

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 307

AN ACT

To repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.430, 84.490, 84.830, 85.551, 99.845, 106.010, 106.270, 190.100, 321.015, 321.210, 321.322, and 590.080, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency service providers, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 77.046, 78.340, 79.240, 80.420, 84.120,
2 84.430, 84.490, 84.830, 85.551, 99.845, 106.010, 106.270,
3 190.100, 321.015, 321.210, 321.322, and 590.080, RSMo, are
4 repealed and nineteen new sections enacted in lieu thereof, to be
5 known as sections 67.145, 77.046, 78.340, 79.240, 80.420, 84.120,
6 84.430, 84.830, 85.551, 99.845, 106.010, 106.270, 106.273,
7 190.098, 190.100, 321.015, 321.210, 321.322, and 590.080, to read
8 as follows:

9 67.145. No political subdivision of this state shall
10 prohibit any first responder, as the term "first responder" is
11 defined in section 192.800, from engaging in any political
12 activity while off duty and not in uniform, being a candidate for
13 elected or appointed public office, or holding such office unless
14 such political activity or candidacy is otherwise prohibited by
15 state or federal law.

1 77.046. 1. Upon the adoption of a city administrator form
2 of government, the governing body of the city may provide that
3 all other officers and employees of the city, except elected
4 officers, shall be appointed and discharged by the city
5 administrator, but the governing body may make reasonable rules
6 and regulations governing the same.

7 2. Nothing in this section shall be construed to authorize
8 the city to remove or discharge any chief, as that term is
9 defined in section 106.273.

10 78.340. 1. Before entering upon the duties of their office
11 each of said commissioners shall take and subscribe an oath,
12 which shall be filed and kept in the office of the city clerk, to
13 support the Constitution of the state of Missouri and to obey the
14 laws and aim to secure and maintain an honest and efficient force
15 free from partisan distinction or control, and to perform the
16 duties of his office to the best of his ability.

17 2. Nothing in this section shall be construed to authorize
18 the commissioners to remove or discharge any chief, as that term
19 is defined in section 106.273.

20 79.240. 1. The mayor may, with the consent of a majority
21 of all the members elected to the board of aldermen, remove from
22 office, for cause shown, any elective officer of the city, such
23 officer being first given opportunity, together with his
24 witnesses, to be heard before the board of aldermen sitting as a
25 board of impeachment. Any elective officer, including the mayor,
26 may in like manner, for cause shown, be removed from office by a
27 two-thirds vote of all members elected to the board of aldermen,
28 independently of the mayor's approval or recommendation. The

1 mayor may, with the consent of a majority of all the members
2 elected to the board of aldermen, remove from office any
3 appointive officer of the city at will, and any such appointive
4 officer may be so removed by a two-thirds vote of all the members
5 elected to the board of aldermen, independently of the mayor's
6 approval or recommendation. The board of aldermen may pass
7 ordinances regulating the manner of impeachments and removals.

8 2. Nothing in this section shall be construed to authorize
9 the mayor, with the consent of the majority of all the members
10 elected to the board of aldermen, or the board of aldermen by a
11 two-thirds vote of all its members, to remove or discharge any
12 chief, as that term is defined in section 106.273.

13 80.420. 1. The policemen of the town, in the discharge of
14 their duties, shall be subject to the orders of the marshal only
15 as chief of police; but any marshal, assistant marshal or
16 policeman may be instantly removed from his office by the board
17 of trustees at a regular or called meeting, for any wanton
18 neglect of duty.

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

22 84.120. 1. No person shall be appointed or employed as
23 policeman, turnkey, or officer of police who shall have been
24 convicted of, or against whom any indictment may be pending, for
25 any offense, the punishment of which may be confinement in the
26 penitentiary; nor shall any person be so appointed who is not of
27 good character, or who is not a citizen of the United States, or
28 who is not able to read and write the English language, or who

1 does not possess ordinary physical strength and courage. The
2 patrolmen and turnkeys hereafter appointed shall serve while they
3 shall faithfully perform their duties and possess mental and
4 physical ability and be subject to removal only for cause after a
5 hearing by the boards, who are hereby invested with the
6 jurisdiction in the premises.

7 2. The board shall have the sole discretion whether to
8 delegate portions of its jurisdiction to hearing officers. The
9 board shall retain final and ultimate authority over such matters
10 and over the person to whom the delegation may be made. In any
11 hearing before the board under this section, the member involved
12 may make application to the board to waive a hearing before the
13 board and request that a hearing be held before a hearing
14 officer.

15 3. Nothing in this section or chapter shall be construed to
16 prohibit the board of police commissioners from delegating any
17 task related to disciplinary matters, disciplinary hearings, or
18 any other hearing or proceeding which could otherwise be heard by
19 the board or concerning any determination related to whether an
20 officer is able to perform the necessary functions of the
21 position. Tasks related to the preceding matter may be delegated
22 by the board to a hearing officer under the provisions of
23 subsection 4 of this section.

24 4. (1) The hearing officer to whom a delegation has been
25 made by the board may, at the sole discretion of the board,
26 perform certain functions, including but not limited to the
27 following:

28 (a) Presiding over a disciplinary matter from its inception

1 through to the final hearing;

2 (b) Preparing a report to the board of police
3 commissioners; and

4 (c) Making recommendations to the board of police
5 commissioners as to the allegations and the appropriateness of
6 the recommended discipline.

7 (2) The board shall promulgate rules, which may be changed
8 from time to time as determined by the board, and shall make such
9 rules known to the hearing officer or others.

10 (3) The board shall at all times retain the authority to
11 render the final decision after a review of the relevant
12 documents, evidence, transcripts, videotaped testimony, or report
13 prepared by the hearing officer.

14 5. Hearing officers shall be selected in the following
15 manner:

16 (1) The board shall establish a panel of not less than five
17 persons, all who are to be licensed attorneys in good standing
18 with the Missouri Bar. The composition of the panel may change
19 from time to time at the board's discretion;

20 (2) From the panel, the relevant member or officer and a
21 police department representative shall alternatively and
22 independently strike names from the list with the last remaining
23 name being the designated hearing officer. The board shall
24 establish a process to be utilized for each hearing which will
25 determine which party makes the first strike and the process may
26 change from time to time;

27 (3) After the hearing officer is chosen and presides over a
28 matter, such hearing officer shall become ineligible until all

1 hearing officers listed have been utilized, at which time the
2 list shall renew, subject to officers' availability.

3 6. Nothing in this section shall be construed to authorize
4 the board of police commissioners to remove or discharge any
5 chief, as that term is defined in section 106.273.

6 84.430. 1. The board shall hear all complaints or charges
7 filed against any member of the police department. All
8 complaints or charges filed by persons other than the
9 commissioners or police officers shall be verified by the oath of
10 the person filing such complaints or charges. The board may at
11 any time order the discharge of a specified number of police
12 officers for the reason that in the opinion of the board, the
13 police force is larger than the interests of the public demand or
14 that there is insufficient money to pay the expenses of
15 maintaining the police force as then organized; and in such cases
16 it shall not be necessary to file any complaint or charges or to
17 permit a hearing by the board of the policemen or police officers
18 to be removed; but policemen and police officers so dismissed
19 shall be placed at the top of the suitable eligible lists, and
20 when vacancies so created shall be filled the policemen or police
21 officers thus removed shall, if they so desire, be reappointed to
22 fill such vacancies in the order in which such policemen or
23 police officers were removed.

24 2. Any member of the board shall have power to summon and
25 compel the attendance of witnesses before the board and the
26 production of books and papers before them whenever it may be
27 necessary for the more effective discharge of the board's duties
28 and responsibilities. Any member of the board or the secretary

1 of the board shall have the power to administer oaths or
2 affirmations to any person appearing or called before said board.

3 3. Nothing in this section shall be construed to authorize
4 the board to remove or discharge any chief, as that term is
5 defined in section 106.273.

6 84.830. 1. [No person shall solicit orally, or by letter
7 or otherwise, or shall be in any manner concerned in soliciting,
8 any assessment, contribution, or payment for any political
9 purpose whatsoever from any officer or employee in the service of
10 the police department for such cities or from members of the said
11 police board.] No officer, agent, or employee of the police
12 department of such cities shall permit any [such] solicitation
13 for political purpose in any building or room occupied for the
14 discharge of the official duties of the said department. [No
15 officer or employee in the service of said police department
16 shall directly or indirectly give, pay, lend, or contribute any
17 part of his salary or compensation or any money or other valuable
18 thing to any person on account of, or to be applied to, the
19 promotion of any political party, political club, or any
20 political purpose whatever.]

21 2. No officer or employee of said department shall promote,
22 remove, or reduce any other official or employee, or promise or
23 threaten to do so, for withholding or refusing to make any
24 contribution for any political party or purpose or club, or for
25 refusal to render any political service, and shall not directly
26 or indirectly attempt to coerce, command, or advise any other
27 officer or employee to make any such contribution or render any
28 such service. No officer or employee in the service of said

1 department or member of the police board shall use his official
2 authority or influence for the purpose of interfering with any
3 election or any nomination for office, or affecting the result
4 thereof. No officer or employee of such department shall [be a
5 member or official of any committee of any political party, or be
6 a ward committeeman or committeewoman, nor shall any such officer
7 or employee] solicit any person to vote for or against any
8 candidate for public office, or "poll precincts" or be connected
9 with other political work of similar character on behalf of any
10 political organization, party, or candidate while on duty or
11 while wearing the official uniform of the department. All such
12 persons shall, however, retain the right to vote as they may
13 choose and to express their opinions on all political subjects
14 and candidates.

15 3. No person or officer or employee of said department
16 shall affix any sign, bumper sticker or other device to any
17 property or vehicle under the control of said department which
18 either supports or opposes any ballot measure or political
19 candidate.

20 4. No question in any examination shall relate to political
21 or religious opinions or affiliations, and no appointment,
22 transfer, layoff, promotion, reduction, suspension, or removal
23 shall be affected by such opinions or affiliations.

24 5. No person shall make false statement, certification,
25 mark, rating, or report with regard to any tests, certificate, or
26 appointment made under any provision of sections 84.350 to 84.860
27 or in any manner commit or attempt to commit any fraud preventing
28 the impartial execution of this section or any provision thereof.

1 6. No person shall, directly or indirectly, give, render,
2 pay, offer, solicit, or accept any money, service, or other
3 valuable consideration for or on account of any appointment,
4 proposed appointment, promotion to, or any advancement in, a
5 position in the service of the police departments of such cities.

6 7. No person shall defeat, deceive, or obstruct any person
7 in his right to examination, eligibility, certification,
8 appointment or promotion under sections 84.350 to 84.860, or
9 furnish to any person any such secret information for the purpose
10 of affecting the right or prospects of any person with respect to
11 employment in the police departments of such cities.

12 8. Any officer or any employee of the police department of
13 such cities who shall be found by the board to have violated any
14 of the provisions of this section shall be discharged forthwith
15 from said service. It shall be the duty of the chief of police
16 to prefer charges against any such offending person at once. Any
17 member of the board or of the common council of such cities may
18 bring suit to restrain payment of compensation to any such
19 offending officer or employee and, as an additional remedy, any
20 such member of the board or of the common council of such cities
21 may also apply to the circuit court for a writ of mandamus to
22 compel the dismissal of such offending officer or employee.
23 Officers or employees discharged by such mandamus shall have no
24 right of review before the police board. Any person dismissed or
25 convicted under this section shall, for a period of five years,
26 be ineligible for appointment to any position in the service of
27 the police department of such cities or the municipal government
28 of such cities. Any persons who shall willfully or through

1 culpable negligence violate any of the provisions of this section
2 may, upon conviction thereof, be punished by a fine of not less
3 than fifty dollars and not exceeding five hundred dollars, or by
4 imprisonment for a time not exceeding six months, or by both such
5 fine and imprisonment.

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

9 85.551. 1. In cities of the third class which shall not
10 have adopted the merit system police department provided for in
11 sections 85.541 to 85.571, the marshal shall be the chief of
12 police, and there also may be one assistant marshal, who shall
13 serve for a term of one year and who shall be deputy chief of
14 police; such number of regular policemen as may be deemed
15 necessary by the council for the good government of the city, who
16 shall serve for terms of one year; and such number of special
17 policemen as may be prescribed by ordinance, to serve for such
18 time as may be prescribed by ordinance.

19 2. The manner of appointing the assistant marshal and all
20 policemen of the city shall be prescribed by ordinance. The
21 council shall also, by ordinance, provide for the removal of any
22 marshal, assistant marshal or policeman guilty of misbehavior in
23 office.

24 3. Nothing in this section shall be construed to authorize
25 the council to remove or discharge any chief, as that term is
26 defined in section 106.273.

27 99.845. 1. A municipality, either at the time a
28 redevelopment project is approved or, in the event a municipality

1 has undertaken acts establishing a redevelopment plan and
2 redevelopment project and has designated a redevelopment area
3 after the passage and approval of sections 99.800 to 99.865 but
4 prior to August 13, 1982, which acts are in conformance with the
5 procedures of sections 99.800 to 99.865, may adopt tax increment
6 allocation financing by passing an ordinance providing that after
7 the total equalized assessed valuation of the taxable real
8 property in a redevelopment project exceeds the certified total
9 initial equalized assessed valuation of the taxable real property
10 in the redevelopment project, the ad valorem taxes, and payments
11 in lieu of taxes, if any, arising from the levies upon taxable
12 real property in such redevelopment project by taxing districts
13 and tax rates determined in the manner provided in subsection 2
14 of section 99.855 each year after the effective date of the
15 ordinance until redevelopment costs have been paid shall be
16 divided as follows:

17 (1) That portion of taxes, penalties and interest levied
18 upon each taxable lot, block, tract, or parcel of real property
19 which is attributable to the initial equalized assessed value of
20 each such taxable lot, block, tract, or parcel of real property
21 in the area selected for the redevelopment project shall be
22 allocated to and, when collected, shall be paid by the county
23 collector to the respective affected taxing districts in the
24 manner required by law in the absence of the adoption of tax
25 increment allocation financing;

26 (2) (a) Payments in lieu of taxes attributable to the
27 increase in the current equalized assessed valuation of each
28 taxable lot, block, tract, or parcel of real property in the area

1 selected for the redevelopment project and any applicable penalty
2 and interest over and above the initial equalized assessed value
3 of each such unit of property in the area selected for the
4 redevelopment project shall be allocated to and, when collected,
5 shall be paid to the municipal treasurer who shall deposit such
6 payment in lieu of taxes into a special fund called the "Special
7 Allocation Fund" of the municipality for the purpose of paying
8 redevelopment costs and obligations incurred in the payment
9 thereof. Payments in lieu of taxes which are due and owing shall
10 constitute a lien against the real estate of the redevelopment
11 project from which they are derived and shall be collected in the
12 same manner as the real property tax, including the assessment of
13 penalties and interest where applicable. The municipality may,
14 in the ordinance, pledge the funds in the special allocation fund
15 for the payment of such costs and obligations and provide for the
16 collection of payments in lieu of taxes, the lien of which may be
17 foreclosed in the same manner as a special assessment lien as
18 provided in section 88.861. No part of the current equalized
19 assessed valuation of each lot, block, tract, or parcel of
20 property in the area selected for the redevelopment project
21 attributable to any increase above the total initial equalized
22 assessed value of such properties shall be used in calculating
23 the general state school aid formula provided for in section
24 163.031 until such time as all redevelopment costs have been paid
25 as provided for in this section and section 99.850;

26 (b) Notwithstanding any provisions of this section to the
27 contrary, for purposes of determining the limitation on
28 indebtedness of local government pursuant to article VI, section

1 26(b) of the Missouri Constitution, the current equalized
2 assessed value of the property in an area selected for
3 redevelopment attributable to the increase above the total
4 initial equalized assessed valuation shall be included in the
5 value of taxable tangible property as shown on the last completed
6 assessment for state or county purposes;

7 (c) The county assessor shall include the current assessed
8 value of all property within the taxing district in the aggregate
9 valuation of assessed property entered upon the assessor's book
10 and verified pursuant to section 137.245, and such value shall be
11 utilized for the purpose of the debt limitation on local
12 government pursuant to article VI, section 26(b) of the Missouri
13 Constitution;

14 (3) For purposes of this section, "levies upon taxable real
15 property in such redevelopment project by taxing districts" shall
16 not include the blind pension fund tax levied under the authority
17 of article III, section 38(b) of the Missouri Constitution, or
18 the merchants' and manufacturers' inventory replacement tax
19 levied under the authority of subsection 2 of section 6 of
20 article X of the Missouri Constitution, except in redevelopment
21 project areas in which tax increment financing has been adopted
22 by ordinance pursuant to a plan approved by vote of the governing
23 body of the municipality taken after August 13, 1982, and before
24 January 1, 1998.

25 2. In addition to the payments in lieu of taxes described
26 in subdivision (2) of subsection 1 of this section, for
27 redevelopment plans and projects adopted or redevelopment
28 projects approved by ordinance after July 12, 1990, and prior to

1 August 31, 1991, fifty percent of the total additional revenue
2 from taxes, penalties and interest imposed by the municipality,
3 or other taxing districts, which are generated by economic
4 activities within the area of the redevelopment project over the
5 amount of such taxes generated by economic activities within the
6 area of the redevelopment project in the calendar year prior to
7 the adoption of the redevelopment project by ordinance, while tax
8 increment financing remains in effect, but excluding taxes
9 imposed on sales or charges for sleeping rooms paid by transient
10 guests of hotels and motels, taxes levied pursuant to section
11 70.500, licenses, fees or special assessments other than payments
12 in lieu of taxes and any penalty and interest thereon, or,
13 effective January 1, 1998, taxes levied pursuant to section
14 94.660, for the purpose of public transportation, shall be
15 allocated to, and paid by the local political subdivision
16 collecting officer to the treasurer or other designated financial
17 officer of the municipality, who shall deposit such funds in a
18 separate segregated account within the special allocation fund.
19 Any provision of an agreement, contract or covenant entered into
20 prior to July 12, 1990, between a municipality and any other
21 political subdivision which provides for an appropriation of
22 other municipal revenues to the special allocation fund shall be
23 and remain enforceable.

24 3. In addition to the payments in lieu of taxes described
25 in subdivision (2) of subsection 1 of this section, for
26 redevelopment plans and projects adopted or redevelopment
27 projects approved by ordinance after August 31, 1991, fifty
28 percent of the total additional revenue from taxes, penalties and

1 interest which are imposed by the municipality or other taxing
2 districts, and which are generated by economic activities within
3 the area of the redevelopment project over the amount of such
4 taxes generated by economic activities within the area of the
5 redevelopment project in the calendar year prior to the adoption
6 of the redevelopment project by ordinance, while tax increment
7 financing remains in effect, but excluding personal property
8 taxes, taxes imposed on sales or charges for sleeping rooms paid
9 by transient guests of hotels and motels, taxes levied pursuant
10 to section 70.500, taxes levied for the purpose of public
11 transportation pursuant to section 94.660, taxes imposed on sales
12 pursuant to section 650.399 for the purpose of emergency
13 communication systems, licenses, fees or special assessments
14 other than payments in lieu of taxes and penalties and interest
15 thereon, or any sales tax imposed by a county with a charter form
16 of government and with more than six hundred thousand but fewer
17 than seven hundred thousand inhabitants, for the purpose of
18 sports stadium improvement or levied by such county under section
19 238.410 for the purpose of the county transit authority operating
20 transportation facilities, shall be allocated to, and paid by the
21 local political subdivision collecting officer to the treasurer
22 or other designated financial officer of the municipality, who
23 shall deposit such funds in a separate segregated account within
24 the special allocation fund.

25 4. Beginning January 1, 1998, for redevelopment plans and
26 projects adopted or redevelopment projects approved by ordinance
27 and which have complied with subsections 4 to 12 of this section,
28 in addition to the payments in lieu of taxes and economic

1 activity taxes described in subsections 1, 2 and 3 of this
2 section, up to fifty percent of the new state revenues, as
3 defined in subsection 8 of this section, estimated for the
4 businesses within the project area and identified by the
5 municipality in the application required by subsection 10 of this
6 section, over and above the amount of such taxes reported by
7 businesses within the project area as identified by the
8 municipality in their application prior to the approval of the
9 redevelopment project by ordinance, while tax increment financing
10 remains in effect, may be available for appropriation by the
11 general assembly as provided in subsection 10 of this section to
12 the department of economic development supplemental tax increment
13 financing fund, from the general revenue fund, for distribution
14 to the treasurer or other designated financial officer of the
15 municipality with approved plans or projects.

16 5. The treasurer or other designated financial officer of
17 the municipality with approved plans or projects shall deposit
18 such funds in a separate segregated account within the special
19 allocation fund established pursuant to section 99.805.

20 6. No transfer from the general revenue fund to the
21 Missouri supplemental tax increment financing fund shall be made
22 unless an appropriation is made from the general revenue fund for
23 that purpose. No municipality shall commit any state revenues
24 prior to an appropriation being made for that project. For all
25 redevelopment plans or projects adopted or approved after
26 December 23, 1997, appropriations from the new state revenues
27 shall not be distributed from the Missouri supplemental tax
28 increment financing fund into the special allocation fund unless

1 the municipality's redevelopment plan ensures that one hundred
2 percent of payments in lieu of taxes and fifty percent of
3 economic activity taxes generated by the project shall be used
4 for eligible redevelopment project costs while tax increment
5 financing remains in effect. This account shall be separate from
6 the account into which payments in lieu of taxes are deposited,
7 and separate from the account into which economic activity taxes
8 are deposited.

9 7. In order for the redevelopment plan or project to be
10 eligible to receive the revenue described in subsection 4 of this
11 section, the municipality shall comply with the requirements of
12 subsection 10 of this section prior to the time the project or
13 plan is adopted or approved by ordinance. The director of the
14 department of economic development and the commissioner of the
15 office of administration may waive the requirement that the
16 municipality's application be submitted prior to the
17 redevelopment plan's or project's adoption or the redevelopment
18 plan's or project's approval by ordinance.

19 8. For purposes of this section, "new state revenues"
20 means:

21 (1) The incremental increase in the general revenue portion
22 of state sales tax revenues received pursuant to section 144.020,
23 excluding sales taxes that are constitutionally dedicated, taxes
24 deposited to the school district trust fund in accordance with
25 section 144.701, sales and use taxes on motor vehicles, trailers,
26 boats and outboard motors and future sales taxes earmarked by
27 law. In no event shall the incremental increase include any
28 amounts attributable to retail sales unless the municipality or

1 authority has proven to the Missouri development finance board
2 and the department of economic development and such entities have
3 made a finding that the sales tax increment attributable to
4 retail sales is from new sources which did not exist in the state
5 during the baseline year. The incremental increase in the
6 general revenue portion of state sales tax revenues for an
7 existing or relocated facility shall be the amount that current
8 state sales tax revenue exceeds the state sales tax revenue in
9 the base year as stated in the redevelopment plan as provided in
10 subsection 10 of this section; or

11 (2) The state income tax withheld on behalf of new
12 employees by the employer pursuant to section 143.221 at the
13 business located within the project as identified by the
14 municipality. The state income tax withholding allowed by this
15 section shall be the municipality's estimate of the amount of
16 state income tax withheld by the employer within the
17 redevelopment area for new employees who fill new jobs directly
18 created by the tax increment financing project.

19 9. Subsection 4 of this section shall apply only to
20 blighted areas located in enterprise zones, pursuant to sections
21 135.200 to 135.256, blighted areas located in federal empowerment
22 zones, or to blighted areas located in central business districts
23 or urban core areas of cities which districts or urban core areas
24 at the time of approval of the project by ordinance, provided
25 that the enterprise zones, federal empowerment zones or blighted
26 areas contained one or more buildings at least fifty years old;
27 and

28 (1) Suffered from generally declining population or

1 property taxes over the twenty-year period immediately preceding
2 the area's designation as a project area by ordinance; or

3 (2) Was a historic hotel located in a county of the first
4 classification without a charter form of government with a
5 population according to the most recent federal decennial census
6 in excess of one hundred fifty thousand and containing a portion
7 of a city with a population according to the most recent federal
8 decennial census in excess of three hundred fifty thousand.

9 10. The initial appropriation of up to fifty percent of the
10 new state revenues authorized pursuant to subsections 4 and 5 of
11 this section shall not be made to or distributed by the
12 department of economic development to a municipality until all of
13 the following conditions have been satisfied:

14 (1) The director of the department of economic development
15 or his or her designee and the commissioner of the office of
16 administration or his or her designee have approved a tax
17 increment financing application made by the municipality for the
18 appropriation of the new state revenues. The municipality shall
19 include in the application the following items in addition to the
20 items in section 99.810:

21 (a) The tax increment financing district or redevelopment
22 area, including the businesses identified within the
23 redevelopment area;

24 (b) The base year of state sales tax revenues or the base
25 year of state income tax withheld on behalf of existing
26 employees, reported by existing businesses within the project
27 area prior to approval of the redevelopment project;

28 (c) The estimate of the incremental increase in the general

1 revenue portion of state sales tax revenue or the estimate for
2 the state income tax withheld by the employer on behalf of new
3 employees expected to fill new jobs created within the
4 redevelopment area after redevelopment;

5 (d) The official statement of any bond issue pursuant to
6 this subsection after December 23, 1997;

7 (e) An affidavit that is signed by the developer or
8 developers attesting that the provisions of subdivision (1) of
9 subsection 1 of section 99.810 have been met and specifying that
10 the redevelopment area would not be reasonably anticipated to be
11 developed without the appropriation of the new state revenues;

12 (f) The cost-benefit analysis required by section 99.810
13 includes a study of the fiscal impact on the state of Missouri;
14 and

15 (g) The statement of election between the use of the
16 incremental increase of the general revenue portion of the state
17 sales tax revenues or the state income tax withheld by employers
18 on behalf of new employees who fill new jobs created in the
19 redevelopment area;

20 (h) The name, street and mailing address, and phone number
21 of the mayor or chief executive officer of the municipality;

22 (i) The street address of the development site;

23 (j) The three-digit North American Industry Classification
24 System number or numbers characterizing the development project;

25 (k) The estimated development project costs;

26 (l) The anticipated sources of funds to pay such
27 development project costs;

28 (m) Evidence of the commitments to finance such development

1 project costs;

2 (n) The anticipated type and term of the sources of funds
3 to pay such development project costs;

4 (o) The anticipated type and terms of the obligations to be
5 issued;

6 (p) The most recent equalized assessed valuation of the
7 property within the development project area;

8 (q) An estimate as to the equalized assessed valuation
9 after the development project area is developed in accordance
10 with a development plan;

11 (r) The general land uses to apply in the development area;

12 (s) The total number of individuals employed in the
13 development area, broken down by full-time, part-time, and
14 temporary positions;

15 (t) The total number of full-time equivalent positions in
16 the development area;

17 (u) The current gross wages, state income tax withholdings,
18 and federal income tax withholdings for individuals employed in
19 the development area;

20 (v) The total number of individuals employed in this state
21 by the corporate parent of any business benefitting from public
22 expenditures in the development area, and all subsidiaries
23 thereof, as of December thirty-first of the prior fiscal year,
24 broken down by full-time, part-time, and temporary positions;

25 (w) The number of new jobs to be created by any business
26 benefitting from public expenditures in the development area,
27 broken down by full-time, part-time, and temporary positions;

28 (x) The average hourly wage to be paid to all current and

1 new employees at the project site, broken down by full-time,
2 part-time, and temporary positions;

3 (y) For project sites located in a metropolitan statistical
4 area, as defined by the federal Office of Management and Budget,
5 the average hourly wage paid to nonmanagerial employees in this
6 state for the industries involved at the project, as established
7 by the United States Bureau of Labor Statistics;

8 (z) For project sites located outside of metropolitan
9 statistical areas, the average weekly wage paid to nonmanagerial
10 employees in the county for industries involved at the project,
11 as established by the United States Department of Commerce;

12 (aa) A list of other community and economic benefits to
13 result from the project;

14 (bb) A list of all development subsidies that any business
15 benefitting from public expenditures in the development area has
16 previously received for the project, and the name of any other
17 granting body from which such subsidies are sought;

18 (cc) A list of all other public investments made or to be
19 made by this state or units of local government to support
20 infrastructure or other needs generated by the project for which
21 the funding pursuant to this section is being sought;

22 (dd) A statement as to whether the development project may
23 reduce employment at any other site, within or without the state,
24 resulting from automation, merger, acquisition, corporate
25 restructuring, relocation, or other business activity;

26 (ee) A statement as to whether or not the project involves
27 the relocation of work from another address and if so, the number
28 of jobs to be relocated and the address from which they are to be

1 relocated;

2 (ff) A list of competing businesses in the county
3 containing the development area and in each contiguous county;

4 (gg) A market study for the development area;

5 (hh) A certification by the chief officer of the applicant
6 as to the accuracy of the development plan;

7 (2) The methodologies used in the application for
8 determining the base year and determining the estimate of the
9 incremental increase in the general revenue portion of the state
10 sales tax revenues or the state income tax withheld by employers
11 on behalf of new employees who fill new jobs created in the
12 redevelopment area shall be approved by the director of the
13 department of economic development or his or her designee and the
14 commissioner of the office of administration or his or her
15 designee. Upon approval of the application, the director of the
16 department of economic development or his or her designee and the
17 commissioner of the office of administration or his or her
18 designee shall issue a certificate of approval. The department
19 of economic development may request the appropriation following
20 application approval;

21 (3) The appropriation shall be either a portion of the
22 estimate of the incremental increase in the general revenue
23 portion of state sales tax revenues in the redevelopment area or
24 a portion of the estimate of the state income tax withheld by the
25 employer on behalf of new employees who fill new jobs created in
26 the redevelopment area as indicated in the municipality's
27 application, approved by the director of the department of
28 economic development or his or her designee and the commissioner

1 of the office of administration or his or her designee. At no
2 time shall the annual amount of the new state revenues approved
3 for disbursements from the Missouri supplemental tax increment
4 financing fund exceed thirty-two million dollars;

5 (4) Redevelopment plans and projects receiving new state
6 revenues shall have a duration of up to fifteen years, unless
7 prior approval for a longer term is given by the director of the
8 department of economic development or his or her designee and the
9 commissioner of the office of administration or his or her
10 designee; except that, in no case shall the duration exceed
11 twenty-three years.

12 11. In addition to the areas authorized in subsection 9 of
13 this section, the funding authorized pursuant to subsection 4 of
14 this section shall also be available in a federally approved
15 levee district, where construction of a levee begins after
16 December 23, 1997, and which is contained within a county of the
17 first classification without a charter form of government with a
18 population between fifty thousand and one hundred thousand
19 inhabitants which contains all or part of a city with a
20 population in excess of four hundred thousand or more
21 inhabitants.

22 12. There is hereby established within the state treasury a
23 special fund to be known as the "Missouri Supplemental Tax
24 Increment Financing Fund", to be administered by the department
25 of economic development. The department shall annually
26 distribute from the Missouri supplemental tax increment financing
27 fund the amount of the new state revenues as appropriated as
28 provided in the provisions of subsections 4 and 5 of this section

1 if and only if the conditions of subsection 10 of this section
2 are met. The fund shall also consist of any gifts,
3 contributions, grants or bequests received from federal, private
4 or other sources. Moneys in the Missouri supplemental tax
5 increment financing fund shall be disbursed per project pursuant
6 to state appropriations.

7 13. Redevelopment project costs may include, at the
8 prerogative of the state, the portion of salaries and expenses of
9 the department of economic development and the department of
10 revenue reasonably allocable to each redevelopment project
11 approved for disbursements from the Missouri supplemental tax
12 increment financing fund for the ongoing administrative functions
13 associated with such redevelopment project. Such amounts shall
14 be recovered from new state revenues deposited into the Missouri
15 supplemental tax increment financing fund created under this
16 section.

17 14. For redevelopment plans or projects approved by
18 ordinance that result in net new jobs from the relocation of a
19 national headquarters from another state to the area of the
20 redevelopment project, the economic activity taxes and new state
21 tax revenues shall not be based on a calculation of the
22 incremental increase in taxes as compared to the base year or
23 prior calendar year for such redevelopment project, rather the
24 incremental increase shall be the amount of total taxes generated
25 from the net new jobs brought in by the national headquarters
26 from another state. In no event shall this subsection be
27 construed to allow a redevelopment project to receive an
28 appropriation in excess of up to fifty percent of the new state

1 revenues.

2 106.010. 1. The governor shall have power and he is hereby
3 authorized to remove from office, without assigning any other
4 reason therefor, any appointive state official required by law to
5 be appointed by the governor, whenever in his opinion such
6 removal is necessary for the betterment of the public service,
7 but the governor may, at his discretion, in any order of removal
8 which he may make under authority of this section, assign
9 additional and more specific reasons for such removal.

10 2. Nothing in this section shall be construed to authorize
11 the governor to remove or discharge any chief, as that term is
12 defined in section 106.273.

13 106.270. 1. If any official against whom a proceeding has
14 been filed, as provided for in sections 106.220 to 106.290, shall
15 be found guilty of failing personally to devote his time to the
16 performance of the duties of such office, or of any willful,
17 corrupt or fraudulent violation or neglect of official duty, or
18 of knowingly or willfully failing or refusing to do or perform
19 any official act or duty which by law it is made his duty to do
20 or perform with respect to the execution or enforcement of the
21 criminal laws of the state, the court shall render judgment
22 removing him from such office, and he shall not be elected or
23 appointed to fill the vacancy thereby created, but the same shall
24 be filled as provided by law for filling vacancies in other
25 cases. All actions and proceedings under sections 106.220 to
26 106.290 shall be in the nature of civil actions, and tried as
27 such.

28 2. Nothing in this section shall be construed to authorize

1 the removal or discharge of any chief, as that term is defined in
2 section 106.273.

3 106.273. 1. For the purposes of this section, the
4 following terms shall mean:

5 (1) "Chief", any non-elected chief law enforcement officer
6 of any political subdivision;

7 (2) "Just cause", exists when a chief:

8 (a) Is unable to perform his or her duties with reasonable
9 competence or reasonable safety as a result of a mental
10 condition, including alcohol or substance abuse;

11 (b) Has committed any act, while engaged in the performance
12 of his or her duties, that constitutes a reckless disregard for
13 the safety of the public or another law enforcement officer;

14 (c) Has caused a material fact to be misrepresented for any
15 improper or unlawful purpose;

16 (d) Acts in a manner for the sole purpose of furthering his
17 or her self-interest, or in a manner inconsistent with the
18 interests of the public or the chief's governing body;

19 (e) Has been found to have violated any law, statute, or
20 ordinance which constitutes a felony; or

21 (f) Has been deemed insubordinate or found to be in
22 violation of a written established policy, unless such claimed
23 insubordination or violation of a written established policy was
24 a violation of any federal or state law or local ordinance.

25 2. A chief shall be subject to removal from office or
26 employment by the appointing authority or the governing body of
27 the political subdivision employing the chief if:

28 (1) The governing body of the political subdivision

1 employing the chief issues a written notice to the chief whose
2 removal is being sought no fewer than ten business days prior to
3 the meeting at which his or her removal will be considered;

4 (2) The chief has been given written notice as to the
5 governing body's intent to remove him or her. Such notice shall
6 include:

7 (a) Charges specifying just cause for which removal is
8 sought;

9 (b) A statement of facts that are alleged to constitute
10 just cause for the chief's removal; and

11 (c) The date, time, and location of the meeting at which
12 the chief's removal will be considered;

13 (3) The chief is given an opportunity to be heard before
14 the board, together with any witnesses, evidence and counsel of
15 his or her choosing; and

16 (4) The board, by two-thirds majority vote, finds just
17 cause for removing the chief.

18 3. Upon the satisfaction of the removal procedure under
19 subsection 2 of this section, the chief shall be immediately
20 removed from his or her office, shall be relieved of all duties
21 and responsibilities of said office, and shall be entitled to no
22 further compensation or benefits not already earned, accrued, or
23 agreed upon.

24 4. Any chief removed pursuant to subsection 3 of this
25 section shall be issued a written notice of the grounds of his or
26 her removal within fourteen calendar days of the removal.

27 190.098. 1. In order for a person to be eligible for
28 certification by the department as a community paramedic, an

1 individual shall:

2 (1) Be currently certified as a paramedic;

3 (2) Successfully complete or have successfully completed a
4 community paramedic certification program from a college,
5 university, or educational institution that has been approved by
6 the department or accredited by a national accreditation
7 organization approved by the department; and

8 (3) Complete an application form approved by the
9 department.

10 2. A community paramedic shall practice in accordance with
11 protocols and supervisory standards established by the medical
12 director. A community paramedic shall provide services of a
13 health care plan if the plan has been developed by the patient's
14 physician or by an advanced practice registered nurse or a
15 physician assistant and there is no duplication of services to
16 the patient from another provider.

17 3. Any ambulance service shall enter into a written
18 contract to provide community paramedic services in another
19 ambulance service area, as that term is defined in section
20 190.100. The contract that is agreed upon may be for an
21 indefinite period of time, as long as it includes at least a
22 sixty-day cancellation notice by either ambulance service.

23 4. A community paramedic is subject to the provisions of
24 sections 190.001 to 190.245 and rules promulgated under sections
25 190.001 to 190.245.

26 5. No person shall hold himself or herself out as a
27 community paramedic or provide the services of a community
28 paramedic unless such person is certified by the department.

1 6. The medical director shall approve the implementation of
2 the community paramedic program.

3 7. Any rule or portion of a rule, as that term is defined
4 in section 536.010, that is created under the authority delegated
5 in this section shall become effective only if it complies with
6 and is subject to all of the provisions of chapter 536 and, if
7 applicable, section 536.028. This section and chapter 536 are
8 nonseverable and if any of the powers vested with the general
9 assembly pursuant to chapter 536 to review, to delay the
10 effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking
12 authority and any rule proposed or adopted after August 28, 2013,
13 shall be invalid and void.

14 190.100. As used in sections 190.001 to 190.245, the
15 following words and terms mean:

16 (1) "Advanced life support (ALS)", an advanced level of
17 care as provided to the adult and pediatric patient such as
18 defined by national curricula, and any modifications to that
19 curricula specified in rules adopted by the department pursuant
20 to sections 190.001 to 190.245;

21 (2) "Ambulance", any privately or publicly owned vehicle or
22 craft that is specially designed, constructed or modified,
23 staffed or equipped for, and is intended or used, maintained or
24 operated for the transportation of persons who are sick, injured,
25 wounded or otherwise incapacitated or helpless, or who require
26 the presence of medical equipment being used on such individuals,
27 but the term does not include any motor vehicle specially
28 designed, constructed or converted for the regular transportation

1 of persons who are disabled, handicapped, normally using a
2 wheelchair, or otherwise not acutely ill, or emergency vehicles
3 used within airports;

4 (3) "Ambulance service", a person or entity that provides
5 emergency or nonemergency ambulance transportation and services,
6 or both, in compliance with sections 190.001 to 190.245, and the
7 rules promulgated by the department pursuant to sections 190.001
8 to 190.245;

9 (4) "Ambulance service area", a specific geographic area in
10 which an ambulance service has been authorized to operate;

11 (5) "Basic life support (BLS)", a basic level of care, as
12 provided to the adult and pediatric patient as defined by
13 national curricula, and any modifications to that curricula
14 specified in rules adopted by the department pursuant to sections
15 190.001 to 190.245;

16 (6) "Council", the state advisory council on emergency
17 medical services;

18 (7) "Department", the department of health and senior
19 services, state of Missouri;

20 (8) "Director", the director of the department of health
21 and senior services or the director's duly authorized
22 representative;

23 (9) "Dispatch agency", any person or organization that
24 receives requests for emergency medical services from the public,
25 by telephone or other means, and is responsible for dispatching
26 emergency medical services;

27 (10) "Emergency", the sudden and, at the time, unexpected
28 onset of a health condition that manifests itself by symptoms of

1 sufficient severity that would lead a prudent layperson,
2 possessing an average knowledge of health and medicine, to
3 believe that the absence of immediate medical care could result
4 in:

5 (a) Placing the person's health, or with respect to a
6 pregnant woman, the health of the woman or her unborn child, in
7 significant jeopardy;

8 (b) Serious impairment to a bodily function;

9 (c) Serious dysfunction of any bodily organ or part;

10 (d) Inadequately controlled pain;

11 (11) "Emergency medical dispatcher", a person who receives
12 emergency calls from the public and has successfully completed an
13 emergency medical dispatcher course, meeting or exceeding the
14 national curriculum of the United States Department of
15 Transportation and any modifications to such curricula specified
16 by the department through rules adopted pursuant to sections
17 190.001 to 190.245;

18 (12) "Emergency medical response agency", any person that
19 regularly provides a level of care that includes first response,
20 basic life support or advanced life support, exclusive of patient
21 transportation;

22 (13) "Emergency medical services for children (EMS-C)
23 system", the arrangement of personnel, facilities and equipment
24 for effective and coordinated delivery of pediatric emergency
25 medical services required in prevention and management of
26 incidents which occur as a result of a medical emergency or of an
27 injury event, natural disaster or similar situation;

28 (14) "Emergency medical services (EMS) system", the

1 arrangement of personnel, facilities and equipment for the
2 effective and coordinated delivery of emergency medical services
3 required in prevention and management of incidents occurring as a
4 result of an illness, injury, natural disaster or similar
5 situation;

6 (15) "Emergency medical technician", a person licensed in
7 emergency medical care in accordance with standards prescribed by
8 sections 190.001 to 190.245, and by rules adopted by the
9 department pursuant to sections 190.001 to 190.245;

10 (16) "Emergency medical technician-basic" or "EMT-B", a
11 person who has successfully completed a course of instruction in
12 basic life support as prescribed by the department and is
13 licensed by the department in accordance with standards
14 prescribed by sections 190.001 to 190.245 and rules adopted by
15 the department pursuant to sections 190.001 to 190.245;

16 (17) "Emergency medical technician-community paramedic",
17 "community paramedic", or "EMT-CP", a person who is certified as
18 an emergency medical technician-paramedic and is licensed by the
19 department in accordance with standards prescribed in section
20 190.098;

21 (18) "Emergency medical technician-intermediate" or
22 "EMT-I", a person who has successfully completed a course of
23 instruction in certain aspects of advanced life support care as
24 prescribed by the department and is licensed by the department in
25 accordance with sections 190.001 to 190.245 and rules and
26 regulations adopted by the department pursuant to sections
27 190.001 to 190.245;

28 [(18)] (19) "Emergency medical technician-paramedic" or

1 "EMT-P", a person who has successfully completed a course of
2 instruction in advanced life support care as prescribed by the
3 department and is licensed by the department in accordance with
4 sections 190.001 to 190.245 and rules adopted by the department
5 pursuant to sections 190.001 to 190.245;

6 [(19)] (20) "Emergency services", health care items and
7 services furnished or required to screen and stabilize an
8 emergency which may include, but shall not be limited to, health
9 care services that are provided in a licensed hospital's
10 emergency facility by an appropriate provider or by an ambulance
11 service or emergency medical response agency;

12 [(20)] (21) "First responder", a person who has
13 successfully completed an emergency first response course meeting
14 or exceeding the national curriculum of the United States
15 Department of Transportation and any modifications to such
16 curricula specified by the department through rules adopted
17 pursuant to sections 190.001 to 190.245 and who provides
18 emergency medical care through employment by or in association
19 with an emergency medical response agency;

20 [(21)] (22) "Health care facility", a hospital, nursing
21 home, physician's office or other fixed location at which medical
22 and health care services are performed;

23 [(22)] (23) "Hospital", an establishment as defined in the
24 hospital licensing law, subsection 2 of section 197.020, or a
25 hospital operated by the state;

26 [(23)] (24) "Medical control", supervision provided by or
27 under the direction of physicians to providers by written or
28 verbal communications;

1 [(24)] (25) "Medical direction", medical guidance and
2 supervision provided by a physician to an emergency services
3 provider or emergency medical services system;

4 [(25)] (26) "Medical director", a physician licensed
5 pursuant to chapter 334 designated by the ambulance service or
6 emergency medical response agency and who meets criteria
7 specified by the department by rules pursuant to sections 190.001
8 to 190.245;

9 [(26)] (27) "Memorandum of understanding", an agreement
10 between an emergency medical response agency or dispatch agency
11 and an ambulance service or services within whose territory the
12 agency operates, in order to coordinate emergency medical
13 services;

14 [(27)] (28) "Patient", an individual who is sick, injured,
15 wounded, diseased, or otherwise incapacitated or helpless, or
16 dead, excluding deceased individuals being transported from or
17 between private or public institutions, homes or cemeteries, and
18 individuals declared dead prior to the time an ambulance is
19 called for assistance;

20 [(28)] (29) "Person", as used in these definitions and
21 elsewhere in sections 190.001 to 190.245, any individual, firm,
22 partnership, copartnership, joint venture, association,
23 cooperative organization, corporation, municipal or private, and
24 whether organized for profit or not, state, county, political
25 subdivision, state department, commission, board, bureau or
26 fraternal organization, estate, public trust, business or common
27 law trust, receiver, assignee for the benefit of creditors,
28 trustee or trustee in bankruptcy, or any other service user or

1 provider;

2 [(29)] (30) "Physician", a person licensed as a physician
3 pursuant to chapter 334;

4 [(30)] (31) "Political subdivision", any municipality,
5 city, county, city not within a county, ambulance district or
6 fire protection district located in this state which provides or
7 has authority to provide ambulance service;

8 [(31)] (32) "Professional organization", any organized
9 group or association with an ongoing interest regarding emergency
10 medical services. Such groups and associations could include
11 those representing volunteers, labor, management, firefighters,
12 EMT-B's, nurses, EMT-P's, physicians, communications specialists
13 and instructors. Organizations could also represent the
14 interests of ground ambulance services, air ambulance services,
15 fire service organizations, law enforcement, hospitals, trauma
16 centers, communication centers, pediatric services, labor unions
17 and poison control services;

18 [(32)] (33) "Proof of financial responsibility", proof of
19 ability to respond to damages for liability, on account of
20 accidents occurring subsequent to the effective date of such
21 proof, arising out of the ownership, maintenance or use of a
22 motor vehicle in the financial amount set in rules promulgated by
23 the department, but in no event less than the statutory minimum
24 required for motor vehicles. Proof of financial responsibility
25 shall be used as proof of self-insurance;

26 [(33)] (34) "Protocol", a predetermined, written medical
27 care guideline, which may include standing orders;

28 [(34)] (35) "Regional EMS advisory committee", a committee

1 formed within an emergency medical services (EMS) region to
2 advise ambulance services, the state advisory council on EMS and
3 the department;

4 [(35)] (36) "Specialty care transportation", the
5 transportation of a patient requiring the services of an
6 emergency medical technician-paramedic who has received
7 additional training beyond the training prescribed by the
8 department. Specialty care transportation services shall be
9 defined in writing in the appropriate local protocols for ground
10 and air ambulance services and approved by the local physician
11 medical director. The protocols shall be maintained by the local
12 ambulance service and shall define the additional training
13 required of the emergency medical technician-paramedic;

14 [(36)] (37) "Stabilize", with respect to an emergency, the
15 provision of such medical treatment as may be necessary to
16 attempt to assure within reasonable medical probability that no
17 material deterioration of an individual's medical condition is
18 likely to result from or occur during ambulance transportation
19 unless the likely benefits of such transportation outweigh the
20 risks;

21 [(37)] (38) "State advisory council on emergency medical
22 services", a committee formed to advise the department on policy
23 affecting emergency medical service throughout the state;

24 [(38)] (39) "State EMS medical directors advisory
25 committee", a subcommittee of the state advisory council on
26 emergency medical services formed to advise the state advisory
27 council on emergency medical services and the department on
28 medical issues;

1 [(39)] (40) "STEMI" or "ST-elevation myocardial
2 infarction", a type of heart attack in which impaired blood flow
3 to the patient's heart muscle is evidenced by ST-segment
4 elevation in electrocardiogram analysis, and as further defined
5 in rules promulgated by the department under sections 190.001 to
6 190.250;

7 [(40)] (41) "STEMI care", includes education and
8 prevention, emergency transport, triage, and acute care and
9 rehabilitative services for STEMI that requires immediate medical
10 or surgical intervention or treatment;

11 [(41)] (42) "STEMI center", a hospital that is currently
12 designated as such by the department to care for patients with
13 ST-segment elevation myocardial infarctions;

14 [(42)] (43) "Stroke", a condition of impaired blood flow to
15 a patient's brain as defined by the department;

16 [(43)] (44) "Stroke care", includes emergency transport,
17 triage, and acute intervention and other acute care services for
18 stroke that potentially require immediate medical or surgical
19 intervention or treatment, and may include education, primary
20 prevention, acute intervention, acute and subacute management,
21 prevention of complications, secondary stroke prevention, and
22 rehabilitative services;

23 [(44)] (45) "Stroke center", a hospital that is currently
24 designated as such by the department;

25 [(45)] (46) "Trauma", an injury to human tissues and organs
26 resulting from the transfer of energy from the environment;

27 [(46)] (47) "Trauma care" includes injury prevention,
28 triage, acute care and rehabilitative services for major single

1 system or multisystem injuries that potentially require immediate
2 medical or surgical intervention or treatment;

3 [(47)] (48) "Trauma center", a hospital that is currently
4 designated as such by the department.

5 321.015. 1. No person holding any lucrative office or
6 employment under this state, or any political subdivision thereof
7 as defined in section 70.120, shall hold the office of fire
8 protection district director under this chapter. When any fire
9 protection district director accepts any office or employment
10 under this state or any political subdivision thereof, his office
11 shall thereby be vacated and he shall thereafter perform no duty
12 and receive no salary or expenses as fire protection district
13 director.

14 2. This section shall not apply to:

15 (1) Members of the organized militia, of the reserve corps,
16 public school employees and notaries public[, or to];

17 (2) Fire protection districts located wholly within
18 counties of the second, third or fourth [class or]
19 classification;

20 (3) Fire protection districts in counties of the first
21 classification with less than eighty-five thousand inhabitants;

22 (4) Fire protection districts located within [first class]
23 counties of the first classification not adjoining any other
24 [first class] county[, nor shall this section apply to] of the
25 first classification;

26 (5) Fire protection districts located within any county of
27 the first or second [class] classification not having more than
28 nine hundred thousand inhabitants which borders any three [first

1 class] counties of the first classification; [nor shall this
2 section apply to];

3 (6) Fire protection districts located within any [first
4 class] county of the first classification [without a charter form
5 of government] which adjoins both a [first class] charter county
6 [with a charter form of government] of the first classification
7 with at least nine hundred thousand inhabitants, and adjoins at
8 least four other counties;

9 (7) Fire protection districts located within any county of
10 the first classification with more than one hundred fifty
11 thousand but fewer than two hundred thousand inhabitants.

12 3. For the purposes of this section, the term "lucrative
13 office or employment" does not include receiving retirement
14 benefits, compensation for expenses, or a stipend or per diem, in
15 an amount not to exceed seventy-five dollars for each day of
16 service, for service rendered to a fire protection district, the
17 state or any political subdivision thereof.

18 321.210. On the first Tuesday in April after the expiration
19 of at least two full calendar years from the date of the election
20 of the first board of directors, and on the first Tuesday in
21 April every two years thereafter, an election for members of the
22 board of directors shall be held in the district. Nominations
23 shall be filed at the headquarters of the fire protection
24 district in which a majority of the district is located by paying
25 a [ten-dollar] filing fee up to the amount of a candidate for
26 state representative as set forth under section 115.357 and
27 filing a statement under oath that he possesses the required
28 qualifications. The candidate receiving the most votes shall be

1 elected. Any new member of the board shall qualify in the same
2 manner as the members of the first board qualify.

3 321.322. 1. If any property located within the boundaries
4 of a fire protection district shall be included within a city
5 having a population of at least two thousand five hundred but not
6 more than sixty-five thousand which is not wholly within the fire
7 protection district and which maintains a city fire department,
8 then upon the date of actual inclusion of the property within the
9 city, as determined by the annexation process, the city shall
10 within sixty days assume by contract with the fire protection
11 district all responsibility for payment in a lump sum or in
12 installments an amount mutually agreed upon by the fire
13 protection district and the city for the city to cover all
14 obligations of the fire protection district to the area included
15 within the city, and thereupon the fire protection district shall
16 convey to the city the title, free and clear of all liens or
17 encumbrances of any kind or nature, any such tangible real and
18 personal property of the fire protection district as may be
19 agreed upon, which is located within the part of the fire
20 protection district located within the corporate limits of the
21 city with full power in the city to use and dispose of such
22 tangible real and personal property as the city deems best in the
23 public interest, and the fire protection district shall no longer
24 levy and collect any tax upon the property included within the
25 corporate limits of the city; except that, if the city and the
26 fire protection district cannot mutually agree to such an
27 arrangement, then the city shall assume responsibility for fire
28 protection in the annexed area on or before January first of the

1 third calendar year following the actual inclusion of the
2 property within the city, as determined by the annexation
3 process, and furthermore the fire protection district shall not
4 levy and collect any tax upon that property included within the
5 corporate limits of the city after the date of inclusion of that
6 property:

7 (1) On or before January first of the second calendar year
8 occurring after the date on which the property was included
9 within the city, the city shall pay to the fire protection
10 district a fee equal to the amount of revenue which would have
11 been generated during the previous calendar year by the fire
12 protection district tax on the property in the area annexed which
13 was formerly a part of the fire protection district;

14 (2) On or before January first of the third calendar year
15 occurring after the date on which the property was included
16 within the city, the city shall pay to the fire protection
17 district a fee equal to four-fifths of the amount of revenue
18 which would have been generated during the previous calendar year
19 by the fire protection district tax on the property in the area
20 annexed which was formerly a part of the fire protection
21 district;

22 (3) On or before January first of the fourth calendar year
23 occurring after the date on which the property was included
24 within the city, the city shall pay to the fire protection
25 district a fee equal to three-fifths of the amount of revenue
26 which would have been generated during the previous calendar year
27 by the fire protection district tax on the property in the area
28 annexed which was formerly a part of the fire protection

1 district;

2 (4) On or before January first of the fifth calendar year
3 occurring after the date on which the property was included
4 within the city, the city shall pay to the fire protection
5 district a fee equal to two-fifths of the amount of revenue which
6 would have been generated during the previous calendar year by
7 the fire protection district tax on the property in the area
8 annexed which was formerly a part of the fire protection
9 district; and

10 (5) On or before January first of the sixth calendar year
11 occurring after the date on which the property was included
12 within the city, the city shall pay to the fire protection
13 district a fee equal to one-fifth of the amount of revenue which
14 would have been generated during the previous calendar year by
15 the fire protection district tax on the property in the area
16 annexed which was formerly a part of the fire protection
17 district.

18 Nothing contained in this section shall prohibit the ability of a
19 city to negotiate contracts with a fire protection district for
20 mutually agreeable services. This section shall also apply to
21 those fire protection districts and cities which have not reached
22 agreement on overlapping boundaries previous to August 28, 1990.
23 Such fire protection districts and cities shall be treated as
24 though inclusion of the annexed area took place on December
25 thirty-first immediately following August 28, 1990.

26 2. Any property excluded from a fire protection district by
27 reason of subsection 1 of this section shall be subject to the
28 provisions of section 321.330.

1 3. The provisions of this section shall not apply in any
2 county of the first class having a charter form of government and
3 having a population of over nine hundred thousand inhabitants.

4 4. The provisions of this section shall not apply where the
5 annexing city or town operates a city fire department and was on
6 January 1, 2005, a city of the fourth classification with more
7 than eight thousand nine hundred but fewer than nine thousand
8 inhabitants and entirely surrounded by a single fire district.
9 In such cases, the provision of fire and emergency medical
10 services following annexation shall be governed by subsections 2
11 and 3 of section 72.418.

12 5. The provisions of this section shall not apply where the
13 annexing city or town operates a city fire department, is any
14 city of the third classification with more than six thousand but
15 fewer than seven thousand inhabitants and located in any county
16 with a charter form of government and with more than two hundred
17 thousand but fewer than three hundred fifty thousand inhabitants,
18 and is entirely surrounded by a single fire protection district.
19 In such cases, the provision of fire and emergency medical
20 services following annexation shall be governed by subsections 2
21 and 3 of section 72.418.

22 590.080. 1. The director shall have cause to discipline
23 any peace officer licensee who:

24 (1) Is unable to perform the functions of a peace officer
25 with reasonable competency or reasonable safety as a result of a
26 mental condition, including alcohol or substance abuse;

27 (2) Has committed any criminal offense, whether or not a
28 criminal charge has been filed;

1 (3) Has committed any act while on active duty or under
2 color of law that involves moral turpitude or a reckless
3 disregard for the safety of the public or any person;

4 (4) Has caused a material fact to be misrepresented for the
5 purpose of obtaining or retaining a peace officer commission or
6 any license issued pursuant to this chapter;

7 (5) Has violated a condition of any order of probation
8 lawfully issued by the director; or

9 (6) Has violated a provision of this chapter or a rule
10 promulgated pursuant to this chapter.

11 2. When the director has knowledge of cause to discipline a
12 peace officer license pursuant to this section, the director may
13 cause a complaint to be filed with the administrative hearing
14 commission, which shall conduct a hearing to determine whether
15 the director has cause for discipline, and which shall issue
16 findings of fact and conclusions of law on the matter. The
17 administrative hearing commission shall not consider the relative
18 severity of the cause for discipline or any rehabilitation of the
19 licensee or otherwise impinge upon the discretion of the director
20 to determine appropriate discipline when cause exists pursuant to
21 this section.

22 3. Upon a finding by the administrative hearing commission
23 that cause to discipline exists, the director shall, within
24 thirty days, hold a hearing to determine the form of discipline
25 to be imposed and thereafter shall probate, suspend, or
26 permanently revoke the license at issue. If the licensee fails
27 to appear at the director's hearing, this shall constitute a
28 waiver of the right to such hearing.

1 4. Notice of any hearing pursuant to this chapter or
2 section may be made by certified mail to the licensee's address
3 of record pursuant to subdivision (2) of subsection 3 of section
4 590.130. Proof of refusal of the licensee to accept delivery or
5 the inability of postal authorities to deliver such certified
6 mail shall be evidence that required notice has been given.
7 Notice may be given by publication.

8 5. Nothing contained in this section shall prevent a
9 licensee from informally disposing of a cause for discipline with
10 the consent of the director by voluntarily surrendering a license
11 or by voluntarily submitting to discipline.

12 6. The provisions of chapter 621 and any amendments
13 thereto, except those provisions or amendments that are in
14 conflict with this chapter, shall apply to and govern the
15 proceedings of the administrative hearing commission and pursuant
16 to this section the rights and duties of the parties involved.

17 7. Nothing in this section shall be construed to authorize
18 the director to remove or discharge any chief, as that term is
19 defined in section 106.273.

20 [84.490. 1. The chief of police shall serve
21 during the pleasure of the board. In case the board
22 determines to remove or demote the chief of police, he
23 shall be notified in writing. Within ten days after
24 receipt of such notice, the chief may, in writing, file
25 with the secretary of the board of police
26 commissioners, demand and he shall receive a written
27 statement of the reasons for such removal or demotion,
28 and a hearing thereon at a public meeting of the board
29 within ten days after the chief files such notice. The
30 chief may be suspended from office pending such
31 hearing. The action of the board in suspending,
32 removing or demoting the chief of police shall be final
33 and not subject to review by any court.

34 2. The board may, in case of and during the
35 absence or disability of the chief, designate a
36 qualified police officer who shall serve as acting

1 chief and perform the duties of the office. No man
2 shall serve as acting chief who has not the
3 qualifications required for the position of chief.]