

SECOND REGULAR SESSION

SENATE BILL NO. 1491

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

6353S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 84.160, 84.210, 84.325, and 105.726, RSMo, and to enact in lieu thereof four new sections relating to the board of police commissioners.

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

Section A. Sections 84.160, 84.210, 84.325, and 105.726, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 84.160, 84.210, 84.325, and 105.726, to read as follows:

84.160. 1. As of the effective date of this act, the board of police commissioners shall have the authority to compute and establish the annual salary of each member of the police force without receiving prior authorization from the general assembly, which shall not be less than the annual salary paid to any member at the time of the effective date of this act.

2. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of subsection 1 of this section to the contrary, no additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of lieutenant or above. Notwithstanding any other

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

17 provision of law to the contrary, nothing in this section
18 shall prohibit the payment of additional compensation
19 pursuant to this subsection to officers of the ranks of
20 sergeants and above, provided that funding for such
21 compensation shall not:

22 (1) Be paid from the general funds of either the city
23 or the board of police commissioners of the city; or

24 (2) Be violative of any federal law or other state law.

25 3. It is the duty of the municipal assembly or common
26 council of the cities to make the necessary appropriation
27 for the expenses of the maintenance of the police force
28 governed by the board of police commissioners, in the manner
29 provided in section 84.210; except, pursuant to subsection 2
30 of Section 21 of Article X of the Missouri Constitution,
31 such municipal assembly or common council shall appropriate
32 a minimum sum equal to the following percentages of the
33 city's general revenue:

34 (1) Twenty-two percent for the period ending December
35 31, 2025;

36 (2) Twenty-three percent for the period beginning on
37 January 1, 2026, and ending on December 31, 2026;

38 (3) Twenty-four percent for the period beginning on
39 January 1, 2027, and ending on December 31, 2027; and

40 (4) Twenty-five percent beginning on January 1, 2028,
41 and for all subsequent years;

42 to fund the police force governed by the board of police
43 commissioners. Any **litigation costs, including attorneys'**
44 **fees due for representation of the board and individual**
45 **officers, settlements or judgments, and** pension and
46 retirement costs shall be excluded from the calculation of
47 expenses for the maintenance of the police force for the

48 purposes of the minimum funding requirements provided in
49 this subsection.

50 4. Notwithstanding the provisions of subsection 1 of
51 this section to the contrary, the board of police
52 commissioners shall pay additional compensation for all
53 hours of service rendered by probationary patrolmen,
54 patrolmen, and sergeants in excess of the established
55 regular working period, and the rate of compensation shall
56 be one and one-half times the regular hourly rate of pay to
57 which each member shall normally be entitled; except that,
58 the court time and court standby time shall be paid at the
59 regular hourly rate of pay to which each member shall
60 normally be entitled. No credit shall be given or
61 deductions made from payments for overtime for the purpose
62 of retirement benefits.

63 5. Notwithstanding the provisions of subsection 1 of
64 this section to the contrary, probationary patrolmen,
65 patrolmen, and sergeants shall receive additional
66 compensation for authorized overtime, court time and court
67 standby time whenever the total accumulated time exceeds
68 forty hours. The accumulated forty hours shall be taken as
69 compensatory time off at the officer's discretion with the
70 approval of his supervisor.

71 6. The allowance of compensation or compensatory time
72 off for court standby time shall be computed at the rate of
73 one-third of one hour for each hour spent on court standby
74 time.

75 7. The board of police commissioners shall effect
76 programs to provide additional compensation to its employees
77 for successful completion of academic work at an accredited
78 college or university, in amounts not to exceed ten percent
79 of their yearly salaries or for field training officer and

80 lead officer responsibilities in amounts not to exceed three
81 percent of their yearly salaries for field training officer
82 responsibilities and an additional three percent of their
83 yearly salaries for lead officer responsibilities. The
84 board may designate up to one hundred fifty employees as
85 field training officers and up to fifty employees as lead
86 officers.

87 8. The board of police commissioners:

88 (1) Shall provide or contract for life insurance
89 coverage and for insurance benefits providing health,
90 medical and disability coverage for officers and employees
91 of the department;

92 (2) Shall provide or contract for insurance coverage
93 providing salary continuation coverage for officers and
94 employees of the police department;

95 (3) Shall provide health, medical, and life insurance
96 coverage for retired officers and employees of the police
97 department. Health, medical and life insurance coverage
98 shall be made available for purchase to the spouses or
99 dependents of deceased retired officers and employees of the
100 police department who receive pension benefits pursuant to
101 sections 86.200 to 86.364 at the rate that such dependent's
102 or spouse's coverage would cost under the appropriate plan
103 if the deceased were living;

104 (4) May pay an additional shift differential
105 compensation to members of the police force for evening and
106 night tour of duty in an amount not to exceed ten percent of
107 the officer's base hourly rate.

108 9. Notwithstanding the provisions of subsection 1 of
109 this section to the contrary, the board of police
110 commissioners shall pay additional compensation to members
111 of the police force up to and including the rank of police

112 officer for any full hour worked between the hours of 11:00
113 p.m. and 7:00 a.m., in amounts equal to ten percent of the
114 officer's base hourly pay.

115 10. The board of police commissioners, from time to
116 time and in its discretion, may pay additional compensation
117 to police officers, sergeants and lieutenants by paying
118 commissioned officers in the aforesaid ranks for
119 accumulated, unused vacation time. Any such payments shall
120 be made in increments of not less than forty hours, and at
121 rates equivalent to the base straight-time rates being
122 earned by said officers at the time of payment; except that,
123 no such officer shall be required to accept payment for
124 accumulated unused vacation time.

84.210. 1. It shall be the duty of said boards,
2 annually on or before the last day of February of each year
3 to prepare, in writing, on such forms as may be prescribed
4 for budget preparation purposes by such cities for
5 departments of city government, an estimate of the sum of
6 money which will be necessary for the subsequent fiscal
7 year, to enable them to discharge the duties hereby imposed
8 upon them, and to meet the expenses of the police
9 department. Such estimate shall include, but not be limited
10 to, all reasonably anticipated revenues of such boards from
11 all sources including, but not limited to, grants from the
12 federal or state governments, governmental agencies or other
13 grantors and forfeitures of property and proceeds of
14 forfeited property, a table of organization, line items for
15 personnel, supplies, maintenance, repairs, services and
16 contractual requirements, and a statement comparing receipts
17 and expenses for the last prior full fiscal year, the
18 current fiscal year, and the fiscal year to which the
19 estimate pertains. Said boards shall forthwith certify such

20 estimate to the board of common council or municipal
21 assembly, as the case may be, of said cities, who are hereby
22 required to set apart and appropriate the amount so
23 certified, payable out of the revenue of said cities, after
24 having first deducted the amount necessary to pay the
25 interest upon the indebtedness of said cities, the amount
26 necessary for the expenses of the city hospital and health
27 department, the amount necessary for lighting the city, and
28 any sum required by law to be placed to the credit of the
29 sinking fund of said cities. [During a fiscal year for
30 which an appropriation has been so made, said boards shall
31 not transfer funds appropriated for one line item of such
32 appropriation to any other line item without the prior
33 approval of the municipal board of estimate and
34 apportionment] **Such budget, when adopted and certified by
the board, shall be the authorization of expenditures for
the purposes set forth therein. No transfer from one
character classification of expenditure in the board budget
to another character classification shall be made without
the approval of said board.**

40 2. The said boards of police commissioners shall pass
41 upon all claims presented against them for the expenses
42 incurred in the discharge of their duties as herein
43 provided, and shall certify, by their president and
44 secretary, all such claims as are entitled to payment and
45 all salary rolls for salaries as provided in sections 84.010
46 to 84.340, and such claims and salary rolls, when so
47 certified, shall be duly audited and paid by the proper
48 disbursing officer or officers of said cities within five
49 days after being audited, out of any moneys in the city
50 treasury not appropriated to the specific purposes above
51 enumerated; provided, however, that the amount of said

52 claims and salary rolls so certified shall not exceed, in
53 any one year, the amount so, as aforesaid, estimated for
54 that year to the common council or municipal assembly of
55 said cities aforesaid. The common council or municipal
56 assembly of said cities shall have no power or authority to
57 levy or collect any taxes or appropriate any money for the
58 payment of any police force, other than that organized and
59 employed under sections 84.010 to 84.340. No officer or
60 servant of the mayor or the common council or municipal
61 assembly of said cities shall disburse any money for the
62 payment of any police force other than that organized and
63 employed under sections 84.010 to 84.340, and the power of
64 said mayor and common council or municipal assembly to
65 appropriate and disburse money for the payment of the police
66 force organized and employed under sections 84.010 to 84.340
67 shall be exercised as in this section directed and not
68 otherwise.

84.325. 1. A transition director shall be appointed
2 by the governor to ensure oversight of an orderly transition
3 of the control of any municipal police force from any city
4 not within a county to the board of police commissioners.
5 The implementation period shall begin on the effective date
6 of this act, and end no later than July 1, **[2026]** **2027**. The
7 board of police commissioners shall assume control of any
8 municipal police force established within any city not
9 within a county during the implementation period, according
10 to the procedures and requirements of this section and any
11 rules promulgated under subsection 6 of this section and as
12 determined in coordination with the transition director,
13 local officials, and the board of police commissioners. The
14 purpose of these procedures and requirements is to ensure
15 the continuity of operations of the municipal police force

16 with minimized disruptions to the residents of any city not
17 within a county, to provide for an orderly and appropriate
18 transition in the governance of the police force, and to
19 provide for an equitable employment transition for
20 commissioned and civilian personnel.

21 2. Upon the assumption of control by the board of
22 police commissioners under subsection 1 of this section, any
23 municipal police department within any city not within a
24 county shall convey, assign, and otherwise transfer to the
25 board title and ownership of all indebtedness and assets,
26 including, but not limited to, all funds and real and
27 personal property held in the name of or controlled by the
28 municipal police department. Such city shall thereafter
29 cease the operation of any police department or police force.

30 3. Upon the assumption of control by the board of
31 police commissioners under subsection 1 of this section, the
32 **board of police commissioners** [state] shall accept
33 responsibility[,] **and** ownership[, and liability] as
34 successor-in-interest for contractual obligations [and other
35 lawful obligations] of the municipal police department. **For**
36 **any claim, lawsuit, or other action arising out of actions**
37 **occurring before the date of completion of the transfer**
38 **provided under subsection 1 of this section, any city not**
39 **within a county shall continue to provide legal**
40 **representation and continue to pay all costs, settlements,**
41 **and judgments associated with such claims, without**
42 **reimbursement from the state legal expense fund or any**
43 **offset to the board's minimum appropriation to fund the**
44 **police force governed by the board of police commissioners**
45 **pursuant to subsection 3 of section 84.160.**

46 4. The board of police commissioners shall initially
47 employ, without a reduction in rank, salary, or benefits,

48 all commissioned and civilian personnel of the municipal
49 police department who were employed by the municipal police
50 department immediately prior to the date the board assumed
51 control. The board shall recognize all accrued years of
52 service that such commissioned and civilian personnel had
53 with the municipal police department, as well as all accrued
54 years of service that such commissioned and civilian
55 personnel had previously with the board of police
56 commissioners. Such personnel shall be entitled to the same
57 holidays, vacation, sick leave, sick bonus time, and annual
58 step increases they were entitled to as employees of the
59 municipal police department.

60 5. The commissioned and civilian personnel who retire
61 from service with the municipal police department before the
62 board of police commissioners assumed control of the
63 department under subsection 1 of this section shall continue
64 to be entitled to the same pension benefits provided as
65 employees of the municipal police department and the same
66 benefits set forth in subsection 4 of this section. Any
67 police pension system created under chapter 86 for the
68 benefit of a police force established under sections 84.012
69 to 84.340 shall continue to be governed by chapter 86 and
70 shall apply to any comprehensive policing plan and any
71 police force established under sections 84.012 to 84.340.
72 Other than any provision that makes chapter 86 applicable to
73 a municipal police force established under sections 84.343
74 to 84.346, nothing in sections 84.012 to 84.340 shall be
75 construed as limiting or changing the rights or benefits
76 provided under chapter 86.

77 6. The board of police commissioners may promulgate
78 all necessary rules and regulations for the implementation
79 and administration of this section. Any rule or portion of

80 a rule, as that term is defined in section 536.010, that is
81 created under the authority delegated in this section shall
82 become effective only if it complies with and is subject to
83 all of the provisions of chapter 536 and, if applicable,
84 section 536.028. This section and chapter 536 are
85 nonseverable and if any of the powers vested with the
86 general assembly pursuant to chapter 536 to review, to delay
87 the effective date, or to disapprove and annul a rule are
88 subsequently held unconstitutional, then the grant of
89 rulemaking authority and any rule proposed or adopted after
90 March 26, 2025, shall be invalid and void.

105.726. 1. Nothing in sections 105.711 to 105.726
2 shall be construed to broaden the liability of the state of
3 Missouri beyond the provisions of sections 537.600 to
4 537.610, nor to abolish or waive any defense at law which
5 might otherwise be available to any agency, officer, or
6 employee of the state of Missouri. Sections 105.711 to
7 105.726 do not waive the sovereign immunity of the state of
8 Missouri.

9 2. The creation of the state legal expense fund and
10 the payment therefrom of such amounts as may be necessary
11 for the benefit of any person covered thereby are deemed
12 necessary and proper public purposes for which funds of this
13 state may be expended.

14 3. Moneys in the state legal expense fund shall not be
15 available for the payment of any claim or any amount
16 required by any final judgment rendered by a court of
17 competent jurisdiction against a board of police
18 commissioners established under chapter 84, including the
19 commissioners, any police officer, notwithstanding sections
20 84.330 and 84.710, or other provisions of law, other
21 employees, agents, representative, or any other individual

22 or entity acting or purporting to act on its or their
23 behalf. Such was the intent of the general assembly in the
24 original enactment of sections 105.711 to 105.726, and it is
25 made express by this section in light of the decision in
26 *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d
27 275. Except that the commissioner of administration shall
28 reimburse from the legal expense fund the boards of police
29 commissioners established under chapter 84 for liability
30 claims otherwise eligible for payment under section 105.711
31 paid by such boards on an equal share basis per claim up to
32 a **collective** maximum of two million dollars per fiscal year.

33 4. If the representation of the attorney general is
34 requested by a board of police commissioners, the attorney
35 general shall represent, investigate, defend, negotiate, or
36 compromise all claims under sections 105.711 to 105.726 for
37 the board of police commissioners, any police officer, other
38 employees, agents, representatives, or any other individual
39 or entity acting or purporting to act on their behalf. The
40 attorney general may establish procedures by rules
41 promulgated under chapter 536 under which claims must be
42 referred for the attorney general's representation. The
43 attorney general and the officials of the city which the
44 police board represents shall meet and negotiate reasonable
45 expenses or charges that will fairly compensate the attorney
46 general and the office of administration for the cost of the
47 representation of the claims under this section.

48 5. Claims tendered to the attorney general promptly
49 after the claim was asserted as required by section 105.716
50 and prior to August 28, 2005, may be investigated, defended,
51 negotiated, or compromised by the attorney general and full
52 payments may be made from the state legal expense fund on
53 behalf of the entities and individuals described in this

54 section as a result of the holding in *Wayman Smith, III, et*
55 *al. v. State of Missouri*, 152 S.W.3d 275.

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