

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

SENATE BILL NO. 5

98TH GENERAL ASSEMBLY
2015

0455S.18T

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof twelve new sections relating to local government.

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

Section A. Section 302.341, RSMo, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 67.287, 302.341, 479.155, 479.350, 479.353, 479.356, 479.359, 479.360, 479.362, 479.368, 479.372, and 479.375, to read as follows:

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

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

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

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

2. Every municipality shall meet the following minimum standards within three years of the effective date of this section by providing the following municipal services, financial services, and reports, except that the provision of subdivision (6) of this subsection shall be completed within six years:

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

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

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

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

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

26 (a) General liability coverage;

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

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

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

32 (e) Bonds for local officials as required by section 77.390, 79.260,
33 80.250, or local charter;

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

38 (6) A police department accredited or certified by the
39 Commission on Accreditation for Law Enforcement Agencies or the
40 Missouri Police Chiefs Association or a contract for police service with
41 a police department accredited or certified by such entities;

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

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

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

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

51 (11) Construction code review by existing staff, directly or by
52 contract with a public or private agency; and

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

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

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

90 **(2) If the court finds that the minimum standards specified in**
91 **subsection 2 of this section still are not established at the end of ninety**
92 **days from the time the court finds that the municipality is not in**
93 **compliance with the minimum standards specified in subsection 2 of**
94 **this section, the court may either enter an order disincorporating the**
95 **municipality or order placed on the ballot the question of whether to**
96 **disincorporate the municipality as provided in subdivisions (1), (2), (4),**
97 **and (5) of subsection 3 of section 479.368. The court also shall place the**
98 **question of disincorporation on the ballot as provided by subdivisions**
99 **(1), (2), (4), and (5) of subsection 3 of section 479.368 if at least twenty**
100 **percent of the registered voters residing in the subject municipality or**
101 **forty percent of the number of voters who voted in the last municipal**
102 **election, whichever is lesser, submit a petition to the court while the**
103 **matter is pending, seeking disincorporation. The question shall be**
104 **submitted to the voters in substantially the following form:**

105 **"The city/town/village of has failed to meet minimum**
106 **standards of governance as required by law. Shall the city/town/village**
107 **of be dissolved?"**

108 ☐ **YES** ☐ **NO**

109 **If electors vote to disincorporate, the court shall determine the date**
110 **upon which the disincorporation shall occur, taking into consideration**
111 **a logical transition.**

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

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges

14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. The filing of financial responsibility with the
24 bureau of safety responsibility, department of revenue, shall not be required as
25 a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

27 2. [If any city, town, village, or county receives more than thirty percent
28 of its annual general operating revenue from fines and court costs for traffic
29 violations, including amended charges from any traffic violation, occurring within
30 the city, town, village, or county, all revenues from such violations in excess of
31 thirty percent of the annual general operating revenue of the city, town, village,
32 or county shall be sent to the director of the department of revenue and shall be
33 distributed annually to the schools of the county in the same manner that
34 proceeds of all penalties, forfeitures and fines collected for any breach of the
35 penal laws of the state are distributed. The director of the department of revenue
36 shall set forth by rule a procedure whereby excess revenues as set forth above
37 shall be sent to the department of revenue. If any city, town, village, or county
38 disputes a determination that it has received excess revenues required to be sent
39 to the department of revenue, such city, town, village, or county may submit to
40 an annual audit by the state auditor under the authority of Article IV, Section 13
41 of the Missouri Constitution. An accounting of the percent of annual general
42 operating revenue from fines and court costs for traffic violations, including
43 amended charges from any charged traffic violation, occurring within the city,
44 town, village, or county and charged in the municipal court of that city, town,
45 village, or county shall be included in the comprehensive annual financial report
46 submitted to the state auditor by the city, town, village, or county under section
47 105.145. Any city, town, village, or county which fails to make an accurate or
48 timely report, or to send excess revenues from such violations to the director of
49 the department of revenue by the date on which the report is due to the state
50 auditor shall suffer an immediate loss of jurisdiction of the municipal court of

51 said city, town, village, or county on all traffic-related charges until all
52 requirements of this section are satisfied. Any rule or portion of a rule, as that
53 term is defined in section 536.010, that is created under the authority delegated
54 in this section shall become effective only if it complies with and is subject to all
55 of the provisions of chapter 536 and, if applicable, section 536.028. This section
56 and chapter 536 are nonseverable and if any of the powers vested with the
57 general assembly under chapter 536 to review, to delay the effective date, or to
58 disapprove and annul a rule are subsequently held unconstitutional, then the
59 grant of rulemaking authority and any rule proposed or adopted after August 28,
60 2009, shall be invalid and void.] **The provisions of subsection 1 of this**
61 **section shall not apply to minor traffic violations as defined in section**
62 **479.350.**

479.155. 1. By September 1, 2015, the presiding judge of the
2 circuit court in which the municipal division is located shall report to
3 the clerk of the supreme court the name and address of the municipal
4 division and any other information regarding the municipal division
5 requested by the clerk of the supreme court on a standardized form
6 developed by the clerk of the supreme court.

7 2. If a municipality elects to abolish or establish a municipal
8 division, the presiding judge of the circuit court in which the municipal
9 division is located shall notify the clerk of the supreme court and shall
10 complete the report required under subsection 1 of this section within
11 ninety days of the establishment of the division.

12 3. The supreme court shall develop rules regarding conflict of
13 interest for any prosecutor, defense attorney, or judge that has a
14 pending case before the municipal division of any circuit court.

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

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

12 purpose of sharing criminal justice-related information among political
13 subdivisions; or other revenue designated for a specific purpose;

14 (2) "Court costs", costs, fees, or surcharges which are retained by
15 a county, city, town, or village upon a finding of guilty or plea of guilty,
16 and shall exclude any costs, fees, or surcharges disbursed to the state
17 or other entities by a county, city, town, or village;

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

479.353. The following conditions shall apply to minor traffic
2 violations:

3 (1) The court shall not assess a fine, if combined with the amount
4 of court costs, totaling in excess of three hundred dollars;

5 (2) The court shall not sentence a person to confinement, except
6 the court may sentence a person to confinement for violations involving
7 alcohol or controlled substances, violations endangering the health or
8 welfare of others, and eluding or giving false information to a law
9 enforcement officer;

10 (3) A person shall not be placed in confinement for failure to pay
11 a fine unless such nonpayment violates terms of probation;

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

17 (5) No court costs shall be assessed if the case is dismissed.

479.356. If a person fails to pay court costs, fines, fees, or other
2 sums ordered by a municipal court, to be paid to the state or political
3 subdivision, a municipal court may report any such delinquencies in
4 excess of twenty-five dollars to the director of the department of
5 revenue and request that the department seek a setoff of an income tax
6 refund as provided by sections 143.782 to 143.788. The department shall

7 promulgate rules necessary to effectuate the purpose of the offset
8 program.

479.359. 1. Every county, city, town, and village shall annually
2 calculate the percentage of its annual general operating revenue
3 received from fines, bond forfeitures, and court costs for minor traffic
4 violations, including amended charges for any minor traffic violations,
5 whether the violation was prosecuted in municipal court, associate
6 circuit court, or circuit court, occurring within the county, city, town,
7 or village. If the percentage is more than thirty percent, the excess
8 amount shall be sent to the director of the department of revenue. The
9 director of the department of revenue shall set forth by rule a
10 procedure whereby excess revenues as set forth in this section shall be
11 sent to the department of revenue. The department of revenue shall
12 distribute these moneys annually to the schools of the county in the
13 same manner that proceeds of all fines collected for any breach of the
14 penal laws of this state are distributed.

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

24 3. An addendum to the annual financial report submitted to the
25 state auditor by the county, city, town, or village under section 105.145
26 shall contain an accounting of:

27 (1) Annual general operating revenue as defined in section
28 479.350;

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

33 (3) The percent of annual general operating revenue from fines,
34 bond forfeitures, and court costs for minor traffic violations occurring
35 within the county, city, town, or village, including amended charges

36 from any charged minor traffic violation, charged in the municipal
37 court of that county, city, town, or village; and

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

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

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

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

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

15 (3) Defendants are not detained in order to coerce payment of
16 fines and costs;

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

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

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

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

27 the public, parties, and attorneys;

28 (8) The municipal court makes use of alternative payment plans
29 and community service alternatives; and

30 (9) The municipal court has adopted an electronic payment
31 system or payment by mail for the payment of minor traffic violations.

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

479.362. 1. The auditor shall notify to the director of the
2 department of revenue whether or not county, city, town, or village has
3 timely filed the addendums required by sections 479.359 and 479.360
4 and transmit copies of all addendums filed in accordance with sections
5 479.359 and 479.360. The director of the department of revenue shall
6 review the information filed in the addendums as required by sections
7 479.359 and 479.360 and shall determine if any county, city, town, or
8 village:

9 (1) Failed to file an addendum; or

10 (2) Failed to remit to the department of revenue the excess
11 amount as set forth, certified, and signed in the addendum required by
12 section 479.359.

13 The director of the department of revenue shall send a notice by
14 certified mail to every county, city, town, or village failing to make the
15 required filing or excess payment. The notice shall advise the county,
16 city, town, or village of the failure and state that the county, city, town,
17 or village is to correct the failure within sixty days of the date of the
18 notice.

19 2. If a county, city, town, or village files the required addendum
20 after notice from the director of the department of revenue, the
21 director shall determine whether the county, city, town, or village
22 failed to pay any excess amount required. If so, the director shall send
23 an additional notice of failure to pay the excess amount and the county,
24 city, town, or village shall pay the excess amount within sixty days of
25 the date of the original notice.

26 3. A county, city, town, or village sent a notice by the director of
27 the department of revenue for failure to pay or failure to file the
28 required addendum under this section may seek judicial review of any

29 determination made by the director of the department of revenue in the
30 circuit court in which the municipal division is located by filing a
31 petition under section 536.150 within thirty days of receipt of such
32 determination. The county, city, town, or village shall give written
33 notice of such filing to the director of revenue by certified mail. Within
34 fifteen days of filing the petition, the county, city, town, or village shall
35 deposit an amount equal to any amount in dispute into the registry of
36 the circuit court by the county, city, town, or village. Failure to do so
37 shall result in a dismissal of the case.

38 4. In addition to other available remedies, if the circuit court
39 determines that the director of the department of revenue's
40 determination as to the amount of excess funds or failure to file is in
41 error, the circuit court shall return the amount not required to be
42 remitted to the department of revenue to the county, city, town, or
43 village immediately. The remainder of the funds held in the registry
44 shall be paid to the director of the department of revenue for
45 distribution under subsection 1 of section 479.359.

46 5. If any county, city, town, or village has failed to file an
47 accurate or timely addendum or send excess revenue to the director of
48 the department of revenue and the sixty-day period described in
49 subsection 1 of this section has passed or there has been a final
50 adjudication of a petition filed pursuant to subsection 3 of this section,
51 whichever is later, the director of the department of revenue shall send
52 a final notice to the clerk of the municipal court. If the county, city,
53 town, or village fails to become compliant within five days after the
54 date of the final notice, the director of the department of revenue shall
55 send a notice of the noncompliance to the presiding judge of the circuit
56 court in which any county, city, town, or village is located and the
57 presiding judge of the circuit court shall immediately order the clerk
58 of the municipal court to certify all pending matters in the municipal
59 court until such county, city, town, or village files an accurate
60 addendum and sends excess revenue to the director of the department
61 of revenue pursuant to 479.359 and 479.360. All fines, bond forfeitures,
62 and court costs ordered or collected while a county, city, town, or
63 village has its municipal court matters reassigned under this
64 subsection shall be paid to the director of the department of revenue
65 to be distributed to the schools of the county in the same manner that

66 proceeds of all penalties, forfeitures, and fines collection for any breach
67 of the penal laws of the state are distributed and the county, city, town,
68 or village shall not be entitled to such revenue. If the noncompliant
69 county, city, town, or village thereafter files an accurate addendum and
70 remits all the excess revenue owed pursuant to section 479.359 to the
71 director of the department of revenue, the director of the department
72 shall notify the clerk of the municipal court and the presiding judge of
73 the circuit court that the county, city, town, or village may again hear
74 matters and receive revenue from fines, bond forfeitures, and court
75 costs subject to continuing compliance with section 479.359.

76 6. The state auditor shall have the authority to audit any
77 addendum and any supporting documents submitted to the department
78 of revenue by any county, city, town, or village.

479.368. 1. Except for county sales taxes deposited in the "County
2 Sales Tax Trust Fund" as defined in section 66.620, any county, city,
3 town, or village failing to timely file the required addendums or remit
4 the required excess revenues, if applicable, after the time period
5 provided by the notice by the director of the department of revenue or
6 any final determination on excess revenue by the court in a judicial
7 proceeding, whichever is later, shall not receive from that date any
8 amount of moneys to which the county, city, town, or village would
9 otherwise be entitled to receive from revenues from local sales tax as
10 defined in section 32.085.

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

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

24 Upon a noncompliant city, town, village, or county coming into

25 compliance with the provisions of sections 479.359 and 479.360, the
26 director of the department of revenue shall disburse any remaining
27 balance of funds held under this subsection after satisfaction of
28 amounts due under section 479.359. Moneys held by the director of the
29 department of revenue under this subsection shall not be deemed to be
30 state funds and shall not be commingled with any funds of the state.

31 2. Any city, town, village, or county that participates in the
32 distribution of local sales tax in sections 66.600 to 66.630 and fails to
33 timely file the required addendums or remit the required excess
34 revenues, if applicable, after the time period provided by the notice by
35 the director of the department of revenue or any final determination
36 on excess revenue by the court in a judicial proceeding, whichever is
37 later, shall not receive any amount of moneys to which said city, town,
38 village, or county would otherwise be entitled under 66.600 to
39 66.630. The director of the department of revenue shall notify the
40 county to which the duties of the director have been delegated under
41 section 66.601 of any noncompliant city, town, village, or county and
42 the county shall remit to the director of the department of revenue any
43 moneys to which said city, town, village, or county would otherwise be
44 entitled. No disbursements to the noncompliant city, town, village, or
45 county shall be permitted until a determination is made by the director
46 of revenue that the noncompliant city, town, village, or county has
47 come into compliance with the provisions of sections 479.359 and
48 479.360.

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

56 (2) If any county, city, town, or village has failed to remit the
57 required excess revenue to the director of the department of revenue,
58 the director shall distribute such moneys the county, city, town, or
59 village would otherwise be entitled to under sections 66.600 to 66.630
60 in the amount of excess revenues that the city, town, village, or county
61 failed to remit as provided in subsection 1 of section 479.359.

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

77 3. In addition to the provisions of subsection 1 of this section,
78 any county that fails to remit the required excess revenue as required
79 by section 479.359 shall have an election upon the question of
80 disincorporation under article VI, section 5 of the Constitution of
81 Missouri, and any such city, town, or village that fails to remit the
82 required excess revenue as required by section 479.359 shall have an
83 election upon the question of disincorporation according to the
84 following procedure:

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

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

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

95 "The city/town/village of has kept more revenue
96 from fines, bond forfeitures, and court costs for minor
97 traffic violations than is permitted by state law and failed
98 to remit those revenues to the county school fund. Shall

99 the city/town/village of be dissolved?"

100 ☐ YES

☐ NO

101 **(4) Upon notification by the director of the department of**
102 **revenue, the county governing body in which the city, town, or village**
103 **is located shall give notice of the election for eight consecutive weeks**
104 **prior to the election by publication in a newspaper of general**
105 **circulation published in the city, town, or village, or if there is no such**
106 **newspaper in the city, town, or village, then in the newspaper in the**
107 **county published nearest the city, town, or village; and**

108 **(5) Upon the affirmative vote of sixty percent of those persons**
109 **voting on the question, the county governing body shall disincorporate**
110 **the city, town, or village.**

479.372. Any rule or portion of a rule, as that term is defined in
2 **section 536.010, that is created under the authority delegated in**
3 **sections 479.350 to 479.372 shall become effective only if it complies**
4 **with and is subject to all of the provisions of chapter 536 and, if**
5 **applicable, section 536.028. This section and chapter 536 are**
6 **nonseverable, and if any of the powers vested with the general**
7 **assembly pursuant to chapter 536 to review, to delay the effective date,**
8 **or to disapprove and annul a rule are subsequently held**
9 **unconstitutional, then the grant of rulemaking authority and any rule**
10 **proposed or adopted after August 28, 2015, shall be invalid and void.**

479.375. If any provision of this act or their application to any
2 **person or circumstance is held invalid, the invalidity does not affect**
3 **other provisions or applications of this act which can be given effect**
4 **without the invalid provision or application, and to this end the**
5 **provisions of this act are severable.**

✓