a written contract, be shared with any other political**



26 **subdivision to be used [##] for road and bridge purposes within the county including, but**  
27 **not limited to, constructing,** improving, or repairing [~~any street in any incorporated city or~~  
28 ~~village in the county, if such street shall form a part of a continuous highway of such county~~  
29 ~~leading through such city or village]~~ **streets, avenues, or alleys of such political subdivision.**

137.556. 1. Notwithstanding the provisions of section 137.555, any county of the second  
2 class which now has or may hereafter have more than one hundred thousand inhabitants, and any  
3 county of the first class not having a charter form of government, shall expend not less than  
4 twenty-five percent of the moneys accruing to it from the county's special road and bridge tax  
5 levied upon property situated within the limits of any city, town or village within the county for  
6 the repair and improvement of existing roads, streets and bridges within the city, town or village  
7 from which such moneys accrued, except that any county of the [~~second~~] **first** classification with  
8 more than sixty-five thousand but fewer than seventy-five thousand inhabitants **and with a**  
9 **county seat with more than fifteen thousand but fewer than seventeen thousand**  
10 **inhabitants** shall not be required to expend such moneys as prescribed in this section.

11 2. The city council or other governing body of the city, town or village shall designate  
12 the roads, streets and bridges to be repaired and improved and shall specify the kinds and types  
13 of materials to be used.

14 3. The county commission may make and supervise the improvements or the city, town  
15 or village, with the consent and approval of the county commission, may provide for the repairs  
16 and improvement by private contract and, in either case, the county commission shall pay the  
17 costs thereof out of any funds available under the provisions of this section.

162.441. 1. If any school district desires to be attached **to a community college district**  
2 **organized under sections 178.770 to 178.890** or to one or more adjacent seven-director school  
3 districts for school purposes, upon the receipt of a petition setting forth such fact, signed either  
4 by voters of the district equal in number to ten percent of those voting in the last school election  
5 at which school board members were elected or by a majority of the voters of the district,  
6 whichever is the lesser, the school board of the district desiring to be so attached shall submit the  
7 question to the voters.

8 2. As an alternative to the procedure in subsection 1 of this section, a seven-director  
9 district may, by a majority vote of its board of education, propose a plan to the voters of the  
10 district to attach the district to one or more adjacent seven-director districts and call [~~for~~] an  
11 election upon the question of such plan.

12 3. **As an alternative to the procedures in subsection 1 or 2 of this section, a**  
13 **community college district organized under sections 178.770 to 178.890 may, by a majority**  
14 **vote of its board of trustees, propose a plan to the voters of the school district to attach the**  
15 **school district to the community college district, levy the tax rate applicable to the**

16 **community college district at the time of the vote of the board of trustees, and call an**  
 17 **election upon the question of such plan. The community college district shall be**  
 18 **responsible for the costs associated with the election.**

19 4. A plat of the proposed changes to all affected districts shall be published and posted  
 20 with the notice of election.

21 ~~[4-]~~ 5. The question shall be submitted in substantially the following form:

22 Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the  
 23 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

24 ~~[5-]~~ 6. If a majority of the votes cast in the district proposing annexation favor  
 25 annexation, the secretary shall certify the fact, with a copy of the record, to the board of the  
 26 district and to the boards of the districts to which annexation is proposed; whereupon the boards  
 27 of the seven-director districts to which annexation is proposed shall meet to consider the  
 28 advisability of receiving the district or a portion thereof, and if a majority of all the members of  
 29 each board favor annexation, the boundary lines of the seven-director school districts from the  
 30 effective date shall be changed to include the district, and the board shall immediately notify the  
 31 secretary of the district which has been annexed of its action.

32 ~~[6-]~~ 7. Upon the effective date of the annexation, all indebtedness, property and money  
 33 on hand belonging thereto shall immediately pass to the seven-director school district. If the  
 34 district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall  
 35 apply.

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the  
 2 "Missouri Public-Private Partnerships Transportation Act".

3 2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise,  
 4 the following terms mean:

- 5 (1) "Commission", the Missouri highways and transportation commission;
- 6 (2) "Comprehensive agreement", the final binding written comprehensive project  
 7 agreement between a private partner and the commission required in section 227.621 to finance,  
 8 develop, and/or operate the project;
- 9 (3) "Department", the Missouri department of transportation;
- 10 (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease,  
 11 design, or construct;
- 12 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges  
 13 incurred to finance, develop, and/or operate the project;
- 14 (6) "Interim agreement", a preliminary binding written agreement between a private  
 15 partner and the commission that provides for completion of studies and any other activities to  
 16 advance the financing, development, and/or operation of the project required by section 227.618;

17 (7) "Material default", any uncured default by a private partner in the performance of its  
18 duties that jeopardizes adequate service to the public from the project as determined by the  
19 commission;

20 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or  
21 collect user fees;

22 (9) "Private partner", any natural person, corporation, partnership, limited liability  
23 company, joint venture, business trust, nonprofit entity, other business entity, or any combination  
24 thereof;

25 (10) "Project", exclusively includes any pipeline, ferry, port facility, water facility, water  
26 way, water supply facility or pipeline, **stormwater facility or system**, wastewater **system** or  
27 ~~[wastewater]~~ treatment facility, public building, airport, railroad, light rail, vehicle parking  
28 facility, mass transit facility, or other similar facility currently available or to be made available  
29 to a government entity for public use, including any structure, parking area, appurtenance and  
30 other property required to operate the structure or facility to be financed, developed, and/or  
31 operated under agreement between the commission and a private partner. The commission or  
32 private partner shall not have the authority to collect user fees in connection with the project  
33 from motor carriers as defined in section 227.630. Project shall not include any highway,  
34 interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected  
35 to an interstate or other highway under the authority of the commission. Any project not  
36 specifically included in this subdivision shall not be financed, developed, or operated by a private  
37 partner until such project is approved by a vote of the people;

38 (11) "Public use", a finding by the commission that the project to be financed, developed,  
39 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed  
40 as a necessary addition to the state transportation system;

41 (12) "Revenues", include but are not limited to the following which arise out of or in  
42 connection with the financing, development, and/or operation of the project:

43 (a) Income;

44 (b) Earnings;

45 (c) Proceeds;

46 (d) User fees;

47 (e) Lease payments;

48 (f) Allocations;

49 (g) Federal, state, and local moneys; or

50 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

51 (13) "State", the state of Missouri;

52 (14) "State highway system", the state system of highways and bridges planned, located,  
53 relocated, established, acquired, constructed, and maintained by the commission under Section  
54 30(b), Article IV, Constitution of Missouri;

55 (15) "State transportation system", the state system of nonhighway transportation  
56 programs, including but not limited to aviation, transit and mass transportation, railroads, ports,  
57 waterborne commerce, freight and intermodal connections;

58 (16) "User fees", tolls, fees, or other charges authorized to be imposed by the  
59 commission and collected by the private partner for the use of all or a portion of a project under  
60 a comprehensive agreement.

**227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the  
2 contrary, the process and approval for concession agreements to build, maintain, operate,  
3 or finance projects owned by a political subdivision shall be approved by the governing  
4 body of such political subdivision and shall not be subject to approval by the commission.  
5 Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any  
6 project owned by a political subdivision shall be subject to voter approval if required by  
7 law.**

8 **2. As used in this section, the following terms shall mean:**

9 **(1) "Competitive bidding process", a request for proposal for the financing,  
10 development, or operation of the project, including any deadline for submission of such  
11 proposals, and notice of the request, which shall be published once a week for two  
12 consecutive weeks in:**

13 **(a) A newspaper of general circulation in the city where the proposed project is  
14 located;**

15 **(b) At least one construction industry trade publication that is nationally  
16 distributed; and**

17 **(c) Such other publications or manner as the governing body of the political  
18 subdivision may determine;**

19 **(2) "Concession agreement", a license or lease between a private partner and a  
20 political subdivision for the development, finance, operation, or maintenance of a project,  
21 as such term is defined in section 227.600.**

22 **3. Notwithstanding any provision of law to the contrary, political subdivisions may  
23 enter into concession agreements, provided that:**

24 **(1) The term of the concession agreement shall be for a term not exceeding thirty  
25 years;**

26 **(2) The political subdivision shall retain oversight of operations of any such project;**

27 **(3) The political subdivision shall retain oversight of rate setting methodology; and**

28           **(4) The political subdivision shall have the right to terminate the agreement if the**  
29 **private partner does not comply with the concession agreement.**

30           **4. The commission shall not be required to oversee, or issue an annual report under**  
31 **section 227.669 for, projects approved by political subdivisions, provided that any political**  
32 **subdivision entering into a concession agreement shall use a public-private partnership**  
33 **framework that shall include a competitive bidding process.**

34           **5. Except as provided in subsection 1 of this section, the provisions of sections**  
35 **71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600**  
36 **shall not apply to concession agreements that are approved as provided in this section.**

✓