

HCS SS SCS SB 289 -- EMPLOYEES

SPONSOR: Brown (Copeland)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Accountability by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by the vote of 11 to 0.

The following is a summary of the House Committee Substitute for SB 289.

This bill amends the definition of an "employer" so that the state of Missouri, its agencies, and political subdivisions are considered employers for the purposes of the Whistleblower's Protection Act.

The bill also amends the definition of "protected person". Currently, employees in supervisory or managerial positions who report unlawful acts or serious misconduct that concerns matters upon which that employee is employed to report on or provide a professional opinion on are not considered protected persons. Neither are employees who report unlawful acts or violations of a clear mandate of public policy to the person the employee claims to have committed the act. This bill removes these exceptions from the definition of "protected person" (Section 285.575. RSMo).

This bill also allows for the creation of a Voluntary Firefighter Cancer Benefits Pool by three or more political subdivisions. Under the bill, any political subdivision may make contributions to a Voluntary Firefighter Cancer Benefits Pool. The board of trustees of any pool created for the purposes of this bill is subject to the Sunshine Law. The pool is allowed to make payments to covered individuals based upon the type of cancer with which the covered individual was diagnosed.

Benefits may be reduced by 25% if the covered individual used a tobacco product within the 5 years immediately preceding the cancer diagnosis.

If any individual that receives benefits under this bill thereafter receives workers' compensation benefits for the same injury, then the workers' compensation benefits or death benefits shall be reduced 100% by any benefits received from the pool under this bill.

Furthermore, the employer in any workers' compensation claim shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from the pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from the pool under this bill. Any receipt of benefits from the

pool under this bill shall be treated as an advance payment by the employer, on account of any future installments of workers' compensation benefits.

Any pool created for the purposes of this bill may accept or apply for grants or donations from any private or public source.

Furthermore, any such pool may apply for grants from the state fire marshal. This provision expires June 30, 2023.

The bill also amends a provision of law relating to disbursement of grants to volunteer fire protection association workers' compensation insurance premiums for volunteer firefighters.

Current law requires the State Fire Marshal to disburse such grants to any applying association. This bill permits such disbursement (Section 287.245).

Currently, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST (Peace Officer Standards and Training) Commission.

This bill provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022 (Section 590.030).

The following is a summary of the public testimony from the committee hearing. The testimony was based on SS SCS SB 289.

**PROPONENTS:** Supporters say that this bill will support transparency and accountability for police officers the same way we do for teachers and medical professionals.

Testifying for the bill were Senator Brown; Arnie Dienoff; Kevin Merritt, Missouri Sheriffs' Association; Missouri Sheriffs United; Missouri Fraternal Order of Police; St. Louis Police Officers Association; Kansas City Fraternal Order of Police; Tyler Hobbs, State of Missouri Department of Public Safety; NAACP; American Civil Liberties Union of Missouri; and Collin Stosberg, Missouri State Highway Patrol.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.