

SECOND REGULAR SESSION

HOUSE BILL NO. 3066

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRIST.

6475H.011

JOSEPH ENGLER, Chief Clerk

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Section A. Sections 84.160, 84.210, 84.325, and 105.726, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 84.160, 84.210, 84.325, and
3 105.726, to read as follows:

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

5 2. Each officer of police and patrolman whose regular assignment requires
6 nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed
7 three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of
8 subsection 1 of this section to the contrary, no additional compensation or compensatory time
9 off for overtime, court time, or standby court time shall be paid or allowed to any officer of
10 the rank of lieutenant or above. Notwithstanding any other provision of law to the contrary,
11 nothing in this section shall prohibit the payment of additional compensation pursuant to this
12 subsection to officers of the ranks of sergeants and above, provided that funding for such
13 compensation shall not:

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

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

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.

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

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

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

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

28 (4) Twenty-five percent beginning on January 1, 2028, and for all subsequent years;
29

30 to fund the police force governed by the board of police commissioners. Any **litigation costs,**
31 **including attorney's fees due for representation of the board and individual officers,**
32 **settlements or judgments, and** pension and retirement costs shall be excluded from the
33 calculation of expenses for the maintenance of the police force for the purposes of the
34 minimum funding requirements provided in this subsection.

35 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
36 board of police commissioners shall pay additional compensation for all hours of service
37 rendered by probationary patrolmen, patrolmen, and sergeants in excess of the established
38 regular working period, and the rate of compensation shall be one and one-half times the
39 regular hourly rate of pay to which each member shall normally be entitled; except that, the
40 court time and court standby time shall be paid at the regular hourly rate of pay to which each
41 member shall normally be entitled. No credit shall be given or deductions made from
42 payments for overtime for the purpose of retirement benefits.

43 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
44 probationary patrolmen, patrolmen, and sergeants shall receive additional compensation for
45 authorized overtime, court time and court standby time whenever the total accumulated time
46 exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at
47 the officer's discretion with the approval of his supervisor.

48 6. The allowance of compensation or compensatory time off for court standby time
49 shall be computed at the rate of one-third of one hour for each hour spent on court standby
50 time.

51 7. The board of police commissioners shall effect programs to provide additional
52 compensation to its employees for successful completion of academic work at an accredited
53 college or university, in amounts not to exceed ten percent of their yearly salaries or for field

54 training officer and lead officer responsibilities in amounts not to exceed three percent of their
55 yearly salaries for field training officer responsibilities and an additional three percent of their
56 yearly salaries for lead officer responsibilities. The board may designate up to one hundred
57 fifty employees as field training officers and up to fifty employees as lead officers.

58 8. The board of police commissioners:

59 (1) Shall provide or contract for life insurance coverage and for insurance benefits
60 providing health, medical and disability coverage for officers and employees of the
61 department;

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

64 (3) Shall provide health, medical, and life insurance coverage for retired officers and
65 employees of the police department. Health, medical and life insurance coverage shall be
66 made available for purchase to the spouses or dependents of deceased retired officers and
67 employees of the police department who receive pension benefits pursuant to sections 86.200
68 to 86.364 at the rate that such dependent's or spouse's coverage would cost under the
69 appropriate plan if the deceased were living;

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

73 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
74 board of police commissioners shall pay additional compensation to members of the police
75 force up to and including the rank of police officer for any full hour worked between the
76 hours of 11:00 p.m. and 7:00 a.m., in amounts equal to ten percent of the officer's base hourly
77 pay.

78 10. The board of police commissioners, from time to time and in its discretion, may
79 pay additional compensation to police officers, sergeants and lieutenants by paying
80 commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any
81 such payments shall be made in increments of not less than forty hours, and at rates
82 equivalent to the base straight-time rates being earned by said officers at the time of payment;
83 except that, no such officer shall be required to accept payment for accumulated unused
84 vacation time.

84.210. 1. It shall be the duty of said boards, annually on or before the last day of
2 February of each year to prepare, in writing, on such forms as may be prescribed for budget
3 preparation purposes by such cities for departments of city government, an estimate of the
4 sum of money which will be necessary for the subsequent fiscal year, to enable them to
5 discharge the duties hereby imposed upon them, and to meet the expenses of the police
6 department. Such estimate shall include, but not be limited to, all reasonably anticipated

7 revenues of such boards from all sources including, but not limited to, grants from the federal
8 or state governments, governmental agencies or other grantors and forfeitures of property and
9 proceeds of forfeited property, a table of organization, line items for personnel, supplies,
10 maintenance, repairs, services and contractual requirements, and a statement comparing
11 receipts and expenses for the last prior full fiscal year, the current fiscal year, and the fiscal
12 year to which the estimate pertains. Said boards shall forthwith certify such estimate to the
13 board of common council or municipal assembly, as the case may be, of said cities, who are
14 hereby required to set apart and appropriate the amount so certified, payable out of the
15 revenue of said cities, after having first deducted the amount necessary to pay the interest
16 upon the indebtedness of said cities, the amount necessary for the expenses of the city
17 hospital and health department, the amount necessary for lighting the city, and any sum
18 required by law to be placed to the credit of the sinking fund of said cities. ~~[During a fiscal~~
19 ~~year for which an appropriation has been so made, said boards shall not transfer funds~~
20 ~~appropriated for one line item of such appropriation to any other line item without the prior~~
21 ~~approval of the municipal board of estimate and apportionment]~~ **Such budget, when adopted**
22 **and certified by the board, shall be the authorization of expenditures for the purposes**
23 **set forth therein. No transfer from one character classification of expenditure in the**
24 **board budget to another character classification shall be made without the approval of**
25 **such board.**

26 2. The said boards of police commissioners shall pass upon all claims presented
27 against them for the expenses incurred in the discharge of their duties as herein provided, and
28 shall certify, by their president and secretary, all such claims as are entitled to payment and all
29 salary rolls for salaries as provided in sections 84.010 to 84.340, and such claims and salary
30 rolls, when so certified, shall be duly audited and paid by the proper disbursing officer or
31 officers of said cities within five days after being audited, out of any moneys in the city
32 treasury not appropriated to the specific purposes above enumerated; provided, however, that
33 the amount of said claims and salary rolls so certified shall not exceed, in any one year, the
34 amount so, as aforesaid, estimated for that year to the common council or municipal assembly
35 of said cities aforesaid. The common council or municipal assembly of said cities shall have
36 no power or authority to levy or collect any taxes or appropriate any money for the payment
37 of any police force, other than that organized and employed under sections 84.010 to 84.340.
38 No officer or servant of the mayor or the common council or municipal assembly of said
39 cities shall disburse any money for the payment of any police force other than that organized
40 and employed under sections 84.010 to 84.340, and the power of said mayor and common
41 council or municipal assembly to appropriate and disburse money for the payment of the
42 police force organized and employed under sections 84.010 to 84.340 shall be exercised as in
43 this section directed and not otherwise.

84.325. 1. A transition director shall be appointed by the governor to ensure oversight of an orderly transition of the control of any municipal police force from any city not within a county to the board of police commissioners. The implementation period shall begin on the effective date of this act, and end no later than July 1, ~~[2026]~~ **2027**. The board of police commissioners shall assume control of any municipal police force established within any city not within a county during the implementation period, according to the procedures and requirements of this section and any rules promulgated under subsection 6 of this section and as determined in coordination with the transition director, local officials, and the board of police commissioners. The purpose of these procedures and requirements is to ensure the continuity of operations of the municipal police force with minimized disruptions to the residents of any city not within a county, to provide for an orderly and appropriate transition in the governance of the police force, and to provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the assumption of control by the board of police commissioners under subsection 1 of this section, any municipal police department within any city not within a county shall convey, assign, and otherwise transfer to the board 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 municipal police department. Such city shall thereafter cease the operation of any police department or police force.

3. Upon the assumption of control by the board of police commissioners under subsection 1 of this section, the ~~[state]~~ **board of police commissioners** shall accept responsibility~~[-]~~ and ownership~~[-, and liability]~~ as successor-in-interest for contractual obligations ~~[and other lawful obligations]~~ of the municipal police department. **Liability for payment of any claim, lawsuit, or other action, including settlements or judgments, as well as litigation costs and attorney's fees due for representation of the board and individual employees and officers, shall remain with any city not within a county without reimbursement from the state legal expense fund, except for reimbursement to the board under subsection 3 of section 105.726, or any offset to the board's minimum appropriation to fund the police force governed by the board of police commissioners under subsection 3 of section 84.160.**

4. The board of police commissioners shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the municipal police department who were employed by the municipal police department immediately prior to the date the board assumed control. The board shall recognize all accrued years of service that such commissioned and civilian personnel had with the municipal police department, as well as all accrued years of service that such commissioned and civilian personnel had previously with the board of police commissioners. Such personnel shall be entitled to the same

38 holidays, vacation, sick leave, sick bonus time, and annual step increases they were entitled to
39 as employees of the municipal police department.

40 5. The commissioned and civilian personnel who retire from service with the
41 municipal police department before the board of police commissioners assumed control of the
42 department under subsection 1 of this section shall continue to be entitled to the same pension
43 benefits provided as employees of the municipal police department and the same benefits set
44 forth in subsection 4 of this section. Any police pension system created under chapter 86 for
45 the benefit of a police force established under sections 84.012 to 84.340 shall continue to be
46 governed by chapter 86 and shall apply to any comprehensive policing plan and any police
47 force established under sections 84.012 to 84.340. Other than any provision that makes
48 chapter 86 applicable to a municipal police force established under sections 84.343 to 84.346,
49 nothing in sections 84.012 to 84.340 shall be construed as limiting or changing the rights or
50 benefits provided under chapter 86.

51 6. The board of police commissioners may promulgate all necessary rules and
52 regulations for the implementation and administration of this section. Any rule or portion of a
53 rule, as that term is defined in section 536.010, that is created under the authority delegated in
54 this section shall become effective only if it complies with and is subject to all of the
55 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
56 are nonseverable and if any of the powers vested with the general assembly pursuant to
57 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
58 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
59 proposed or adopted after March 26, 2025, shall be invalid and void.

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

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

9 3. Moneys in the state legal expense fund shall not be available for the payment of
10 any claim or any amount required by any final judgment rendered by a court of competent
11 jurisdiction against a board of police commissioners established under chapter 84, including
12 the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other
13 provisions of law, other employees, agents, representative, or any other individual or entity
14 acting or purporting to act on its or their behalf. Such was the intent of the general assembly
15 in the original enactment of sections 105.711 to 105.726, and it is made express by this

16 section in light of the decision in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d
17 275. Except that the commissioner of administration shall reimburse from the legal expense
18 fund the boards of police commissioners established under chapter 84 for liability claims
19 otherwise eligible for payment under section 105.711 paid by such boards on an equal share
20 basis per claim up to a **collective** maximum of two million dollars per fiscal year.

21 4. If the representation of the attorney general is requested by a board of police
22 commissioners, the attorney general shall represent, investigate, defend, negotiate, or
23 compromise all claims under sections 105.711 to 105.726 for the board of police
24 commissioners, any police officer, other employees, agents, representatives, or any other
25 individual or entity acting or purporting to act on their behalf. The attorney general may
26 establish procedures by rules promulgated under chapter 536 under which claims must be
27 referred for the attorney general's representation. The attorney general and the officials of the
28 city which the police board represents shall meet and negotiate reasonable expenses or
29 charges that will fairly compensate the attorney general and the office of administration for
30 the cost of the representation of the claims under this section.

31 5. Claims tendered to the attorney general promptly after the claim was asserted as
32 required by section 105.716 and prior to August 28, 2005, may be investigated, defended,
33 negotiated, or compromised by the attorney general and full payments may be made from the
34 state legal expense fund on behalf of the entities and individuals described in this section as a
35 result of the holding in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275.

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