

SECOND REGULAR SESSION

# HOUSE BILL NO. 2100

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AMATO.

4118H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 77.030 and 77.370, RSMo, and to enact in lieu thereof two new sections relating to terms of certain elected officials of cities of the third classification.

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

Section A. Sections 77.030 and 77.370, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 77.030 and 77.370, to read as follows:

77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council  
2 shall by ordinance divide the city into not less than four wards, and two ~~[councilmen]~~ **council**  
3 **members** shall be elected from each of such wards by the qualified voters thereof at the first  
4 election for ~~[councilmen]~~ **council members** in cities hereafter adopting the provisions of this  
5 chapter; the one receiving the highest number of votes in each ward shall hold ~~[his]~~ office for  
6 two years, and the one receiving the next highest number of votes shall hold ~~[his]~~ office for  
7 one year; but thereafter each ward shall elect annually one ~~[councilman]~~ **council member**,  
8 who shall hold ~~[his]~~ office for two years.

9 2. In lieu of electing ~~[councilmen]~~ **council members** as provided in subsection 1 of  
10 this section, the council may elect to establish wards and elect ~~[councilmen]~~ **council**  
11 **members** as provided in this subsection. If the council so elects, it shall, by ordinance, divide  
12 the city into not less than four wards, and one ~~[councilman]~~ **council member** shall be elected  
13 from each of such wards by the qualified voters thereof at the first election for ~~[councilmen]~~  
14 **council members** held in the city after it adopts the provisions of this subsection. At the first  
15 election held under this subsection the ~~[councilmen]~~ **council members** elected from the odd-  
16 numbered wards shall be elected for a term of one year and the ~~[councilmen]~~ **council**  
17 **members** elected from the even-numbered wards shall be elected for a term of two years. At

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 each annual election held thereafter, successors for ~~[councilmen]~~ **council members** whose  
19 terms expire in such year shall be elected for a term of two years.

20 3. (1) Council members may serve four-year terms if the two-year terms provided  
21 under subsection 1 or 2 of this section have been extended to four years by approval of a  
22 majority of the voters voting on the proposal.

23 (2) The ballot of submission shall be in substantially the following form:

24 Shall the terms of council members which are currently set at two years  
25 in \_\_\_\_\_ (city) be extended to four years for members elected after  
26 August 28, 2013?

27 ☐ YES

☐ NO

28 (3) If a majority of the voters voting approve the proposal authorized in this  
29 subsection, the members of council who would serve two years under subsections 1 and 2 of  
30 this section shall be elected to four-year terms beginning with any election occurring after  
31 approval of the ballot question.

32 4. (1) **A city of the third classification may adopt term limits for the office of**  
33 **council member as provided in this subsection as follows:**

34 (a) **The governing body of a city that desires to adopt term limits as provided in**  
35 **this subsection shall, by order, ordinance, or resolution, vote on the question of adopting**  
36 **such term limits. Upon the approval of the question by a majority of the total number of**  
37 **city council members, the governing body shall submit the question to the registered**  
38 **voters of the city for approval or rejection of the adoption of such term limits on the next**  
39 **day available for an election in such city; or**

40 (b) **If the governing body of a city receives a petition, signed by at least ten**  
41 **percent of the number of registered voters of the city voting in the last election for**  
42 **mayor, calling for the city to adopt term limits as provided in this subsection, the**  
43 **governing body shall submit the question to the registered voters of the city for approval**  
44 **or rejection of the adoption of such term limits on the next day available for an election**  
45 **in such city.**

46 (2) **If a majority of the registered voters of the city voting on a question**  
47 **submitted under subdivision (1) of this subsection approve the adoption of term limits,**  
48 **the office of council member shall be subject to the term limits described in subdivision**  
49 **(3) of this subsection. If a majority of the registered voters of the city voting on the**  
50 **question reject the adoption of term limits, no term limits as described in this subsection**  
51 **shall apply.**

52 (3) **Term limits adopted under this subsection shall apply to the office of council**  
53 **member as follows:**

54           **(a) A council member subject to term limits shall be ineligible to hold the office**  
55 **of council member after serving four terms of office as council member; and**

56           **(b) Such term limits shall apply to terms beginning on or after the date on which**  
57 **such term limits are adopted by the voters.**

77.370. 1. Except as hereinafter provided, the following officers shall be elected by  
2 the voters of the city: mayor, police judge, attorney, assessor, collector, treasurer and, except  
3 in cities which adopt the merit system police department, a marshal.

4           2. Notwithstanding the provisions of subsection 1 of this section, in cities which  
5 contract with another entity for police service, the city council may eliminate the office of  
6 marshal.

7           3. The attorney shall be a person licensed to practice law in Missouri, and the council,  
8 by ordinance, may provide for the appointment of an attorney, by the mayor with the approval  
9 of the council, in lieu of electing an attorney. If so appointed ~~[he]~~ **such attorney** shall serve  
10 at the pleasure of the mayor and council.

11           4. Whenever a city contracts for the assessment of property or the collection of taxes  
12 with either a public or private entity as authorized by section 70.220, the city council may by  
13 ordinance provide that at the expiration of the term of the then city assessor or collector, as  
14 the case may be, the office is abolished and thereafter no election shall be had to fill the  
15 office; except that in the event the contract expires and, for any reason, is not renewed, the  
16 council may by ordinance provide for the election of such officer at the next and succeeding  
17 regular elections for municipal officers.

18           5. The term of office for each of the officers is two years except the office of mayor  
19 and the marshal which are four-year terms. All officers hold office until their successors are  
20 duly elected or appointed and qualified.

21           6. The council, by ordinance, may provide that any officer of the city except the  
22 mayor and the councilmen shall be appointed instead of elected. Such ordinance shall set the  
23 manner of appointment, in accordance with section 77.330, and the term of office for each  
24 appointive officer, which term shall not exceed four years.

25           **7. (1) A city of the third classification may adopt term limits for the office of**  
26 **mayor as provided in this subsection as follows:**

27           **(a) The governing body of a city that desires to adopt term limits as provided in**  
28 **this subsection shall, by order, ordinance, or resolution, vote on the question of adopting**  
29 **such term limits. Upon the approval of the question by a majority of the total number of**  
30 **city council members, the governing body shall submit the question to the registered**  
31 **voters of the city for approval or rejection of the adoption of such term limits on the next**  
32 **day available for an election in such city; or**

33           (b) If the governing body of a city receives a petition, signed by at least ten  
34 percent of the number of registered voters of the city voting in the last election for  
35 mayor, calling for the city to adopt term limits as provided in this subsection, the  
36 governing body shall submit the question to the registered voters of the city for approval  
37 or rejection of the adoption of such term limits on the next day available for an election  
38 in such city.

39           (2) If a majority of the registered voters of the city voting on a question  
40 submitted under subdivision (1) of this subsection approve the adoption of term limits,  
41 the office of mayor shall be subject to the term limits described in subdivision (3) of this  
42 subsection. If a majority of the registered voters of the city voting on the question reject  
43 the adoption of term limits, no term limits as described in this subsection shall apply.

44           (3) Term limits adopted under this subsection shall apply to the office of mayor  
45 as follows:

46           (a) A mayor subject to term limits shall be ineligible to hold the office of mayor  
47 after serving two terms of office as mayor; and

48           (b) Such term limits shall apply to terms beginning on or after the date on which  
49 such term limits are adopted by the voters.

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