

FIRST REGULAR SESSION

SENATE BILL NO. 179

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 26, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1141S.011

AN ACT

To repeal sections 79.050 and 79.055, RSMo, and to enact in lieu thereof two new sections relating to marshals in fourth class cities.

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

Section A. Sections 79.050 and 79.055, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 79.050 and 79.055, to
3 read as follows:

79.050. 1. The following officers shall be elected by the qualified voters
2 of the city, and shall hold office for the term of two years, except as otherwise
3 provided in this section, and until their successors are elected and qualified, to
4 wit: mayor and board of aldermen. The board of aldermen may provide by
5 ordinance, after the approval of a majority of the voters voting at an election at
6 which the issue is submitted, for the appointment of a collector and for the
7 appointment of a chief of police, who shall perform all duties required of the
8 marshal by law, and any other police officers found by the board of aldermen to
9 be necessary for the good government of the city. The marshal or chief of police
10 shall be twenty-one years of age or older. If the board of aldermen does not
11 provide for the appointment of a chief of police and collector as provided by this
12 section, a city marshal, who shall be twenty-one years of age or older, and
13 collector shall be elected[, and]. The board of aldermen may provide by ordinance
14 **that the city marshal shall be appointed instead of elected, and** that the
15 same person may be elected **or appointed** marshal and collector, [at the same
16 election,] and hold both offices **at the same time**, and the board of aldermen
17 may provide by ordinance for the election of city assessor, city attorney, city clerk

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

18 and street commissioner, who shall hold their respective offices for a term of two
19 years and until their successors shall be elected or appointed and qualified,
20 except that the term of the city marshal shall be four years.

21 2. The board of aldermen may provide by ordinance, after the approval of
22 a majority of the voters voting thereon at the next municipal election at which the
23 issue is submitted, that the term of the collector shall be four years and the term
24 of the mayor shall be two, three, or four years. Any person elected as collector
25 after the passage of such an ordinance shall serve for a term of four years and
26 until his successor is elected and qualified. Any person elected as mayor after the
27 passage of such ordinance shall serve for a term of two, three, or four years, as
28 provided, and until his successor is elected and qualified.

29 3. The board of aldermen may provide by ordinance that the term of the
30 board of aldermen shall be four years. Such ordinance shall be submitted by the
31 board to the voters of the city and shall take effect only upon the approval of a
32 majority of the voters voting at an election at which the issue is submitted. Any
33 person elected to the board of aldermen after the passage of such an ordinance
34 shall serve for a term of four years and until his successor is elected and
35 qualified.

79.055. 1. Any person who is **appointed, or** elected in a general
2 **election or in a special election**, to his first term as city marshal [in a
3 general election or in a special election] in any fourth class city of this state shall,
4 within six months of such **appointment or** election, cause to be filed with the
5 city clerk of the city and director of the department of public safety proof that he
6 has completed the training program formulated pursuant to sections 590.170 and
7 590.175, or some other comparable training program of not less than one hundred
8 twenty hours' instruction approved by the director of the department of public
9 safety. If the newly **appointed or** elected city marshal is unable to complete the
10 training program within six months due to the proper course not being available
11 from the department of public safety, an extension may be granted until such a
12 course is made available.

13 2. Whether any person **appointed or** elected to his first term as city
14 marshal attends such a training program prior to or after assuming the duties of
15 his office shall be left to the discretion of the governing body of the city from
16 which he was **appointed or** elected. During the time that a [marshal-elect]
17 **person** is enrolled in such a training program, he shall be hired as a city

18 employee and receive as full compensation from the city from which he was
19 elected, compensation at a rate equal to that of city marshal.

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