

FIRST REGULAR SESSION

# HOUSE BILL NO. 498

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WAGNER AND McKENNA (Co-sponsors).

Read 1<sup>st</sup> time January 23, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1326L.011

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### AN ACT

To repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 78.450, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 78.450 and 78.452, to read as follows:

78.450. 1. Any city, **other than any city described in section 78.452**, which has operated under the provisions of sections 78.430 to [78.640] **78.630** not less than six years may abandon the form of organization provided for [herein] **in sections 78.430 to 78.630**, by proceeding as follows: Upon the petition of not less than ten percent of the voters casting votes for governor in the last preceding general election of such city, as shown by the total vote cast at the last preceding municipal election of the city, the question shall be submitted whether the city shall continue operating under sections 78.430 to [78.640] **78.630**, in the manner [herein] provided for the adoption of [said] sections 78.430 to [78.640] **78.630**.

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

Shall the city manager form of government for the city of . . . . . be continued?

3. If a majority of the votes cast are against the continuation of the city manager form of government, then the provisions of sections 78.430 to [78.640] **78.630** and all amendments thereto cease to be effective in the city and **the** city shall resume the form of government it abandoned when it adopted the plan [herein] provided for **in sections 78.430 to 78.630**, and shall organize thereunder; except that any third class city, desiring to vote on the question to determine

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 whether or not to remain organized under the provisions of sections 78.430 to [78.640] **78.630**,  
17 may at the same time submit the question as to what form of government it shall adopt, if there  
18 is more than one other form provided for third class cities; but the change of form or organization  
19 [does] **shall** not become effective until the next municipal election thereafter.

**78.452. 1. Any third class city with a population of more than five thousand nine  
2 hundred and less than six thousand that is located in a county of the first classification  
3 having a population of more than one hundred seventy thousand but less than two hundred  
4 thousand may abandon the form of organization provided for in sections 78.430 to 78.630,  
5 by proceeding as follows: Upon the petition of registered voters residing in the city  
6 numbering not less than twenty-five percent of the votes cast in the city in the last  
7 gubernatorial election, the question shall be submitted whether the city shall continue  
8 operating pursuant to sections 78.430 to 78.630, in the manner provided for the adoption  
9 of sections 78.430 to 78.630. Each petition shall contain, in addition to the printed names  
10 and signatures of each petitioner:**

11 **(1) The street and house number of each petitioner;**

12 **(2) The age of the petitioner;**

13 **(3) An accompanying affidavit of one or more of the voters of the city. The  
14 affidavit shall state:**

15 **(a) That the signers of the petition were, at the time of signing, voters of the city;  
16 and**

17 **(b) The number of signers of the petition at the time of the making of the affidavit.**

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

19 **Shall the city manager form of government for the city of . . . . . be continued?**

20 **3. If a majority of the votes cast are against the continuation of the city manager  
21 form of government, then the provisions of sections 78.430 to 78.630 and all amendments  
22 thereto shall cease to be effective in the city and the city shall resume the form of  
23 government it abandoned when it adopted the plan provided for in sections 78.430 to  
24 78.630, and shall organize according to the laws for such form; except that any third class  
25 city described in this section, desiring to vote on the question to determine whether or not  
26 to remain organized pursuant to the provisions of sections 78.430 to 78.630, may at the  
27 same time submit the question as to what form of government it shall adopt, if there is  
28 more than one other form provided for third class cities; but the change of form or  
29 organization shall not become effective until the next municipal election thereafter.**