

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1656
101ST GENERAL ASSEMBLY

3234H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 84.344, 285.040, 320.097, and 320.210, RSMo, and to enact in lieu thereof five new sections relating to requirements of certain public employees.

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

Section A. Sections 84.344, 285.040, 320.097, and 320.210, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 84.344, 285.040, 285.043,
3 320.097, and 320.210, to read as follows:

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

7 2. Upon the establishment of a municipal police force by a city under sections 84.343
8 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to
9 the city title and ownership of all indebtedness and assets, including, but not limited to, all
10 funds and real and personal property held in the name of or controlled by the board of police
11 commissioners created under sections [~~84.010~~ **84.015** to 84.340. The board of police
12 commissioners shall execute all documents reasonably required to accomplish such transfer
13 of ownership and obligations.

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

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 4. Before a city not within a county may establish a municipal police force under this
18 section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as
19 successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of
20 the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

21 5. A city not within a county that establishes a municipal police force shall initially
22 employ, without a reduction in rank, salary, or benefits, all commissioned and civilian
23 personnel of the board of police commissioners created under sections ~~[84.010]~~ **84.015** to
24 84.340 that were employed by the board immediately prior to the date the municipal police
25 force was established. Such commissioned personnel who previously were employed by the
26 board may only be involuntarily terminated by the city not within a county for cause. The
27 city shall also recognize all accrued years of service that such commissioned and civilian
28 personnel had with the board of police commissioners. Such personnel shall be entitled to the
29 same holidays, vacation, and sick leave they were entitled to as employees of the board of
30 police commissioners.

31 6. ~~[(1)]~~ Commissioned and civilian personnel of a municipal police force established
32 under this section ~~[who are hired prior to September 1, 2023,]~~ shall not be subject to a
33 residency requirement ~~[of retaining a primary residence in a city not within a county but may~~
34 ~~be required to maintain a primary residence located within a one-hour response time.~~

35 ~~(2) Commissioned and civilian personnel of a municipal police force established~~
36 ~~under this section who are hired after August 31, 2023, may be subject to a residency rule no~~
37 ~~more restrictive than a requirement of retaining a primary residence in a city not within a~~
38 ~~county for a total of seven years and of then allowing the personnel to maintain a primary~~
39 ~~residence outside the city not within a county so long as the primary residence is located~~
40 ~~within a one-hour response time].~~

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

45 8. If the city not within a county elects to establish a municipal police force under this
46 section, the city shall establish a separate division for the operation of its municipal police
47 force. The civil service commission of the city may adopt rules and regulations appropriate
48 for the unique operation of a police department. Such rules and regulations shall reserve
49 exclusive authority over the disciplinary process and procedures affecting commissioned
50 officers to the civil service commission; however, until such time as the city adopts such rules
51 and regulations, the commissioned personnel shall continue to be governed by the board of
52 police commissioner's rules and regulations in effect immediately prior to the establishment
53 of the municipal police force, with the police chief acting in place of the board of police

54 commissioners for purposes of applying the rules and regulations. Unless otherwise provided
55 for, existing civil service commission rules and regulations governing the appeal of
56 disciplinary decisions to the civil service commission shall apply to all commissioned and
57 civilian personnel. The civil service commission's rules and regulations shall provide that
58 records prepared for disciplinary purposes shall be confidential, closed records available
59 solely to the civil service commission and those who possess authority to conduct
60 investigations regarding disciplinary matters pursuant to the civil service commission's rules
61 and regulations. A hearing officer shall be appointed by the civil service commission to hear
62 any such appeals that involve discipline resulting in a suspension of greater than fifteen days,
63 demotion, or termination, but the civil service commission shall make the final findings of
64 fact, conclusions of law, and decision which shall be subject to any right of appeal under
65 chapter 536.

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

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

72 (2) Shall provide or contract for medical and life insurance coverage for any
73 commissioned or civilian personnel who retired from service with the board of police
74 commissioners or who were employed by the board of police commissioners and retire from
75 the municipal police force of a city not within a county to the same extent such medical and
76 life insurance coverage was provided by the board of police commissioners under section
77 84.160;

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

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

87 10. A city not within a county that establishes a municipal police force under sections
88 84.343 to 84.346 shall establish a transition committee of five members for the purpose of:
89 coordinating and implementing the transition of authority, operations, assets, and obligations
90 from the board of police commissioners to the city; winding down the affairs of the board;

91 making nonbinding recommendations for the transition of the police force from the board to
92 the city; and other related duties, if any, established by executive order of the city's mayor.
93 Once the ordinance referenced in this section is enacted, the city shall provide written notice
94 to the board of police commissioners and the governor of the state of Missouri. Within thirty
95 days of such notice, the mayor shall appoint three members to the committee, two of whom
96 shall be members of a statewide law enforcement association that represents at least five
97 thousand law enforcement officers. The remaining members of the committee shall include
98 the police chief of the municipal police force and a person who currently or previously served
99 as a commissioner on the board of police commissioners, who shall be appointed to the
100 committee by the mayor of such city.

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

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

10 3. ~~Public safety employees of a city not within a county who are hired after August~~
11 ~~31, 2023, may be subject to a residency rule no more restrictive than a requirement of~~
12 ~~retaining a primary residence in a city not within a county for a total of seven years and of~~
13 ~~then allowing the public safety employee to maintain a primary residence outside the city not~~
14 ~~within a county so long as the primary residence is located within a one-hour response time].~~

**285.043. No employee of a political subdivision of this state shall be required, as
2 a condition of employment, to reside within a specified jurisdiction. This section shall
3 not apply to and shall be superseded by any requirement of an elected or appointed
4 official.**

320.097. 1. As used in this section, "fire department" means any agency or
2 organization that provides fire suppression and related activities, including but not limited to
3 fire prevention, rescue, emergency medical services, hazardous material response,
4 dispatching, or special operations to a population within a fixed and legally recorded
5 geographical area.

6 2. No employee of a fire department [~~who has worked for seven years for such~~
7 ~~department]~~ shall, as a condition of employment, be required to reside within a fixed and
8 legally recorded geographical area [~~of the fire department if the only public school district~~
9 ~~available to the employee within such fire department's geographical area is a public school~~

10 district that is or has been unaccredited or provisionally accredited in the last five years of
11 such employee's employment. Employees who have satisfied the seven-year requirement in
12 this subsection and who choose to reside outside the geographical boundaries of the
13 department shall reside within a one-hour response time. No charter school shall be deemed a
14 public school for purposes of this section.

15 ~~3. No employee of a fire department who has not resided in such fire department's~~
16 ~~fixed and legally recorded geographical area, or who has changed such employee's residency~~
17 ~~because of conditions described in subsection 2 of this section, shall as a condition of~~
18 ~~employment be required to reside within the fixed and legally recorded geographical area of~~
19 ~~the fire department if such school district subsequently becomes fully accredited].~~

320.210. The state fire marshal shall appoint one assistant director and such other
2 investigators and employees as the needs of the office require within the limits of the
3 appropriation made for such purpose. ~~[Supervising investigators shall be at least twenty-five~~
4 ~~years of age and shall have either a minimum of five years' experience in fire risk inspection,~~
5 ~~prevention, or investigation work, or a degree in fire protection engineering from a~~
6 ~~recognized college or university of engineering.]~~ No person shall be appointed as an
7 investigator or other employee who has been convicted of a felony or other crime involving
8 moral turpitude. Any person appointed as an investigator shall be of good character, shall be
9 a citizen of the United States, ~~[shall have been a taxpaying resident of this state for at least~~
10 ~~three years immediately preceding his appointment, and]~~ shall be a graduate of an accredited
11 four-year high school or, in lieu thereof, shall have obtained a certificate of equivalency from
12 the state department of elementary and secondary education, and shall ~~[possess ordinary~~
13 ~~physical strength and be able to pass such physical and mental examinations as the state fire~~
14 ~~marshal may prescribe]~~ **be a resident of Missouri at the time of appointment.** An
15 investigator or employee shall not hold any other commission or office, elective or
16 appointive, or accept any other employment **that would pose a conflict of interest** while he
17 **or she** is an investigator or employee. An investigator or employee shall not accept any
18 compensation, reward, or gift other than his **or her** regular salary and expenses for the
19 performance of his **or her** official duties.

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