

IN THE SUPREME COURT
STATE OF MISSOURI

FILED

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No. SC94348

CLERK, SUPREME COURT

ARTHUR L. LeBEAU, Jr., et al

Appellants, Pro-Se

vs

COMMISSIONERS OF FRANKLIN COUNTY

Respondents

APPELLANTS BRIEF

Appeal from the Circuit court of Franklin County

State of Missouri

Honorable Judge Robert D. Schollmeyer

12AB-CC00269-01



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SCANNED

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INTRODUCTION

Appellants are again back in this court for review of the matter that should have been determined and finalized in the trial court. The matter being before the court of a constitutional issue was treated in a most supercilious manner. We as the Appellants dislike writing such harsh words, but during this entire process it definitely seemed the trial court dismissed Appellants as being uninformed or perhaps, merely because we were pro se.

This was further demonstrated at the hearing of May 28, 2014, when the Appellants submitted the Supreme Court Opinion SC93618 in the record. The trial judge refused and said he “would make note of it” which appears he did not. The reason Appellants wanted it entered is because of its profundity.

At the same hearing date, Appellants hand delivered to Respondents Counsel and also filed in the court (to the judge who gave to the clerk) a **Plaintiffs Motion To Strike**. This was not in the court file record and therefore not in the Legal File. as other filings are also missing— Appellants are not certain if such is correct procedure under the rules as to a couple filings in the Appendix if we are in error, this court could then strike. At every phase of this proceeding Appellants were stymied by the trial court in its reluctance to get to the facts.

The trial court in its Judgment gave no decision of facts from its own reasoning as from the trials presentations, merely copying that which was submitted by Respondents and not any reference to what Appellants had submitted as a recommendation for the courts judgment

TABLE OF AUTHORITIES

<i>Bowles v All Counties Inv. Corp</i>	6, 13
46 S.W.3d 636 (Mo App S.D. 2001)	
<i>City of Greenwood v. Martin Marietta Materials, Inc</i>	6, 13
311 S.W.3d 258 (Mo App W.D. 2010)	
<i>Hammerschmidt v Boone County</i> ,.....	10, 14
877 S.W.2d 98 (Mo banc 1994)	
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226 S.W.3d 158 (Mo banc 2007)	
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<i>Legends Bank v State of Missouri</i>	10
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<i>Missouri Statutes</i>	
Sections 56.640.1; 56.660; 66.010-66.140; 211.031; 527.110	

JURISDICTIONAL STATEMENT

This court has complete jurisdiction of this appeal from the Franklin County Circuit Court (No 12AB-CC00269-01). This matter is a constitutional challenge to HB1171 as being unconstitutional. Passage of same violated Article III, Sections 21 and 23 of the Missouri Constitution. As a constitutional issue this court had previously ruled that appellants had standing, it being the only matter before the court at that time and the other issues of the unconstitutionality of HB1171 and whether counsel for Respondents had statutory authority to so make entry for them were remanded back to trial court for a ruling on those merits as per SC93618 Opinion of February 4, 2014.

Matter involving a challenge to the validity and constitutionality of a Missouri Statute is the exclusive jurisdiction of this court, Missouri Constitution Article V, Section 3. *Natural Solid Waste Management Association v. Director of the Department of Natural Resources*, 964 S.W.2d 819 (Mo banc 1998)

STATEMENT OF FACTS

.This appeal from the Judgment of the trial court is comprised of primarily two facets. First the constitutionality of HB1171 and secondly, that counsel for Respondents has no authority to represent Respondents, and is no more than an interloper. Respondents have failed to have statutory representative counsel throughout the entire proceedings of which trial court chose to ignore in its ruling.

1. The facts have not changed on the constitutionality of HB1171 since the case was remanded back to the trial court by opinion of SC93618 February 4, 2014 to rule on the constitutionality of HB1171 and also on the entry of counsel by other than the county counselor to represent Respondents.

2. All of Appellants' pleadings and filings are exactly the same as set forth in "Appellants Amended Brief" filed in the Eastern District Court of Appeals and transferred to this court, it being a constitutional subject. This matter having been remanded back to the trial court and the trial court reopening the file on February 28, 2014 (LF 1). those original docket entries on various subject matters being in the original, Legal File and Brief of Appellants are not again resubmitted, the court did not include those entries in present legal file.

3. Appellants are not sure if making reference to the Original Legal File is proper and in accordance with the rules. However without those entries in this current Legal File makes it difficult to reference specific entries. Appellants have noted any reference to pages in the Original Legal File as (OLF).

4. Throughout the prior proceedings of the "standing issue" as decided

by this court, Opinion SC93618, to the present, Appellants have questioned the entry of Matthew Becker (formerly) and now Steven White as having authority to represent Respondents. (LF 1, 14-Mar-2014) (LF 12,13) . Trial Court did not render any reasoning in its order as to why Appellants Motion to Deny Entry (LF 12, 13) was denied (LF 2, 05-May-2014).

5. Trial court grievously erred by reversing its decision (with absolutely no explanation) to tax Appellants for the service of summons to the Attorney General (LF 1, 21-Mar-2014; LF 2, 02 & 03-Apr 2014) and as in Judgment (A 7) . Copies of taxing (A-39, 40)

POINTS RELIED ON

The court erred in its Judgment in both areas of Appellants Petition by not answering the unconstitutionality of HB1171 and not answering why counsel for Respondents had any authority to represent Respondents, as this was the sole function of the County Counselor. Sec 56.640.1 RSMo.

The Legal File does not include the physical Judgment of July 11, 2014, there is merely an entry (LF 3, 11-Jun-2014) However a physical copy has been made available in the Appendix Section for reference. It is of note that the Judgment is printed on both sides of the paper, and is paginated by Appellants on the front and back of each sheet of Judgment and the attached Exhibits A,B & C. A copy of Judgment was included in with Appellants Notice of Appeal as per Rule.

POINT 1

1. The trial court erred most egregiously by not considering in depth the profound argument presented at the first trial and again at the remanded trial, that HB 1171 was unconstitutional by having two subject matters; the trial court merely copied Respondents Proposed Judgment as submitted by Respondents Counsel (LF 25,- 30) and then included a few case citations that absolutely are not on point in matter at bar (A 4, 5, 6) Trial court made only a minor reference to Opinion SC93618 by "Court takes judicial notice" (A 1) making absolutely no mention of any thought as was opined by the in depth reasoning in SC93618, *LeBeau v Commissioners of Franklin County*, 422 S.W.3d 284 (Mo banc 2014) Trial court did not consider the proposed judgment submitted by Appellants (LF 31-35) that explicitly spelled out the distinction between the two matters that made HB 1171 unconstitutional. There are numerous "courts" and they are not all "courts" that are identical or subject to the same legislation. Surely a Juvenile Court has absolutely nothing to do with a county population count, by reading Section 211.031 clearly establishes this fact. There are several courts that operate in different realms, Family Court, Probate Court, Small Claims Court and others.

2. In Plaintiffs Proposed Judgment it is clearly stated as to the differences. Chapter 67, Political Subdivision Miscellaneous Power, of which 67.320 (the challenged section) is noted, being under Missouri Statutes at **TITLE VI**, (entitled) **COUNTY TOWNSHIP, AND POLITICAL SUBDIVISION GOVERNMENT** (LF 31,32) . The second challenged section that makes HB

1171 unconstitutional is 211.031. This section is under **Chapter 211, Juvenile Court**, being under **TITLE XII, PUBLIC HEALTH AND WELFARE**.

3 The above are two entirely different subjects, two different titles in the Missouri Statutes, namely Title VI and Title XII, two different areas of government: one is Political Subdivision Government and the other is Public Health and Welfare. One allows a county of a certain population count to establish a county municipal court if they **so wish** (not required nor mandatory, strictly a voluntary action). The other of 211.031 is a mandatory requirement. Of note, under Supreme Court Rules for practice in the Juvenile Court there are twenty-one specific Rules (110-130) relating to Juvenile Courts, by this number it is most indicative of the Juvenile Courts being entirely separate and different from the county population count under Section 67.320.

4: Respondents **Answer** to Plaintiffs Original and Amended Petition (LF 14,15,16,17,18,19,20) which should have been filed much sooner, however in these seven pages Respondents answer absolutely nothing and attempt to hide behind their remark of *"Defendants note that the allegations in this paragraph are legal arguments or conclusions as opposed to factual averments...."* using said statement some forty times, again most egregiously avoiding the germane issue of the unconstitutionality of HB 1171. Respondents in their Answer, also took such a cavalier attitude toward the thoughtful measures that were expounded in *Hammerschmidt v. Boone County*, and *Legends Bank v. State*, (LF 19) and completely ignored the arguments on the subject matter. If Respondents and the

trial court had read those two decisions in depth, readily they would have comprehended the unconstitutionality of HB 1171.

POINT 2

1. The trial court erred in taxing Plaintiffs by awarding the service fee of \$30.00 for Respondents service on Attorney General (LF 21) (A 40) as shown by the Cole County Sheriff's Department 16th Day of April 2014 (A, 39, 40) Note these submittals are in Appellants Appendix, were not included in the Legal File. Appellants have used the letter "A" for referencing pages in Appendix. The trial court makes grievous error by attempting to tax Appellants the \$30.00 when previously the court ruled cost was against the County (LF 2) (02-Apr-2014). Respondents and trial court attempted to have Appellants pay for Sheriff's service (LF 1) (14-Mar-2014: 21-Mar-2014).

2. Appellants filed a motion in the trial court (which is not listed in the legal file -again a filing missing) objecting to being taxed as Appellants did not request the AG be notified under 527.110, arguing that statute was not applicable in this matter, as the argument was not about a Statute being unconstitutional but that a House Bill was unconstitutional, two entirely different subjects and Appellants do not understand why Respondents and trial court did not analyze the verbiage of 527.110 and understand it was not applicable. A docket entry attests to Appellants not being a party to the Attorney General summons (LF2, 02 Apr 14). The trial court later (A 7) reverses itself to charge Appellants and says nothing, as to why

the court adopted this illogical reasoning

POINT 3

1 Another error of trial court occurs by stating “**PLAINTIFFS PRAYER FOR RELIEF SEEKS AN ADVISORY OPINION**” . nothing is further from the truth. It is hard to comprehend exactly what the trial court is stating; we quote “...the court is only being asked to rule on the Constitutionality of House Bill 1171, and is not otherwise being asked to make any orders affecting any person or entities, then it is being asked to engage in a hypothetical or academic exercise” (A 2) (LF 26) This is a most ridiculous statement from the trial court Judge who merely copied this statement from the Respondents proposal for judgment (LF 26). Any intelligent person reading this entire file, would readily understand it is solely about HB 1171 being unconstitutional.

2, Generally the prayer for relief is not considered part of the petition, the action should be determined by the factual allegations in the petition *City of Greenwood v Martin Marietta Materials, Inc.*, 311 S.W.3d 258 Mo. App.W.D. 2010), see also *Bowles v. All Counties Inv. Corp.*, 46 S.W.3d 636 (Mo. App. S.D. 2001) and another of interest *Wear v. Walker*, 800 S.W.2d 99 (Mo. App. S.D. 1990)

3. The trial court in and of itself, by copying from Respondents Proposed Judgment (LF 27) and its verbiage on (A 3) commits the error of hypotheses by speculating, If trial court rules HB 1171 as unconstitutional then Respondents perhaps could perhaps again enact an order under SB 636 (A 8). Appellants do not

engage in this debate as it is not part of Appellants Appeal, any argument would be a redundancy. An in depth reading of (A 3) is next to impossible to comprehend and is rather nebulous. We quote

“This Court finds the relief sought by Plaintiffs in both their pleadings and at trial does not seek a resolution that would have any practical effect upon an existent controversy or grant any actual relief to Plaintiffs and would merely be an advisory opinion. The Court notes that the Plaintiffs request for this Court to render such as advisory opinion to resolve a controversy which is currently academic or hypothetical is not one that this Court can entertain based upon the Pleadings and the evidence adduced at trial”.

There is absolutely nothing academic or hypothetical as to the matter at bar it is a constitutional issue. Such writing in an order makes it almost impossible to counter with reasonable rebuttal in a few short pages.

POINT 4

1. Trial court Judgment makes mention of a “relevant part” of Count II (A 3) as stated in Plaintiffs Original Petition (OLF 7,8). Plaintiffs are not certain as to why this was added as a footnote, except that it was copied from Respondents Proposed Judgment and trial court did not evaluate. For clarity in present Appeal in this court, Appellants did not include Count II from the Original Petition in Second Petition, for the specific reason as stated by filings in the first trial, that it would have been a redundancy.. If HB 1171 had been ruled unconstitutional then

Respondents would have had to use a different procedure to establish the County Court. Such is not pertinent to this appeal, nor argued in this proceeding.

2. The Trial Court stating “.....*could not prosecute any violations..*” as in its footnote is not a complete truism as Plaintiffs explained in their Count II of the Original Petition. Plaintiffs statement that the County Court could not prosecute violations without a challenge is per the wording of Sec 67.320 “...*each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140 ...*” Section 66 is only applicable to a Charter County Government and Franklin County (Respondents) is not a charter county (OLF 8) – therefore a person charged with a violation could challenge the prosecutorial authority of the County Court and most likely would prevail. We do not speculate and that is why it was omitted as a specific subject in Plaintiffs Second/Amended Plaintiff Petition. Obviously the trial court erred in not reading through the entire file, to know exactly what was in the Original Petition and that Count II was purposely omitted by Plaintiffs

POINT 5

1. Trial court errs in the attachments to Judgment of Senate Bill 636 (A 8-30) this bill is not a part of this lawsuit nor is it part of this Appeal. Again this was taken from Respondents Proposed Judgment. The attachment of HB 1171 (A 31-35) is acceptable as it is relevant to matter at bar. This was also taken from Respondents Proposed Judgment. The final attachment of House Bill 1211 (A36, 37, 38) is not relevant and not understandable as to why it was included as an

exhibit – this bill was not enacted. These three attachments were marked as Exhibits A, B & C by Respondents in Proposed Judgment and are the same in the trial court Judgment.

POINT 6

1. The trial court errors in not addressing the matter of entry of Counsel for Respondents. Appellants have repeatedly argued there is no statutory authority for present counsel to represent Respondents. The court has not fully addressed this issue and merely stated by Order it is denied (LF 2: 05-May-2014) In Appellants Motion to Deny Entry (LF 12,13) it incorporated all the arguments as previously submitted and as in the Original Legal File (OLF 13,14)

2. The statute Sec. 56.640.1, is unequivocally clear that only the county counselor can make entry by **“...The county counselor shall commence, prosecute or defend, as the case may require...”** There is no provision in this section that allows for any others. That provision is made under 56.660 to **employ special county counselors.** The trial court erred in not abiding by the statutes that are directly applicable to this matter of entry. By argument, Counsel for Respondents do not have lawful entry and all of their filings are without merit and should be rejected – Respondents have never answered in detail how their counsel has statutory authority to represent them and judgment should be Respondents have failed to comply with law and ruling is in favor of Appellants. In none of the court proceedings did the County Counselor Mark S. Vincent make an appearance, nor did any member of the County Council. It was obvious indifference on their part in such an important issue for Franklin County.

ARGUMENT

As noted in **POINT 1**, the trial court erred in not ruling that HB 1171 is an unconstitutional Bill, violating Missouri Constitution Article III, Sections 21 and 23. In reading the Judgment (A 1-7) it is almost impossible to derive any logical reasoning. The trial court merely copied the Proposed Judgment as submitted by Respondents verbatim with the exception of adding some six citations that do not in reality address the unconstitutionality of the bill in question HF 1171

Jackson County Sports Complex Authority v State of Missouri, 226 S.W.3d 158, (Mo banc 2007) (A 4, 6) being the only cite that is somewhat understandable in relation to matter at bar, being the ruling of a broad umbrella of the various sections falling in the category of “Political Subdivisions”. However HB 1171 having two subjects is quite clear. Section 67.320 and Section 211.031 are two entirely different subjects. Section 67.320 has had passage attempted many times over the years and by inserting it into HB 1171 it “log rolled” into enactment, as argued in **Hammerschmidt v Boone County** and **Legends Bank v State of Missouri**. Trial Court completely ignored the reasoning in both of these cases. In this matter there are definitely two subject matters – a single subject can include all matters that fall within or reasonably relate to the general core purpose of the proposed legislation, *Rizzo v State*, 189 S.W.3d 576 (Mo banc 2006) same as in *Hammerschmidt v. Boone County*, however in matter at bar it is quite clear there are two subject matters: The Juvenile Court and Political Subdivision.

It is of note that the two subjects are entitled in two entirely different areas

of the Statutes, namely Title VI, County Township and Political Subdivision Government, and the other, Title XII, Public Health and Welfare. The two titles are not synonymous and the subjects are entirely different. Sec 67.320 allows for a county of a certain number of inhabitants to provide for a county municipal court. It does not mandate that a county meeting the number of inhabitants must provide for a county municipal court. It is strictly voluntary. However that is not such in the matter of 211.013 which is a mandatory requirement upon passage.

The fact that the Supreme Court Rules have twenty one sections (110 – 130) is most indicative the Juvenile Court is of prime importance and is entirely separate from the provisions of the county municipal court, if one is created by law.

Respondents attempt to take the very broad and general term “courts” to include those, such as the Juvenile Court into the municipal court category. (A 6,7) This is a most inaccurate reading of 211.031. It only mentions a very small somewhat insignificant part of 211.031. Reading the entire section gives a very different perspective of what is being proposed. The elaboration of the age of 15 ½ in the Judgment portrays this age as a most important part of the bill. When read in its entirety, this rather insignificant part becomes most minute, it appears as if the trial court does not want to read the entire Section 211.031 of the bill, knowing it conflicts with 67.320 and correctly rule HB 1171 has two different subjects..

In Respondents “Answer” as noted in **POINT 1**, the remark of “*Defendants note that the allegations in this paragraph are legal arguments or conclusions as opposed to factual averments*”.(LF 14-20). Again a most ridiculous and evasive

measure utilized to avoid answering the averments. A tactic used when a party cannot answer an averment without admitting their argument is faulty. A wise and prudent person would aggressively answer to prove their position.

In **POINT 2** regarding the attempt to tax the Appellants is meritless. Appellants have vigorously argued against any attempt to have them taxed the \$30.00 for summons on the Attorney General. The court attempted to so do by the docket entries (LF 1) (14-Mar-2014: 21-Mar-2014, (LF 2)(02-Apr-2014). For some reason the Memorandum that Appellants filed in opposition to this taxing, is not in the file and not part of the legal file. In brevity it stated that under 527.110 the Attorney General was to be notified if a statute was challenged as being unconstitutional, Appellants could not convince the court that the constitutionality of a statute was not being challenged, but the passage of a HOUSE BILL was being challenged. The statute is clear but the trial court read it incorrectly. By the Judgment of trial court it reverses itself to tax Appellants with no reasoning as to the reversal, other than perhaps it was in Respondents Proposed Judgment (LF 30)

The court again errs in **POINT 3**, by its statement of “PLAINTIFFS PRAYER FOR RELIEF SEEKS AN ADVISORY OPINION’ (LF 26, A2) and further with its statement of “...**the court is only being asked to rule on the Constitutionality of House Bill 1171, and is not otherwise being asked to make any orders affecting any person or entities, then it is being asked to engage in a hypothetical or academic exercise...**”. (unbelievable !) Both of these

statements are preposterous. If one could take it to extreme – yes it will affect the citizens of Franklin County and the entire State by having an unconstitutional Bill ruled as such, thus preventing future legislatures from passing unconstitutional measures, by having an informed citizenry.

Again in **POINT 3**, it is of note that several cases have stated that generally the prayer is not considered part of the petition, the action should be determined by the factual allegations in the petition *City of Greenwood v Martin Marietta Materials Inc.* 311 S.W.3d 258 (Mo App W.D. 2010), *Bowels v All Counties Inv. Corp.* 46 S.W.3d 636 (Mo App S.D. 2001) and *Wear V. Walker*, 800 S.W. 2d 99 (Mo App S.D. 1990)

The Respondents Proposed Judgment as also noted in **Point 3**, commits the error of hypotheses by speculating if trial court rules, HB 1171 is unconstitutional then Respondents could perhaps pass an identical order under SB 636 (LF 27)(A 3) Though that scenario could happen it is not germane to matter at bar and Appellants do not engage in debate, at this time it would be most redundant.

The court does not in depth address the issue of HB 1171 being unconstitutional but goes on about “ *any practical effect upon any existent controversy..* ” The controversy has been in depth presented to the court that HB 1171 is unconstitutional and the court refuses to acknowledge the facts, even ignoring essentially what was expressed by SC 93618 opinion.as to the justifiable controversy. The statement “ *..Court notes that the Plaintiffs request for this court to render such an advisory opinion to resolve a controversy which is currently*

academic or hypothetical ..” is a complete falsehood, Plaintiffs did not ask for “any advisory opinion” they asked for a constitutional decision. It is almost impossible to understand the verbiage of “academic or hypothetical” and the court gives no understandable explanation as it merely copied from Respondents Proposed Judgment. All of the foregoing makes this difficult to brief.

Appellants **POINT 4** attempts to clarify, “relevant part” of Count II (A 3) In Plaintiffs Second Petition severability was included (OLF 18) as had been done in other constitutional violations of the Constitution, and was argued by Plaintiffs (as it was argued in Hammerschmidt and Legends Bank) that it should not be included as the entire bill was unconstitutional, but if it was to be allowed then sec 67.320 should be the severed section. In present matter severability has not been reinstituted, and is not further argued.

POINT 4, relating to the municipal court perhaps not being able to hear any cases because they could not legitimately be prosecuted. Sec 67.320 states that all prosecutions are to be under Sec 66.010 – 66.140. This section is applicable to only Charter Counties. Franklin County is not a charter government county and Appellants do not engage in debate as this subject also is not germane to the issue of HB 1171 being unconstitutional. Appellants included only for clarity as Judgment of trial court is most difficult to put into a logical perspective.

Point 5 Does initiate thought as to why SB 636 (A 8- 30) and HB 1211

(A 36- 38) are attached to Judgment (A 1-7) especially as SB 636 has no direct bearing on this appeal and HB 1211 was never enacted. For Appellants to argue any part of SB 636 would be most futile in this appeal. No understanding is speculated as to why the inclusion of HB 1211 with the Judgment.

Trial court erred by not addressing the issue in **POINT 6** as to the entry/standing of counsel to represent Respondents. Numerous filings have been made by Appellants and trial court merely rules, denied (LF 2: 05-May-2014) with no reasoning ever given as how the statute 56.640.1, can be so flagrantly violated. . Appellants have consistently raised the issue of entry (LF 12,13) and as presented in the Original Legal File (OLF 13,14).

As stated in **POINT 6** , the statute is clear by what it states “**..the county counselor shall commence, prosecute or defend, as the case may require and exercise exclusive authority in all civil suits or actions ..**” No provision is made in this section for any other person to represent the county, only the county counselor can so do, and the country counselor, Mr. Mark S. Vincent has not made any appearance whatsoever. In the past Mr. Matthew Becker, nor in the present, Mr. Steve White have any authority to have made an entry. As Appellants have stated they are both interlopers in this serious matter of Constitutionality. The trial court should have denied their entry as violating 56.640.1. If Respondents desired to hire special county counselors to represent Franklin County in this lawsuit they could have done under Section 56.660 and have been in compliance with the law.

CONCLUSION

This Appellants Brief has been most difficult to present in understandable language so anyone reading could comprehend. The Judgment of the trial court gives no thought to the matters presented by court testimony and by various motions and memorandums of law. Appellants attempted to keep all matters in perspective where they could be understood, but was thwarted by trial court

The trial court has erred in almost every facet of this case not only before it went before the Supreme Court (*LeBeau v. Commissioners of Franklin County*) but also after it was remanded back to trial court to be heard on the merits of HB 1171 and on the standing/entry of Respondents Counsel.

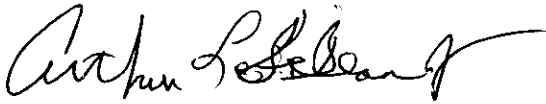
Reading the Judgment is virtually next to impossible to understand and for Appellants as Pro Se litigants to compile a Brief in some logical and understandable format, was most difficult. The court did not give any sound reasoning as to HB 1171 being unconstitutional, violating Article III, Sections 21 and 23. The court skirted the issues simply by not getting into facts.

Further error of the trial court is not addressing the matter of entry of Respondents Counsel – Appellants have presented solid argument as to why entry of Respondents Counsel should be denied, primarily by the very wording in section 56.640.1 that it shall be the county counselor. Would not a wise, prudent, and knowledgeable county counselor who respected the position to which he was appointed, to represent the county, not have made some type of appearance to show his respect for that position, and clarify the entry issue

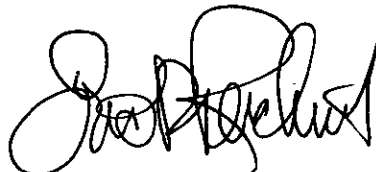
Appellants pray this court rule that House Bill 1171 is unconstitutional, by violating the single subject matter and changing the title of the bill, as stated in Article III Sections 21 and 23 of the Missouri Constitution.

That Respondents Counsel does not have statutory authority to represent Respondents and all representation and filings in both the trial court and this court, having no authority are void and without merit. Further, ruling whatever else the court deems just and proper.

Respectfully submitted.



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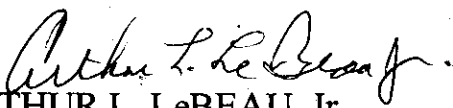
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CERTIFICATE OF COMPLIANCE

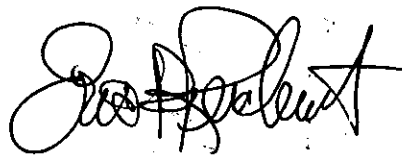
Appellants hereby certify that this Brief complies with Rule 84.06. It is typed In Times New Roman, 14 point type, Microsoft Word, and contains approximately 5,367 words.

CERTIFICATION OF SERVICE

Appellants hereby certify that a true and exact copy of the foregoing Brief was hand delivered to the office of counsel of record, Purschke, White and Briegel, LLC at #4A South Church Street, Union, Missouri 63084 on this 21st day of October, 2014


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IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

ARTHUR L. LEBEAU, JR., et al.

Plaintiffs,

Vs.

COMMISSIONERS OF
FRANKLIN COUNTY, MISSOURI,

Defendant(s).

Case No.: 12AB-CC00269 - 01

Division No.: Schollmeyer

JUDGMENT

On May 29, 2014, this cause was called for trial on Plaintiffs' Amended Petition; for hearing on Defendants' Second Motion to Dismiss for Failure to State a Claim upon which Relief can be Granted; and for hearing on Plaintiffs' Motion to Strike Defendants' Second Motion to Dismiss for Failure to State a Claim upon which Relief can be Granted. Plaintiffs Arthur Lebeau, Eric Reichert, Jerome Heimann, and Judith Hunt appear in person; Plaintiffs Sandra Davidson, Betty Lawrence, Kenneth Bissey, Robert Luedde, Susan Luedde, and Gabriel Ridgley appear not; Defendants appear by Counsel, Matthew C. Becker.

The claims of Plaintiffs Sandra Davidson, Betty Lawrence, Kenneth Bissey, Robert Luedde, Susan Luedde, and Gabriel Ridgley are hereby dismissed without prejudice for failure to prosecute.

Plaintiffs' Motion to Strike Defendants' Second Motion to Dismiss for Failure to State a Claim upon which Relief can be Granted is denied.

Plaintiffs Arthur Lebeau, Eric Reichert, Jerome Heimann, and Judith Hunt (hereinafter "Plaintiffs") did not call any witnesses or otherwise adduce any testimony; the only Exhibit offered by Plaintiffs was a copy of the Supreme Court opinion in this case which held that the Plaintiffs had standing to proceed and remanded the case to this trial Court. The Court takes Judicial Notice of this opinion.

The documents offered by Defense and accepted by the Court into evidence which the Court considered in rendering this Judgment include:

- House Bill 1171 as it was introduced, sent to committee, perfected, and truly agreed

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to and finally passed; , and

- Senate Bill 636 as it was truly agreed to and finally passed.

The Court takes Judicial Notice of these documents, noting that House Bill 1171 and Senate Bill 636 were signed into law. The Court finds that the truly agreed to and finally passed versions of House Bill 1171 and Senate Bill 636 contain identical language concerning the amendments to Section 67.320 which were signed into law in 2012.

I. PLAINTIFFS' PRAYER FOR RELIEF SEEKS AN ADVISORY OPINION

Plaintiffs' prayer for relief in their Second Amended Petition states in its entirety that,

“PLAINTIFFS PRAY this court upon due consideration of all facts presented, rule that House Bill 1171 violates the Missouri Constitution, Articles III Sections 21 & 23 and is unconstitutional, null and void.”

This Court recognizes, as the Supreme Court did, that Plaintiffs incorporated the allegations of their Original Petition in their Amended Petition. This incorporation occurred within the averments section wherein the Plaintiffs set forth a “short and plain statement of the facts showing that the pleader is entitled to relief.” Missouri Supreme Court Rule 55.05. No such incorporation occurred within the prayer for relief section wherein the Plaintiffs set forth a “demand for judgment for the relief to which pleader claims to be entitled.” *Id.* Furthermore, Plaintiffs do not state in their prayer for relief a request to the effect of, “such other and further relief as this Court deems just and proper.”

Defense Counsel pointed this deficiency out in both their Second Motion to Dismiss and at trial. Specifically, Defense Counsel argued that if the Court is only being asked to rule on the Constitutionality of House Bill 1171, and is not otherwise being asked to make any orders affecting any person or entities, then it is being asked to engage in a hypothetical or academic exercise. Defense Counsel alleged in Defendants' Second Motion to Dismiss that Plaintiffs' Lebeau and Reichert's Amended Appellate Brief and Reply Brief indicated that Lebeau and Reichert made statements to the effect of their lawsuit was not about the Franklin County Municipal Court. Specifically, Defense Counsel contends that in their Amended Appellate brief, Lebeau and Reichert stated that there is no specific relief for Appellants, that the constitutional

issue was the entire matter at bar, and that, with regard to Franklin County's Municipal Court, they did not include Count II¹ in their Amended Petition, however, the problem still exists. Defense Counsel contends that in their Rely Brief, Plaintiffs Lebeau and Reichert stated that they did not include Count II because the Amended Petition was directed to the Constitutional issue.

When this case was tried, Plaintiffs did not offer any evidence or make any arguments requesting that this Court do anything other than rule on the Constitutionality of House Bill 1171. Indeed, Plaintiffs did not disagree with Defendants' assertion that Plaintiffs' sole requested relief was to address the Constitutionality of House Bill 1171; Plaintiffs simply argued that such a limited ruling would not be hypothetical or academic. Plaintiffs opined at trial that if this Court found that House Bill 1171 was unconstitutional, the Plaintiffs could then wait and see if Franklin County enacted the Municipal Court pursuant to Senate Bill 636 and then file a lawsuit about Senate Bill 636.² This would result in this Court or some other Court being asked to decide, in some other lawsuit on some other day, the actual controversies of the propriety of the amendments to Section 67.320 which were signed into law in 2012 and the validity of the Franklin County Municipal Court. This is perhaps the definition of an advisory opinion.

This Court finds the relief sought by Plaintiffs in both their pleadings and at trial does not seek a resolution that would have any practical effect upon an existent controversy or grant any actual relief to Plaintiffs and would merely be an advisory opinion. The Court notes that the Plaintiffs' request for this Court to render such an advisory opinion to resolve a controversy which is currently academic or hypothetical is not one that this Court can entertain based upon the Pleadings and the evidence adduced at trial.

II. HOUSE BILL 1171 DOES NOT VIOLATE THE SINGLE SUBJECT PROVISION OF THE MISSOURI CONSTITUTION

¹ Count II of Plaintiffs' Original Petition asked the Court to rule that, in relevant part, "though Franklin County could possibly set up a municipal court, it could not prosecute any violations." There was no Count II in Plaintiffs' Amended Petition.

² Neither House Bill 1171 nor Senate Bill 636 provided the actual authority for the Franklin County Municipal Court; Section 67.320, RSMo, provides this authority. As discussed more fully below, addressing House Bill 1171 without also addressing Senate Bill 636 would be engaging in a hypothetical and academic exercise.

Article III, section 23 of the Missouri Constitution states that “[n]o bill shall contain more than one subject which shall be clearly expressed in its title”. This provision contains two distinct but related procedural limitations, one of which is the “single subject rule”. C.C. Dillon Company v. City of Eureka, 12 S.W. 3d 322, 328 (Mo. banc 2000).

“[A]n act of the legislature carries a strong presumption of constitutionality. A party asserting that a bill has violated the single subject limitation in Article III, section 23 has the burden to prove that the bill clearly and undoubtedly has more than one subject”. Missouri Health Care Ass’n v. Attorney General of the State of MO, 953 S.W. 2d 617, 622 (Mo. banc 1996, citing Hammerschmidt v. Boone County, 877 S.W. 2d 98, 102 (Mo. banc 1994).

House Bill 1171 is titled “An Act to repeal Sections 67.320 and 211.031, RSMo, and to enact in lieu thereof two new sections relating to courts”. As originally introduced, House Bill 1171 changed the age when the juvenile court had jurisdiction over a child involving a state or local traffic violation from up to 15 ½ years of age to 15 years of age. As amended, House Bill 1171 had the additional effect of allowing certain counties of the first class classification to establish a county municipal court wherein violations of county orders, including traffic offenses, could be prosecuted.

“The test to determine if a bill contains more than one subject is whether all of the provisions of the bill fairly relate to the same subject, have a natural connection therewith or are incidents or means to accomplish its purpose. This test does not concern the relationship between individual provisions, but between the individual provision and the subject as expressed in the title. The determination of whether a bill violates the article III, section 23 single subject requirement is made concerning the bill as it is finally passed. We look first to the title of the bill to determine its subject.” C.C. Dillon Company v. City of Eureka, 12 S.W.3d 322 at 328, citing Stroh Brewery Co. v. State, 954 S.W.2d 323 & Fust v. Attorney General, 947 S.W.2d 424 (Mo. banc 1997), internal quotations omitted.

In Jackson County Sports Complex Authority v. State of Missouri, 226 S.W. 3d 158, 162 (Mo. banc 2007), the Supreme Court of Missouri ruled that although the legislation at issue had the title “relating to political subdivisions” as its “subject”, the legislation “stated some broad umbrella category that include[d] all the topics within its cover”, citing Missouri Health Care Ass’n, 953 S.W. 2d 617, at 841. The Court found that combining legislation regarding the Jackson County Sports Authority, a defined “political subdivision”, with provisions relating

to the salaries of county officials and the duties of county assessors, was not "so broad and amorphous as to constitute a violation" since all provisions of the bill dealt with the broad umbrella category of "political subdivisions". at 163.

This Court finds that House Bill 1171 does not contain more than one subject because all of its provisions relate to the same subject, namely "courts", and have a natural connection therewith or are incidents or means to accomplish its purpose. See also Am. Eagle Waste Indus. LLC v. St. Louis, 379 S.W. 3d 813, 826 (Mo. banc 2012)(no violation of Article III, section 23 because legislation at issue included substantive regulations that directly regulated environmental hazards and established administrative procedures to enforce the regulations and therefore, matters were germane, connected and congruous).

III. HOUSE BILL 1171 DOES NOT VIOLATE THE ORIGINAL PURPOSE PROVISION OF THE MISSOURI CONSTITUTION

Article III, section 21, prohibits any bill from being "so amended in its passage through either house as to change its original purpose." This Court has long held that the original purpose prohibition does not restrict legislators from making "[a]lterations that bring about an extension or limitation of the scope of [a] bill," and "even new matter is not excluded if germane." Stroh, 954 S.W.2d at 326. Rather, the prohibition is against amendments that are clearly and undoubtedly not "germane"; that is, they are not "[r]elevant to or closely allied" with a bill's original purpose. Missouri State Medical Ass'n, 39 S.W.3d 837, 840 (Mo. banc 2001); C.C. Dillon Co., at 327. "[T]he general purpose is often interpreted as an overarching purpose, not necessarily limited by specific statutes referred to in the bill's original title or text." McEuen ex rel. McEuen v. Missouri State Bd. of Educ., 120 S.W.3d 207, 210 (Mo. banc 2003). Moreover, a bill's original purpose is not limited to what is stated in the bill's original title, which can be changed without violating article III, section 21. Missouri State Medical Ass'n, at 839.

In Missouri State Medical Ass'n, the legislation at issue enacted law that required health care insurers to cover pelvic, prostate and colorectal examinations and other cancer screenings. An amendment to that legislation added a requirement that persons receiving breast implants receive standard pre-operation information on the advantages, disadvantages and risks, including

cancer, of breast implantation. The Missouri Supreme Court ruled that the original purpose of the legislation was to mandate health services for serious illness, including cancer, and the amendment was "logically relate[d] to that original purpose and did not violate article III, section 21." 39 S.W. 3d at 839-840.

In Jackson County Sports Complex Authority, the Supreme Court held that a senate bill that originated as a bill to repeal 16 provisions in chapters 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 67, 137, and 473, RSMo and "to enact in lieu thereof 16 provisions relating to county government," which was later amended to repeal and enact in lieu thereof 104 provisions "relating to political subdivisions" did not violate the original purpose provision of the Missouri Constitution. Id., at 158-159. The Court upheld that bill because the general, or overarching purpose of the senate bill "as introduced c[ould] fairly be said to be the regulation of political subdivisions." Id., at 161. The Court reached this conclusion even though the bill touched on different aspects of political subdivisions (eg salaries of various county officials, duties of county assessors and ability to enter onto lands, and a provision requiring that any expenditure over \$5,000.00 made by certain county sports complex authorities must be competitively bid. Id., at 158-159. The Supreme Court held that the purpose of the legislation was not narrowly limited to the subject matter of the specific statutes referenced in the original text and that each of the statutes in said senate bill were "germane" to the larger purpose of regulating political subdivisions. Id.

In the case at hand, Municipal Courts and Juvenile Courts are both divisions of a circuit court. As previously noted, the original version of House Bill 1171 changed the age when the juvenile court had jurisdiction over a child involving a state or local traffic violation from up to 15 ½ years of age to 15 years of age. As amended, House Bill 1171 had the additional effect of allowing certain counties of the first class classification to establish a county municipal court wherein violations of county orders, including traffic offenses, could be prosecuted. Changing the age over which a juvenile court has jurisdiction over a minor for purposes of state and local traffic violations fairly relates to the general, or overarching purpose of House Bill 1171, namely "courts". Furthermore, the original purpose of House Bill 1171 is not narrowly limited to the subject matter of the specific statute referenced in the original text and each of the statutes in this House Bill as signed into law are "germane" to the larger purpose of courts. This is especially true in the case at hand wherein the version of House Bill 1171 that was introduced called for the

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lowering of the age over which juvenile courts had exclusive original jurisdiction for traffic offenses from 15 ½ to 15 years of age and the proposed amendment called for the authorization of certain first class counties to establish a county municipal court which would have jurisdiction over, amongst other things, traffic offenses. Accordingly, the Senate's Amendment to House Bill 1171 was relevant to and closely allied with the Bill's original purpose.

IV. PLAINTIFFS' PLEADINGS AND EVIDENCE ADDUCED AT TRIAL FAIL TO INVALIDATE THE INDEPENDENT LEGISLATIVE AUTHORITY FOR THE AMENDMENTS TO SECTION 67.320, RSMo, WHICH WENT INTO EFFECT IN 2012

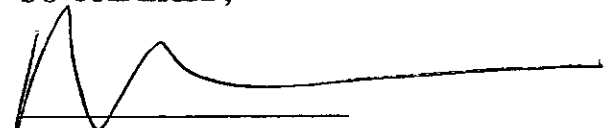
Defendants, both in their Second Motion to Dismiss and at trial, raised the issue of independent legislative authority for the amendments to Section 67.320 challenged by Plaintiffs. Specifically, Defendants argued at trial that Senate Bill 636, which also went into effect in 2012, makes the same changes to Section 67.320 that House Bill 1171 makes. Neither in their pleadings nor at trial did Plaintiffs make any allegation or offer any evidence that Senate Bill 636 suffered from any procedural constitutional defects.

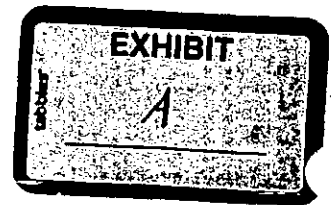
Defendants correctly point out, assuming arguendo, that if this Court rules that House Bill 1171 is unconstitutional, it will have no effect on the amendments to Section 67.320 that went into effect into 2012. Defendants contend that asking this Court to engage in such a hypothetical or academic exercise would be improper. This Court agrees again noting that Plaintiffs' prayer for relief is a request for this Court to enter an advisory opinion, which would be improper in this case.

WHEREFORE, for the foregoing reasons this Court hereby enters Judgment on the merits in favor of Defendants and denies all relief sought by Plaintiffs. Court costs are hereby taxed to Plaintiffs including the \$30.00 service fee incurred by Defendants in obtaining service on the Attorney General.

SO ORDERED,

6-11-14
Date


The Honorable Robert D Schollmeyer



SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 636

96TH GENERAL ASSEMBLY

2012

4054S.06T

AN ACT

To repeal sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, and to enact in lieu thereof thirteen new sections relating to the judiciary, with penalty provisions.

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

Section A. Sections 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.771, 32.056, 67.320, 70.441, 211.031, 217.670, 400.9-311, 456.950, 476.055, 479.040, 483.015, 508.050, and 523.010, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the

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

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14 concurrence of a majority of the members shall be required for the
15 determination of any matter within the committee's duties.

16 2. The joint committee shall:

17 (1) Make a continuing study and analysis of the state child abuse
18 and neglect reporting and investigation system;

19 (2) Devise a plan for improving the structured decisionmaking
20 regarding the removal of a child from a home;

21 (3) Determine the additional personnel and resources necessary
22 to adequately protect the children of this state and improve their
23 welfare and the welfare of families;

24 (4) Address the need for additional foster care homes and to
25 improve the quality of care provided to abused and neglected children
26 in the custody of the state;

27 (5) Determine from its study and analysis the need for changes
28 in statutory law; and

29 (6) Make any other recommendation to the general assembly
30 necessary to provide adequate protections for the children of our state.

31 3. The joint committee shall meet within thirty days after its
32 creation and organize by selecting a chairperson and a vice
33 chairperson, one of whom shall be a member of the senate and the
34 other a member of the house of representatives. The chairperson shall
35 alternate between members of the house and senate every two years
36 after the committee's organization.

37 4. The committee shall meet at least quarterly. The committee
38 may meet at locations other than Jefferson City when the committee
39 deems it necessary.

40 5. The committee shall be staffed by legislative personnel as is
41 deemed necessary to assist the committee in the performance of its
42 duties.

43 6. The members of the committee shall serve without
44 compensation but shall be entitled to reimbursement for actual and
45 necessary expenses incurred in the performance of their official duties.

46 7. It shall be the duty of the committee to compile a full report
47 of its activities for submission to the general assembly. The report
48 shall be submitted not later than the fifteenth of January of each year
49 in which the general assembly convenes in regular session and shall
50 include any recommendations which the committee may have for

51 legislative action as well as any recommendations for administrative or
52 procedural changes in the internal management or organization of state
53 or local government agencies and departments. Copies of the report
54 containing such recommendations shall be sent to the appropriate
55 directors of state or local government agencies or departments
56 included in the report.

57 8. The provisions of this section shall expire on January 15, 2018.

32.056. Except for uses permitted under 18 U.S.C. Section
2 2721(b)(1), the department of revenue shall not release the home address of or
3 any [other] information [contained in the department's motor vehicle or driver
4 registration records regarding] that identifies any vehicle owned or leased
5 by any person who is a county, state or federal parole officer [or who is], a
6 federal pretrial officer [or who is], a peace officer pursuant to section [590.100]
7 590.010, a person vested by article V, section 1 of the Missouri
8 Constitution with the judicial power of the state, a member of the
9 federal judiciary, or a member of [the parole officer's, pretrial officer's or peace
10 officer's] such person's immediate family contained in the department's
11 motor vehicle or driver registration records, based on a specific request for
12 such information from any person. Any such person [who is a county, state or
13 federal parole officer or who is a federal pretrial officer or who is a peace officer
14 pursuant to section 590.100] may notify the department of [such] his or her
15 status and the department shall protect the confidentiality of the home address
16 and vehicle records on such a person and his or her immediate family as
17 required by this section. If such member of the judiciary's status changes
18 and he or she and his or her immediate family do not qualify for the
19 exemption contained in this subsection, such person shall notify the
20 department and the department's records shall be revised. This section
21 shall not prohibit the department from releasing information on a motor
22 registration list pursuant to section 32.055 or from releasing information on any
23 officer who holds a class A, B or C commercial driver's license pursuant to the
24 Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

67.320. 1. Any county of the first classification with more than one
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
3 two hundred inhabitants or any county of the first classification with more
4 than one hundred one thousand but fewer than one hundred fifteen
5 thousand inhabitants may prosecute and punish violations of its county orders

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6 in the circuit court of such counties in the manner and to the extent herein
7 provided or in a county municipal court if creation of a county municipal court is
8 approved by order of the county commission. The county may adopt orders with
9 penal provisions consistent with state law, but only in the areas of traffic
10 violations, solid waste management, county building codes, on-site sewer
11 treatment, zoning orders, and animal control. Any county municipal court
12 established pursuant to the provisions of this section shall have jurisdiction over
13 violations of that county's orders and the ordinances of municipalities with which
14 the county has a contract to prosecute and punish violations of municipal
15 ordinances of the municipality.

16 **2. Except as provided in subsection 5 of this section** in any county
17 which has elected to establish a county municipal court pursuant to this section,
18 the judges for such court shall be appointed by the county commission of such
19 county, subject to confirmation by the legislative body of such county in the same
20 manner as confirmation for other county appointed officers. The number of
21 judges appointed, and qualifications for their appointment, shall be established
22 by order of the commission.

23 **3. The practice and procedure of each prosecution shall be conducted in**
24 compliance with all of the terms and provisions of sections 66.010 to 66.140,
25 except as provided for in this section.

26 **4. Any use of the term ordinance in sections 66.010 to 66.140 shall be**
27 synonymous with the term order for purposes of this section.

28 **5. In any county of the first classification with more than one**
29 **hundred one thousand but fewer than one hundred fifteen thousand**
30 **inhabitants, the first judges shall be appointed by the county**
31 **commission for a term of four years, and thereafter the judges shall be**
32 **elected for a term of four years. The number of judges appointed, and**
33 **qualifications for their appointment, shall be established by order of**
34 **the commission.**

70.441. 1. As used in this section, the following terms have the following
2 meanings:

3 (1) "Agency", the bi-state development agency created by compact under
4 section 70.370;

5 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or
6 train, locomotive, or other vehicle used or held for use by the agency as a means
7 of transportation of passengers;

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8 (3) "Facilities" includes all property and equipment, including, without
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,
10 communication and ventilation systems, power plants, stations, terminals,
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,
12 parking lots and other real estate or personal property used or held for or
13 incidental to the operation, rehabilitation or improvement of any public mass
14 transportation system of the agency;

15 (4) "Person", any individual, firm, copartnership, corporation, association
16 or company; and

17 (5) "Sound production device" includes, but is not limited to, any radio
18 receiver, phonograph, television receiver, musical instrument, tape recorder,
19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically
23 authorized by agreement, permit, license or other writing duly signed by an
24 authorized officer of the agency or if performed by an officer, employee or
25 designated agent of the agency acting within the scope of his or her employment
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or
28 abetting another, including a minor, in any of the acts prohibited by the rules or
29 assisting, aiding or abetting another in the avoidance of any of the requirements
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the
34 agency without payment of the fare or other lawful charges established by the
35 agency. Any person on any such conveyance must have properly validated fare
36 media in his possession. This ticket must be valid to or from the station the
37 passenger is using, and must have been used for entry for the trip then being
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,
40 card or fare media to gain entry to the facilities or conveyances of, or make use
41 of the services of, the agency, except as provided, authorized or sold by the agency
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as

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44 requiring payment to enter, either by electronic gate or parking meters, where the
45 cost of such parking fee is visibly displayed at each location, without payment of
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their
48 employment, no person shall sell, provide, copy, reproduce or produce, or create
49 any version of any token, pass, badge, ticket, document, transfer, card or any
50 other fare media or otherwise authorize access to or use of the facilities,
51 conveyances or services of the agency without the written permission of an
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other
55 access authorization or other fare media issued by the agency and valid for the
56 place, time and manner in which used, into any fare box, pass reader, ticket
57 vending machine, parking meter, parking gate or other fare collection instrument,
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare
60 media that have been forged, counterfeited, imitated, altered or improperly
61 transferred or that have been used in a manner inconsistent with this section
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the
64 provision of transit service or obstruct the flow of traffic on facilities or
65 conveyances or which would in any way interfere or tend to interfere with the
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents
73 requested by agency personnel acting within the scope of their employment and
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,
79 hazard or unsanitary condition, including, but not limited to, spitting and

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80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed
82 container of alcoholic beverage, except on premises duly licensed for the sale of
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to
85 function safely in the environment of the agency transit system is impaired by the
86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe
91 or torch, except in those areas or locations specifically authorized by the agency;
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be
96 carried in or on any facility or conveyance, except for law enforcement
97 personnel. For the purposes hereof, a weapon shall include, but not be limited
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with
100 metal, wood impregnated with metal filings or razor blades; except that this
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in
102 any enclosed case, box or other container which completely conceals the item from
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly
105 combustible materials or radioactive materials may be carried on or in any
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter
108 or attempt to enter into any area not open to the public, including, but not
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,
110 closed-off areas, mechanical or equipment rooms, concession stands, storage
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,
112 garages, depots or any area marked with a sign restricting access or indicating
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit
115 cars, or on any other area outside any rapid transit car or bus or other

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116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his
118 or her person or extend any item, article or other substance outside of the window
119 or door of a moving rapid transit car, bus or other conveyance operated by the
120 agency;

121 (16) No person shall enter or leave a rapid transit car, bus or other
122 conveyance operated by the agency except through the entrances and exits
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and
127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs
129 properly harnessed and accompanying blind or hearing-impaired persons to aid
130 such persons, or dogs accompanying trainers carrying a certificate of
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard
133 of the rights or safety of others or without due caution and circumspection, or at
134 a speed in such a manner as to be likely to endanger persons or property on
135 facilities of the agency. The speed limit on parking lots and access roads shall
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the
138 state, any violation of this section shall constitute a misdemeanor, and any
139 person committing a violation thereof shall be subject to arrest and, upon
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not
141 less than twenty-five dollars and no greater than two hundred fifty dollars per
142 violation, in addition to court costs. Any default in the payment of a fine imposed
143 pursuant to this section without good cause shall result in imprisonment for not
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any
146 person convicted a second or subsequent time for the same offense under this
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less
148 than fifty dollars nor more than five hundred dollars in addition to court costs,
149 or to undergo imprisonment for up to sixty days, or both such fine and
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use

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152 of the facilities and conveyances of the agency shall be subject to payment of such
153 charge as part of the judgment against the violator. All proceeds from judgments
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of
158 guilty and findings of guilt.

159 5. Any person who is convicted, pleads guilty, or pleads nolo
160 contendere for failing to pay the proper fare, fee, or other charge for
161 the use of the facilities and conveyances of the bi-state development
162 agency, as described in subdivision (3) of subsection 4 of this section,
163 may, in addition to the unpaid fares or charges and any fines, penalties,
164 or sentences imposed by law, be required to reimburse costs
165 attributable to the enforcement, investigation, and prosecution of such
166 offense by the bi-state development agency. The court shall direct the
167 reimbursement proceeds to the appropriate agency official.

168 6. (1) Stalled or disabled vehicles may be removed from the roadways of
169 the agency property by the agency and parked or stored elsewhere at the risk and
170 expense of the owner;

171 (2) Motor vehicles which are left unattended or abandoned on the property
172 of the agency for a period of over seventy-two hours may be removed as provided
173 for in section 304.155, except that the removal may be authorized by personnel
174 designated by the agency under section 70.378.

211.031. 1. Except as otherwise provided in this chapter, the juvenile
2 court or the family court in circuits that have a family court as provided in
3 sections 487.010 to 487.190 shall have exclusive original jurisdiction in
4 proceedings:

5 (1) Involving any child or person seventeen years of age who may be a
6 resident of or found within the county and who is alleged to be in need of care
7 and treatment because:

8 (a) The parents, or other persons legally responsible for the care and
9 support of the child or person seventeen years of age, neglect or refuse to provide
10 proper support, education which is required by law, medical, surgical or other
11 care necessary for his or her well-being; except that reliance by a parent,
12 guardian or custodian upon remedial treatment other than medical or surgical
13 treatment for a child or person seventeen years of age shall not be construed as

14 neglect when the treatment is recognized or permitted pursuant to the laws of
15 this state;

16 (b) The child or person seventeen years of age is otherwise without proper
17 care, custody or support; or

18 (c) The child or person seventeen years of age was living in a room,
19 building or other structure at the time such dwelling was found by a court of
20 competent jurisdiction to be a public nuisance pursuant to section 195.130;

21 (d) The child or person seventeen years of age is a child in need of mental
22 health services and the parent, guardian or custodian is unable to afford or access
23 appropriate mental health treatment or care for the child;

24 (2) Involving any child who may be a resident of or found within the
25 county and who is alleged to be in need of care and treatment because:

26 (a) The child while subject to compulsory school attendance is repeatedly
27 and without justification absent from school; or

28 (b) The child disobeys the reasonable and lawful directions of his or her
29 parents or other custodian and is beyond their control; or

30 (c) The child is habitually absent from his or her home without sufficient
31 cause, permission, or justification; or

32 (d) The behavior or associations of the child are otherwise injurious to his
33 or her welfare or to the welfare of others; or

34 (e) The child is charged with an offense not classified as criminal, or with
35 an offense applicable only to children; except that, the juvenile court shall not
36 have jurisdiction over any child fifteen [and one-half] years of age who is alleged
37 to have violated a state or municipal traffic ordinance or regulation, the violation
38 of which does not constitute a felony, or any child who is alleged to have violated
39 a state or municipal ordinance or regulation prohibiting possession or use of any
40 tobacco product;

41 (3) Involving any child who is alleged to have violated a state law or
42 municipal ordinance, or any person who is alleged to have violated a state law or
43 municipal ordinance prior to attaining the age of seventeen years, in which cases
44 jurisdiction may be taken by the court of the circuit in which the child or person
45 resides or may be found or in which the violation is alleged to have occurred;
46 except that, the juvenile court shall not have jurisdiction over any child fifteen
47 [and one-half] years of age who is alleged to have violated a state or municipal
48 traffic ordinance or regulation, the violation of which does not constitute a felony,
49 and except that the juvenile court shall have concurrent jurisdiction with the

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50 municipal court over any child who is alleged to have violated a municipal curfew
51 ordinance, and except that the juvenile court shall have concurrent jurisdiction
52 with the circuit court on any child who is alleged to have violated a state or
53 municipal ordinance or regulation prohibiting possession or use of any tobacco
54 product;

55 (4) For the adoption of a person;

56 (5) For the commitment of a child or person seventeen years of age to the
57 guardianship of the department of social services as provided by law; and

58 (6) Involving an order of protection pursuant to chapter 455 when the
59 respondent is less than seventeen years of age.

60 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child
61 or person seventeen years of age who resides in a county of this state shall be
62 made as follows:

63 (1) Prior to the filing of a petition and upon request of any party or at the
64 discretion of the juvenile officer, the matter in the interest of a child or person
65 seventeen years of age may be transferred by the juvenile officer, with the prior
66 consent of the juvenile officer of the receiving court, to the county of the child's
67 residence or the residence of the person seventeen years of age for future action;

68 (2) Upon the motion of any party or on its own motion prior to final
69 disposition on the pending matter, the court in which a proceeding is commenced
70 may transfer the proceeding of a child or person seventeen years of age to the
71 court located in the county of the child's residence or the residence of the person
72 seventeen years of age, or the county in which the offense pursuant to subdivision
73 (3) of subsection 1 of this section is alleged to have occurred for further action;

74 (3) Upon motion of any party or on its own motion, the court in which
75 jurisdiction has been taken pursuant to subsection 1 of this section may at any
76 time thereafter transfer jurisdiction of a child or person seventeen years of age
77 to the court located in the county of the child's residence or the residence of the
78 person seventeen years of age for further action with the prior consent of the
79 receiving court;

80 (4) Upon motion of any party or upon its own motion at any time following
81 a judgment of disposition or treatment pursuant to section 211.181, the court
82 having jurisdiction of the cause may place the child or person seventeen years of
83 age under the supervision of another juvenile court within or without the state
84 pursuant to section 210.570 with the consent of the receiving court;

85 (5) Upon motion of any child or person seventeen years of age or his or

86 her parent, the court having jurisdiction shall grant one change of judge pursuant
87 to Missouri Supreme Court Rules;

88 (6) Upon the transfer of any matter, proceeding, jurisdiction or
89 supervision of a child or person seventeen years of age, certified copies of all legal
90 and social documents and records pertaining to the case on file with the clerk of
91 the transferring juvenile court shall accompany the transfer.

92 3. In any proceeding involving any child or person seventeen years of age
93 taken into custody in a county other than the county of the child's residence or
94 the residence of a person seventeen years of age, the juvenile court of the county
95 of the child's residence or the residence of a person seventeen years of age shall
96 be notified of such taking into custody within seventy-two hours.

97 4. When an investigation by a juvenile officer pursuant to this section
98 reveals that the only basis for action involves an alleged violation of section
99 167.031 involving a child who alleges to be home schooled, the juvenile officer
100 shall contact a parent or parents of such child to verify that the child is being
101 home schooled and not in violation of section 167.031 before making a report of
102 such a violation. Any report of a violation of section 167.031 made by a juvenile
103 officer regarding a child who is being home schooled shall be made to the
104 prosecuting attorney of the county where the child legally resides.

105 5. The disability or disease of a parent shall not constitute a basis for a
106 determination that a child is a child in need of care or for the removal of custody
107 of a child from the parent without a specific showing that there is a causal
108 relation between the disability or disease and harm to the child.

217.670. 1. The board shall adopt an official seal of which the courts shall
2 take official notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a
4 conditional release date or revocations of a parole or conditional release shall be
5 by a majority vote of the hearing panel members. The hearing panel shall consist
6 of one member of the board and two hearing officers appointed by the board. A
7 member of the board may remove the case from the jurisdiction of the hearing
8 panel and refer it to the full board for a decision. Within thirty days of entry of
9 the decision of the hearing panel to deny parole or to revoke a parole or
10 conditional release, the offender may appeal the decision of the hearing panel to
11 the board. The board shall consider the appeal within thirty days of receipt of
12 the appeal. The decision of the board shall be by majority vote of the board
13 members and shall be final.

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14 3. The orders of the board shall not be reviewable except as to compliance
15 with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant
16 to such section.

17 4. The board shall keep a record of its acts and shall notify each
18 correctional center of its decisions relating to persons who are or have been
19 confined in such correctional center.

20 5. Notwithstanding any other provision of law, any meeting, record, or
21 vote, of proceedings involving probation, parole, or pardon, may be a closed
22 meeting, closed record, or closed vote.

23 6. Notwithstanding any other provision of law, when the
24 appearance or presence of an offender before the board or a hearing
25 panel is required for the purpose of deciding whether to grant
26 conditional release or parole, extend the date of conditional release,
27 revoke parole or conditional release, or for any other purpose, such
28 appearance or presence may occur by means of a videoconference at
29 the discretion of the board. Victims having a right to attend parole
30 hearings may testify either at the site where the board is conducting
31 the videoconference or at the institution where the offender is
32 located. The use of videoconferencing in this section shall be at the
33 discretion of the board, and shall not be utilized if either the offender,
34 the victim or the victim's family objects to it.

 400.9-311. (a) Except as otherwise provided in subsection (d), the filing
2 of a financing statement is not necessary or effective to perfect a security interest
3 in property subject to:

4 (1) A statute, regulation, or treaty of the United States whose
5 requirements for a security interest's obtaining priority over the rights of a lien
6 creditor with respect to the property preempt section 400.9-310(a);

7 (2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304;
8 or

9 (3) A certificate-of-title statute of another jurisdiction which provides for
10 a security interest to be indicated on the certificate as a condition or result of the
11 security interest's obtaining priority over the rights of a lien creditor with respect
12 to the property.

13 (b) Compliance with the requirements of a statute, regulation, or treaty
14 described in subsection (a) for obtaining priority over the rights of a lien creditor
15 is equivalent to the filing of a financing statement under this article. Except as

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16 otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and
17 (e) for goods covered by a certificate of title, a security interest in property subject
18 to a statute, regulation, or treaty described in subsection (a) may be perfected
19 only by compliance with those requirements, and a security interest so perfected
20 remains perfected notwithstanding a change in the use or transfer of possession
21 of the collateral.

22 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d)
23 and (e), duration and renewal of perfection of a security interest perfected by
24 compliance with the requirements prescribed by a statute, regulation, or treaty
25 described in subsection (a) are governed by the statute, regulation, or treaty. In
26 other respects, the security interest is subject to this article.

27 (d) During any period in which collateral is inventory held for sale or
28 lease by a person or leased by that person as lessor and that person is in the
29 business of selling [or leasing] goods of that kind, this section does not apply to
30 a security interest in that collateral created by that person [as debtor].

456.950. 1. As used in this section, "qualified spousal trust" means a

2 trust:

3 (1) The settlors of which are husband and wife at the time of the creation
4 of the trust; and

5 (2) The terms of which provide that during the joint lives of the settlors
6 all property or interests in property transferred to, or held by, the trustee are
7 [either]:

8 (a) Held and administered in one trust for the benefit of both settlors,
9 revocable by either or both settlors acting together while either or both are alive,
10 and each settlor having the right to receive distributions of income or principal,
11 whether mandatory or within the discretion of the trustee, from the entire trust
12 for the joint lives of the settlors and for the survivor's life; or

13 (b) Held and administered in two separate shares of one trust for the
14 benefit of each of the settlors, with the trust revocable by each settlor with
15 respect to that settlor's separate share of that trust without the participation or
16 consent of the other settlor, and each settlor having the right to receive
17 distributions of income or principal, whether mandatory or within the discretion
18 of the trustee, from that settlor's separate share for that settlor's life; or

19 (c) Held and administered under the terms and conditions
20 contained in paragraphs (a) and (b) of this subdivision.

21 2. A qualified spousal trust may contain any other trust terms that are

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22 not inconsistent with the provisions of this section.

23 3. Property or interests in property held as tenants by the entirety by a
24 husband and wife that is at any time transferred to the trustee of a qualified
25 spousal trust of which the husband and wife are the settlors shall be held and
26 administered as provided by the trust terms in accordance with [either]
27 paragraph (a) [or], (b), or (c) of subdivision (2) of subsection 1 of this section, and
28 all such property and interests in property, including the proceeds thereof, the
29 income thereon, and any property into which such property, proceeds, or income
30 may be converted, shall thereafter have the same immunity from the claims of the
31 separate creditors of the settlors as would have existed if the settlors had
32 continued to hold that property as husband and wife as tenants by the entirety,
33 so long as:

34 (1) Both settlors are alive and remain married; and

35 (2) The property, proceeds, or income continue to be held in trust by the
36 trustee of the qualified spousal trust.

37 4. Property or interests in property held by a husband and wife or held
38 in the sole name of a husband or wife that is not held as tenants by the entirety
39 and is transferred to a qualified spousal trust shall be held as directed in the
40 qualified spousal trust's governing instrument or in the instrument of transfer
41 and the rights of any claimant to any interest in that property shall not be
42 affected by this section.

43 5. Upon the death of each settlor, all property and interests in property
44 held by the trustee of the qualified spousal trust shall be distributed as directed
45 by the then current terms of the governing instrument of such trust. Upon the
46 death of the first settlor to die, if immediately prior to death the predeceased
47 settlor's interest in the qualified spousal trust was then held in such settlor's
48 separate share, the property or interests in property in such settlor's separate
49 share may pass into an irrevocable trust for the benefit of the surviving settlor
50 upon such terms as the governing instrument shall direct, including without
51 limitation a spendthrift provision as provided in section 456.5-502.

52 6. No transfer by a husband and wife as settlors to a qualified spousal
53 trust shall affect or change either settlor's marital property rights to the
54 transferred property or interest therein immediately prior to such transfer in the
55 event of dissolution of marriage of the spouses, unless both spouses otherwise
56 expressly agree in writing.

57 7. This section shall apply to all trusts which fulfill the criteria set forth

58 in this section for a qualified spousal trust regardless of whether such trust was
59 created before or after August 28, 2011.

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, as well as gifts, contributions, devises, bequests, and grants received
4 relating to automation of judicial record keeping, and moneys received by the
5 judicial system for the dissemination of information and sales of publications
6 developed relating to automation of judicial record keeping, shall be credited to
7 the fund. Moneys credited to this fund may only be used for the purposes set
8 forth in this section and as appropriated by the general assembly. Any
9 unexpended balance remaining in the statewide court automation fund at the end
10 of each biennium shall not be subject to the provisions of section 33.080 requiring
11 the transfer of such unexpended balance to general revenue; except that, any
12 unexpended balance remaining in the fund on September 1, [2013] 2015, shall
13 be transferred to general revenue.

14 2. The statewide court automation fund shall be administered by a court
15 automation committee consisting of the following: the chief justice of the supreme
16 court, a judge from the court of appeals, four circuit judges, four associate circuit
17 judges, four employees of the circuit court, the commissioner of administration,
18 two members of the house of representatives appointed by the speaker of the
19 house, two members of the senate appointed by the president pro tem of the
20 senate and two members of the Missouri Bar. The judge members and employee
21 members shall be appointed by the chief justice. The commissioner of
22 administration shall serve ex officio. The members of the Missouri Bar shall be
23 appointed by the board of governors of the Missouri Bar. Any member of the
24 committee may designate another person to serve on the committee in place of the
25 committee member.

26 3. The committee shall develop and implement a plan for a statewide
27 court automation system. The committee shall have the authority to hire
28 consultants, review systems in other jurisdictions and purchase goods and
29 services to administer the provisions of this section. The committee may
30 implement one or more pilot projects in the state for the purposes of determining
31 the feasibility of developing and implementing such plan. The members of the
32 committee shall be reimbursed from the court automation fund for their actual
33 expenses in performing their official duties on the committee.

34 4. Any purchase of computer software or computer hardware that exceeds

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35 five thousand dollars shall be made pursuant to the requirements of the office of
36 administration for lowest and best bid. Such bids shall be subject to acceptance
37 by the office of administration. The court automation committee shall determine
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to
40 change any operating system in such court, unless the committee provides all
41 necessary personnel, funds and equipment necessary to effectuate the required
42 changes. No judicial circuit or county may be reimbursed for any costs incurred
43 pursuant to this subsection unless such judicial circuit or county has the approval
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be
46 implemented, operated and maintained in accordance with strict standards for
47 the security and privacy of confidential judicial records. Any person who
48 knowingly releases information from a confidential judicial record is guilty of a
49 class B misdemeanor. Any person who, knowing that a judicial record is
50 confidential, uses information from such confidential record for financial gain is
51 guilty of a class D felony.

52 7. On the first day of February, May, August and November of each year,
53 the court automation committee shall file a report on the progress of the
54 statewide automation system with the joint legislative committee on court
55 automation. Such committee shall consist of the following:

- 56 (1) The chair of the house budget committee;
57 (2) The chair of the senate appropriations committee;
58 (3) The chair of the house judiciary committee;
59 (4) The chair of the senate judiciary committee;
60 (5) One member of the minority party of the house appointed by the
61 speaker of the house of representatives; and
62 (6) One member of the minority party of the senate appointed by the
63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed
65 from the court automation fund for their actual expenses incurred in the
66 performance of their official duties as members of the joint legislative committee
67 on court automation.

68 9. Section 488.027 shall expire on September 1, [2013] **2015**. The court
69 automation committee established pursuant to this section may continue to
70 function until completion of its duties prescribed by this section, but shall

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71 complete its duties prior to September 1, [2015] 2017.

72 10. This section shall expire on September 1, [2015] 2017.

479.040. 1. (1) Any city, town or village with a population of less than
2 four hundred thousand may elect to have the violations of its municipal
3 ordinances heard and determined by an associate circuit judge of the circuit in
4 which the city, town or village, or the major geographical portion thereof, is
5 located; provided, however, if such election is made, all violations of that
6 municipality's ordinances shall be heard and determined before an associate
7 circuit judge or judges. If a municipality has elected to have the violations of its
8 municipal ordinances heard and determined by an associate circuit judge, the
9 municipality may thereafter elect to provide for a municipal judge or judges to
10 hear such cases; provided, however, if such later election is made, all violations
11 of that municipality's ordinances shall be heard and determined before a
12 municipal judge. Nothing in this subsection shall preclude the transfer or
13 assignment of another judge to hear and determine a case or class of cases when
14 otherwise authorized by provisions of the constitution, law, or court rule. Nothing
15 in this section shall preclude an election made under the provisions of subsection
16 4 of this section.

17 (2) In lieu of electing to have all violations of municipal
18 ordinances heard and determined before an associate circuit court or
19 a county municipal court, a city, town, or village may, under
20 subdivision (1) of this subsection, elect to have such court only hear
21 and determine those violations of its municipal ordinances as may be
22 designated on the information by the prosecutor as involving an
23 accused with special needs due to mental disorder or mental illness, as
24 defined by section 630.005, or whose special needs, circumstances, and
25 charges cannot be adequately accommodated by the municipal court of
26 the city, town, or village, provided that the associate circuit court or
27 county municipal court has established specialized dockets or courts
28 to provide such adequate accommodations and resources for
29 specifically handling such matters, such as a mental health court,
30 housing court, domestic violence court, family court, or DWI court, and
31 such associate circuit court or county municipal court accepts such
32 election by consent of the presiding judge or by county contract, as
33 applicable, and further provided that upon a determination by the
34 court that the accused does not have such special needs, the matter

35 shall be transferred back to the municipal court.

36 2. If, after January 1, 1980, a municipality elects to have the violations
37 of its municipal ordinances heard and determined by an associate circuit judge,
38 the associate circuit judge or judges shall commence hearing and determining
39 such violations six months after the municipality notifies the presiding judge of
40 the circuit of its election. With the consent of the presiding judge, the associate
41 circuit judge or judges may commence hearing such violations at an earlier date.

42 3. Associate circuit judges of the circuit in which the municipality, or
43 major geographical portion thereof, is located shall hear and determine violations
44 of municipal ordinances of any municipality with a population of under four
45 hundred thousand for which a municipal judge is not provided.

46 4. Any city, town or village with a population of less than four hundred
47 thousand located in a county which has created a county municipal court under
48 the provisions of section 66.010 may elect to enter into a contract with the county
49 to have violations of municipal ordinances prosecuted, heard, and determined in
50 the county municipal court. If a contract is entered into under the provisions of
51 this subsection, all violations of that municipality's ordinances shall be heard and
52 determined in the county municipal court. The contract may provide for a
53 transition period after an election is made under the provisions of this subsection.

483.015. 1. At the general election in the year 1982, and every four years
2 thereafter, except as herein provided and except as otherwise provided by law,
3 circuit clerks shall be elected by the qualified voters of each county [and of the
4 city of St. Louis], who shall be commissioned by the governor, and shall enter
5 upon the discharge of their duties on the first day in January next ensuing their
6 election, and shall hold their offices for the term of four years, and until their
7 successors shall be duly elected and qualified, unless sooner removed from office.

8 2. The court administrator for Jackson County provided by the charter of
9 Jackson County shall be selected as provided in the county charter and shall
10 exercise all of the powers and duties of the circuit clerk of Jackson County. The
11 director of judicial administration and the circuit clerk of St. Louis County shall
12 be selected as provided in the charter of St. Louis County.

13 3. When provision is made in a county charter for the appointment of a
14 court administrator to perform the duties of a circuit clerk or for the appointment
15 of a circuit clerk, such provisions shall prevail over the provisions of this chapter
16 providing for a circuit clerk to be elected. The persons appointed to fill any such
17 appointive positions shall be paid by the counties as provided by the county

18 charter or ordinance; provided, however, that if provision is now or hereafter
19 made by law for the salaries of circuit clerks to be paid by the state, the state
20 shall pay over to the county a sum which is equivalent to the salary that would
21 be payable by law by the state to an elected circuit clerk in such county if such
22 charter provision was not in effect. The sum shall be paid in semimonthly or
23 monthly installments, as designated by the commissioner of administration.

24 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial
25 circuit shall be appointed by a majority of the circuit judges and associate circuit
26 judges of the circuit court, en banc. The circuit clerk in those circuits shall be
27 removable for cause by a majority of the circuit judges and associate circuit
28 judges of such circuit, en banc, in accordance with supreme court administrative
29 rules governing court personnel. This subsection shall become effective on
30 January 1, 2004, and the elected circuit clerks in those circuits in office at that
31 time shall continue to hold such office for the remainder of their elected terms as
32 if they had been appointed pursuant to the terms of this subsection.

33 5. The circuit clerk in the twenty-second judicial circuit shall be
34 appointed by a majority of the circuit judges and associate circuit
35 judges of the circuit court, en banc. The circuit clerk in such circuit
36 shall be removable for cause by a majority of the circuit judges and
37 associate circuit judges of such circuit, en banc, in accordance with
38 supreme court administrative rules governing court personnel. The
39 elected circuit clerk in such circuit in office on the effective date of
40 this section shall continue to hold such office for the remainder of his
41 or her elected term.

508.050. Suits against municipal corporations as defendant or codefendant
2 shall be commenced only in the county in which the municipal corporation is
3 situated, or if the municipal corporation is situated in more than one county, then
4 suits against the municipal corporation shall be commenced only in that county
5 wherein the seat of government of the municipal corporation is situated; except
6 that:

7 (1) Suits may be brought against a city containing more than four
8 hundred thousand inhabitants in any county in which any part of the city is
9 situated; and

10 (2) Suits in inverse condemnation or involving dangerous
11 conditions of public property against a municipal corporation
12 established under article VI, section 30(a) of the Missouri Constitution

13 shall be brought only in the county where such land or any part thereof
14 lies.

523.010. 1. In case land, or other property, is sought to be appropriated
2 by any road, railroad, street railway, telephone, telegraph or any electrical
3 corporation organized for the manufacture or transmission of electric current for
4 light, heat or power, including the construction, when that is the case, of
5 necessary dams and appurtenant canals, flumes, tunnels and tailraces and
6 including the erection, when that is the case, of necessary electric steam
7 powerhouses, hydroelectric powerhouses and electric substations or any oil,
8 pipeline or gas corporation engaged in the business of transporting or carrying
9 oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid
10 underneath the surface of the ground, or other corporation created under the laws
11 of this state for public use, and such corporation and the owners cannot agree
12 upon the proper compensation to be paid, or in the case the owner is incapable
13 of contracting, be unknown, or be a nonresident of the state, such corporation may
14 apply to the circuit court of the county of this state where such land or any part
15 thereof lies by petition setting forth the general directions in which it is desired
16 to construct its road, railroad, street railway, telephone, or telegraph line or
17 electric line, including, when that is the case, the construction and maintenance
18 of necessary dams and appurtenant canals, tunnels, flumes and tailraces and,
19 when that is the case, the appropriation of land submerged by the construction
20 of such dam, and including the erection and maintenance, when that is the case,
21 of necessary electric steam powerhouses, hydroelectric powerhouses and electric
22 substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or
23 underneath the surface of such lands, a description of the real estate, or other
24 property, which the company seeks to acquire; the names of the owners thereof,
25 if known; or if unknown, a pertinent description of the property whose owners are
26 unknown and praying the appointment of three disinterested residents of the
27 county, as commissioners, or a jury, to assess the damages which such owners
28 may severally sustain in consequence of the establishment, erection and
29 maintenance of such road, railroad, street railway, telephone, telegraph line, or
30 electrical line including damages from the construction and maintenance of
31 necessary dams and the condemnation of land submerged thereby, and the
32 construction and maintenance of appurtenant canals, flumes, tunnels and
33 tailraces and the erection and maintenance of necessary electric steam
34 powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline,

35 or gas line over or underneath the surface of such lands; to which petition the
36 owners of any or all as the plaintiff may elect of such parcels as lie within the
37 county or circuit may be made parties defendant by names if the names are
38 known, and by the description of the unknown owners of the land therein
39 described if their names are unknown.

40 2. If the proceedings seek to affect the lands of persons under
41 conservatorship, the conservators must be made parties defendant. If the present
42 owner of any land to be affected has less estate than a fee, the person having the
43 next vested estate in remainder may at the option of the petitioners be made
44 party defendant; but if such remaindermen are not made parties, their interest
45 shall not be bound by the proceedings.

46 3. It shall not be necessary to make any persons party defendants in
47 respect to their ownership unless they are either in actual possession of the
48 premises to be affected claiming title or having a title of the premises appearing
49 of record upon the proper records of the county.

50 4. Except as provided in subsection 5 of this section, nothing in this
51 chapter shall be construed to give a public utility, as defined in section 386.020,
52 or a rural electric cooperative, as provided in chapter 394, the power to condemn
53 property which is currently used by another provider of public utility service,
54 including a municipality or a special purpose district, when such property is used
55 or useful in providing utility services, if the public utility or cooperative seeking
56 to condemn such property, directly or indirectly, will use or proposes to use the
57 property for the same purpose, or a purpose substantially similar to the purpose
58 [that] for which the property is being used by the provider of the public utility
59 service.

60 5. A public utility or a rural electric cooperative may only condemn the
61 property of another provider of public utility service, even if the property is used
62 or useful in providing utility services by such provider, if the condemnation is
63 necessary for the public purpose of acquiring a nonexclusive easement or
64 right-of-way across the property of such provider and only if the acquisition will
65 not materially impair or interfere with the current use of such property by the
66 utility or cooperative and will not prevent or materially impair such provider of
67 public utility service from any future expansion of its facilities on such property.

68 6. If a public utility or rural electric cooperative seeks to condemn the
69 property of another provider of public utility service, and the conditions in
70 subsection 4 of this section do not apply, this section does not limit the

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71 condemnation powers otherwise possessed by such public utility or rural electric
72 cooperative.

73 7. Suits in inverse condemnation or involving dangerous
74 conditions of public property against a municipal corporation
75 established under article VI, section 30(a) of the Missouri Constitution
76 shall be brought only in the county where such land or any part thereof
77 lies.

✓

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1171
96TH GENERAL ASSEMBLY

4651L02T

2012

AN ACT

To repeal sections 67.320 and 211.031, RSMo, and to enact in lieu thereof two new sections relating to courts.

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

Section A. Sections 67.320 and 211.031, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 67.320 and 211.031, to read as follows:

67.320. 1. Any county of the first classification with more than one hundred ninety-eight
2 thousand but less than one hundred ninety-nine thousand two hundred inhabitants **or any county**
3 **of the first classification with more than one hundred one thousand but fewer than one**
4 **hundred fifteen thousand inhabitants** may prosecute and punish violations of its county orders
5 in the circuit court of such counties in the manner and to the extent herein provided or in a
6 county municipal court if creation of a county municipal court is approved by order of the county
7 commission. The county may adopt orders with penal provisions consistent with state law, but
8 only in the areas of traffic violations, solid waste management, county building codes, on-site
9 sewer treatment, zoning orders, and animal control. Any county municipal court established
10 pursuant to the provisions of this section shall have jurisdiction over violations of that county's
11 orders and the ordinances of municipalities with which the county has a contract to prosecute and
12 punish violations of municipal ordinances of the municipality.

13 2. **Except as provided in subsection 5 of this section** in any county which has elected
14 to establish a county municipal court pursuant to this section, the judges for such court shall be

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.

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15 appointed by the county commission of such county, subject to confirmation by the legislative
16 body of such county in the same manner as confirmation for other county appointed officers.
17 The number of judges appointed, and qualifications for their appointment, shall be established
18 by order of the commission.

19 3. The practice and procedure of each prosecution shall be conducted in compliance with
20 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this
21 section.

22 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with
23 the term order for purposes of this section.

24 5. **In any county of the first classification with more than one hundred one**
25 **thousand but fewer than one hundred fifteen thousand inhabitants the first judges shall**
26 **be appointed by the county commission for a term of four years, and thereafter the judges**
27 **shall be elected for a term of four years. The number of judges appointed, and**
28 **qualifications for their appointment, shall be established by order of the commission.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen [and one-half] years of age who is alleged to have violated a state or municipal
33 traffic ordinance or regulation, the violation of which does not constitute a felony, or any child
34 who is alleged to have violated a state or municipal ordinance or regulation prohibiting
35 possession or use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law; and

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
51 than seventeen years of age.

52 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
53 seventeen years of age who resides in a county of this state shall be made as follows:

54 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
55 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
56 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving

57 court, to the county of the child's residence or the residence of the person seventeen years of age
58 for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child or person seventeen years of age to the court located in the county of the child's residence
62 or the residence of the person seventeen years of age, or the county in which the offense pursuant
63 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
66 of a child or person seventeen years of age to the court located in the county of the child's
67 residence or the residence of the person seventeen years of age for further action with the prior
68 consent of the receiving court;

69 (4) Upon motion of any party or upon its own motion at any time following a judgment
70 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
71 may place the child or person seventeen years of age under the supervision of another juvenile
72 court within or without the state pursuant to section 210.570 with the consent of the receiving
73 court;

74 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
75 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
76 Rules;

77 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
78 person seventeen years of age, certified copies of all legal and social documents and records
79 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
80 transfer.

81 3. In any proceeding involving any child or person seventeen years of age taken into
82 custody in a county other than the county of the child's residence or the residence of a person
83 seventeen years of age, the juvenile court of the county of the child's residence or the residence
84 of a person seventeen years of age shall be notified of such taking into custody within
85 seventy-two hours.

86 4. When an investigation by a juvenile officer pursuant to this section reveals that the
87 only basis for action involves an alleged violation of section 167.031 involving a child who
88 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
89 to verify that the child is being home schooled and not in violation of section 167.031 before
90 making a report of such a violation. Any report of a violation of section 167.031 made by a
91 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting
92 attorney of the county where the child legally resides.

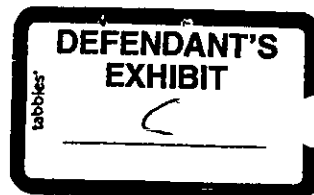
HCS HB 1171

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93 5. The disability or disease of a parent shall not constitute a basis for a determination that
94 a child is a child in need of care or for the removal of custody of a child from the parent without
95 a specific showing that there is a causal relation between the disability or disease and harm to
96 the child.

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SECOND REGULAR SESSION

HOUSE BILL NO. 1211

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIECKHAUS (Sponsor), CURTMAN,
HINSON AND SCHATZ (Co-sponsors).

5016L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.320, RSMo, and to enact in lieu thereof one new section relating to authorizing establishment of a municipal court by a county.

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

Section A. Section 67.320, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.320, to read as follows:

67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants** may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. **Except as provided in subsection 5 of this section** in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers.

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.

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SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1211
96TH GENERAL ASSEMBLY

5016L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 66.010, 67.320, and 67.2010, RSMo, and to enact in lieu thereof four new sections relating to local courts.

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

Section A. Sections 66.010, 67.320, and 67.2010, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 66.010, 67.136, 67.320, and 67.2010,
3 to read as follows:

66.010. 1. Any county framing and adopting a charter for its own government under the
2 provisions of section 18, article VI of the constitution of this state, may prosecute and punish
3 violations of its county ordinances in the circuit court of such counties in the manner and to the
4 extent herein provided or in a county municipal court. In addition, the county may prosecute and
5 punish municipal ordinance violations in the county municipal court pursuant to a contract with
6 any municipality within the county. Any county municipal court established pursuant to the
7 provisions of this section shall have jurisdiction over violations of that county's ordinances and
8 the ordinances of municipalities with which the county has a contract to prosecute and punish
9 violations of municipal ordinances of the city. Costs and procedures in any such county
10 municipal court shall be governed by the provisions of law relating to municipal ordinance
11 violations in municipal divisions of circuit courts.

12 2. In any county which has elected to establish a county municipal court pursuant to this
13 section, the judges for such court shall be appointed by the county executive of such county,
14 subject to confirmation by the legislative body of such county in the same manner as
15 confirmation for other county appointed officers. The number of judges appointed, and
16 qualifications for their appointment, shall be established by ordinance of the county.

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.

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17 The number of judges appointed, and qualifications for their appointment, shall be established
18 by order of the commission.

19 3. The practice and procedure of each prosecution shall be conducted in compliance with
20 all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this
21 section.

22 4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with
23 the term order for purposes of this section.

24 5. In any county of the first classification with more than one hundred one
25 thousand but fewer than one hundred fifteen thousand inhabitants the first judges shall
26 be appointed by the county commission for a term of four years, and thereafter the judges
27 shall be elected for a term of four years. The number of judges appointed, and
28 qualifications for their appointment, shall be established by order of the commission.

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

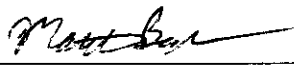
ARTHUR L. LEBEAU, JR., et al.	)	
	)	
Plaintiffs,	)	Case No.: 12AB-CC00269
	)	
Vs.	)	
	)	
COMMISSIONERS OF	)	
FRANKLIN COUNTY, MISSOURI,	)	Division No.: Schollmeyer
	)	
Defendant(s).	)	

TAXING MEMORANDUM OF DEFENDANT'S

COMES NOW Defendant Commissioners of Franklin County, Missouri, by and through the undersigned attorneys, and, pursuant to the Missouri Supreme Court Rules of Civil Procedure, MO.REV.STAT. § 514, *et seq.*, and other applicable statutes and laws, submits the following Taxing Memorandum:

EXHIBIT	Taxable Cost	AMOUNT
A	Service: Attorney General's office	\$30.00
	<u>TOTAL</u>	<u>\$30.00</u>

Respectfully Submitted,



Joseph W. Purschke #49696
Matthew C. Becker #52782
4A South Church Street
Union, MO 63084
(636) 583-5760
Assistant County Counselors

RETURN

I hereby certify that I served the within Citizens Petition House Bill 1171 is Unconstitutional
Commission Order 2012-260 Establishing County Municipal Court is Void, and Plaintiffs
Amended Petition House Bill 1171 is Unconstitutional as it Violated Article III, Sections 21 and
23 of the Missouri Constitution

In the County of Cole, State of

Missouri, on the 16th day of APRIL 2014 @ 9:30 AM

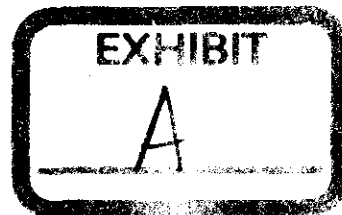
By: Delivering A COPY TO ATTORNEY GENERAL'S OFFICE
C/O W. WOODARD, DESIGNEE, AT
207 W. HIGH ST.

SHERIFF G. WHITE

By: [Signature] #22

Deputy sheriff

201503
#3000



A-40

IN THE SUPREME COURT
STATE OF MISSOURI

Missouri Supreme Court
Cynthia L. Turley, Deputy Clerk
207 West. High Street
Jefferson City, MO. 657101

Subject.: # SC94348 - APPELLANTS BRIEF
 LeBeau, et al, vs. Commissioners of Franklin County

Attached herewith is the Appellants Brief from Circuit Court of Franklin County, State of Missouri, The Honorable Judge Robert D. Schollmeyer 12AB-CC00269-01

A clerk Carey (kayle.tiberghien@courts.mo.gov) stated we could e-mail a copy of the Brief to her for review to see if in compliance. Appellants appreciated her courtesy on the phone, however due to lack of in depth knowledge of how to transmit the entire Brief by e-mail (attachment or whatever) and having had problems in attempting to send other files like this in the past, it was decided to send by mail. The Brief is due October 27th, so she suggested we go ahead and mail.

As one of the supreme court judges remarked in our original hearing last year, if they can understand the issue the Brief, need not be perfect. Therefore we Pro-Se Appellants have tried to the best of our abilities to put together an understandable Brief and pray it conforms to the rules, at least to have understanding and merit.

Respectfully submitted


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ENCL: BRIEF

SCANNED