

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 165 & 196

101ST GENERAL ASSEMBLY

0052H.03P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 49.310, 137.275, and 476.083, RSMo, and to enact in lieu thereof six new sections relating to counties.

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

Section A. Sections 49.310, 137.275, and 476.083, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 49.055, 49.056, 49.057, 49.310, 137.275, and 476.083, to read as follows:

**49.055. 1. A county commissioner or presiding county commissioner in any county of the first classification may be removed by the qualified voters of such county by recall petition in accordance with the procedures under sections 49.055 to 49.057, subject to the following limitations:**

**(1) The commissioner shall have held office for at least six months;**

**(2) The recall election shall be held at least nine months before the end of the commissioner's term; and**

**(3) A recalled commissioner shall not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by the commissioner's recall and shall not be appointed to fill the vacancy.**

**2. A petition, signed by voters eligible to vote for a successor to the commissioner sought to be removed, that demands the recall of the commissioner may be filed with the county election authority. The petition shall have a number of signatures equal to at least ten percent of the total number of registered voters in such county voting in the last election at which the commissioner was elected. The petition shall contain a statement of the reason recall is sought, which shall not be more than two hundred words in length. The**

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.

17 petition for recall shall be filed no later than sixty days after the date of the earliest  
18 signature on the petition. A reason for recall may be misconduct in office, incompetence,  
19 or failure to perform duties prescribed by law. The signatures to the petition need not all  
20 be appended to one page. Each signer to the petition shall add his or her signature; the  
21 signer's place of residence, including street and number; and the date signed. One of the  
22 signers of each page shall make an oath before an officer competent to administer oaths  
23 that the statements made therein are true, as he or she believes, and that each signature to  
24 the page appended is the genuine signature of the person whose name it purports to be.

49.056. Within ten days of the date of filing a petition, the county election authority  
2 shall examine and, from the voters' register, ascertain whether the petition is signed by the  
3 requisite number of voters. The commission shall allow the election authority extra help  
4 for this purpose. The election authority shall attach to the petition a certificate that states  
5 the result of the examination. If the election authority's certificate states the petition is  
6 insufficient, the petition may be amended for ten days after the date of the certificate. If  
7 the petition is amended, the election authority shall examine the amendment within ten  
8 days of the amendment submission. If the election authority issues a certificate stating the  
9 amended petition is insufficient, the petition shall be returned to the person who filed the  
10 petition without prejudice to filing a new petition to the same effect. Upon certification of  
11 the petition as sufficient, the election authority shall submit the petition to the commission  
12 without delay, and the commission shall order the question to be submitted to the voters  
13 of the county.

49.057. 1. A special election shall be held on the recall petition as soon as  
2 practicable and as may be determined by the election authority of the county. The  
3 question to be presented to the voters at such election shall be in substantially the following  
4 form:

5  FOR the removal of \_\_\_\_\_ (name of commissioner) from the office  
6 of county commissioner.

7  AGAINST the removal of \_\_\_\_\_ (name of commissioner) from the  
8 office of county commissioner.

9 2. If at least sixty percent of the qualified voters voting on the question at such  
10 election vote for the removal of the commissioner, a vacancy shall exist in such office. If  
11 less than sixty percent of the qualified voters voting on the question at such election vote  
12 for the removal of the commissioner, the commissioner shall continue to serve for the  
13 remainder of the term for which he or she was elected.

49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this  
2 section, the county commission in each county in this state shall erect and maintain at the

3 established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings  
4 for the preservation of the records of the county; except that in counties having a special charter,  
5 the jail or workhouse may be located at any place within the county. In pursuance of the  
6 authority herein delegated to the county commission, the county commission may acquire a site,  
7 construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in  
8 counties wherein more than one place is provided by law for holding of court, the county  
9 commission may buy and equip or acquire a site and construct a building or buildings to be used  
10 as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places.  
11 The county commission may issue bonds as provided by the general law covering the issuance  
12 of bonds by counties for the purposes set forth in this section. In bond elections for these  
13 purposes in counties wherein more than one place is provided by law for holding of court, a  
14 separate ballot question may be submitted covering proposed expenditures in each separate site  
15 described therein, or a single ballot question may be submitted covering proposed expenditures  
16 at more than one site, if the amount of the proposed expenditures at each of the sites is  
17 specifically set out therein.

18 2. The county commission in all counties of the fourth classification and any county of  
19 the third, second, or first classification may provide for the erection and maintenance of a good  
20 and sufficient jail or holding cell facility at a site in the county other than at the established seat  
21 of justice.

22 **3. In the absence of a local agreement otherwise, for any courthouse that contains**  
23 **both county offices and court facilities, the presiding judge of the circuit may establish**  
24 **rules and procedures for court facilities and areas necessary for court-related ingress,**  
25 **court-related egress and other reasonable court-related usage, but the county commission**  
26 **shall have authority over all other areas of the courthouse.**

137.275. Every person who thinks himself aggrieved by the assessment of his property  
2 may appeal to the county board of equalization, in person, by attorney or agent, or in writing.  
3 Such appeals shall be lodged with the county board of equalization on or before the second  
4 Monday in July. **Upon receiving an appeal, the county board of equalization or its**  
5 **representative shall promptly issue a receipt to the person lodging the appeal, confirming**  
6 **that the appeal has been received. If the appeal is lodged in person, such receipt shall be**  
7 **issued immediately. If the appeal is lodged via mail or electronically, such receipt shall be**  
8 **issued within two business days.**

476.083. 1. In addition to any appointments made pursuant to section 485.010, the  
2 presiding judge of each circuit containing one or more facilities operated by the department of  
3 corrections with an average total inmate population in all such facilities in the circuit over the  
4 previous two years of more than two thousand five hundred inmates or containing, as of January

5 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental  
6 health facility operated by the department of mental health which houses persons found not guilty  
7 of a crime by reason of mental disease or defect under chapter 552 and provides sex offender  
8 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the  
9 presiding judge in the administration of the judicial business of the circuit by overseeing the  
10 physical security of ~~[the courthouse,]~~ **court facilities, including courtrooms, jury rooms, and**  
11 **chambers or offices of the court;** serving court-generated papers and orders~~[-]~~; and assisting  
12 the judges of the circuit as the presiding judge determines appropriate. Such circuit court  
13 marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the  
14 presiding judge. The circuit court marshal authorized by this section is in addition to staff  
15 support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any  
16 other staff personnel which may otherwise be provided by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the  
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety  
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that  
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant  
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at  
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall  
24 within one year after appointment, or as soon as practicable, attend a court security school or  
25 training program operated by the United States Marshal Service. In addition to all other powers  
26 and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the  
30 presiding judge of the circuit.

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