

HCS HB 3066 -- THE BOARD OF POLICE COMMISSIONERS

SPONSOR: Christ

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 11 to 5.

The following is a summary of the House Committee Substitute for HB 3066.

This bill specifies that any litigation costs, including attorneys' fees for representation of the Board of Police Commissioners and individual officers, settlements, or judgments will be excluded from the calculation of expenses for the maintenance of the police force for the purpose of the minimum funding requirements for the St. Louis Police Department. The bill also requires the budget adopted and certified by the Board to be the authorization of expenditures for the purposes specified in the budget and character classifications of budget items cannot be transferred from one classification to another without approval of the Board.

Currently, upon the assumption of control of the St. Louis Police Department by the Board, the State will accept responsibility, ownership, and liability as successor-in-interest. This bill changes this provision to the Board accepting ownership and responsibility as successor-in-interest. Liability for payment of claims, lawsuits, or other actions will remain with St. Louis City without reimbursement from the State Legal Expense Fund other than specific reimbursement to the Board or any offset to the Board's minimum appropriation to fund the police force.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill generally cleans up language that was passed last year related to the Board of Police Commissioners in St. Louis. There are current disputes between the Board and the city about who is responsible for litigation for the past 12 years. This clarifies that the new board is responsible for litigation prospectively and clarifies the budget process. There is a memorandum of understanding (MOU) being worked on and it will clarify what is happening in the bill. In the event the city and the State don't come to an agreement, the bill should move forward just in case. The Board prior to 2012

had litigation responsibility and the State will be doing that again, prospectively. Currently, for the Board to move money from different accounts, it has to go through a certain process in order to do that, so the bill helps the process to make it easier to transfer funds like any government would. One part of this bill that passed last year inadvertently left out the ability for lieutenants to receive overtime pay like other ranks. This bill addresses that.

Testifying in person for the bill were Representative Christ; Chris Graville; and Joe Steiger, St. Louis Police Officers' Association.

OPPONENTS: Those who oppose the bill say that the city is dedicated and committed to a seamless control takeover, and the MOU is supposed to resolve issues that are coming up in this bill. This conversation is happening in good faith and that is how it should be done. This legislation is seen as undermining the efforts of the stakeholders and this should be done at the local level between the interested parties.

Testifying in person against the bill were Jacqueline Bardgett, City of St. Louis; Arnie Dienoff; and Keith Rose, The Center for Growing Justice.

OTHERS: Others testifying on the bill say they work with the state legal expense fund and are familiar with the MOU being worked on so they can answer questions. General counsel for the board in Kansas City or in St. Louis has not been engaged. They answered questions about the process for presenting the police department's budget proposal and they gave an explanation about the concern of what would happen if the city did not cover litigation for the period when the city was in control because there was a conflict in the interpretation of the statute.

Testifying in person on the bill was Jeremiah Morgan, Missouri Attorney General.

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