

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1604
100TH GENERAL ASSEMBLY

4164H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to a residency requirement for municipal employees.

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Section A. Section 84.344, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 84.344 and 285.040, to read as follows:

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

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

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

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of
19 the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

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

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

36 7. The commissioned and civilian personnel who retire from service with the board of
37 police commissioners before the establishment of a municipal police force under subsection 1
38 of this section shall continue to be entitled to the same pension benefits provided under chapter
39 86 and the same benefits set forth in subsection 5 of this section.

40 8. If the city not within a county elects to establish a municipal police force under this
41 section, the city shall establish a separate division for the operation of its municipal police force.
42 The civil service commission of the city may adopt rules and regulations appropriate for the
43 unique operation of a police department. Such rules and regulations shall reserve exclusive
44 authority over the disciplinary process and procedures affecting commissioned officers to the
45 civil service commission; however, until such time as the city adopts such rules and regulations,
46 the commissioned personnel shall continue to be governed by the board of police commissioner's
47 rules and regulations in effect immediately prior to the establishment of the municipal police
48 force, with the police chief acting in place of the board of police commissioners for purposes of
49 applying the rules and regulations. Unless otherwise provided for, existing civil service
50 commission rules and regulations governing the appeal of disciplinary decisions to the civil
51 service commission shall apply to all commissioned and civilian personnel. The civil service
52 commission's rules and regulations shall provide that records prepared for disciplinary purposes
53 shall be confidential, closed records available solely to the civil service commission and those

54 who possess authority to conduct investigations regarding disciplinary matters pursuant to the
55 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil
56 service commission to hear any such appeals that involve discipline resulting in a suspension of
57 greater than fifteen days, demotion, or termination, but the civil service commission shall make
58 the final findings of fact, conclusions of law, and decision which shall be subject to any right of
59 appeal under chapter 536.

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

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

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

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

77 (4) May pay an additional shift differential compensation to commissioned and civilian
78 personnel for evening and night tours of duty in an amount not to exceed ten percent of the
79 officer's base hourly rate.

80 10. A city not within a county that establishes a municipal police force under sections
81 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:
82 coordinating and implementing the transition of authority, operations, assets, and obligations
83 from the board of police commissioners to the city; winding down the affairs of the board;
84 making nonbinding recommendations for the transition of the police force from the board to the
85 city; and other related duties, if any, established by executive order of the city's mayor. Once the
86 ordinance referenced in this section is enacted, the city shall provide written notice to the board
87 of police commissioners and the governor of the state of Missouri. Within thirty days of such
88 notice, the mayor shall appoint three members to the committee, two of whom shall be members
89 of a statewide law enforcement association that represents at least five thousand law enforcement

90 officers. The remaining members of the committee shall include the police chief of the
91 municipal police force and a person who currently or previously served as a commissioner on
92 the board of police commissioners, who shall be appointed to the committee by the mayor of
93 such city.

**285.040. No employee of any city not within a county shall be required, as a
2 condition of employment, to reside within city limits.**

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