

SECOND REGULAR SESSION

HOUSE BILL NO. 1760

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ANDERS (Sponsor), McGEOGHEGAN, LAMPE, HARRIS, KRATKY, FALLERT, CASEY, SWINGER, QUINN, NEWMAN, CARLSON, ELLINGER, MORGAN, ROWLAND AND McDONALD (Co-sponsors).

5734L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 79.050 and 79.055, RSMo, and to enact in lieu thereof two new sections relating to marshals in fourth class cities.

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

Section A. Sections 79.050 and 79.055, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 79.050 and 79.055, to read as follows:

79.050. 1. The following officers shall be elected by the qualified voters of the city, and
2 shall hold office for the term of two years, except as otherwise provided in this section, and until
3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of
4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an
5 election at which the issue is submitted, for the appointment of a collector and for the
6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and
7 any other police officers found by the board of aldermen to be necessary for the good government
8 of the city. The marshal or chief of police shall be twenty-one years of age or older. **Except as**
9 **provided by subsection 4 of this section**, if the board of aldermen does not provide for the
10 appointment of a chief of police and collector as provided by this section, a city marshal, who
11 shall be twenty-one years of age or older, and collector shall be elected[, and] . The board of
12 aldermen may provide by ordinance that the same person may be elected marshal and collector,
13 at the same election, and hold both offices and the board of aldermen may provide by ordinance
14 for the election of city assessor, city attorney, city clerk and street commissioner, who shall hold
15 their respective offices for a term of two years and until their successors shall be elected or
16 appointed and qualified, except that the term of the city marshal shall be four years.

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 2. The board of aldermen may provide by ordinance, after the approval of a majority of
18 the voters voting thereon at the next municipal election at which the issue is submitted, that the
19 term of the collector shall be four years and the term of the mayor shall be two, three, or four
20 years. Any person elected as collector after the passage of such an ordinance shall serve for a
21 term of four years and until his successor is elected and qualified. Any person elected as mayor
22 after the passage of such ordinance shall serve for a term of two, three, or four years, as provided,
23 and until his successor is elected and qualified.

24 3. The board of aldermen may provide by ordinance that the term of the board of
25 aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the
26 city and shall take effect only upon the approval of a majority of the voters voting at an election
27 at which the issue is submitted. Any person elected to the board of aldermen after the passage
28 of such an ordinance shall serve for a term of four years and until his successor is elected and
29 qualified.

30 **4. In any city of the fourth classification with more than three thousand three**
31 **hundred but fewer than three thousand seven hundred inhabitants and located in any**
32 **county with a charter form of government and with more than six hundred thousand but**
33 **fewer than seven hundred thousand inhabitants, the board of aldermen may provide by**
34 **ordinance that the city marshal or chief of police shall be appointed instead of elected.**

79.055. 1. Any person who is **appointed, or** elected **in a general election or in a**
2 **special election**, to his first term as city marshal [in a general election or in a special election]
3 in any fourth class city of this state shall, within six months of such **appointment or** election,
4 cause to be filed with the city clerk of the city and director of the department of public safety
5 proof that he has completed the training program formulated pursuant to sections 590.170 and
6 590.175, or some other comparable training program of not less than one hundred twenty hours'
7 instruction approved by the director of the department of public safety. If the newly **appointed**
8 **or** elected city marshal is unable to complete the training program within six months due to the
9 proper course not being available from the department of public safety, an extension may be
10 granted until such a course is made available.

11 2. Whether any person **appointed or** elected to his first term as city marshal attends such
12 a training program prior to or after assuming the duties of his office shall be left to the discretion
13 of the governing body of the city from which he was **appointed or** elected. During the time that
14 a [marshal-elect] **person** is enrolled in such a training program, he shall be hired as a city
15 employee and receive as full compensation from the city from which he was elected,
16 compensation at a rate equal to that of city marshal.

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