

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 572, Page 1,  
2 Section A, Line 4, by inserting after all of said section and line the following:

3  
4 "67.287. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

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

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

24 (a) General liability coverage;

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

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

28 (d) Workers compensation benefits for injured employees under the provisions of chapter  
29 287; and

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

31 (5) Access to a complete set of ordinances adopted by the governing body available to the  
32 public within ten business days of a written request. An online version of the regulations or code  
33 shall satisfy this requirement for those ordinances that are codified;

34 (6) A police department accredited or certified by the Commission on Accreditation for  
35 Law Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police  
36 service with a police department accredited or certified by such entities;

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

8 (11) Construction code review by existing staff, directly or by contract with a public or  
9 private agency; and

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

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

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

36 (2) If the court finds that the minimum standards specified in subsection 2 of this section  
37 still are not established at the end of ninety days from the time the court finds that the municipality  
38 is not in compliance with the minimum standards specified in subsection 2 of this section, the court  
39 may either enter an order disincorporating the municipality or order placed on the ballot the  
40 question of whether to disincorporate the municipality as provided in subdivisions (1), (2), (4), and  
41 (5) of subsection 3 of section 479.368. The court also shall place the question of disincorporation  
42 on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if  
43 at least twenty percent of the registered voters residing in the subject municipality or forty percent  
44 of the number of voters who voted in the last municipal election, whichever is lesser, submit a  
45 petition to the court while the matter is pending, seeking disincorporation. The question shall be  
46 submitted to the voters in substantially the following form:

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

1           [ ] YES     [ ] NO

2  
3 If electors vote to disincorporate, the court shall determine the date upon which the disincorporation  
4 shall occur, taking into consideration a logical transition.

5           4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies  
6 in subsection 3 of this section.

7           67.398. 1. The governing body of any city or village, or any county having a charter form  
8 of government, or any county of the first classification that contains part of a city with a population  
9 of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of  
10 a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris  
11 of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and  
12 noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or  
13 stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks,  
14 broken furniture, any flammable material which may endanger public safety or any material or  
15 condition which is unhealthy or unsafe and declared to be a public nuisance.

16           2. The governing body of any home rule city with more than four hundred thousand  
17 inhabitants and located in more than one county may enact ordinances for the abatement of a  
18 condition of any lot or land that has vacant buildings or structures open to entry.

19           3. Any ordinance authorized by this section shall provide for service of adequate notice of  
20 the declaration of the nuisance to the property owner by certified mail, return receipt requested.

21           4. Any ordinance authorized by this section may provide that if the owner fails to begin  
22 removing or abating the nuisance within a specific time which shall not be less than seven days of  
23 receiving the notice required under subsection 3 of this section that the nuisance has been ordered  
24 removed or abated, or upon failure to pursue the removal or abatement of such nuisance without  
25 unnecessary delay, the building commissioner or designated officer may cause the condition which  
26 constitutes the nuisance to be removed or abated. If the building commissioner or designated officer  
27 causes such condition to be removed or abated, the cost of such removal or abatement shall be  
28 certified to the city clerk or officer in charge of finance who shall cause the certified cost to be  
29 included in a special tax bill or added to the annual real estate tax bill, at the collecting official's  
30 option, for the property and the certified cost shall be collected by the city collector or other official  
31 collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified  
32 cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill  
33 shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its  
34 issuance shall be deemed a personal debt against the owner and shall also be a lien on the property  
35 until paid. "; and

36  
37 Further amend said bill and page, Section 71.980, Line 6, by inserting after all of said section and  
38 line the following:

39  
40           "77.700. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county  
41 governing body of any county in which a city of the third classification is located shall  
42 disincorporate the city as provided in this section and sections 77.700 to 77.715.

43           2. The county governing body shall order an election upon the question of disincorporation  
44 of a city of the third classification upon petition of twenty-five percent of the voters of the city.

45           3. The county governing body shall give notice of the election by publication in a  
46 newspaper of general circulation published in the city or, if there is no such newspaper in the city,  
47 then in the newspaper in the county published nearest the city. The notice shall contain a copy of  
48 the petition and the names of the petitioners. No election on the question of disincorporation shall

1 be held until the notice has been published for four weeks successively.

2 4. The question shall be submitted in substantially the following form:

3 Shall the city of . . . . . be dissolved?

4 5. Upon the affirmative vote of fifty percent and one of those persons voting on the  
5 question, the county governing body shall disincorporate the city.

6 77.703. No dissolution of the corporation shall invalidate or affect any right accruing to the  
7 corporation or to any person or invalidate or affect any contract entered into or imposed on the  
8 corporation.

9 77.706. Whenever the county governing body shall dissolve any city of the third  
10 classification, the county governing body shall appoint some competent person to act as trustee for  
11 the corporation so dissolved, and such trustee, before entering upon the discharge of his or her  
12 duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of his or  
13 her office and shall give bond with sufficient security, to be approved by the governing body, to the  
14 use of such disincorporated city, conditioned for the faithful discharge of his or her duty.

15 77.709. The trustee shall have power to prosecute and defend to final judgment all suits  
16 instituted by or against the corporation, collect all moneys due the same, liquidate all lawful  
17 demands against the same, and for that purpose shall sell any property belonging to the corporation,  
18 or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy  
19 close all the affairs of the corporation.

20 77.712. The trustee shall employ counsel whenever necessary in the discharge of his or her  
21 duties and shall make a report of the proceedings to the county governing body at each regular term  
22 thereof, and the trustee shall receive for his or her services such compensation as the governing  
23 body shall think reasonable.

24 77.715. When the trustee shall have closed the affairs of the corporation and shall have paid  
25 all debts due by the corporation, he or she shall pay over to the county treasurer all money  
26 remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing  
27 body all books, papers, records, and deeds belonging to the dissolved corporation.

28 79.490. 1. The county governing body of any county in which a city of the fourth class is  
29 located shall disincorporate such city as provided in this section.

30 2. (1) Except as provided in subdivision (2) of this subsection, the county governing body  
31 shall order an election upon the question of disincorporation of a fourth class city upon petition of  
32 one-half of the voters of the city.

33 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county the county  
34 governing body shall order an election upon the question of disincorporation of a fourth class city  
35 upon petition of twenty-five percent of the voters of the city.

36 3. The county governing body shall give notice of the election by publication in a  
37 newspaper of general circulation published in the city or, if there is no such newspaper in the city,  
38 then in the newspaper in the county published nearest the city. The notice shall contain a copy of  
39 the petition and the names of the petitioners. No election on the question of disincorporation shall  
40 be held until the notice has been published for four weeks successively.

41 4. The question shall be submitted in substantially the following form:

42 Shall the city of . . . . . be dissolved?

43 5. (1) Except as provided in subdivision (2) of this subsection, upon the affirmative vote of  
44 sixty percent of those persons voting on the question, the county governing body shall  
45 disincorporate the city.

46 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county upon the  
47 affirmative vote of fifty percent and one of those persons voting on the question, the county  
48 governing body shall

1 disincorporate the city.

2 80.570. 1. The county governing body of each county shall have power to disincorporate  
3 any town or village which they may have incorporated as provided in this section.

4 2. (1) Except as provided in subdivision (2) of this subsection, the county governing body  
5 shall order an election upon the question of disincorporation of a town or village upon petition of  
6 one-half of the voters of the town or village.

7 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county the county  
8 governing body shall order an election upon the question of disincorporation of a town or village  
9 upon petition of twenty-five percent of the voters of the town or village.

10 3. The county governing body shall give notice of the election by publication in a  
11 newspaper of general circulation published in the town or village or, if there is no such newspaper in  
12 the town or village, then in the newspaper in the county published nearest the town or village. The  
13 notice shall contain a copy of the petition and the names of the petitioners. No election on the  
14 question of disincorporation shall be held until the notice has been published for eight weeks  
15 successively.

16 4. The question shall be submitted in substantially the following form as the case may be:

17 Shall the town of . . . . . be dissolved?; or

18 Shall the village of . . . . . be dissolved?

19 5. (1) Except as provided in subdivision (2) of this subsection, upon the affirmative vote of  
20 sixty percent of those persons voting on the question, the county governing body shall  
21 disincorporate the town or village.

22 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county upon the  
23 affirmative vote of fifty percent and one of those persons voting on the question, the county  
24 governing body shall  
25 disincorporate the town or village.

26 6. Any county governing body may, in its discretion, on the application of any person or  
27 persons owning a tract of land containing five acres or more in a town or village, used only for  
28 agricultural purposes, to diminish the limits of such town or village by excluding any such tract of  
29 land from said corporate limits; provided, that such application shall be accompanied by a petition  
30 asking such change and signed by a majority of the voters in such town or village. And thereafter  
31 such tract of land so excluded shall not be deemed or held to be any part of such town or village.

32 82.133. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county  
33 governing body of any county in which a constitutional charter or home rule city is located shall  
34 disincorporate the city as provided in sections 82.133 to 82.145.

35 2. The county governing body shall order an election upon the question of disincorporation  
36 of a constitutional charter or home rule city upon petition of twenty-five percent of the voters of the  
37 city.

38 3. The county governing body shall give notice of the election by publication in a  
39 newspaper of general circulation published in the city or, if there is no such newspaper in the city,  
40 then in the newspaper in the county published nearest the city. The notice shall contain a copy of  
41 the petition and the names of the petitioners. No election on the question of disincorporation shall  
42 be held until the notice has been published for four weeks successively.

43 4. The question shall be submitted in substantially the following form:

44 Shall the city of . . . . . be dissolved?

45 5. Upon the affirmative vote of fifty percent and one of those persons voting on the  
46 question, the county governing body shall disincorporate the city.

47 82.136. No dissolution of the corporation shall invalidate or affect any right accruing to the  
48 corporation or to any person, or invalidate or affect any contract entered into or imposed on the

1 corporation.

2 82.139. Whenever the county governing body shall dissolve any constitutional charter or  
 3 home rule city, the county governing body shall appoint some competent person to act as trustee for  
 4 the corporation so dissolved, and the trustee, before entering upon the discharge of his or her duties,  
 5 shall take and subscribe an oath that he or she will faithfully discharge the duties of the office and  
 6 shall give bond with sufficient security, to be approved by the governing body, to the use of the  
 7 disincorporated city, conditioned for the faithful discharge of the trustee's duty.

8 82.142. The trustee shall have power to prosecute and defend to final judgment all suits  
 9 instituted by or against the corporation, collect all moneys due the same, liquidate all lawful  
 10 demands against the same, and for that purpose shall sell any property belonging to the corporation,  
 11 or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy  
 12 close all the affairs of the corporation.

13 82.145. The trustee shall employ counsel whenever necessary in the discharge of his or her  
 14 duties and shall make a report of the proceedings to the county governing body at each regular term  
 15 thereof, and the trustee shall receive for his or her services such compensation as the governing  
 16 body shall think reasonable.

17 82.148. When the trustee shall have closed the affairs of the corporation, and shall have paid  
 18 all debts due by the corporation, he or she shall pay over to the county treasurer all money  
 19 remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing  
 20 body all books, papers, records, and deeds belonging to the dissolved corporation.

21 479.020. 1. Any city, town or village, including those operating under a constitutional or  
 22 special charter, may, and cities with a population of four hundred thousand or more shall, provide by  
 23 ordinance or charter for the selection, tenure and compensation of a municipal judge or judges  
 24 consistent with the provisions of this chapter who shall have original jurisdiction to hear and  
 25 determine all violations against the ordinances of the municipality.  
 26 The method of selection of municipal judges shall be provided by charter or ordinance. Each  
 27 municipal judge shall be selected for a term of not less than two years as provided by charter or  
 28 ordinance.

29 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time  
 30 judge and may serve as municipal judge in more than one municipality.

31 3. No person shall serve as a municipal judge of any municipality with a population of  
 32 seven thousand five hundred or more or of any municipality in a county of the first class with a  
 33 charter form of government unless the person is licensed to practice law in this state unless, prior to  
 34 January 2, 1979, such person has served as municipal judge of that same municipality for at least  
 35 two years.

36 4. Notwithstanding any other statute, a municipal judge need not be a resident of the  
 37 municipality or of the circuit in which the municipal judge serves except where ordinance or charter  
 38 provides otherwise. Municipal judges shall be residents of Missouri.

39 5. Judges selected under the provisions of this section shall be municipal judges of the  
 40 circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or  
 41 major geographical portion thereof, is located. The judges of these municipal divisions shall be  
 42 subject to the rules of the circuit court which are not inconsistent with the rules of the supreme  
 43 court. The presiding judge of the circuit shall have general administrative authority over the judges  
 44 and court personnel of the municipal divisions within the circuit.

45 6. No municipal judge shall hold any other office in the municipality which the municipal  
 46 judge serves as judge. The compensation of any municipal judge and other court personnel shall not  
 47 be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or  
 48 the amount of fines imposed or collected.

1           7. Municipal judges shall be at least twenty-one years of age. No person shall serve as  
2 municipal judge after that person has reached that person's seventy-fifth birthday.

3           8. Within six months after selection for the position, each municipal judge who is not  
4 licensed to practice law in this state shall satisfactorily complete the course of instruction for  
5 municipal judges prescribed by the supreme court. The state courts administrator shall certify to the  
6 supreme court the names of those judges who satisfactorily complete the prescribed course. If a  
7 municipal judge fails to complete satisfactorily the prescribed course within six months after the  
8 municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant  
9 and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any  
10 compensation thereafter be paid to such person for serving as municipal judge.

11           9. No municipal judge shall serve as a municipal judge in more than three municipalities at  
12 one time."; and

13  
14 Further amend said bill, Page 2, Section 479.353, Lines 10-11, by deleting all of said lines and  
15 inserting in lieu thereof the following:

16  
17           "(3) A person shall not be placed in confinement for failure to pay a fine unless such  
18 nonpayment violates terms of probation or unless the due process procedures mandated by Missouri  
19 Supreme Court Rule 37.65 or its successor rule are strictly followed by the court;"; and

20  
21 Further amend said bill, Page 4, Section 479.360, Line 14, by inserting immediately after the word  
22 "costs" on said line the following:

23  
24 "unless found to be in contempt after strict compliance by the court with the due process procedures  
25 mandated by Missouri Supreme Court Rule 37.65 or its successor rule"; and

26  
27 Further amend said bill, Page 7, Section 479.368, Line 99, by inserting after all of said section and  
28 line the following:

29  
30           "Section 1. If any provision of section A of this act or the application thereof to anyone or  
31 to any circumstance is held invalid, the remainder of the provisions of section A of this act and the  
32 application of such provisions to others or other circumstances shall not be affected thereby."; and

33  
34 Further amend said bill by amending the title, enacting clause, and intersectional references  
35 accordingly.