

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 2

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Read 1st time July 27, 2020, and ordered printed.

5835S.01I

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to residency requirements of public safety employees, with an emergency clause.

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

Section A. Section 84.344, RSMo, is repealed and two new sections 2 enacted in lieu thereof, to be known as sections 84.344 and 84.1000, to read as 3 follows:

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, 2 any city not within a county may establish a municipal police force on or after 3 July 1, 2013, according to the procedures and requirements of this section. The 4 purpose of these procedures and requirements is to provide for an orderly and 5 appropriate transition in the governance of the police force and provide for an 6 equitable employment transition for commissioned and civilian personnel.

7 2. Upon the establishment of a municipal police force by a city under 8 sections 84.343 to 84.346, the board of police commissioners shall convey, assign, 9 and otherwise transfer to the city title and ownership of all indebtedness and 10 assets, including, but not limited to, all funds and real and personal property held 11 in the name of or controlled by the board of police commissioners created under 12 sections 84.010 to 84.340. The board of police commissioners shall execute all 13 documents reasonably required to accomplish such transfer of ownership and 14 obligations.

15 3. If the city establishes a municipal police force and completes the 16 transfer described in subsection 2 of this section, the city shall provide the 17 necessary funds for the maintenance of the municipal police force.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 4. Before a city not within a county may establish a municipal police force
19 under this section, the city shall adopt an ordinance accepting responsibility,
20 ownership, and liability as successor-in-interest for contractual obligations,
21 indebtedness, and other lawful obligations of the board of police commissioners
22 subject to the provisions of subsection 2 of section 84.345.

23 5. A city not within a county that establishes a municipal police force
24 shall initially employ, without a reduction in rank, salary, or benefits, all
25 commissioned and civilian personnel of the board of police commissioners created
26 under sections 84.010 to 84.340 that were employed by the board immediately
27 prior to the date the municipal police force was established. Such commissioned
28 personnel who previously were employed by the board may only be involuntarily
29 terminated by the city not within a county for cause. The city shall also recognize
30 all accrued years of service that such commissioned and civilian personnel had
31 with the board of police commissioners. Such personnel shall be entitled to the
32 same holidays, vacation, and sick leave they were entitled to as employees of the
33 board of police commissioners.

34 6. Commissioned and civilian personnel [who were previously employed by
35 the board] **who are employed by the municipal police force established**
36 **under this section** shall [continue to] **not** be subject, throughout their employment
37 for the city not within a county, to a residency [rule no more restrictive than a]
38 requirement of retaining a primary residence in a city not within a county [for a total
39 of seven years and of then allowing them to maintain a primary residence outside
40 the city not within a county] so long as the **primary** residence is located within a
41 one-hour response time.

42 7. The commissioned and civilian personnel who retire from service with
43 the board of police commissioners before the establishment of a municipal police
44 force under subsection 1 of this section shall continue to be entitled to the same
45 pension benefits provided under chapter 86 and the same benefits set forth in
46 subsection 5 of this section.

47 8. If the city not within a county elects to establish a municipal police
48 force under this section, the city shall establish a separate division for the
49 operation of its municipal police force. The civil service commission of the city
50 may adopt rules and regulations appropriate for the unique operation of a police
51 department. Such rules and regulations shall reserve exclusive authority over
52 the disciplinary process and procedures affecting commissioned officers to the
53 civil service commission; however, until such time as the city adopts such rules

54 and regulations, the commissioned personnel shall continue to be governed by the
55 board of police commissioner's rules and regulations in effect immediately prior
56 to the establishment of the municipal police force, with the police chief acting in
57 place of the board of police commissioners for purposes of applying the rules and
58 regulations. Unless otherwise provided for, existing civil service commission
59 rules and regulations governing the appeal of disciplinary decisions to the civil
60 service commission shall apply to all commissioned and civilian personnel. The
61 civil service commission's rules and regulations shall provide that records
62 prepared for disciplinary purposes shall be confidential, closed records available
63 solely to the civil service commission and those who possess authority to conduct
64 investigations regarding disciplinary matters pursuant to the civil service
65 commission's rules and regulations. A hearing officer shall be appointed by the
66 civil service commission to hear any such appeals that involve discipline resulting
67 in a suspension of greater than fifteen days, demotion, or termination, but the
68 civil service commission shall make the final findings of fact, conclusions of law,
69 and decision which shall be subject to any right of appeal under chapter 536.

70 9. A city not within a county that establishes and maintains a municipal
71 police force under this section:

72 (1) Shall provide or contract for life insurance coverage and for insurance
73 benefits providing health, medical, and disability coverage for commissioned and
74 civilian personnel of the municipal police force to the same extent as was
75 provided by the board of police commissioners under section 84.160;

76 (2) Shall provide or contract for medical and life insurance coverage for
77 any commissioned or civilian personnel who retired from service with the board
78 of police commissioners or who were employed by the board of police
79 commissioners and retire from the municipal police force of a city not within a
80 county to the same extent such medical and life insurance coverage was provided
81 by the board of police commissioners under section 84.160;

82 (3) Shall make available medical and life insurance coverage for purchase
83 to the spouses or dependents of commissioned and civilian personnel who retire
84 from service with the board of police commissioners or the municipal police force
85 and deceased commissioned and civilian personnel who receive pension benefits
86 under sections 86.200 to 86.366 at the rate that such dependent's or spouse's
87 coverage would cost under the appropriate plan if the deceased were living; and

88 (4) May pay an additional shift differential compensation to commissioned
89 and civilian personnel for evening and night tours of duty in an amount not to

90 exceed ten percent of the officer's base hourly rate.

91 10. A city not within a county that establishes a municipal police force
92 under sections 84.343 to 84.346 shall establish a transition committee of five
93 members for the purpose of: coordinating and implementing the transition of
94 authority, operations, assets, and obligations from the board of police
95 commissioners to the city; winding down the affairs of the board; making
96 nonbinding recommendations for the transition of the police force from the board
97 to the city; and other related duties, if any, established by executive order of the
98 city's mayor. Once the ordinance referenced in this section is enacted, the city
99 shall provide written notice to the board of police commissioners and the governor
100 of the state of Missouri. Within thirty days of such notice, the mayor shall
101 appoint three members to the committee, two of whom shall be members of a
102 statewide law enforcement association that represents at least five thousand law
103 enforcement officers. The remaining members of the committee shall include the
104 police chief of the municipal police force and a person who currently or previously
105 served as a commissioner on the board of police commissioners, who shall be
106 appointed to the committee by the mayor of such city.

84.1000. 1. As used in this section, "public safety employee" shall
2 mean a person trained or authorized by law or rule to render
3 emergency medical assistance or treatment, including, but not limited
4 to, firefighters, ambulance attendants and attendant drivers, emergency
5 medical technicians, emergency medical technician paramedics,
6 dispatchers, registered nurses and physicians, and persons who are
7 vested with the power of arrest for criminal code violations including,
8 but not limited to, sheriffs and deputy sheriffs.

9 2. No public safety employee of any city not within a county shall
10 be subject, throughout their employment, to a residency requirement
11 of retaining a primary residence in a city not within a county so long
12 as the primary residence is located within a one-hour response time.

Section B. Because of the necessity of protecting the citizens of Missouri
2 from violent crime, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and
6 approval.