

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 23, Page 2, Section 49.060, Line 16, by inserting immediately
2 after all of said section and line the following:
3

4 "56.363. 1. The county commission of any county may on its own motion and shall upon
5 the petition of ten percent of the total number of people who voted in the previous general election
6 in the county submit to the voters at a general or special election the proposition of making the
7 county prosecutor a full-time position. The commission shall cause notice of the election to be
8 published in a newspaper published within the county, or if no newspaper is published within the
9 county, in a newspaper published in an adjoining county, for three weeks consecutively, the last
10 insertion of which shall be at least ten days and not more than thirty days before the day of the
11 election, and by posting printed notices thereof at three of the most public places in each township
12 in the county. The proposition shall be put before the voters substantially in the following form:

13 Shall the office of prosecuting attorney be made a full-time position in _____ County?

14 YES NO

15 If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a
16 full-time position, it shall become effective upon the date that the prosecutor who is elected at the
17 next election subsequent to the passage of such proposal is sworn into office. The position shall
18 then qualify for the retirement benefits available to a full-time prosecutor of a county of the first
19 classification. Any county that elects to make the position of prosecuting attorney full-time shall
20 pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same
21 contribution amount as paid by counties of the first classification.

22 2. The provisions of subsection 1 of this section notwithstanding, in any county where the
23 proposition of making the county prosecutor a full-time position was submitted to the voters at a
24 general election in 1998 and where a majority of the voters voting on the proposition voted in favor
25 of making the county prosecutor a full-time position, the proposition shall become effective on May
26 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the
27 provisions of this subsection shall have the additional duty of providing not less than three hours of
28 continuing education to peace officers in the county served by the prosecuting attorney in each year
29 of the term beginning January 1, 1999.

30 3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make
31 the position of prosecuting attorney a full-time position, the county commission may at any time
32 elect to have that position also qualify for the retirement benefit available for a full-time prosecutor
33 of a county of the first classification. Such election shall be made by a majority vote of the county
34 commission and once made shall be irrevocable, unless the voters of the county elect to change the
35 position of prosecuting attorney back to a part-time position under subsection 4 of this section.
36 When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys

Action Taken _____ Date _____

1 and circuit attorneys' retirement system fund, and the election shall be effective on the first day of
 2 January following such election. Such election shall also obligate the county to pay into the
 3 Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement
 4 contributions for full-time prosecutors as are paid by counties of the first classification.

5 4. In any:

6 (1) County of the third classification without a township form of government and with more
 7 than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth
 8 classification with more than one thousand seven hundred but fewer than one thousand nine hundred
 9 inhabitants as the county seat that has elected to make the county prosecutor a full-time position
 10 under this section after August 28, 2014;

11 (2) County of the third classification without a township form of government and with more
 12 than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth
 13 classification with more than three thousand but fewer than three thousand seven hundred
 14 inhabitants as the county seat;

15 (3) County of the third classification without a township form of government and with more
 16 than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third
 17 classification with more than six thousand but fewer than seven thousand inhabitants as the county
 18 seat; or

19 (4) County of the third classification without a township form of government and with more
 20 than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth
 21 classification with more than seven hundred but fewer than eight hundred inhabitants as the county
 22 seat

23
 24 the county commission may on its own motion and shall upon the petition of ten percent of the total
 25 number of people who voted in the previous general election in the county submit to the voters at a
 26 general or special election the proposition of changing the full-time prosecutor position to a part-
 27 time position. The commission shall cause notice of the election to be published in a newspaper
 28 published within the county, or if no newspaper is published within the county, in a newspaper
 29 published in an adjoining county, for three weeks consecutively, the last insertion of which shall be
 30 at least ten days and not more than thirty days before the day of the election, and by posting printed
 31 notices thereof at three of the most public places in each township in the county. The proposition
 32 shall be put before the voters substantially in the following form:

33 Shall the office of prosecuting attorney be made a part-time position in _____ County?

34 YES

NO

35 If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall
 36 become effective upon the date that the prosecutor who is elected at the next election subsequent to
 37 the passage of such proposal is sworn into office.

38 5. In any county that has elected to make the full-time position of county prosecutor a part-
 39 time position under subsection 4 of this section, the county's retirement contribution to the
 40 retirement system and the retirement benefit earned by the member shall prospectively be that of a
 41 part-time prosecutor as established in this chapter. Any retirement contribution made and retirement
 42 benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of
 43 this section shall be maintained by the retirement system and used to calculate the retirement benefit
 44 for such prior full-time position service. Under no circumstances shall a member in a part-time
 45 prosecutor position earn full-time position retirement benefit service accruals for time periods after
 46 the effective date of the proposition changing the county prosecutor back to a part-time position.";
 47 and
 48

1 Further amend said bill by amending the title, enacting clause, and intersectional references
2 accordingly.
3