

FIRST REGULAR SESSION

HOUSE BILL NO. 245

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTLER.

0914H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 590.650, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

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

Section A. Section 590.650, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 67.287, 71.187, and 590.650, to read as follows:

67.287. 1. As used in this section, the following terms mean:

(1) “Minimum standards”, adequate and material provision of at least seventy-five percent of the items listed in subsection 2 of this section;

(2) “Municipality”, any city, town, or village located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(3) “Peace officer”, any peace officer as defined in section 590.010 who is licensed under chapter 590.

2. Every municipality shall meet minimum standards by providing the following municipal services, financial services, and reports:

(1) A balanced annual budget listing anticipated revenues and expenditures, as required in section 67.010, for each political subdivision;

(2) Creation, funding, and regular implementation of a capital improvements plan to identify and prioritize capital expenditures and to ensure adequate maintenance of public roads and streets, parks, and other public facilities owned by the municipality including, but not limited to, buildings and major equipment;

(3) An annual audit by a certified public accountant of the finances of the municipality. Entities with annual revenues of less than four hundred thousand dollars,

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 in lieu of an audit, may submit an annual report of financial transactions necessary to
19 comply with section 105.145, along with a report on internal controls utilized by the
20 municipality and prepared by a qualified financial consultant that are implemented to
21 prevent misuse of public funds. The municipality should include its current procedures
22 that show compliance with or reasonable exceptions to the recommended internal controls;

23 (4) A cash management and accounting system that accounts for all revenues and
24 expenditures;

25 (5) Adequate levels of insurance to minimize risk to include:

26 (a) General liability coverage;

27 (b) If applicable, liability coverage with endorsements to cover emergency medical
28 personnel and paramedics;

29 (c) If applicable, police professional liability coverage;

30 (d) Workers compensation benefits for injured employees under the provisions of
31 chapter 287;

32 (e) Bonds for local officials as required by sections 77.390, 79.260, 80.250, or local
33 charter;

34 (6) Public access to a complete set of ordinances adopted by the governing body
35 available to the public within ten business days of a written request. An online version of
36 the regulations or code shall satisfy this requirement for those ordinances which are
37 codified;

38 (7) Under the provisions of section 70.280, a law enforcement unit comprised of
39 armed peace officers, with at least two peace officers per shift who are available to respond
40 twenty-four hours a day, seven days a week, and with at least one peace officer normally
41 available to respond within ten minutes of being contacted by the dispatcher. This
42 requirement may be satisfied by using peace officers employed by the city, town, village,
43 or through a contract. Two peace officers are not required to be physically present in the
44 municipality at all times;

45 (8) Written policies regarding the safe operation of emergency vehicles, including
46 a policy on police pursuit;

47 (9) Written policies regarding the use of force by peace officers;

48 (10) Construction code review, directly or by contract with a public or private
49 agency;

50 (11) Refuse and recycling collection that complies with applicable county codes;
51 and

52 (12) Information published annually on the website of the municipality indicating
53 how the municipality met the standards in this subsection. If there is no municipal website,

54 the information shall be submitted to the county for publication on its website, if it has a
55 website.

56 **3. (1) If any resident of a municipality is of the opinion that the municipality is**
57 **materially failing to provide at least three of the standards listed in subsection 2 of this**
58 **section for at least two months after having provided notice, in writing, to the chief elected**
59 **official, chief executive officer, or the governmental body, then a petition may be submitted**
60 **to the election authority of the county. If the election authority determines that the petition**
61 **has been signed by at least thirty percent of the registered voters in the municipality who**
62 **voted in the last gubernatorial election, the election authority shall forward the petition to**
63 **the presiding judge of the circuit court of that county, who shall review the petition to**
64 **determine if there is probable cause that the municipality is materially failing to provide**
65 **at least three of the standards listed in subsection 2 of this section. If the court determines**
66 **that probable cause exists, the court shall notify the municipality and the municipal league**
67 **of the county or a similar association.**

68 **(2) The league or association shall request the assistance of a local university, and**
69 **such university shall appoint an advisory committee consisting of at least three but not**
70 **more than five voting members with relevant experience and qualifications, comprised of**
71 **at least one municipal elected official and two senior municipal management employees**
72 **with expertise in city administration or the specific substantive areas of concern identified**
73 **in the residents' petition, with input from the municipality alleged to be operating below**
74 **minimum standards. The members of the advisory committee shall serve without**
75 **compensation unless the municipality agrees to compensate the members based on the**
76 **members' standard levels of income. Any member may decline the compensation.**

77 **(3) The university shall consider members of any local professional organization**
78 **consisting of local government employees with a substantial number of members who work**
79 **in the same county as the municipality. The university shall serve as the secretary of the**
80 **advisory committee. The advisory committee shall review the services in question and**
81 **others listed in subsection 2 of this section as it sees fit and develop a plan to permanently**
82 **correct deficiencies and present the plan to the governing body of the subject municipality.**

83 **(4) The advisory committee shall meet within thirty days of the time that the third**
84 **member is appointed. Within thirty days of the first meeting, the municipality shall**
85 **provide all information available or that reasonably can be assembled as requested by the**
86 **committee. The advisory committee may also solicit assistance from other state and local**
87 **governments and agencies that may be of value in rendering recommendations. Any**
88 **statewide office holder shall assist the advisory committee upon request of the committee.**

89 **(5) The advisory committee shall make its recommendations for improvement in**
90 **any area listed in subsection 2 to the municipality within sixty days of its first meeting. The**
91 **municipality shall consider the recommendations and shall substantially remedy the**
92 **substandard activities and implement other changes to ensure that services will remain up**
93 **to minimum standards in the future.**

94 **4. Following the process outlined in subsection 3 of this section, if any municipality**
95 **fails to ensure that seventy-five percent or more of the standards listed in subsection 2 of**
96 **this section are regularly provided and are likely to continue to be provided, the petition**
97 **authorized in subsection 3 of this section may be presented to the circuit court of the**
98 **county within twelve months of its original certification by the election board of the county.**
99 **The court shall conduct a hearing and after the hearing the court shall declare whether the**
100 **municipality is operating below minimum standards, and if it is, the municipality shall**
101 **have ninety days to rectify the deficiencies in services noted by the court. If after ninety**
102 **days the municipality is still deemed by the court to be operating below minimum**
103 **standards, the court shall pursue the following remedies in the order listed:**

104 **(1) Appointment by the court of an administrative authority for the municipality**
105 **including, but not limited to, another political subdivision, the state, or a qualified private**
106 **party to administer all revenues under the name of the municipality or its agents and all**
107 **funds collected on behalf of the municipality deemed by the court to be operating below**
108 **minimum standards. If the court enters an order authorizing an administrative authority**
109 **to administer the revenues under this subdivision, the director of revenue or other party**
110 **charged with distributing tax revenue shall distribute such revenues and funds to the**
111 **administrative authority who shall use such revenues and existing funds to provide the**
112 **services required under a plan approved by the court. The court shall direct all financial**
113 **and other institutions holding funds of the municipality to honor the directives of the**
114 **administrative authority. Any salaries and benefits paid to the members of the governing**
115 **body shall cease from the time of the appointment of the administrative authority until**
116 **such time as the governing body resumes receipt of income by court order;**

117 **(2) Removal from office of any or all elected officials of the municipality by the**
118 **court if it believes, at the end of one hundred eighty days from the date of the court**
119 **declaration, that standards still are not met. The court shall appoint new officials to fill**
120 **the remainder of the terms of those removed from office in a manner to create a logical**
121 **transition;**

122 **(3) If the court believes that standards still are not being met at the end of ninety**
123 **days from the time of the appointment of new officials, the court will order placement on**
124 **the ballot of a proposal to merge the municipality deemed by the court to be operating**

125 below minimum standards with an adjacent municipality, if one exists, and the elected
126 officials of the neighboring municipality shall pass a resolution supporting an election to
127 merge the two municipalities. If the voters in each municipality approve the proposed
128 merger with a separate majority in each municipality, such merger shall become effective
129 six months after the date of the election. If the vote to merge the municipalities fails to
130 receive a separate majority in each municipality, the court may proceed to the fourth
131 remedy; and

132 (4) If at least forty percent of the registered voters residing in the subject
133 municipality submit a petition to the court seeking disincorporation, the court shall place
134 on the ballot a proposal to order the disincorporation of the municipality to be effective on
135 a date to be set by the court following the approval of the order of disincorporation.

136 5. The court shall have ongoing jurisdiction to enforce its orders and carry out the
137 remedies in subsection 4 of this section.

71.187. Notwithstanding the provisions of section 71.185, every law enforcement
2 agency shall carry liability insurance for each law enforcement officer it employs and pay
3 the premiums therefor, subject to appropriations, to insure against claims or causes of
4 action for property damage or personal injuries, including death, caused while the law
5 enforcement officers are in the exercise of governmental functions. If the premiums for
6 any such officer are increased due to improper, overly violent, or risky conduct, the officer
7 shall be individually responsible for the increased premium amount.

590.650. 1. As used in this section "minority group" means individuals of African,
2 Hispanic, Native American or Asian descent.

3 2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report the
4 following information to the law enforcement agency that employs the officer:

5 (1) The age, gender and race or minority group of the individual stopped;

6 (2) The reasons for the stop;

7 (3) Whether a search was conducted as a result of the stop;

8 (4) If a search was conducted, whether the individual consented to the search, the
9 probable cause for the search, whether the person was searched, whether the person's property
10 was searched, and the duration of the search;

11 (5) Whether any contraband was discovered in the course of the search and the type of
12 any contraband discovered;

13 (6) Whether any warning or citation was issued as a result of the stop;

14 (7) If a warning or citation was issued, the violation charged or warning provided;

15 (8) Whether an arrest was made as a result of either the stop or the search;

16 (9) If an arrest was made, the crime charged; and

17 (10) The location of the stop. Such information may be reported using a format
18 determined by the department of public safety which uses existing citation and report forms.

19 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of
20 this section for the calendar year into a report to the attorney general.

21 (2) Each law enforcement agency shall submit the report to the attorney general no later
22 than March first of the following calendar year.

23 (3) The attorney general shall determine the format that all law enforcement agencies
24 shall use to submit the report.

25 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies
26 required by this section and submit a report of the findings to the governor, the general assembly
27 and each law enforcement agency no later than June first of each year.

28 (2) The report of the attorney general shall include at least the following information for
29 each agency:

30 (a) The total number of vehicles stopped by peace officers during the previous calendar
31 year;

32 (b) The number and percentage of stopped motor vehicles that were driven by members
33 of each particular minority group;

34 (c) A comparison of the percentage of stopped motor vehicles driven by each minority
35 group and the percentage of the state's population that each minority group comprises; and

36 (d) A compilation of the information reported by law enforcement agencies pursuant to
37 subsection 2 of this section.

38 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

39 (1) Prohibits the practice of routinely stopping members of minority groups for
40 violations of vehicle laws as a pretext for investigating other violations of criminal law;

41 (2) Provides for periodic reviews by the law enforcement agency of the annual report of
42 the attorney general required by subsection 4 of this section that:

43 (a) Determine whether any peace officers of the law enforcement agency have a pattern
44 of stopping members of minority groups for violations of vehicle laws in a number
45 disproportionate to the population of minority groups residing or traveling within the jurisdiction
46 of the law enforcement agency; and

47 (b) If the review reveals a pattern, require an investigation to determine whether any
48 peace officers of the law enforcement agency routinely stop members of minority groups for
49 violations of vehicle laws as a pretext for investigating other violations of criminal law; and

50 (3) Provides for appropriate counseling and training of any peace officer found to have
51 engaged in race-based traffic stops within ninety days of the review. The course or courses of
52 instruction and the guidelines shall stress understanding and respect for racial and cultural

53 differences, and development of effective, noncombative methods of carrying out law
54 enforcement duties in a racially and culturally diverse environment.

55 6. If a law enforcement agency fails to comply with the provisions of this section, the
56 governor may withhold any state funds appropriated to the noncompliant law enforcement
57 agency.

58 7. **Any law enforcement agency that has a disproportionate number of stops**
59 **compared to the population of a specific race, evidenced by a disparity index of 1.00 or**
60 **greater, for three consecutive years shall be dissolved and a law enforcement agency from**
61 **an adjoining county, city, town, or village with a disparity index equal to or less than .50**
62 **shall assume the duties and the funding of the dissolved agency. If there are no such**
63 **adjoining counties, cities, towns, or villages with the required disparity index, the state**
64 **highway patrol shall assume the duties of the dissolved agency.**

65 8. Each law enforcement agency in this state may utilize federal funds from
66 community-oriented policing services grants or any other federal sources to equip each vehicle
67 used for traffic stops with a video camera and voice-activated microphone.

68 [8.] 9. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully
69 conducted sobriety check point or road block shall be exempt from the reporting requirements
70 of subsection 2 of this section.

✓