

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 870
93RD GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 16, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 27, 2006.

Taken up March 27, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4158S.02P

AN ACT

To repeal sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof seventeen new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

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

Section A. Sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 2 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, 3 and 550.260, RSMo, are repealed and seventeen new sections enacted in lieu 4 thereof, to be known as sections 57.290, 143.183, 185.200, 185.205, 185.210, 5 185.215, 185.220, 185.225, 185.230, 211.393, 221.105, 550.190, 550.200, 550.210, 6 550.220, 550.230, and 550.260, to read as follows:

57.290. 1. In cities and counties having a population of three hundred 2 thousand inhabitants and over, each deputy sheriff, not more than two, shall be 3 allowed for each day during the term of court six dollars, to be paid by the city 4 or county of three hundred thousand inhabitants or over.

2. For the services of taking convicted offenders to the reception and 6 diagnostic center designated by the director of the department of corrections, the 7 sheriff, county marshal or other officers shall receive the sum of eight dollars per 8 day for the time actually and necessarily employed in traveling to and from the 9 reception and diagnostic center, and each guard shall receive the sum of six

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

10 dollars per day for the same, and the sheriff, county marshal or other officer and
11 guard shall receive the mileage rate prescribed by this section for the distance
12 necessarily traveled in going to and returning from the reception and diagnostic
13 center, the time and distance to be estimated by the most usually traveled route
14 from the place of departure to the reception and diagnostic center; the mileage
15 rate prescribed by this section for each mile traveled shall be allowed to the
16 sheriff to cover all expenses on each convicted offender while being taken to the
17 reception and diagnostic center; and all persons convicted and sentenced to
18 imprisonment in the department of corrections at any term or sitting of the court,
19 shall be taken to the reception and diagnostic center at the same time, unless
20 prevented by sickness or unavoidable accident. In cities having a population of
21 two hundred thousand inhabitants or more, convicted offenders shall be taken to
22 the reception and diagnostic center as often as the sheriff deems
23 necessary. When three or more convicted offenders are being taken to the
24 reception and diagnostic center at one time, a guard may be employed, but no
25 guard shall be employed for a less number of convicted offenders except upon the
26 order, entered of record, of the judge of the court in which the conviction was had,
27 and any additional guards employed by order of the judge shall, in no event,
28 exceed one for every three convicted offenders; and before any claim for taking
29 convicted offenders to the reception and diagnostic center is allowed, the sheriff,
30 or other officer conveying such convicted offender, shall file with the state
31 **[commissioner of administration] director of the department of corrections**
32 an itemized statement of such sheriff's account, in which the sheriff shall give the
33 name of each convicted offender conveyed and the name of each guard actually
34 employed, with the number of miles necessarily traveled and the number of days
35 required, which in no case shall exceed three days, and which account shall be
36 signed and sworn to by such officer and accompanied by a certificate from the
37 chief administrative officer or such officer's designee of the reception and
38 diagnostic center, that such convicted offenders have been delivered at the
39 reception and diagnostic center and were accompanied by each of the officers and
40 guards named in the account.

41 3. The sheriff or other officer who shall take a person, charged with a
42 criminal offense, from the county in which the offender is apprehended to that in
43 which the offense was committed, or who may remove a prisoner from one county
44 to another for any cause authorized by law, or who shall have in custody or under
45 such sheriff's or officer's charge any person undergoing an examination

46 preparatory to such person's commitment more than one day for transporting,
47 safekeeping and maintaining any such person, shall be allowed by the court
48 having cognizance of the offense, three dollars and fifty cents per day for every
49 day such sheriff or officer may have such person under such sheriff's or officer's
50 charge, when the number of days shall exceed one, and the mileage rate
51 prescribed by this section for every mile necessarily traveled in going to and
52 returning from one county to another, and the guard employed, who shall in no
53 event exceed the number allowed the sheriff, marshal or other officer in
54 transporting convicted offenders to the reception and diagnostic center, shall be
55 allowed the same compensation as the officer. Three dollars and fifty cents per
56 day, mileage same as officer, shall be allowed for board and all other expenses of
57 each prisoner. No compensation shall be allowed under this section for taking the
58 prisoner or prisoners from one place to another in the same county, excepting in
59 counties which have two or more courts with general criminal jurisdiction. In
60 such counties the sheriff shall have the same fees for conveying prisoners from
61 the jail to place of trial as are allowed for conveying prisoners in like cases from
62 one county to another, and the expenses incurred in transporting prisoners from
63 one county to another, occasioned by the insufficiency of the county jail or
64 threatened mob violence, shall be paid by the county in which such case may have
65 originated; provided that the court is held at a place more than five miles from
66 the jail; and no court shall allow the expense of a guard, although it may have
67 actually been incurred, unless from the evidence of disinterested persons it shall
68 be satisfied that a guard was necessary; provided, that when the place of
69 conviction is remote from a railroad, upon which a convicted offender may be
70 transported to the reception and diagnostic center, the court before which such
71 convicted offender is sentenced may, for good cause shown, allow one guard for
72 every two convicted offenders, such guard to receive three dollars a day and the
73 mileage rate prescribed by this section for every mile necessarily traveled in going
74 to and returning from the nearest depot on said railroad to the place where such
75 convicted offender was sentenced.

76 4. Mileage shall be reimbursed to sheriffs, county marshals and guards
77 for all services rendered pursuant to this section at the rate prescribed by the
78 Internal Revenue Service for allowable expenses for motor vehicle use expressed
79 as an amount per mile.

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

2 (1) "Nonresident entertainer", a person residing or registered as a

3 corporation outside this state who, for compensation, performs any vocal,
4 instrumental, musical, comedy, dramatic, dance or other performance in this state
5 before a live audience and any other person traveling with and performing
6 services on behalf of a nonresident entertainer, including a nonresident
7 entertainer who is paid compensation for providing entertainment as an
8 independent contractor, a partnership that is paid compensation for
9 entertainment provided by nonresident entertainers, a corporation that is paid
10 compensation for entertainment provided by nonresident entertainers, or any
11 other entity that is paid compensation for entertainment provided by nonresident
12 entertainers;

13 (2) "Nonresident member of a professional athletic team", a professional
14 athletic team member who resides outside this state, including any active player,
15 any player on the disabled list if such player is in uniform on the day of the game
16 at the site of the game, and any other person traveling with and performing
17 services on behalf of a professional athletic team;

18 (3) "Personal service income" includes exhibition and regular season
19 salaries and wages, guaranteed payments, strike benefits, deferred payments,
20 severance pay, bonuses, and any other type of compensation paid to the
21 nonresident entertainer or nonresident member of a professional athletic team,
22 but does not include prizes, bonuses or incentive money received from competition
23 in a livestock, equine or rodeo performance, exhibition or show;

24 (4) "Professional athletic team" includes, but is not limited to, any
25 professional baseball, basketball, football, soccer and hockey team.

26 2. Any person, venue, or entity who pays compensation to a nonresident
27 entertainer shall deduct and withhold from such compensation as a prepayment
28 of tax an amount equal to two percent of the total compensation if the amount of
29 compensation is in excess of three hundred dollars paid to the nonresident
30 entertainer.

31 3. Any person, venue, or entity required to deduct and withhold tax
32 pursuant to subsection 2 of this section shall, for each calendar quarter, on or
33 before the last day of the month following the close of such calendar quarter,
34 remit the taxes withheld in such form or return as prescribed by the director of
35 revenue and pay over to the director of revenue or to a depository designated by
36 the director of revenue the taxes so required to be deducted and withheld.

37 4. Any person, venue, or entity subject to this section shall be considered
38 an employer for purposes of section 143.191, and shall be subject to all penalties,

39 interest, and additions to tax provided in this chapter for failure to comply with
40 this section.

41 5. Notwithstanding other provisions of this chapter to the contrary, the
42 commissioner of administration, for all taxable years beginning on or after
43 January 1, 1999, but none after December 31, 2015, shall annually estimate the
44 amount of state income tax revenues collected pursuant to this chapter which are
45 received from nonresident members of professional athletic teams and
46 nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal
47 year for a period of sixteen years, sixty percent of the annual estimate of taxes
48 generated from the nonresident entertainer and professional athletic team income
49 tax shall be allocated annually to the Missouri arts council trust fund, and shall
50 be transferred from the general revenue fund to the Missouri arts council trust
51 fund established in section 185.100, RSMo, and any amount transferred shall be
52 in addition to such agency's budget base for each fiscal year. Notwithstanding
53 other provisions of this section, the Missouri arts council shall not be
54 appropriated more than ten million dollars in any fiscal year. The director shall
55 by rule establish the method of determining the portion of personal service
56 income of such persons that is allocable to Missouri.

57 6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo,
58 to the contrary, the commissioner of administration, for all taxable years
59 beginning on or after January 1, 1999, but for none after December 31, 2015,
60 shall estimate annually the amount of state income tax revenues collected
61 pursuant to this chapter which are received from nonresident members of
62 professional athletic teams and nonresident entertainers. For fiscal year 2000,
63 and for each subsequent fiscal year for a period of sixteen years, ten percent of
64 the annual estimate of taxes generated from the nonresident entertainer and
65 professional athletic team income tax shall be allocated annually to the Missouri
66 humanities council trust fund, and shall be transferred from the general revenue
67 fund to the Missouri humanities council trust fund established in section 186.055,
68 RSMo, and any amount transferred shall be in addition to such agency's budget
69 base for each fiscal year.

70 7. Notwithstanding other provisions of section 182.812, RSMo, to the
71 contrary, the commissioner of administration, for all taxable years beginning on
72 or after January 1, 1999, but for none after December 31, 2015, shall estimate
73 annually the amount of state income tax revenues collected pursuant to this
74 chapter which are received from nonresident members of professional athletic

75 teams and nonresident entertainers. For fiscal year 2000, and for each
76 subsequent fiscal year for a period of sixteen years, ten percent of the annual
77 estimate of taxes generated from the nonresident entertainer and professional
78 athletic team income tax shall be allocated annually to the Missouri state library
79 networking fund, and shall be transferred from the general revenue fund to the
80 secretary of state for distribution to public libraries for acquisition of library
81 materials as established in section 182.812, RSMo, and any amount transferred
82 shall be in addition to such agency's budget base for each fiscal year.

83 8. Notwithstanding other provisions of section [37.200] **185.200**, RSMo,
84 to the contrary, the commissioner of administration, for all taxable years
85 beginning on or after January 1, 1999, but for none after December 31, 2015,
86 shall estimate annually the amount of state income tax revenues collected
87 pursuant to this chapter which are received from nonresident members of
88 professional athletic teams and nonresident entertainers. For fiscal year 2000,
89 and for each subsequent fiscal year for a period of sixteen years, ten percent of
90 the annual estimate of taxes generated from the nonresident entertainer and
91 professional athletic team income tax shall be allocated annually to the Missouri
92 public television broadcasting corporation special fund, and shall be transferred
93 from the general revenue fund to the Missouri public television broadcasting
94 corporation special fund established in section [37.200] **185.200**, RSMo, and any
95 amount transferred shall be in addition to such agency's budget base for each
96 fiscal year; provided, however, that twenty-five percent of such allocation shall
97 be used for grants to public radio stations which were qualified by the corporation
98 for public broadcasting as of November 1, 1996. Such grants shall be distributed
99 to each of such public radio stations in this state after receipt of the station's
100 certification of operating and programming expenses for the prior fiscal
101 year. Certification shall consist of the most recent fiscal year financial statement
102 submitted by a station to the corporation for public broadcasting. The grants
103 shall be divided into two categories, an annual basic service grant and an
104 operating grant. The basic service grant shall be equal to thirty-five percent of
105 the total amount and shall be divided equally among the public radio stations
106 receiving grants. The remaining amount shall be distributed as an operating
107 grant to the stations on the basis of the proportion that the total operating
108 expenses of the individual station in the prior fiscal year bears to the aggregate
109 total of operating expenses for the same fiscal year for all Missouri public radio
110 stations which are receiving grants.

111 9. Notwithstanding other provisions of section 253.402, RSMo, to the
112 contrary, the commissioner of administration, for all taxable years beginning on
113 or after January 1, 1999, but for none after December 31, 2015, shall estimate
114 annually the amount of state income tax revenues collected pursuant to this
115 chapter which are received from nonresident members of professional athletic
116 teams and nonresident entertainers. For fiscal year 2000, and for each
117 subsequent fiscal year for a period of sixteen years, ten percent of the annual
118 estimate of taxes generated from the nonresident entertainer and professional
119 athletic team income tax shall be allocated annually to the Missouri department
120 of natural resources Missouri historic preservation revolving fund, and shall be
121 transferred from the general revenue fund to the Missouri department of natural
122 resources Missouri historic preservation revolving fund established in section
123 253.402, RSMo, and any amount transferred shall be in addition to such agency's
124 budget base for each fiscal year. As authorized pursuant to subsection 2 of
125 section 30.953, RSMo, it is the intention and desire of the general assembly that
126 the state treasurer convey, to the Missouri investment trust on January 1, 1999,
127 up to one hundred percent of the balances of the Missouri arts council trust fund
128 established pursuant to section 185.100, RSMo, and the Missouri humanities
129 council trust fund established pursuant to section 186.055, RSMo. The funds
130 shall be reconveyed to the state treasurer by the investment trust as follows: the
131 Missouri arts council trust fund, no earlier than January 2, 2009; and the
132 Missouri humanities council trust fund, no earlier than January 2, 2009.

**185.200. The general assembly, giving due consideration to the
2 historical and continuing interest of the people of the state of Missouri
3 in encouraging the educational and cultural enrichment of its
4 residents, finds that public television stations, especially with local
5 programming, contribute significantly to such enrichment, are a
6 valuable state resource, and consequently that support of public
7 television is an important public purpose.**

**185.205. As used in sections 185.200 to 185.230, the term "public
2 television station" means a television broadcasting station operating as
3 of January 1, 1980, under authority of section 73.621 of the Federal
4 Communications Commission rules and regulations as a noncommercial
5 educational or public television station, owned and operated by a
6 political subdivision of this state, an educational institution of this
7 state, or by a not-for-profit corporation, accepting or broadcasting no**

8 commercial messages, and receiving all or part of its operating
9 revenues from public funds, federal funds, donations or grants, or
10 public subscriptions.

185.210. The general assembly may appropriate funds to the state
2 council on the arts for use as grants to public television stations. Such
3 grants shall be distributed to each of the public television stations in
4 this state after receipt of the station's certification of operating and
5 programming expenses for the prior fiscal year. Certification shall
6 consist of the most recent fiscal year financial statement submitted by
7 a station to the corporation for public broadcasting. At least twenty
8 percent of the state funds received under sections 185.200 to 185.230 by
9 any public television station shall be used for instructional television
10 services to be provided through local agreements. A substantial
11 portion of the state funds received under this or any other act by any
12 public television station shall be used for local programming related to
13 the needs and problems of the community served by the broadcast
14 licensee. The grants shall be divided into two categories, an annual
15 basic service grant and an operating grant. The basic service grant
16 shall be equal to thirty-five percent of the total amount appropriated
17 and shall be divided equally among the public television stations
18 receiving grants. The remaining amount of the appropriation shall be
19 distributed as an operating grant to the stations on the basis of the
20 proportion that the total operating expenses of the individual station
21 in the prior fiscal year bears to the aggregate total of operating
22 expenses for the same fiscal year for all Missouri public television
23 stations receiving state grants. State funds received by a public
24 television station under sections 185.200 to 185.230 and not expended
25 shall be returned to the state of Missouri.

185.215. The amount of any state funding provided by sections
2 185.200 to 185.230 shall not exceed thirty percent of the operating
3 expenditures for the previous year of the public television station
4 receiving said grant.

185.220. Eligible public television stations desiring to receive
2 grants under the provisions of sections 185.200 to 185.230 shall make an
3 annual application to the state council on the arts and submit a
4 certification of its actual operating and programming expenses for the
5 previous fiscal year.

185.225. Each public television station receiving grants under the provisions of sections 185.200 to 185.230 shall furnish the state council on the arts and the oversight division of the committee on legislative research within sixty days after the end of each fiscal year with an annual report and accounting of the funds received and expended by such stations during the just ended fiscal year and may furnish recommendations and suggestions for improvement in programs and services under the provisions of sections 185.200 to 185.230.

185.230. The amount appropriated as grants under the provisions of sections 185.200 to 185.230 shall not be more than the sum of fifty cents multiplied by the total number of residents of the state as determined by the most recent federal decennial census.

211.393. 1. For purposes of this section, the following words and phrases mean:

(1) "County retirement plan", any public employees' defined benefit retirement plan established by law that provides retirement benefits to county or city employees, but not to include the county employees' retirement system as provided in sections 50.1000 to 50.1200, RSMo;

(2) "Juvenile court employee", any person who is employed by a juvenile court in a position normally requiring one thousand hours or more of service per year but not including any service in such a position that was financed in whole or in part by a public or private grant on or after July 1, 1999;

(3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

(4) "Multicounty circuit", all other judicial circuits not included in the definition of a single county circuit;

(5) "Single county circuit", a judicial circuit composed of a single county of the first classification, including the circuit for the city of St. Louis;

(6) "State retirement plan", the public employees' retirement plan administered by the Missouri state employees' retirement system pursuant to chapter 104, RSMo.

2. Juvenile court employees employed in a single county circuit shall be subject to the following provisions:

(1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

(a) Be state employees on that portion of their salary received from the

25 state pursuant to section 211.381, and in addition be county employees on that
26 portion of their salary provided by the county at a rate determined pursuant to
27 section 50.640, RSMo;

28 (b) Receive state-provided benefits, including retirement benefits from the
29 state retirement plan, on that portion of their salary paid by the state and may
30 participate as members in a county retirement plan on that portion of their salary
31 provided by the county except any juvenile officer whose service as a juvenile
32 court officer is being credited based on all salary received from any source in a
33 county retirement plan on June 30, 1999, shall not be eligible to receive
34 state-provided benefits, including retirement benefits, or any creditable prior
35 service as described in this section but shall continue to participate in such
36 county retirement plan;

37 (c) Receive creditable prior service in the state retirement plan for service
38 rendered as a juvenile court employee, to the extent they have not already
39 received credit for such service in a county retirement plan on salary paid to them
40 for such service, if such service was rendered in a judicial circuit that was not a
41 single county of the first classification;

42 (d) Receive creditable prior service pursuant to paragraph (c) of this
43 subdivision even though they already have received credit for such creditable
44 service in a county retirement plan if they elect to forfeit their creditable service
45 from such plan in which case such plan shall transfer to the state retirement plan
46 an amount equal to the actuarial accrued liability for the forfeited creditable
47 service, determined as if the person were going to continue to be an active
48 member of the county retirement plan, less the amount of any refunds of member
49 contributions;

50 (e) Receive creditable prior service for service rendered as a juvenile court
51 employee in a position that was financed in whole or in part by a public or private
52 grant prior to July 1, 1999, pursuant to the provisions of paragraph (e) of
53 subdivision (1) of subsection 3 of this section;

54 (2) Juvenile officers who begin employment for the first time as a juvenile
55 officer in a single county circuit on or after July 1, 1999, shall:

56 (a) Be county employees and receive salary from the county at a rate
57 determined pursuant to section 50.640, RSMo, subject to reimbursement by the
58 state as provided in section 211.381; and

59 (b) Participate as members in the applicable county retirement plan
60 subject to reimbursement by the state for the retirement contribution due on that

61 portion of salary reimbursed by the state;

62 (3) All other juvenile court employees who are employed in a single county
63 circuit on or after July 1, 1999:

64 (a) Shall be county employees and receive a salary from the county at a
65 rate determined pursuant to section 50.640, RSMo; and

66 (b) Shall, in accordance with their status as county employees, receive
67 other county-provided benefits including retirement benefits from the applicable
68 county retirement plan if such employees otherwise meet the eligibility
69 requirements for such benefits;

70 (4) (a) The state shall reimburse each county comprised of a single county
71 circuit for an amount equal to the greater of:

72 a. Twenty-five percent of such circuit's total juvenile court personnel
73 budget, excluding the salary for a juvenile officer, for calendar year 1997, and
74 excluding all costs of retirement, health and other fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one
76 deputy juvenile officer class I, as provided in section 211.381;

77 (b) The state may reimburse a single county circuit up to fifty percent of
78 such circuit's total calendar year 1997 juvenile court personnel budget, subject to
79 appropriations. The state may reimburse, subject to appropriations, the following
80 percentages of such circuits' total juvenile court personnel budget, expended for
81 calendar year 1997, excluding the salary for a juvenile officer, and excluding all
82 costs of retirement, health and other fringe benefits: thirty percent beginning
83 July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until June
84 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive
85 any reimbursement from the state in an amount less than the greater of:

86 a. Twenty-five percent of the total juvenile court personnel budget of the
87 single county circuit expended for calendar year 1997, excluding fringe benefits;
88 or

89 b. The sum of the salaries of one chief deputy juvenile officer and one
90 deputy juvenile officer class I, as provided in section 211.381;

91 (5) Each single county circuit shall file a copy of its initial 1997 and each
92 succeeding year's budget with the office of [administration] **the state courts**
93 **administrator** after January first each year and prior to reimbursement. The
94 office of [administration] **the state courts administrator** shall make payment
95 for the reimbursement from appropriations made for that purpose on or before
96 July fifteenth of each year following the calendar year in which the expenses were

97 made. The office of [administration] **the state courts administrator** shall
98 submit the information from the budgets relating to full-time juvenile court
99 personnel from each county to the general assembly;

100 (6) Any single county circuit may apply to the office of the state courts
101 administrator to become subject to subsection 3 of this section, and such
102 application shall be approved subject to appropriation of funds for that purpose;

103 (7) The state auditor may audit any single county circuit to verify
104 compliance with the requirements of this section, including an audit of the 1997
105 budget.

106 3. Juvenile court employees in multicounty circuits shall be subject to the
107 following provisions:

108 (1) Juvenile court employees including detention personnel hired in 1998
109 in those multicounty circuits who began actual construction on detention facilities
110 in 1996, employed in a multicounty circuit on or after July 1, 1999, shall:

111 (a) Be state employees and receive all salary from the state, which shall
112 include any salary as provided in section 211.381 in addition to any salary
113 provided by the applicable county or counties during calendar year 1997 and any
114 general salary increase approved by the state of Missouri for fiscal year 1999 and
115 fiscal year 2000;

116 (b) Participate in the state retirement plan;

117 (c) Receive creditable prior service in the state retirement plan for service
118 rendered as a juvenile court employee, to the extent they have not already
119 received credit for such service in a county retirement plan on salary paid to them
120 for such service if such service was rendered in a judicial circuit that was not a
121 single county of the first classification, except that if they forfeited such credit in
122 such county retirement plan prior to being eligible to receive creditable prior
123 service under this paragraph, they may receive creditable service under this
124 paragraph;

125 (d) Receive creditable prior service pursuant to paragraph (c) of this
126 subdivision even though they already have received credit for such creditable
127 service in a county retirement plan if they elect within six months from the date
128 they become participants in the state retirement plan pursuant to this section to
129 forfeit their service from such plan in which case such plan shall transfer to the
130 state retirement plan an amount equal to the actuarial accrued liability for the
131 forfeited creditable service, determined as if the person was going to continue to
132 be an active member of the county retirement plan, less the amount of any

133 refunds of member contributions;

134 (e) Receive creditable prior service for service rendered as a juvenile court
135 employee in a position that was financed in whole or in part by a public or private
136 grant prior to July 1, 1999:

137 a. Pursuant to paragraph (c) of this subdivision, except that if they
138 already received credit for such creditable service in a county retirement plan,
139 they may not receive creditable prior service pursuant to paragraph (c) of this
140 subdivision unless they elect to forfeit their service from such plan, in which case
141 such plan shall transfer to the state retirement plan an amount equal to the
142 actuarial liability for the forfeited creditable service, determined as if the person
143 was going to continue to be an active member of the county retirement plan, less
144 the amount of any refunds of member contributions;

145 b. Pursuant to subparagraph a. of this paragraph, if they terminated
146 employment prior to August 28, 2004, and apply to the board of trustees of the
147 state retirement plan to be made and employed as a special consultant and be
148 available to give opinions regarding retirement;

149 c. Pursuant to subparagraph a. of this paragraph, if they retired prior to
150 August 28, 2004, and apply to the board of trustees of the state retirement plan
151 to be made and employed as a special consultant and be available to give opinions
152 regarding retirement, in which case they shall have their retirement benefits
153 adjusted so they receive retirement benefits equal to the amount they would have
154 received had their retirement benefit been initially calculated to include such
155 creditable prior service;

156 d. Pursuant to subparagraph a. of this paragraph, if they purchased
157 creditable prior service pursuant to section 104.344, RSMo, or section 105.691,
158 RSMo, based on service as a juvenile court employee in a position that was
159 financed in whole or in part by a public or private grant prior to July 1, 1999, in
160 which case they shall receive a refund based on the amount paid for such
161 purchased service;

162 (2) Juvenile court employee positions added after December 31, 1997,
163 shall be terminated and not subject to the provisions of subdivision (1) of this
164 subsection, unless the office of the state courts administrator requests and
165 receives an appropriation specifically for such positions;

166 (3) The salary of any juvenile court employee who becomes a state
167 employee, effective July 1, 1999, shall be limited to the salary provided by the
168 state of Missouri, which shall be set in accordance with guidelines established by

169 the state pursuant to a salary survey conducted by the office of the state courts
170 administrator, but such salary shall in no event be less than the amount specified
171 in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
172 provision to the contrary in subsection 1 of section 211.394, such employees shall
173 not be entitled to additional compensation paid by a county as a public officer or
174 employee. Such employees shall be considered employees of the judicial branch
175 of state government for all purposes;

176 (4) All other employees of a multicounty circuit who are not juvenile court
177 employees as defined in subsection 1 of this section shall be county employees
178 subject to the county's own terms and conditions of employment.

179 4. The receipt of creditable prior service as described in paragraph (c) of
180 subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1)
181 of subsection 3 of this section is contingent upon the office of the state courts
182 administrator providing the state retirement plan information, in a form subject
183 to verification and acceptable to the state retirement plan, indicating the dates
184 of service and amount of monthly salary paid to each juvenile court employee for
185 such creditable prior service.

186 5. No juvenile court employee employed by any single or multicounty
187 circuit shall be eligible to participate in the county employees' retirement system
188 fund pursuant to sections 50.1000 to 50.1200, RSMo.

189 6. Each county in every circuit in which a juvenile court employee
190 becomes a state employee shall maintain each year in the local juvenile court
191 budget an amount, defined as "maintenance of effort funding", not less than the
192 total amount budgeted for all employees of the juvenile court including any
193 juvenile officer, deputy juvenile officer, or other juvenile court employees in
194 calendar year 1997, minus the state reimbursements as described in this section
195 received for the calendar year 1997 personnel costs for the salaries of all such
196 juvenile court employees who become state employees. The juvenile court shall
197 provide a proposed budget to the county commission each year. The budget shall
198 contain a separate section specifying all funds to be expended in the juvenile
199 court. Such funding may be used for contractual costs for detention services,
200 guardians ad litem, transportation costs for those circuits without detention
201 facilities to transport children to and from detention and hearings, short-term
202 residential services, indebtedness for juvenile facilities, expanding existing
203 detention facilities or services, continuation of services funded by public grants
204 or subsidy, and enhancing the court's ability to provide prevention, probation,

205 counseling and treatment services. The county commission may review such
206 budget and may appeal the proposed budget to the judicial finance commission
207 pursuant to section 50.640, RSMo.

208 7. Any person who is employed on or after July 1, 1999, in a position
209 covered by the state retirement plan or the transportation department and
210 highway patrol retirement system and who has rendered service as a juvenile
211 court employee in a judicial circuit that was not a single county of the first
212 classification shall be eligible to receive creditable prior service in such plan or
213 system as provided in subsections 2 and 3 of this section. For purposes of this
214 subsection, the provisions of paragraphs (c) and (d) of subdivision (1) of
215 subsection 2 of this section and paragraphs (c) and (d) of subdivision (1) of
216 subsection 3 of this section that apply to the state retirement plan shall also
217 apply to the transportation department and highway patrol retirement system.

218 8. (1) Any juvenile officer who is employed as a state employee in a
219 multicounty circuit on or after July 1, 1999, shall not be eligible to participate in
220 the state retirement plan as provided by this section unless such juvenile officer
221 elects to:

222 (a) Receive retirement benefits from the state retirement plan based on
223 all years of service as a juvenile officer and a final average salary which shall
224 include salary paid by the county and the state; and

225 (b) Forfeit any county retirement benefits from any county retirement
226 plan based on service rendered as a juvenile officer.

227 (2) Upon making the election described in this subsection, the county
228 retirement plan shall transfer to the state retirement plan an amount equal to
229 the actuarial accrued liability for the forfeited creditable service determined as
230 if the person was going to continue to be an active member of the county
231 retirement plan, less the amount of any refunds of member contributions.

232 9. The elections described in this section shall be made on forms
233 developed and made available by the state retirement plan.

221.105. 1. The governing body of any county and of any city not within
2 a county shall fix the amount to be expended for the cost of incarceration of
3 prisoners confined in jails or medium security institutions. The per diem cost of
4 incarceration of these prisoners chargeable by the law to the state shall be
5 determined, subject to the review and approval of the [office of administration]
6 **department of corrections.**

7 2. When the final determination of any criminal prosecution shall be such

8 as to render the state liable for costs under existing laws, it shall be the duty of
9 the sheriff to certify to the clerk of the circuit court or court of common pleas in
10 which the case was determined the total number of days any prisoner who was
11 a party in such case remained in the county jail. It shall be the duty of the
12 county commission to supply the cost per diem for county prisons to the clerk of
13 the circuit court on the first day of each year, and thereafter whenever the
14 amount may be changed. It shall then be the duty of the clerk of the court in
15 which the case was determined to include in the bill of cost against the state all
16 fees which are properly chargeable to the state. In any city not within a county
17 it shall be the duty of the superintendent of any facility boarding prisoners to
18 certify to the chief executive officer of such city not within a county the total
19 number of days any prisoner who was a party in such case remained in such
20 facility. It shall be the duty of the superintendents of such facilities to supply the
21 cost per diem to the chief executive officer on the first day of each year, and
22 thereafter whenever the amount may be changed. It shall be the duty of the chief
23 executive officer to bill the state all fees for boarding such prisoners which are
24 properly chargeable to the state. The chief executive may by notification to the
25 [office of administration] **department of corrections** delegate such
26 responsibility to another duly sworn official of such city not within a county. The
27 clerk of the court of any city not within a county shall not include such fees in the
28 bill of costs chargeable to the state. The [office of administration] **department**
29 **of corrections** shall revise its criminal cost manual in accordance with this
30 provision.

31 3. The actual costs chargeable to the state, including those incurred for
32 a prisoner who is incarcerated in the county jail because the prisoner's parole or
33 probation has been revoked or because the prisoner has, or allegedly has, violated
34 any condition of the prisoner's parole or probation, and such parole or probation
35 is a consequence of a violation of a state statute, or the prisoner is a fugitive from
36 the Missouri department of corrections or otherwise held at the request of the
37 Missouri department of corrections regardless of whether or not a warrant has
38 been issued shall be the actual cost of incarceration not to exceed:

39 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

40 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

41 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per
42 day per prisoner, subject to appropriations, but not less than the amount
43 appropriated in the previous fiscal year.

550.190. The prosecuting attorney shall strictly examine each bill of costs
2 which shall be delivered to him, as provided in section 550.140, for allowance
3 against the state or county, and shall ascertain as far as possible whether the
4 services have been rendered for which the charges are made, and whether the
5 fees charged are expressly given by law for such services, or whether greater
6 charges are made than the law authorizes. If the fee bill has been made out
7 according to law, or if not, after correcting all errors therein, he shall report the
8 same to the judge of the court, either in term or in vacation, and if the same
9 appears to be formal and correct, the judge and prosecuting attorney shall certify
10 to the [commissioner of administration] **director of the department of**
11 **corrections**, or clerk of the county commission, accordingly as the state or
12 county is liable, the amount of costs due by the state or county on the fee bill, and
13 deliver the same to the clerk who made it out, to be collected without delay, and
14 paid over to those entitled to the fees allowed.

550.200. The original fee bill, signed by the judge and prosecuting
2 attorney, shall be sent by the clerk to the [commissioner of administration]
3 **director of the department of corrections** or county commission, as the case
4 may be, and the clerk shall make out, under his hand and seal, a true and
5 certified copy of the same, which shall be carefully preserved by the clerk in his
6 office, and shall be prima facie evidence of the facts therein stated.

550.210. When a fee bill shall be certified to the [commissioner of
2 administration] **director of the department of corrections** for payment, the
3 certificate of the judge and prosecuting attorney shall contain a statement of the
4 following facts: That they have strictly examined the bill of costs; that the
5 defendant was convicted or acquitted, and if convicted, the nature and extent of
6 punishment assessed, or the cause continued generally, as the case may be; that
7 the offense charged is a capital one, or punishable solely by imprisonment in the
8 penitentiary, as the case may be; that the services were rendered for which
9 charges are made, and that the fees charged are expressly authorized by law, and
10 that they are properly taxed against the proper party, and that the fees of no
11 more than three witnesses to prove any one fact are allowed. In cases in which
12 the defendant is convicted, the judge and prosecuting attorney shall certify, in
13 addition to the foregoing facts, that the defendant is insolvent, and that no costs
14 charged in the fee bill, fees for the cost of incarceration, including a reasonable
15 sum to cover occupancy costs, excepted, were incurred on the part of the
16 defendant.

550.220. Each and every bill of costs presented to any county commission
2 for allowance shall be examined and certified to by the judge and prosecuting
3 attorney in the same manner, all necessary charges excepted, as provided for
4 certifying bills of costs to the [commissioner of administration] **director of the**
5 **department of corrections** for payment; and any county commissioner who
6 shall pay, or vote to pay, any costs incurred in any criminal case or proceeding,
7 unless the same is so certified to, shall be adjudged guilty of a misdemeanor.

550.230. When the clerk shall send a bill of costs to the [commissioner of
2 administration] **director of the department of corrections** or county
3 commission, as provided in section 550.200, he shall expressly state in his
4 certificate that he has not at any previous time certified or sent a copy of the
5 same bill, or part thereof, for payment; provided, that if the clerk shall, by
6 oversight or mistake, fail to include any costs properly chargeable against the
7 state or county in any fee bill, he may make out and present, as herein provided
8 for making out bills of costs, a supplemental bill for the costs so omitted;
9 provided, that the clerk shall in no case charge or receive any fee or fees
10 whatsoever for the issuance of such supplemental fee bill.

550.260. 1. All criminal court cost bills shall be certified for payment as
2 herein provided, and in addition thereto the circuit clerks of each county shall
3 make copies of all original criminal court cost bills certified to the [commissioner
4 of administration] **director of the department of corrections** for payment,
5 and shall file the same with the treasurers of their respective counties, and the
6 city of St. Louis, at the time of transmitting the original for payment.

2. When criminal court cost bills are certified to the [commissioner of
8 administration] **director of the department of corrections**, warrants shall
9 be drawn on the state treasurer as provided by law, provided that the amounts
10 due to the state contained within such criminal court cost bills may be withheld
11 by the state before payment is made to the counties. Costs payable to the state
12 contained in such criminal costs bills shall not be reimbursed to the counties, but
13 the county shall be reimbursed only for those costs payable to the
14 county. Payment shall be transmitted to the treasurer of the county from whence
15 the bill originated, or the city of St. Louis. When any criminal cost bill shall be
16 certified to the county commission or the comptroller of the city of St. Louis, for
17 payment, the county clerk, or the comptroller of the city of St. Louis, when the
18 same is allowed, shall draw a warrant on the county treasurer or city treasurer
19 in payment thereof, and deliver the same to the county treasurer, or to the

20 treasurer of the city of St. Louis, together with a list of the names of the various
21 parties to whom the fees are due, stating the amount due each person.

22 3. The treasurers, on receipt of any such warrants and criminal court cost
23 bills, shall record the criminal court cost bills in a well-bound book arranged with
24 appropriate headings, so that the same shall correspond, as near as may be, with
25 the accounts required to be kept by other officers in section 50.470, RSMo.

[37.200. The general assembly, giving due consideration to
2 the historical and continuing interest of the people of the state of
3 Missouri in encouraging the educational and cultural enrichment
4 of its residents, finds that public television stations, especially with
5 local programming, contribute significantly to such enrichment, are
6 a valuable state resource, and consequently that support of public
7 television is an important public purpose.]

[37.205. As used in sections 37.200 to 37.230, the term
2 "public television station" means a television broadcasting station
3 operating as of January 1, 1980, under authority of section 73.621
4 of the Federal Communications Commission rules and regulations
5 as a noncommercial educational or public television station, owned
6 and operated by a political subdivision of this state, an educational
7 institution of this state, or by a not-for-profit corporation, accepting
8 or broadcasting no commercial messages, and receiving all or part
9 of its operating revenues from public funds, federal funds,
10 donations or grants, or public subscriptions.]

[37.210. The general assembly may appropriate funds to the
2 commissioner of administration for use as grants to public
3 television stations. Such grants shall be distributed to each of the
4 public television stations in this state after receipt of the station's
5 certification of operating and programming expenses for the prior
6 fiscal year. Certification shall consist of the most recent fiscal year
7 financial statement submitted by a station to the corporation for
8 public broadcasting. At least twenty percent of the state funds
9 received under sections 37.200 to 37.230 by any public television
10 station shall be used for instructional television services to be
11 provided through local agreements. A substantial portion of the
12 state funds received under this or any other act by any public
13 television station shall be used for local programming related to the

14 needs and problems of the community served by the broadcast
15 licensee. The grants shall be divided into two categories, an
16 annual basic service grant and an operating grant. The basic
17 service grant shall be equal to thirty-five percent of the total
18 amount appropriated and shall be divided equally among the public
19 television stations receiving grants. The remaining amount of the
20 appropriation shall be distributed as an operating grant to the
21 stations on the basis of the proportion that the total operating
22 expenses of the individual station in the prior fiscal year bears to
23 the aggregate total of operating expenses for the same fiscal year
24 for all Missouri public television stations receiving state
25 grants. State funds received by a public television station under
26 sections 37.200 to 37.230 and not expended shall be returned to the
27 state of Missouri.]

[37.215. The amount of any state funding provided by
2 sections 37.200 to 37.230 shall not exceed thirty percent of the
3 operating expenditures for the previous year of the public television
4 station receiving said grant.]

[37.220. Eligible public television stations desiring to
2 receive grants under the provisions of section 37.200 to 37.230
3 shall make an annual application to the commissioner of
4 administration and submit a certification of its actual operating
5 and programming expenses for the previous fiscal year.]

[37.225. Each public television station receiving grants
2 under the provisions of sections 37.200 to 37.230 shall furnish the
3 commissioner of administration and the oversight division of the
4 committee on legislative research within sixty days after the end
5 of each fiscal year with an annual report and accounting of the
6 funds received and expended by such stations during the just ended
7 fiscal year and may furnish recommendations and suggestions for
8 improvement in programs and services under the provisions of
9 sections 37.200 to 37.230.]

[37.230. The amount appropriated as grants under the
2 provisions of section 37.200 to 37.230 shall not be more than the
3 sum of fifty cents multiplied by the total number of residents of the
4 state as determined by the most recent federal decennial census.]

Section B. Because immediate action is necessary to ensure the effective
2 transfer of state services, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect on July 1, 2006, or upon
6 its passage and approval, whichever later occurs.

✓

Unofficial

Bill

Copy