

FIRST REGULAR SESSION

HOUSE BILL NO. 828

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

1480L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 77, RSMo, by adding thereto one new section relating to proposed ordinances in cities of the third classification.

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

Section A. Chapter 77, RSMo, is amended by adding thereto one new section, to be known as section 77.081, to read as follows:

77.081. 1. The residents of any city incorporated under this chapter may petition the city council to adopt or repeal a city ordinance as provided in this section. Such petition shall be signed by the number of registered voters required in this section, and shall be signed only by registered voters of the city. Each petition shall contain, in addition to the names and signatures of the petitioners, the street and house number in which the petitioner resides, the petitioner's age, and the length of the petitioner's residence in the city. The signatures to the petition need not all be appended to one paper, but each signer shall include the signer's signature and the address of the signer's place of residence. One of the signers of each such paper shall swear or affirm before an officer competent to administer oaths that such person believes the statements in the petition are true and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. The petition shall also be accompanied by an affidavit of one or more voters of the city stating that the signers were registered voters of the city at the time of signing and the number of signers at the time the affidavit was made.

2. Within ten days from the date of filing such petition, the city clerk shall examine the petition and determine from the voters' register whether it is signed by the required number of voters, and if necessary, the council shall allow extra help for the purpose. The

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.

18 clerk shall attach a certificate to the petition, showing the result of the examination. If by
19 the clerk's certificate the petition is shown to be insufficient, it may be amended within ten
20 days from the date of the certificate. The clerk shall, within ten days after such
21 amendment, examine the amended petition, and if the clerk's certificate shows the petition
22 to be insufficient, it shall be returned to the person filing the petition, and such person may
23 file a new petition for the same purpose. If the petition is deemed to be sufficient, the clerk
24 shall submit the petition to the council without delay.

25 3. (1) Whenever the city council receives any petition proposing the adoption or
26 repeal of a city ordinance, signed by a number of registered voters of the city equal to at
27 least twenty-five percent of the number of votes for all mayoral candidates cast by the
28 registered voters of the city voting in the last mayoral election, the council shall either:

29 (a) Pass the ordinance without alteration within twenty days after attachment of
30 the clerk's certificate to the accompanying petition; or

31 (b) Submit the question of adoption or repeal without alteration to the voters of the
32 city immediately after the clerk attaches the certificate of sufficiency.

33 (2) If such petition is signed by a number of registered voters of the city equal to
34 at least ten percent but less than twenty-five percent of the number of votes for all mayoral
35 candidates cast by the registered voters of the city voting in the last mayoral election, then
36 the council shall either:

37 (a) Pass the ordinance without alteration within twenty days, or;

38 (b) Submit the question of adoption or repeal without alteration to the voters of the
39 city at the next municipal election.

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

41 Shall the following ordinance be (adopted) (repealed)? (Set out ordinance).

42 5. If a majority of the votes cast on the question by the qualified voters voting
43 thereon are in favor of the proposal, the adoption or repeal shall become effective as
44 provided in subsection 6 of this section. If a majority of the votes cast on the question by
45 the qualified voters voting thereon are opposed to the adoption or repeal, then the
46 ordinance shall not be adopted, or in the case of a question of repeal, the ordinance shall
47 remain effective, until the question is resubmitted under this section to the qualified voters
48 of the city and the question is approved by a majority of the qualified voters voting on the
49 question.

50 6. No ordinance passed by the council, except when otherwise required by the
51 general laws of the state, or under this chapter, except an ordinance for the immediate
52 preservation of the public peace, health, or safety, which contains a statement of its
53 urgency and is passed by a two-thirds vote of the council shall go into effect before ten days

54 from the time of its final passage. If during such ten days a petition protesting against the
55 passage of such ordinance, and signed by the voters of the city equal in number to at least
56 twenty-five percent of the entire vote cast for all candidates for mayor at the last preceding
57 municipal election at which a mayor was elected, is presented to the council, the ordinance
58 shall not become effective. The council shall reconsider such ordinance, and if the
59 ordinance is not entirely repealed, the council shall submit the ordinance to a vote of the
60 voters as is provided by paragraph (b) of subdivision (1) of subsection 3 of this section.

61 7. No ordinance proposed by petition, or adopted by a vote of the people, shall be
62 repealed or amended except by a vote of the people.

63 8. Any number of proposed ordinances may be voted upon at the same election in
64 accordance with the provisions of this section. The council may submit a proposition for
65 the repeal of any such ordinance or for amendments thereto, to be voted upon at any
66 municipal election.

✓