

SECOND REGULAR SESSION

HOUSE BILL NO. 2768

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON GRAY.

5440H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 80.050, 80.060, 80.110, 80.120, 80.210, 80.220, 80.230, 80.250, 80.400, 80.410, 80.420, 80.460, 80.620, 80.640, 80.650, and 80.660, RSMo, and to enact in lieu thereof sixteen new sections relating to officers of towns and villages.

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

Section A. Sections 80.050, 80.060, 80.110, 80.120, 80.210, 80.220, 80.230, 80.250, 2 80.400, 80.410, 80.420, 80.460, 80.620, 80.640, 80.650, and 80.660, RSMo, are repealed and 3 sixteen new sections enacted in lieu thereof, to be known as sections 80.050, 80.060, 80.110, 4 80.120, 80.210, 80.220, 80.230, 80.250, 80.400, 80.410, 80.420, 80.460, 80.620, 80.640, 80.650, 5 and 80.660, to read as follows:

80.050. No person shall be a trustee who has not attained the age of twenty-one years; 2 who is not a citizen of the United States; who is not an inhabitant of the town at the time of [his] 3 **the person's** election, and has not resided therein for one whole year next preceding the time of 4 [his] **the person's** election.

80.060. Every trustee, before entering upon the duties of [his] **the** office, shall take the 2 oath prescribed by the constitution of this state, and that [he] **the trustee** will faithfully demean 3 himself **or herself** in office. Every board of trustees shall assemble within twenty days after their 4 **initial** appointment or **after each annual** election **of members of the board**, and choose a 5 [chairman] **chair** of their number, and some other person as clerk. The [chairman] **chair** may 6 vote on any proposition before the board. The board of trustees, by ordinance, shall fix the time 7 and place of holding their stated meetings, and may be convened by the [chairman] **chair** at any 8 time, **upon the advice and consent of two other members of the board.**

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.

80.110. No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the board of trustees vote therefor, and the yeas and nays be entered upon the journal; every proposed ordinance shall be introduced to the board of trustees in writing and shall be read by title or in full two times prior to passage, both readings may occur at a single meeting of the board of trustees. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the board of trustees. All ordinances shall be in full force and effect from and after their passage [after being] **and shall, immediately upon passage, be** duly signed by the [chairman] **chair** of the board of trustees and attested by the village clerk.

80.120. The [chairman] **chair** of the board shall cause to be printed and published the bylaws and ordinances of the board, for the information of the inhabitants, and cause the same to be carried into effect. [He] **Such person** shall remain in **the** office [for the term for which he is appointed or elected as a trustee] **of chair until the next assembly of the board as provided by section 80.060 unless sooner removed from the office of chair by a majority vote of the full board;** but in case of [his] **such person's** absence at any meeting of the board, the board may appoint a [chairman] **chair** pro tempore, and in case [he] **such person** shall die, resign, be removed from office or remove from the town, the board of trustees shall appoint one of their number [chairman] **as chair**, who shall hold the office **of chair** for the unexpired term **unless sooner removed from the office of chair by a majority vote of the full board.**

80.210. The [chairman] **chair** of each board of trustees shall, semiannually, make out a correct statement of all moneys received and expended on account of their respective towns during the six months next preceding; and shall cause such statement, within ten days thereafter, to be published, either in some newspaper printed in the same town, or by causing copies of such statement to be put up in six of the most public places in such town.

80.220. If the [chairman] **chair** of the board of trustees of any town shall, at any time, neglect to make, and cause such statement to be published, as required by section 80.210, [he] **such person** shall forfeit for every such neglect the sum of fifty dollars, to be recovered by civil action in any court of record, one-half whereof shall be to the use of such town, and the other half to the use of any taxpayer of said town who will sue for the same.

80.230. All vacancies in the board of trustees shall be filled by the remaining members of the board. In case the office of [chairman] **chair** becomes vacant, the remaining members shall select one of their own number as temporary [chairman] **chair** and then proceed to elect some person to fill such vacancy; provided, the [chairman] **chair** or temporary [chairman] **chair** shall have no vote except in case of a tie.

80.250. Every constable, marshal, collector and treasurer appointed by virtue of section 2 80.240 shall, before [he] **such person** enters on the duties of [his] **the** office, enter into bond, 3 payable to the city or town of which [he] **such person** is an officer, with good and sufficient 4 securities, in any sum not less than one thousand dollars, the amount to be fixed and the bond 5 to be approved by the board of trustees. The bond shall be conditioned that [he] **such person** 6 will faithfully perform the duties of [his] **the** office according to law.

80.400. The marshal appointed by the trustees of the inhabitants of such towns, giving 2 bond and ample security for the performance of [his] **the marshal's** duties, is hereby authorized 3 to execute orders and process, arising under the ordinances of said town, and who, within the 4 corporate limits of said town, shall have concurrent power with the constable of the district, if 5 any, and the sheriff of the county in which said town is situated to execute all orders, notices, 6 writs and other process and duties that may be executed by such constable or sheriff, with like 7 effect, and shall receive the same fees therefor.

80.410. The town marshal shall be chief of police, and shall at all times have power to 2 make or order all arrests, with proper process, for any offenses against the laws of the state, or 3 of the town, by day or by night, and bring the offender to trial before the proper court, and [he] 4 **the town marshal** shall have power to arrest without process in all cases where any such offense 5 shall be committed, or attempted to be committed, in [his] **the town marshal's** presence.

80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject 2 to the orders of the marshal only as chief of police; but any marshal, assistant marshal or 3 policeman may be instantly removed from [his] **the** office by the board of trustees at a regular 4 or called meeting, for any wanton neglect of duty.

2. Nothing in this section shall be construed to authorize the board of trustees to remove 6 or discharge any chief, as that term is defined in section 106.273.

80.460. 1. The [chairman] **chair** of the board of trustees of all towns and villages in this 2 state shall procure from the clerk of the county commission in which such town is located, and 3 it shall be the duty of said clerk to deliver to the [chairman] **chair** of the board of trustees within 4 twenty days after the date of the final adjournment of the board of equalization a certified 5 abstract from [his] **the clerk's** assessment books, as corrected by the board of equalization, on 6 all property within such town subject to its taxing power and the assessed value thereof as 7 corrected by the board of equalization, which abstract shall be immediately transmitted to the 8 board of trustees, and it shall be the duty of such board of trustees to establish by ordinance the 9 annual rates of tax levy for the year for municipal purposes upon all subjects and objects of 10 taxation within such town, which tax shall not exceed the maximum rate for general municipal 11 purposes of fifty cents on the one hundred dollars assessed valuation; provided, however, that 12 the rate of taxation for general municipal purposes herein limited may be increased for such

13 purposes for a period not to exceed four years at any one time when such rate and purpose of
 14 increase are submitted to a vote of the voters within such towns and two-thirds of the voters
 15 voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate
 16 of taxation not to exceed thirty cents on the one hundred dollars assessed valuation. The board
 17 of trustees of any such towns may submit a question for increase of levy when in the opinion of
 18 such board of trustees the necessity therefor arises, and such question shall be submitted by such
 19 board of trustees when petitioned therefor by voters equaling in number five percent or more of
 20 the voters of such towns or villages voting for mayor or member of board of trustees at the last
 21 election at which a mayor or member of board of trustees was elected.

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

23 Shall there be a cent increase in levy on one hundred dollars assessed valuation for
 24 general municipal purposes for years?

25 3. If such increase in levy shall be voted, then such increased levy shall be effective for
 26 the number of years designated, and no longer, but such towns through their boards of trustees
 27 may submit any such proposal for continuing such increase of levy at any time for like periods
 28 not to exceed four years each.

80.620. The trustee, before entering upon the discharge of [his] **the trustee's** duties, shall
 2 take and subscribe an oath before some judge or associate circuit judge that [he] **such person**
 3 will faithfully discharge the duties of [his] **the trustee's** office; and shall, moreover, give bond,
 4 with sufficient security, to be approved of by the court, to the use of such disincorporated town
 5 or village, conditioned for the faithful discharge of the duties of [his] **the trustee's** office.

80.640. The trustee shall make a report of [his] **the trustee's** proceedings to the county
 2 commission at each term thereof.

80.650. When the trustee shall have closed the affairs of the corporation, [he] **the trustee**
 2 shall pay over to the county commission all moneys remaining in [his] **the trustee's** hands, and
 3 deliver to the clerk of such commission all books, papers, records and deeds belonging to the
 4 dissolved corporation.

80.660. The trustee shall receive for [his] **the trustee's** services such compensation as
 2 the commission shall think reasonable.

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