

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 572, Page 1, In the
2 Title, Line 3, by deleting the phrase "municipal courts" and inserting in lieu thereof the word
3 "municipalities"; and
4

5 Further amend said bill and page, Section A, Line 4, by inserting after all of said section and line
6 the following:
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8 "67.287. 1. As used in this section, the following terms mean:

9 (1) "Minimum standards", adequate and material provision of each of the items listed in
10 subsection 2 of this section;

11 (2) "Municipality", any city, town, or village located in any county with a charter form of
12 government and with more than nine hundred fifty thousand inhabitants;

13 (3) "Peace officer", any peace officer as defined in section 590.010 who is licensed under
14 chapter 590.

15 2. Every municipality shall meet the following minimum standards within three years of
16 August 28, 2015, by providing the following municipal services, financial services, and reports,
17 except that the provision of subdivision (6) of this subsection shall be completed within six years:

18 (1) A balanced annual budget listing anticipated revenues and expenditures, as required in
19 section 67.010;

20 (2) An annual audit by a certified public accountant of the finances of the municipality that
21 includes a report on the internal controls utilized by the municipality and prepared by a qualified
22 financial consultant that are implemented to prevent misuse of public funds. The municipality also
23 shall include its current procedures that show compliance with or reasonable exceptions to the
24 recommended internal controls;

25 (3) A cash management and accounting system that accounts for all revenues and
26 expenditures;

27 (4) Adequate levels of insurance to minimize risk to include:

28 (a) General liability coverage;

29 (b) If applicable, liability coverage with endorsements to cover emergency medical
30 personnel and paramedics;

31 (c) If applicable, police professional liability coverage;

32 (d) Workers compensation benefits for injured employees under the provisions of chapter
33 287; and

34 (e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local charter;

35 (5) Access to a complete set of ordinances adopted by the governing body available to the
36 public within ten business days of a written request. An online version of the regulations or code

Standing Action Taken _____ Date _____

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1 shall satisfy this requirement for those ordinances that are codified;

2 (6) If a municipality has a police department or contracts with another police department for
3 public safety service a police department accredited or certified by the Commission on
4 Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association or a
5 contract for police service with a police department accredited or certified by such entities;

6 (7) Written policies regarding the safe operation of emergency vehicles, including a policy
7 on police pursuit;

8 (8) Written policies regarding the use of force by peace officers;

9 (9) Written general orders for a municipal police department unless contracting with another
10 municipality or county for police services;

11 (10) Written policies for collecting and reporting all crime and police stop data for the
12 municipality as required by law. Such policies shall be forwarded to the attorney general's office;

13 (11) Construction code review by existing staff, directly or by contract with a public or
14 private agency. The provisions of this subdivision shall not require the municipality to adopt an
15 updated construction code; and

16 (12) Information published annually on the website of the municipality indicating how the
17 municipality met the standards in this subsection. If there is no municipal website, the information
18 shall be submitted to the county for publication on its website, if it has a website.

19 3. If any resident of a municipality has belief or knowledge that such municipality has failed
20 to ensure that the standards listed in subsection 2 of this section are regularly provided and are likely
21 to continue to be provided, he or she may make an affidavit before any person authorized to
22 administer oaths setting forth the facts alleging the failure to meet the required standards and file the
23 affidavit with the attorney general. It shall be the duty of the attorney general, if, in his or her
24 opinion, the facts stated in the affidavit justify, to declare whether the municipality is operating
25 below minimum standards, and if it is, the municipality shall have sixty days to rectify the
26 deficiencies in services noted by the attorney general. If after sixty days the municipality is still
27 deemed by the attorney general to have failed to rectify sufficient minimum standards to be in
28 compliance with those specified by subsection 2 of this section, the attorney general may file suit in
29 the circuit court of the county. If the court finds that the municipality is not in compliance with the
30 minimum standards specified in subsection 2 of this section, the circuit court of the county shall
31 order the following remedies:

32 (1) Appointment of an administrative authority for the municipality including, but not
33 limited to, another political subdivision, the state, or a qualified private party to administer all
34 revenues under the name of the municipality or its agents and all funds collected on behalf of the
35 municipality. If the court orders an administrative authority to administer the revenues under this
36 subdivision, it may send an order to the director of revenue or other party charged with distributing
37 tax revenue, as identified by the attorney general, to distribute such revenues and funds to the
38 administrative authority who shall use such revenues and existing funds to provide the services
39 required under a plan approved by the court. The court shall enter an order directing all financial
40 and other institutions holding funds of the municipality, as identified by the attorney general, to
41 honor the directives of the administrative authority;

42 (2) If the court finds that the minimum standards specified in subsection 2 of this section
43 still are not established at the end of ninety days from the time the court finds that the municipality
44 is not in compliance with the minimum standards specified in subsection 2 of this section, the court
45 may either enter an order disincorporating the municipality or order placed on the ballot the
46 question of whether to disincorporate the municipality as provided in subdivisions (1), (2), (4), and
47 (5) of subsection 3 of section 479.368. The court also shall place the question of disincorporation
48 on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if

1 at least twenty percent of the registered voters residing in the subject municipality or forty percent
2 of the number of voters who voted in the last municipal election, whichever is lesser, submit a
3 petition to the court while the matter is pending, seeking disincorporation. The question shall be
4 submitted to the voters in substantially the following form:

5 The city/town/village of has failed to meet minimum standards of governance as
6 required by law. Shall the city/town/village of be dissolved?

7 ☐ YES ☐ NO

8
9 If electors vote to disincorporate, the court shall determine the date upon which the disincorporation
10 shall occur, taking into consideration a logical transition.

11 4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies
12 in subsection 3 of this section."; and

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14 Further amend said bill, Page 3, Section 479.359, Line 23, by inserting immediately after the word
15 "village" on said line the following:

16
17 "that has chosen to have a municipal court division"; and

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19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.