

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 572

98TH GENERAL ASSEMBLY
2016

4953S.14T

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:

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A. Sections 67.287, 67.398, 67.451, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 67.287, 67.398, 67.451, 71.980, 77.700, 77.703, 77.706, 77.709, 77.712, 77.715,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

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

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

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

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

2. Every municipality shall meet the following minimum standards within three years of August 28, 2015, by providing the following municipal services,

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

11 financial services, and reports, except that the provision of subdivision (6) of this
12 subsection shall be completed within six years:

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

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

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

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

24 (a) General liability coverage;

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

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

28 (d) Workers compensation benefits for injured employees under the
29 provisions of chapter 287; and

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

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

36 (6) **If a municipality has a police department or contracts with**
37 **another police department for public safety services**, a police department
38 accredited or certified by the Commission on Accreditation for Law Enforcement
39 Agencies or the Missouri Police Chiefs Association or a contract for police service
40 with a police department accredited or certified by such entities;

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

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

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

46 (10) Written policies for collecting and reporting all crime and police stop

47 data for the municipality as required by law. Such policies shall be forwarded to
48 the attorney general's office;

49 (11) Construction code review by existing staff, directly or by contract
50 with a public or private agency. **The provisions of this subdivision shall not**
51 **require the municipality to adopt an updated construction code;** and

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

56 3. If any resident of a municipality has belief or knowledge that such
57 municipality has failed to ensure that the standards listed in subsection 2 of this
58 section are regularly provided and are likely to continue to be provided, he or she
59 may make an affidavit before any person authorized to administer oaths setting
60 forth the facts alleging the failure to meet the required standards and file the
61 affidavit with the attorney general. It shall be the duty of the attorney general,
62 if, in his or her opinion, the facts stated in the affidavit justify, to declare
63 whether the municipality is operating below minimum standards, and if it is, the
64 municipality shall have sixty days to rectify the deficiencies in services noted by
65 the attorney general. If after sixty days the municipality is still deemed by the
66 attorney general to have failed to rectify sufficient minimum standards to be in
67 compliance with those specified by subsection 2 of this section, the attorney
68 general may file suit in the circuit court of the county. If the court finds that the
69 municipality is not in compliance with the minimum standards specified in
70 subsection 2 of this section, the circuit court of the county shall order the
71 following remedies:

72 (1) Appointment of an administrative authority for the municipality
73 including, but not limited to, another political subdivision, the state, or a
74 qualified private party to administer all revenues under the name of the
75 municipality or its agents and all funds collected on behalf of the municipality.
76 If the court orders an administrative authority to administer the revenues under
77 this subdivision, it may send an order to the director of revenue or other party
78 charged with distributing tax revenue, as identified by the attorney general, to
79 distribute such revenues and funds to the administrative authority who shall use
80 such revenues and existing funds to provide the services required under a plan
81 approved by the court. The court shall enter an order directing all financial and
82 other institutions holding funds of the municipality, as identified by the attorney

83 general, to honor the directives of the administrative authority;

84 (2) If the court finds that the minimum standards specified in subsection
85 2 of this section still are not established at the end of ninety days from the time
86 the court finds that the municipality is not in compliance with the minimum
87 standards specified in subsection 2 of this section, the court may either enter an
88 order disincorporating the municipality or order placed on the ballot the question
89 of whether to disincorporate the municipality as provided in subdivisions (1), (2),
90 (4), and (5) of subsection 3 of section 479.368. The court also shall place the
91 question of disincorporation on the ballot as provided by subdivisions (1), (2), (4),
92 and (5) of subsection 3 of section 479.368 if at least twenty percent of the
93 registered voters residing in the subject municipality or forty percent of the
94 number of voters who voted in the last municipal election, whichever is lesser,
95 submit a petition to the court while the matter is pending, seeking
96 disincorporation. The question shall be submitted to the voters in substantially
97 the following form:

98 The city/town/village of has failed to meet minimum standards
99 of governance as required by law. Shall the city/town/village of be
100 dissolved?

101 YES NO

102 If electors vote to disincorporate, the court shall determine the date upon which
103 the disincorporation shall occur, taking into consideration a logical transition.

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

67.398. 1. The governing body of any city or village, or any county having
2 a charter form of government, or any county of the first classification that
3 contains part of a city with a population of at least three hundred thousand
4 inhabitants, may enact ordinances to provide for the abatement of a condition of
5 any lot or land that has the presence of a nuisance including, but not limited to,
6 debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs,
7 overgrown vegetation and noxious weeds which are seven inches or more in
8 height, rubbish and trash, lumber not piled or stacked twelve inches off the
9 ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken
10 furniture, any flammable material which may endanger public safety or any
11 material or condition which is unhealthy or unsafe and declared to be a public
12 nuisance.

13 2. The governing body of any home rule city with more than four hundred

14 thousand inhabitants and located in more than one county may enact ordinances
15 for the abatement of a condition of any lot or land that has vacant buildings or
16 structures open to entry.

17 3. [Any ordinance authorized by this section may provide that if the owner
18 fails to begin removing or abating the nuisance within a specific time which shall
19 not be less than seven days of receiving notice that the nuisance has been ordered
20 removed or abated, or upon] **Any ordinance authorized by this section shall**
21 **provide for service to the owner of the property and, if the property is**
22 **not owner-occupied, to any occupant of the property of a written notice**
23 **specifically describing each condition of the lot or land declared to be**
24 **a public nuisance, and which notice shall identify what action will**
25 **remedy the public nuisance. Unless a condition presents an immediate,**
26 **specifically identified risk to the public health or safety, the notice**
27 **shall provide a reasonable time, not less than ten days, in which to**
28 **abate or commence removal of each condition identified in the**
29 **notice. Written notice may be given by personal service or by first-**
30 **class mail to both the occupant of the property at the property address**
31 **and the owner at the last known address of the owner, if not the**
32 **same. Upon a failure of the owner to pursue the removal or abatement of**
33 such nuisance without unnecessary delay, the building commissioner or
34 designated officer may cause the condition which constitutes the nuisance to be
35 removed or abated. If the building commissioner or designated officer causes
36 such condition to be removed or abated, the cost of such removal or abatement
37 **and the proof of notice to the owner of the property shall be certified to**
38 the city clerk or officer in charge of finance who shall cause the certified cost to
39 be included in a special tax bill or added to the annual real estate tax bill, at the
40 collecting official's option, for the property and the certified cost shall be collected
41 by the city collector or other official collecting taxes in the same manner and
42 procedure for collecting real estate taxes. If the certified cost is not paid, the tax
43 bill shall be considered delinquent, and the collection of the delinquent bill shall
44 be governed by the laws governing delinquent and back taxes. The tax bill from
45 the date of its issuance shall be deemed a personal debt against the owner and
46 shall also be a lien on the property **from the date the tax bill is delinquent**
47 until paid.

67.451. Any city in which voters have approved fees to recover costs
2 associated with enforcement of municipal housing, property maintenance, or

3 **property** nuisance ordinances may [issue a special tax bill against] **include**
4 **any unrecovered costs or fines relating to the real property in the**
5 **annual real estate tax bill for** the property where such ordinance violations
6 existed. **Notwithstanding the last sentence of subsection 5 of section**
7 **479.011**, the officer in charge of finance shall cause the amount of unrecovered
8 costs **or unpaid fines which are delinquent for more than a year** to be
9 [included in a special tax bill or] added to the annual real estate tax bill for the
10 property **if such property is still owned by the person incurring the costs**
11 **or fines** [at the collecting official's option,] and the costs **and fines** shall be
12 collected by the city collector or other official collecting taxes in the same manner
13 and procedure for collecting real estate taxes. If the [cost is] **costs and fines**
14 **are not paid by December 31 of the year in which the costs and fines are**
15 **included in the tax bill**, the tax bill shall be considered delinquent, and the
16 collection of the delinquent bill shall be governed by laws governing delinquent
17 and back taxes. The tax bill shall be deemed a personal debt against the owner
18 from the date of issuance, and shall also be a lien on the property **from the date**
19 **the tax bill becomes delinquent** until paid. Notwithstanding any provision
20 of the city's charter to the contrary, the city may provide, by ordinance, that the
21 city may discharge **all or any portion of the unrecovered costs or fines**
22 **added pursuant to this section to** the [special] tax bill upon a determination
23 by the city that a public benefit will be gained by such discharge, and such
24 discharge shall include any costs of tax collection, accrued interest, or attorney
25 fees related to the [special] tax bill.

71.980. **Notwithstanding any provision to the contrary, the state**
2 **shall not be held liable for the debts of a municipality that is**
3 **financially insolvent. For purposes of this section, a municipality is**
4 **financially insolvent if it is not paying its debts as they become due,**
5 **unless such debts are the subject of a bona fide dispute, or is unable to**
6 **pay its debts as they become due.**

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

2. **The county governing body shall order an election upon the**
5 **question of disincorporation of a city of the third classification upon**
6 **petition of twenty-five percent of the voters of the city.**

3. **The county governing body shall give notice of the election by**

8 publication in a newspaper of general circulation published in the city
9 or, if there is no such newspaper in the city, then in the newspaper in
10 the county published nearest the city. The notice shall contain a copy
11 of the petition and the names of the petitioners. No election on the
12 question of disincorporation shall be held until the notice has been
13 published for four weeks successively.

14 4. The question shall be submitted in substantially the following
15 form:

16 Shall the city of be dissolved?

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

77.703. No dissolution of the corporation shall invalidate or
2 affect any right accruing to the corporation or to any person or
3 invalidate or affect any contract entered into or imposed on the
4 corporation.

77.706. Whenever the county governing body shall dissolve any
2 city of the third classification, the county governing body shall appoint
3 some competent person to act as trustee for the corporation so
4 dissolved, and such trustee, before entering upon the discharge of his
5 or her duties, shall take and subscribe an oath that he or she will
6 faithfully discharge the duties of his or her office and shall give bond
7 with sufficient security, to be approved by the governing body, to the
8 use of such disincorporated city, conditioned for the faithful discharge
9 of his or her duty.

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

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

77.715. When the trustee shall have closed the affairs of the
 2 corporation and shall have paid all debts due by the corporation, he or
 3 she shall pay over to the county treasurer all money remaining in his
 4 or her hands, take receipt therefor, and deliver to the clerk of the
 5 county governing body all books, papers, records, and deeds belonging
 6 to the dissolved corporation.

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

3 2. The county governing body shall order an election upon the question
 4 of disincorporation of a fourth class city upon petition of [one-half] **twenty-five**
 5 **percent** of the voters of the city.

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

12 4. The question shall be submitted in substantially the following form:
 13 Shall the city of be dissolved?

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

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

4 2. The county governing body shall order an election upon the question
 5 of disincorporation of a town or village upon petition of [one-half] **twenty-five**
 6 **percent** of the voters of the town or village.

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

14 4. The question shall be submitted in substantially the following form as

15 the case may be:

16 Shall the town of be dissolved?; or

17 Shall the village of be dissolved?

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

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

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

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

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

**14 4. The question shall be submitted in substantially the following
15 form:**

16 Shall the city of be dissolved?

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

**82.136. No dissolution of the corporation shall invalidate or
2 affect any right accruing to the corporation or to any person, or
3 invalidate or affect any contract entered into or imposed on the**

4 **corporation.**

82.139. Whenever the county governing body shall dissolve any
2 constitutional charter or home rule city, the county governing body
3 shall appoint some competent person to act as trustee for the
4 corporation so dissolved, and the trustee, before entering upon the
5 discharge of his or her duties, shall take and subscribe an oath that he
6 or she will faithfully discharge the duties of the office and shall give
7 bond with sufficient security, to be approved by the governing body, to
8 the use of the disincorporated city, conditioned for the faithful
9 discharge of the trustee's duty.

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

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

82.148. When the trustee shall have closed the affairs of the
2 corporation, and shall have paid all debts due by the corporation, he or
3 she shall pay over to the county treasurer all moneys remaining in his
4 or her hands, take receipt therefor, and deliver to the clerk of the
5 county governing body all books, papers, records, and deeds belonging
6 to the dissolved corporation.

479.020. 1. Any city, town or village, including those operating under a
2 constitutional or special charter, may, and cities with a population of four
3 hundred thousand or more shall, provide by ordinance or charter for the selection,
4 tenure and compensation of a municipal judge or judges consistent with the
5 provisions of this chapter who shall have original jurisdiction to hear and
6 determine all violations against the ordinances of the municipality. The method
7 of selection of municipal judges shall be provided by charter or ordinance. Each
8 municipal judge shall be selected for a term of not less than two years as provided
9 by charter or ordinance.

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

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

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

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

29 6. No municipal judge shall hold any other office in the municipality
30 which the municipal judge serves as judge. The compensation of any municipal
31 judge and other court personnel shall not be dependent in any way upon the
32 number of cases tried, the number of guilty verdicts reached or the amount of
33 fines imposed or collected.

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

37 8. Within six months after selection for the position, each municipal judge
38 who is not licensed to practice law in this state shall satisfactorily complete the
39 course of instruction for municipal judges prescribed by the supreme court. The
40 state courts administrator shall certify to the supreme court the names of those
41 judges who satisfactorily complete the prescribed course. If a municipal judge
42 fails to complete satisfactorily the prescribed course within six months after the
43 municipal judge's selection as municipal judge, the municipal judge's office shall
44 be deemed vacant and such person shall not thereafter be permitted to serve as
45 a municipal judge, nor shall any compensation thereafter be paid to such person

46 for serving as municipal judge.

47 **9. No municipal judge shall serve as a municipal judge in more**
48 **than five municipalities at one time.**

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

3 (1) "Annual general operating revenue", revenue that can be used to pay
4 any bill or obligation of a county, city, town, or village, including general sales
5 tax; general use tax; general property tax; fees from licenses and permits;
6 unrestricted user fees; fines, court costs, bond forfeitures, and penalties. Annual
7 general operating revenue does not include designated sales or use taxes;
8 restricted user fees; grant funds; funds expended by a political subdivision for
9 technological assistance in collecting, storing, and disseminating criminal history
10 record information and facilitating criminal identification activities for the
11 purpose of sharing criminal justice-related information among political
12 subdivisions; or other revenue designated for a specific purpose;

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

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

28 (4) "**Municipal ordinance violation**", a municipal or county
29 **ordinance violation prosecuted for which penalties are authorized by**
30 **statute under sections 64.160, 64.200, 64.295, 64.487, 64.690, 64.895,**
31 **67.398, 71.285, 89.120, and 89.490. Municipal ordinance violation shall**
32 **include amended charges for municipal ordinance violations.**

479.353. Notwithstanding any provisions to the contrary, the

2 following conditions shall apply to minor traffic violations **and municipal**
3 **ordinance violations:**

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

6 (a) **Two hundred twenty-five dollars for minor traffic violations;**
7 **and**

8 (b) **For municipal ordinance violations committed within a**
9 **twelve month period beginning with the first violation: two hundred**
10 **dollars for the first municipal ordinance violation, two hundred**
11 **seventy-five dollars for the second municipal ordinance violation, three**
12 **hundred fifty dollars for the third municipal ordinance violation, and**
13 **four hundred fifty dollars for the fourth and any subsequent municipal**
14 **ordinance violations;**

15 (2) The court shall not sentence a person to confinement, except the court
16 may sentence a person to confinement for [violations] **any violation** involving
17 alcohol or controlled substances, violations endangering the health or welfare of
18 others, [and] **or** eluding or giving false information to a law enforcement officer;

19 (3) A person shall not be placed in confinement for failure to pay a fine
20 unless such nonpayment violates terms of probation **or unless the due process**
21 **procedures mandated by Missouri Supreme Court Rule 37.65 or its**
22 **successor rule are strictly followed by the court;**

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

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

479.359. 1. Every county, city, town, and village shall annually calculate
2 the percentage of its annual general operating revenue received from fines, bond
3 forfeitures, and court costs for **municipal ordinance violations and** minor
4 traffic violations, including amended charges for any **municipal ordinance**
5 **violations and** minor traffic violations, whether the violation was prosecuted in
6 municipal court, associate circuit court, or circuit court, occurring within the
7 county, city, town, or village. If the percentage is more than thirty percent, the
8 excess amount shall be sent to the director of the department of revenue. The
9 director of the department of revenue shall set forth by rule a procedure whereby

10 excess revenues as set forth in this section shall be sent to the department of
11 revenue. The department of revenue shall distribute these moneys annually to
12 the schools of the county in the same manner that proceeds of all fines collected
13 for any breach of the penal laws of this state are distributed.

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

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

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

27 (2) The total revenues from fines, bond forfeitures, and court costs for
28 **municipal ordinance violations and** minor traffic violations occurring within
29 the county, city, town, or village, including amended charges from any **municipal**
30 **ordinance violations and** minor traffic violations;

31 (3) The percent of annual general operating revenue from fines, bond
32 forfeitures, and court costs for **municipal ordinance violations and** minor
33 traffic violations occurring within the county, city, town, or village, including
34 amended charges from any charged **municipal ordinance violations and**
35 minor traffic violation, charged in the municipal court of that county, city, town,
36 or village; and

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

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

479.360. 1. Every county, city, town, and village shall file with the state
2 auditor, together with its report due under section 105.145, its certification of its

3 substantial compliance signed by its municipal judge with the municipal court
4 procedures set forth in this subsection during the preceding fiscal year. The
5 procedures to be adopted and certified include the following:

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

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

13 (3) Defendants are not detained in order to coerce payment of fines and
14 costs **unless found to be in contempt after strict compliance by the court**
15 **with the due process procedures mandated by Missouri Supreme Court**
16 **Rule 37.65 or its successor rule;**

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

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

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

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

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

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

31 ~~[(9)]~~ **(10)** The municipal court has adopted an electronic payment system
32 or payment by mail for the payment of minor traffic violations.

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

479.368. 1. (1) Except for county sales taxes deposited in the county
2 sales tax trust fund as defined in section 66.620, any county, city, town, or village

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

10 (2) If any county, city, town, or village has failed to timely file the
11 required addendums, the director of the department of revenue shall hold any
12 moneys the noncompliant city, town, village, or county would otherwise be
13 entitled to from local sales tax as defined in section 32.085 until a determination
14 is made by the director of revenue that the noncompliant city, town, village, or
15 county has come into compliance with the provisions of sections 479.359 and
16 479.360.

17 (3) If any county, city, town, or village has failed to remit the required
18 excess revenue to the director of the department of revenue such general local
19 sales tax revenues shall be distributed as provided in subsection 1 of section
20 479.359 by 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 Upon a noncompliant city, town, village, or county coming into compliance with
23 the provisions of sections 479.359 and 479.360, the director of the department of
24 revenue shall disburse any remaining balance of funds held under this subsection
25 after satisfaction of amounts due under section 479.359. Moneys held by the
26 director of the department of revenue under this subsection shall not be deemed
27 to be state funds and shall not be commingled with any funds of the state.

28 2. (1) Any city, town, village, or county that participates in the
29 distribution of local sales tax in sections 66.600 to 66.630 and fails to timely file
30 the required addendums or remit the required excess revenues, if applicable, after
31 the time period provided by the notice by the director of the department of
32 revenue or any final determination on excess revenue by the court in a judicial
33 proceeding, whichever is later, shall not receive any amount of moneys to which
34 said city, town, village, or county would otherwise be entitled under **sections**
35 66.600 to 66.630. The director of the department of revenue shall notify the
36 county to which the duties of the director have been delegated under section
37 66.601 of any noncompliant city, town, village, or county and the county shall
38 remit to the director of the department of revenue any moneys to which said city,

39 town, village, or county would otherwise be entitled. No disbursements to the
40 noncompliant city, town, village, or county shall be permitted until a
41 determination is made by the director of revenue that the noncompliant city,
42 town, village, or county has come into compliance with the provisions of sections
43 479.359 and 479.360.

44 (2) If such county, city, town, or village has failed to timely file the
45 required addendums, the director of the department of revenue shall hold any
46 moneys the noncompliant city, town, village, or county would otherwise be
47 entitled to under sections 66.600 to 66.630 until a determination is made by the
48 director of revenue that the noncompliant city, town, village, or county has come
49 into compliance with the provisions of sections 479.359 and 479.360.

50 (3) If any county, city, town, or village has failed to remit the required
51 excess revenue to the director of the department of revenue, the director shall
52 distribute such moneys the county, city, town, or village would otherwise be
53 entitled to under sections 66.600 to 66.630 in the amount of excess revenues that
54 the city, town, village, or county failed to remit as provided in subsection 1 of
55 section 479.359.

56 Upon a noncompliant city, town, village, or county coming into compliance with
57 the provisions of sections 479.359 and 479.360, the director of the department of
58 revenue shall disburse any remaining balance of funds held under this subsection
59 after satisfaction of amounts due under section 479.359 and shall notify the
60 county to which the duties of the director have been delegated under section
61 66.601 that such compliant city, town, village, or county is entitled to
62 distributions under sections 66.600 to 66.630. If a noncompliant city, town,
63 village, or county becomes disincorporated, any moneys held by the director of the
64 department of revenue shall be distributed to the schools of the county in the
65 same manner that proceeds of all penalties, forfeitures, and fines collected for any
66 breach of the penal laws of the state are distributed. Moneys held by the director
67 of the department of revenue under this subsection shall not be deemed to be
68 state funds and shall not be commingled with any funds of the state.

69 3. In addition to the provisions of subsection 1 of this section, any county
70 that fails to remit the required excess revenue as required by section 479.359
71 shall have an election upon the question of disincorporation under Article VI,
72 Section 5 of the Constitution of Missouri, and any such city, town, or village that
73 fails to remit the required excess revenue as required by section 479.359 shall
74 have an election upon the question of disincorporation according to the following

75 procedure:

76 (1) The election upon the question of disincorporation of such city, town,
77 or village shall be held on the next general election day, as defined by section
78 115.121;

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

84 (3) The question shall be submitted to the voters of such city, town, or
85 village in substantially the following form:

86 The city/town/village of has kept more revenue from fines, bond
87 forfeitures, and court costs for **municipal ordinance violations and** minor
88 traffic violations than is permitted by state law and failed to remit those revenues
89 to the county school fund. Shall the city/town/village of be dissolved?

90 YES NO

91 (4) Upon notification by the director of the department of revenue, the
92 county governing body in which the city, town, or village is located shall give
93 notice of the election for eight consecutive weeks prior to the election by
94 publication in a newspaper of general circulation published in the city, town, or
95 village, or if there is no such newspaper in the city, town, or village, then in the
96 newspaper in the county published nearest the city, town, or village; and

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

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