

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2941-01  
Bill No.: HB 1132  
Subject: Cities: Public Officials  
Type: Original  
Date: February 11, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

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ASSUMPTION

Officials of the **Office of State Courts Administrator** stated there would be no fiscal impact to the State's Courts.

**Officials of the Office of Prosecution Services** stated there would be no cost to County Prosecutors.

Officials of the **City of West Plains** stated there would be unknown fiscal impact for hiring a Special Prosecutor.

Officials of the **City of Independence** estimates the cost of impeachment for the services of a Special Prosecutor, and an interim elected official could be as much as \$90,000.

**Oversight assumes this proposal is procedural and would have no state or local impact. Certain cities would have some additional costs if they were to hold impeachment proceedings under this proposal, however, this proposal does not mandate cities to hold impeachment proceedings. Therefore, Oversight assumes no fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill revises the law governing the removal of officers and employees of third and fourth class cities. Under current law, in third and fourth class cities, the mayor may remove any elective officer of the city for cause with the concurrence of a majority of the city council, as

long as the officer is given a hearing by the council sitting as a court of impeachment. The

DESCRIPTION (cont.)

city council, on a two-thirds vote, can remove an elective officer for cause without the concurrence of the mayor. In addition, the mayor may remove any appointive officer of the city at will with the concurrence of a majority of the council, and two-thirds of the council can remove an appointive official without the concurrence of the mayor. The city council is given authority to regulate the manner of impeachment and removal.

This bill establishes statutory standards and procedures for impeachment of elective officers of third and fourth class cities. Among the standards and procedures, the bill:

- (1) Specifies the causes for impeachment as commission of a felony, gross misconduct, habitual intoxication, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude;
- (2) Requires a two-thirds vote by the city council for the removal of any elected officer of the city;
- (3) Establishes a method for any person with knowledge that an elected officer may be subject to removal from office for the causes specified to file an affidavit with the city clerk alleging facts that might warrant impeachment;
- (4) Establishes procedures for drawing up articles of impeachment and for a trial for removal, including requiring the hiring of a special prosecutor; and
- (5) Prohibits courts from enjoining or restraining impeachment proceedings but permits appeal of removal to the court of appeals.

In addition, the bill applies the procedures applicable to the removal of appointive officials to the removal of city employees.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

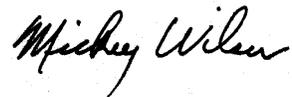
Office of State Courts Administrator

WB:LR:OD (12/01)

Office of Prosecution Services  
City of West Plains  
City of Independence

NOT RESPONDING

Cities of : Raytown, Ozark, Rolla, St. Peters, St. Ann, Poplar Bluff, Harrisonville, Florissant, and  
Chesterfield



Mickey Wilson, CPA  
Acting Director  
February 11, 2002