

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 271, Page 5, Section 37.1098, Line 13,

2 by inserting after all of said line the following:

3 "49.310. 1. Except as provided in sections 221.400 to  
 4 221.420 and subsection 2 of this section, the county  
 5 commission in each county in this state shall erect and  
 6 maintain at the established seat of justice a good and  
 7 sufficient courthouse, jail and necessary fireproof  
 8 buildings for the preservation of the records of the county;  
 9 except that in counties having a special charter, the jail  
 10 or workhouse may be located at any place within the county.  
 11 In pursuance of the authority herein delegated to the county  
 12 commission, the county commission may acquire a site,  
 13 construct, reconstruct, remodel, repair, maintain and equip  
 14 the courthouse and jail, and in counties wherein more than  
 15 one place is provided by law for holding of court, the  
 16 county commission may buy and equip or acquire a site and  
 17 construct a building or buildings to be used as a courthouse  
 18 and jail, and may remodel, repair, maintain and equip  
 19 buildings in both places. The county commission may issue  
 20 bonds as provided by the general law covering the issuance  
 21 of bonds by counties for the purposes set forth in this  
 22 section. In bond elections for these purposes in counties  
 23 wherein more than one place is provided by law for holding  
 24 of court, a separate ballot question may be submitted  
 25 covering proposed expenditures in each separate site  
 26 described therein, or a single ballot question may be

27 submitted covering proposed expenditures at more than one  
28 site, if the amount of the proposed expenditures at each of  
29 the sites is specifically set out therein.

30 2. The county commission in all counties of the fourth  
31 classification and any county of the third, second, or first  
32 classification may provide for the erection and maintenance  
33 of a good and sufficient jail or holding cell facility at a  
34 site in the county other than at the established seat of  
35 justice.

36 3. In the absence of a local agreement otherwise, for  
37 any courthouse that contains both county offices and court  
38 facilities, the presiding judge of the circuit may establish  
39 rules and procedures for court facilities and areas  
40 necessary for court-related ingress, court-related egress  
41 and other reasonable court-related usage, but the county  
42 commission shall have authority over all other areas of the  
43 courthouse."; and

44 Further amend said bill, page 6, Section 50.166, line  
45 29, by inserting after all of said line the following:

46 "50.660. All contracts shall be executed in the name  
47 of the county, or in the name of a township in a county with  
48 a township form of government, by the head of the department  
49 or officer concerned, except contracts for the purchase of  
50 supplies, materials, equipment or services other than  
51 personal made by the officer in charge of purchasing in any  
52 county or township having the officer. No contract or order  
53 imposing any financial obligation on the county or township  
54 is binding on the county or township unless it is in writing  
55 and unless there is a balance otherwise unencumbered to the  
56 credit of the appropriation to which it is to be charged and  
57 a cash balance otherwise unencumbered in the treasury to the  
58 credit of the fund from which payment is to be made, each  
59 sufficient to meet the obligation incurred and unless the

60 contract or order bears the certification of the accounting  
61 officer so stating; except that in case of any contract for  
62 public works or buildings to be paid for from bond funds or  
63 from taxes levied for the purpose it is sufficient for the  
64 accounting officer to certify that the bonds or taxes have  
65 been authorized by vote of the people and that there is a  
66 sufficient unencumbered amount of the bonds yet to be sold  
67 or of the taxes levied and yet to be collected to meet the  
68 obligation in case there is not a sufficient unencumbered  
69 cash balance in the treasury. All contracts and purchases  
70 shall be let to the lowest and best bidder after due  
71 opportunity for competition, including advertising the  
72 proposed letting in a newspaper in the county or township  
73 with a circulation of at least five hundred copies per  
74 issue, if there is one, except that the advertising is not  
75 required in case of contracts or purchases involving an  
76 expenditure of less than [~~six~~] twelve thousand dollars. It  
77 is not necessary to obtain bids on any purchase in the  
78 amount of [~~six~~] twelve thousand dollars or less made from  
79 any one person, firm or corporation during any period of  
80 ninety days. All bids for any contract or purchase may be  
81 rejected and new bids advertised for. Contracts which  
82 provide that the person contracting with the county or  
83 township shall, during the term of the contract, furnish to  
84 the county or township at the price therein specified the  
85 supplies, materials, equipment or services other than  
86 personal therein described, in the quantities required, and  
87 from time to time as ordered by the officer in charge of  
88 purchasing during the term of the contract, need not bear  
89 the certification of the accounting officer, as herein  
90 provided; but all orders for supplies, materials, equipment  
91 or services other than personal shall bear the  
92 certification. In case of such contract, no financial

93 obligation accrues against the county or township until the  
94 supplies, materials, equipment or services other than  
95 personal are so ordered and the certificate furnished.

96 50.783. 1. The county commission may waive the  
97 requirement of competitive bids or proposals for supplies  
98 when the commission has determined in writing and entered  
99 into the commission minutes that there is only a single  
100 feasible source for the supplies. Immediately upon  
101 discovering that other feasible sources exist, the  
102 commission shall rescind the waiver and proceed to procure  
103 the supplies through the competitive processes as described  
104 in this chapter. A single feasible source exists when:

105 (1) Supplies are proprietary and only available from  
106 the manufacturer or a single distributor; or

107 (2) Based on past procurement experience, it is  
108 determined that only one distributor services the region in  
109 which the supplies are needed; or

110 (3) Supplies are available at a discount from a single  
111 distributor for a limited period of time.

112 2. On any single feasible source purchase where the  
113 estimated expenditure is over [~~six~~] twelve thousand dollars,  
114 the commission shall post notice of the proposed purchase  
115 and advertise the commission's intent to make such purchase  
116 in at least one daily and one weekly newspaper of general  
117 circulation in such places as are most likely to reach  
118 prospective bidders or offerors and may provide such  
119 information through an electronic medium available to the  
120 general public at least ten days before the contract is to  
121 be let.

122 3. Notwithstanding subsection 2 of this section to the  
123 contrary, on any single feasible service purchase by any  
124 county of the first classification with more than one  
125 hundred fifty thousand but fewer than two hundred thousand

126 inhabitants or any county of the first classification with  
127 more than two hundred sixty thousand but fewer than three  
128 hundred thousand inhabitants where the estimated expenditure  
129 is over ~~[six]~~ twelve thousand dollars, the commission shall  
130 post notice of the proposed purchase and advertise the  
131 commission's intent to make such purchase in at least one  
132 daily and one weekly newspaper of general circulation in  
133 such places as are most likely to reach prospective bidders  
134 or offerors and may provide such information through an  
135 electronic medium available to the general public at least  
136 ten days before the contract is to be let."; and

137 Further amend said bill, page 7, Section 59.100, line  
138 15, by inserting after all of said line the following:

139 "115.646. No contribution or expenditure of public  
140 funds shall be made directly by any officer, employee or  
141 agent of any political subdivision, including school  
142 districts and charter schools, to advocate, support, or  
143 oppose the passage or defeat of any ballot measure or the  
144 nomination or election of any candidate for public office,  
145 or to direct any public funds to, or pay any debts or  
146 obligations of, any committee supporting or opposing such  
147 ballot measures or candidates. This section shall not be  
148 construed to prohibit any public official of a political  
149 subdivision, including school districts and charter schools,  
150 from making public appearances or from issuing press  
151 releases concerning any such ballot measure. Any purposeful  
152 violation of this section shall be punished as a class four  
153 election offense.

154 221.105. 1. The governing body of any county and of  
155 any city not within a county shall fix the amount to be  
156 expended for the cost of incarceration of prisoners confined  
157 in jails or medium security institutions. The per diem cost  
158 of incarceration of these prisoners chargeable by the law to

159 the state shall be determined, subject to the review and  
160 approval of the department of corrections.

161         2. When the final determination of any criminal  
162 prosecution shall be such as to render the state liable for  
163 costs under existing laws, it shall be the duty of the  
164 sheriff to certify to the clerk of the circuit court or  
165 court of common pleas in which the case was determined the  
166 total number of days any prisoner who was a party in such  
167 case remained in the county jail. It shall be the duty of  
168 the county commission to supply the cost per diem for county  
169 prisons to the clerk of the circuit court on the first day  
170 of each year, and thereafter whenever the amount may be  
171 changed. It shall then be the duty of the clerk of the  
172 court in which the case was determined to include in the  
173 bill of cost against the state all fees which are properly  
174 chargeable to the state. In any city not within a county it  
175 shall be the duty of the superintendent of any facility  
176 boarding prisoners to certify to the chief executive officer  
177 of such city not within a county the total number of days  
178 any prisoner who was a party in such case remained in such  
179 facility. It shall be the duty of the superintendents of  
180 such facilities to supply the cost per diem to the chief  
181 executive officer on the first day of each year, and  
182 thereafter whenever the amount may be changed. It shall be  
183 the duty of the chief executive officer to bill the state  
184 all fees for boarding such prisoners which are properly  
185 chargeable to the state. The chief executive may by  
186 notification to the department of corrections delegate such  
187 responsibility to another duly sworn official of such city  
188 not within a county. The clerk of the court of any city not  
189 within a county shall not include such fees in the bill of  
190 costs chargeable to the state. The department of

191 corrections shall revise its criminal cost manual in  
192 accordance with this provision.

193         3. Except as provided under subsection 6 of section  
194 217.718, the actual costs chargeable to the state, including  
195 those incurred for a prisoner who is incarcerated in the  
196 county jail because the prisoner's parole or probation has  
197 been revoked or because the prisoner has, or allegedly has,  
198 violated any condition of the prisoner's parole or  
199 probation, and such parole or probation is a consequence of  
200 a violation of a state statute, or the prisoner is a  
201 fugitive from the Missouri department of corrections or  
202 otherwise held at the request of the Missouri department of  
203 corrections regardless of whether or not a warrant has been  
204 issued shall be the actual cost of incarceration not to  
205 exceed:

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

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

210           (3) On and after July 1, 1997, up to thirty-seven  
211 dollars and fifty cents per day per prisoner, subject to  
212 appropriations[, but not less than the amount appropriated  
213 in the previous fiscal year].

214         4. The presiding judge of a judicial circuit may  
215 propose expenses to be reimbursable by the state on behalf  
216 of one or more of the counties in that circuit. Proposed  
217 reimbursable expenses may include pretrial assessment and  
218 supervision strategies for defendants who are ultimately  
219 eligible for state incarceration. A county may not receive  
220 more than its share of the amount appropriated in the  
221 previous fiscal year, inclusive of expenses proposed by the  
222 presiding judge. Any county shall convey such proposal to  
223 the department, and any such proposal presented by a

224 presiding judge shall include the documented agreement with  
225 the proposal by the county governing body, prosecuting  
226 attorney, at least one associate circuit judge, and the  
227 officer of the county responsible for custody or  
228 incarceration of prisoners of the county represented in the  
229 proposal. Any county that declines to convey a proposal to  
230 the department, pursuant to the provisions of this  
231 subsection, shall receive its per diem cost of incarceration  
232 for all prisoners chargeable to the state in accordance with  
233 the provisions of subsections 1, 2, and 3 of this section.";  
234 and

235 Further amend said bill, page 10, Section 451.040, line  
236 103, by inserting after all of said line the following:

237 "476.083. 1. In addition to any appointments made  
238 pursuant to section 485.010, the presiding judge of each  
239 circuit containing one or more facilities operated by the  
240 department of corrections with an average total inmate  
241 population in all such facilities in the circuit over the  
242 previous two years of more than two thousand five hundred  
243 inmates or containing, as of January 1, 2016, a diagnostic  
244 and reception center operated by the department of  
245 corrections and a mental health facility operated by the  
246 department of mental health which houses persons found not  
247 guilty of a crime by reason of mental disease or defect  
248 under chapter 552 and provides sex offender rehabilitation  
249 and treatment services (SORTS) may appoint a circuit court  
250 marshal to aid the presiding judge in the administration of  
251 the judicial business of the circuit by overseeing the  
252 physical security of [the courthouse,] court facilities,  
253 including courtrooms, jury rooms, and chambers or offices of  
254 the court; serving court-generated papers and orders[,]; and  
255 assisting the judges of the circuit as the presiding judge  
256 determines appropriate. Such circuit court marshal



257 appointed pursuant to the provisions of this section shall  
258 serve at the pleasure of the presiding judge. The circuit  
259 court marshal authorized by this section is in addition to  
260 staff support from the circuit clerks, deputy circuit  
261 clerks, division clerks, municipal clerks, and any other  
262 staff personnel which may otherwise be provided by law.

263 2. The salary of a circuit court marshal shall be  
264 established by the presiding judge of the circuit within  
265 funds made available for that purpose, but such salary shall  
266 not exceed ninety percent of the salary of the highest paid  
267 sheriff serving a county wholly or partially within that  
268 circuit. Personnel authorized by this section shall be paid  
269 from state funds or federal grant moneys which are available  
270 for that purpose and not from county funds.

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

- 279 (1) Serve process;  
280 (2) Wear a concealable firearm; and  
281 (3) Make an arrest based upon local court rules and  
282 state law, and as directed by the presiding judge of the  
283 circuit.

284 478.600. 1. There shall be four circuit judges in the  
285 eleventh judicial circuit. These judges shall sit in  
286 divisions numbered one, two, three and four. Beginning on  
287 January 1, 2007, there shall be six circuit judges in the  
288 eleventh judicial circuit and these judges shall sit in  
289 divisions numbered one, two, three, four, five, and seven.

290 The division five associate circuit judge position and the  
291 division seven associate circuit judge position shall become  
292 circuit judge positions beginning January 1, 2007, and shall  
293 be numbered as divisions five and seven. Beginning January  
294 1, 2023, there shall be seven circuit judges in the eleventh  
295 judicial circuit, and these judges shall sit in divisions  
296 numbered one, two, three, four, five, seven, and fifteen.

297 2. The circuit judge in division two shall be elected  
298 in 1980. The circuit judge in division four shall be  
299 elected in 1982. The circuit judge in division one shall be  
300 elected in 1984. The circuit judge in division three shall  
301 be elected in 1992. The circuit judges in divisions five  
302 and seven shall be elected for a six-year term in 2006. The  
303 circuit judge in division fifteen shall be elected in 2022.

304 3. Beginning January 1, 2007, the family court  
305 commissioner positions in the eleventh judicial circuit  
306 appointed under section 487.020 shall become associate  
307 circuit judge positions in all respects and shall be  
308 designated as divisions nine and ten respectively. These  
309 positions may retain the duties and responsibilities with  
310 regard to the family court. The associate circuit judges in  
311 divisions nine and ten shall be elected in 2006 for full  
312 four-year terms.

313 4. Beginning on January 1, 2007, the treatment court  
314 commissioner position in the eleventh judicial circuit  
315 appointed under section 478.003 shall become an associate  
316 circuit judge position in all respects and shall be  
317 designated as division eleven. This position [retains] may  
318 retain the duties and responsibilities with regard to the  
319 treatment court. Such associate circuit judge shall be  
320 elected in 2006 for a full four-year term. This associate  
321 circuit judgeship shall not be included in the statutory

322 formula for authorizing additional associate circuit  
323 judgeships per county under section 478.320.

324         5. Beginning in fiscal year 2015, there shall be one  
325 additional associate circuit judge position in the eleventh  
326 judicial circuit. The associate circuit judge shall be  
327 elected in 2016. This associate circuit judgeship shall not  
328 be included in the statutory formula for authorizing  
329 additional circuit judgeships per county under section  
330 478.320. Beginning in fiscal year 2019, there shall be one  
331 additional associate circuit judge position in the eleventh  
332 judicial circuit. The associate circuit judge shall be  
333 elected in 2020. This associate circuit judgeship shall not  
334 be included in the statutory formula for authorizing  
335 additional circuit judgeships per county under section  
336 478.320."; and

337         Further amend the title and enacting clause accordingly.