

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 553

101ST GENERAL ASSEMBLY

1402H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 27.010, 285.040, and 285.575, RSMo, and to enact in lieu thereof five new sections relating to residency requirements.

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

Section A. Sections 27.010, 285.040, and 285.575, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 27.010, 79.235, 84.575, 285.043, and 285.575, to read as follows:

27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall **not be required** to reside at the seat of government ~~and~~ **but shall** keep his office in the supreme court building~~;~~ and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law.

79.235. 1. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes the mayor of a city of the fourth classification to appoint a member of a board or commission, any requirement that the appointed person be a resident of the city shall be deemed satisfied if the person owns real property or a business in the city, regardless

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.

6 of whether the position to which the appointment is made is considered an officer of the
7 city under section 79.250.

8 **2. Notwithstanding any law to the contrary and for any city of the fourth**
9 **classification with no more than two thousand inhabitants, if a statute or ordinance**
10 **authorizes a mayor to appoint a member of a board that manages a municipal utility of the**
11 **city, any requirement that the appointed person be a resident of the city shall be deemed**
12 **satisfied if all of the following conditions are met:**

13 **(1) The board has no authority to set utility rates or to issue bonds;**

14 **(2) The person resides within five miles of the city limits;**

15 **(3) The person owns real property or a business in the city;**

16 **(4) The person or the person's business is a customer of a public utility, as**
17 **described under section 91.450, managed by the board; and**

18 **(5) The person has no pecuniary interest in, and is not a board member of, any**
19 **utility company that offers the same type of service as a utility managed by the board.**

84.575. 1. The board of police commissioners established under section 84.350 shall
2 **not require, as a condition of employment, that any currently employed or prospective law**
3 **enforcement officer or other employee reside within any jurisdiction. Except as authorized**
4 **under subsection 2 of this section, any residency rule or requirement imposed by the board**
5 **on law enforcement officers or other employees in effect on or after August 28, 2021, shall**
6 **not apply and shall not be enforced.**

7 **2. The board of police commissioners may impose a residency rule or requirement**
8 **on law enforcement officers or other employees, but the rule or requirement shall be no**
9 **more restrictive than requiring such personnel to reside within one hour of city limits.**

285.043. No employee of a political subdivision of this state shall be required, as a
2 **condition of employment, to reside within a specified jurisdiction. This section shall not**
3 **apply to and shall be superseded by:**

4 **(1) Any residency requirement under chapter 84; and**

5 **(2) Any requirement for an elected official.**

285.575. 1. This section shall be known and may be cited as the "Whistleblower's
2 **Protection Act".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Because" or "because of", as it relates to the adverse decision or action, the person's**
5 **status as a protected person was the motivating factor;**

6 **(2) "Employer", an entity that has six or more employees for each working day in each**
7 **of twenty or more calendar weeks in the current or preceding calendar year. "Employer" shall**
8 **not include the state of Missouri or its agencies, instrumentalities, or political subdivisions,**

9 including but not limited to any public institution of higher education, a corporation wholly
10 owned by the state of Missouri, an individual employed by an employer, or corporations and
11 associations owned or operated by religious or sectarian organizations; **except that, "employer"**
12 **shall include law enforcement agencies;**

13 (3) "Proper authorities", a governmental or law enforcement agency, an officer of an
14 employee's employer, the employee's supervisor employed by the employer, or the employee's
15 human resources representative employed by the employer;

16 (4) "Protected person", an employee of an employer who has reported to the proper
17 authorities an unlawful act of his or her employer; an employee of an employer who reports to
18 his or her employer serious misconduct of the employer that violates a clear mandate of public
19 policy as articulated in a constitutional provision, statute, or regulation promulgated under
20 statute; or an employee of an employer who has refused to carry out a directive issued by his or
21 her employer that if completed would be a violation of the law[. ~~An employee of an employer
22 is not a protected person if:~~

23 ~~—— (a) The employee is a supervisory, managerial, or executive employee or an officer of
24 his or her employer and the unlawful act or serious misconduct reported concerns matters upon
25 which the employee is employed to report or provide professional opinion; or~~

26 ~~—— (b) The proper authority or person to whom the employee makes his or her report is the
27 person whom the employee claims to have committed the unlawful act or violation of a clear
28 mandate of public policy];~~

29 (5) "The motivating factor", the employee's protected classification actually played a role
30 in the adverse decision or action and had a determinative influence on the adverse decision or
31 action.

32 3. This section is intended to codify the existing common law exceptions to the at-will
33 employment doctrine and to limit their future expansion by the courts. This section, in addition
34 to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of
35 unlawful employment practices.

36 4. It shall be an unlawful employment practice for an employer to discharge an individual
37 defined as a protected person in this section because of that person's status as a protected person.

38 5. A protected person aggrieved by a violation of this section shall have a private right
39 of action for actual damages for violations of this section but not for punitive damages.
40 ~~[However, if a private right of action for damages exists under another statutory or regulatory
41 scheme, whether under state or federal law, no private right of action shall exist under this
42 statute.]~~

43 6. Any party to any action initiated under this section may demand a trial by jury.

44 7. A protected person aggrieved by a violation of this section shall have a private right
45 of action that may be filed in a court of competent jurisdiction. The only remedies available in
46 such an action shall be:

47 (1) Back pay;

48 (2) Reimbursement of medical bills directly related to a violation of this section; and

49 (3) Additionally, if a protected person proves, by clear and convincing evidence, that the
50 conduct of the employer was outrageous because of the employer's evil motive or reckless
51 indifference to the rights of others, then, such person may receive double the amount awarded
52 under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this
53 subdivision, the provisions of section 510.263 shall be applied as though liquidated damages
54 were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of this
55 subsection were compensatory damages.

56 8. The court, in addition to the damages set forth in subsection 7 of this section, may
57 award the prevailing party court costs and reasonable attorney fees; except that a prevailing
58 respondent may be awarded reasonable attorney fees only upon a showing that the case was
59 without foundation.

2 ~~[285.040. 1. As used in this section, "public safety employee" shall mean~~
3 ~~a person trained or authorized by law or rule to render emergency medical~~
4 ~~assistance or treatment, including, but not limited to, firefighters, ambulance~~
5 ~~attendants and attendant drivers, emergency medical technicians, emergency~~
6 ~~medical technician paramedics, dispatchers, registered nurses, physicians, and~~
7 ~~sheriffs and deputy sheriffs.~~

8 ~~2. No public safety employee of a city not within a county who is hired~~
9 ~~prior to September 1, 2023, shall be subject to a residency requirement of~~
10 ~~retaining a primary residence in a city not within a county but may be required~~
11 ~~to maintain a primary residence located within a one-hour response time.~~

12 ~~3. Public safety employees of a city not within a county who are hired~~
13 ~~after August 31, 2023, may be subject to a residency rule no more restrictive than~~
14 ~~a requirement of retaining a primary residence in a city not within a county for~~
15 ~~a total of seven years and of then allowing the public safety employee to maintain~~
16 ~~a primary residence outside the city not within a county so long as the primary~~
~~residence is located within a one-hour response time.]~~

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