

SECOND REGULAR SESSION

SENATE BILL NO. 764

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time January 22, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4375S.011

AN ACT

To repeal section 79.130, RSMo, and to enact in lieu thereof three new sections relating to lawmaking procedures in fourth class cities.

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

Section A. Section 79.130, RSMo, is repealed and three new sections
2 enacted in lieu thereof, to be known as sections 79.130, 79.135, and 79.145, to
3 read as follows:

79.130. 1. The style of the ordinances of the city shall be: "Be it ordained
2 by the board of aldermen of the city of, as follows:" No ordinance shall be
3 passed except by bill, and no bill shall become an ordinance unless on its final
4 passage a majority of the members elected to the board of aldermen shall vote for
5 it, and the ayes and nays be entered on the journal. Every proposed ordinance
6 shall be introduced to the board of aldermen in writing and shall be read by title
7 or in full two times prior to passage, both readings may occur at a single meeting
8 of the board of aldermen. If the proposed ordinance is read by title only, copies
9 of the proposed ordinance shall be made available for public inspection prior to
10 the time the bill is under consideration by the board of aldermen. No bill shall
11 become an ordinance until it shall have been signed by the mayor or person
12 exercising the duties of the mayor's office, or shall have been passed over the
13 mayor's veto, as herein provided.

14 **2. This section shall not apply to ordinances proposed or passed**
15 **under section 79.135.**

79.135. 1. Any proposed ordinance may be submitted to the
2 board of aldermen by petition signed by at least ten percent of the
3 registered voters voting for mayor at the last municipal election. The
4 petition shall contain, in addition to the requisite number of valid

5 signatures, the full text of the ordinance sought to be passed and a
6 request that the ordinance be submitted to a vote of the people if not
7 passed by the board of aldermen.

8 2. The signatures to the petition need not all be appended to one
9 paper, but each signer shall add to his or her signature his or her place
10 of residence, giving the street and number. One of the signers of each
11 such paper shall make oath before an officer competent to administer
12 oaths that the statements therein made are true as he or she believes
13 and that each signature to the paper appended is the genuine signature
14 of the person whose name it purports to be.

15 3. Within ten days from the date of filing such petition, the city
16 clerk shall examine and ascertain whether the petition is signed by the
17 requisite number of voters, and, if necessary, the board of aldermen
18 shall allow the clerk extra help for such purpose. The clerk shall
19 attach a certificate of examination to the petition. If by the clerk's
20 certificate the petition is shown to be insufficient, the petition may be
21 amended within ten days from the date of the issuance of the clerk's
22 certificate. The clerk shall, within ten days after such amendment,
23 make like examination of the amended petition. If the second
24 certificate shows the petition to be insufficient, the petition shall be
25 returned to the person filing it, without prejudice to the filing of a new
26 petition to the same effect. If the petition is deemed to be sufficient,
27 the clerk shall submit it to the board of aldermen without delay.

28 4. Upon receipt of the petition and certificate from the clerk, the
29 board of aldermen shall either:

30 (1) Pass said ordinance without alteration within twenty days
31 after attachment of the clerk's certificate to the accompanying petition;
32 or

33 (2) Submit the question without alteration to the voters at the
34 next municipal election, or, if the petition has been signed by twenty
35 five percent or more of the registered voters voting for mayor at the
36 last municipal election, the board of aldermen shall immediately submit
37 the question without alteration to the voters of the city.

38 5. The question shall be submitted in substantially the following
39 form:

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

42 6. If a majority of the voters vote in favor thereof, such
43 ordinance shall thereupon become a valid and binding ordinance of the
44 city.

45 7. Any number of proposed ordinances may be voted upon at the
46 same election, in accordance with the provisions of this section.

47 8. Any ordinance in effect that was proposed by petition cannot
48 be repealed or amended except by a vote of the people. The board of
49 aldermen may submit a proposition for the repeal of any such
50 ordinance or for amendments thereto, to be voted upon at any
51 municipal election; and should such proposition receive a majority of
52 the votes cast thereon, such ordinance shall thereby be repealed or
53 amended accordingly.

 79.145. 1. No ordinance passed by the board of aldermen, except
2 when otherwise required by the laws of the state or an ordinance for
3 the immediate preservation of the public peace, health, or safety that
4 contains a statement of its urgency and is passed by a two-thirds vote
5 of the board of aldermen, shall go into effect before ten days from the
6 time of its final passage.

7 2. If during the ten-day period required under subsection 1 of
8 this section, a petition signed by at least twenty five percent of the
9 registered voters of the city voting for mayor at the last municipal
10 election is presented to the board of aldermen in protest against the
11 passage of an ordinance, the ordinance shall be suspended from going
12 into operation. Upon the receipt of such petition, it shall be the duty
13 of the board of aldermen to reconsider the ordinance. If the ordinance
14 is not entirely repealed, the board of aldermen shall submit the
15 ordinance to a vote in the same manner as required under section
16 79.135 for ordinances proposed by petition. Such ordinance shall not
17 go into effect or become operative unless it receives approval from a
18 majority of the voters voting thereon. The signatures, verification,
19 authentication, inspection, certification, amendment and submission of
20 such petition shall be the same as provided for petitions under section
21 79.135.

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