

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 17

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5811H.011

DANA RADEMAN MILLER, ChiefClerk

AN ACT

To repeal sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 86.200, 86.213, and 105.726, RSMo, and to enact in lieu thereof four new sections relating to the board of police commissioners, with penalty provisions and an emergency clause.

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

Section A. Sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 86.200, 86.213, and 105.726, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 84.325, 86.200, 86.213, and 105.726, to read as follows:

84.325. 1. On or after July 1, 2021, the board of police commissioners shall assume control of any municipal police force established within any city not within a county according to the procedures and requirements of this section and any rules promulgated under subsection 6 of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and 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.

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.

13 **3. Upon the assumption of control by the board of police commissioners under**
14 **subsection 1 of this section, the state shall accept responsibility, ownership, and liability as**
15 **successor-in-interest for contractual obligations, indebtedness, and other lawful obligations**
16 **of the municipal police department.**

17 **4. The board of police commissioners shall initially employ, without a reduction in**
18 **rank, salary, or benefits, all commissioned and civilian personnel of the municipal police**
19 **department that were employed by the municipal police department immediately prior to**
20 **the date the board assumed control. The board shall recognize all accrued years of service**
21 **that such commissioned and civilian personnel had with the municipal police department**
22 **as well as all accrued years of service that such commissioned and civilian personnel had**
23 **previously with the board of police commissioners. Such personnel shall be entitled to the**
24 **same holidays, vacation, and sick leave they were entitled to as employees of the municipal**
25 **police department.**

26 **5. The commissioned and civilian personnel who retired from service with the**
27 **municipal police department before the board of police commissioners assumed control of**
28 **the department under subsection 1 of this section shall continue to be entitled to the same**
29 **pension benefits provided as employees of the municipal police department and the same**
30 **benefits set forth in subsection 4 of this section.**

31 **6. The department of public safety may promulgate all necessary rules and**
32 **regulations for the implementation and administration of this section. Any rule or portion**
33 **of a rule, as that term is defined in section 536.010, that is created under the authority**
34 **delegated in this section shall become effective only if it complies with and is subject to all**
35 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
36 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
37 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
38 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
39 **any rule proposed or adopted after the effective date of this section shall be invalid and**
40 **void.**

 86.200. The following words and phrases as used in sections 86.200 to 86.366, unless
2 a different meaning is plainly required by the context, shall have the following meanings:

3 (1) "Accumulated contributions", the sum of all mandatory contributions deducted from
4 the compensation of a member and credited to the member's individual account, together with
5 members' interest thereon;

6 (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of
7 mortality tables and interest assumptions adopted by the board of trustees;

8 (3) "Average final compensation":

9 (a) With respect to a member who earns no creditable service on or after October 1,
10 2001, the average earnable compensation of the member during the member's last three years of
11 creditable service as a police officer, or if the member has had less than three years of creditable
12 service, the average earnable compensation of the member's entire period of creditable service;

13 (b) With respect to a member who is not participating in the DROP pursuant to section
14 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date,
15 and who earns any creditable service on or after October 1, 2001, the average earnable
16 compensation of the member during the member's last two years of creditable service as a
17 policeman, or if the member has had less than two years of creditable service, then the average
18 earnable compensation of the member's entire period of creditable service;

19 (c) With respect to a member who is participating in the DROP pursuant to section
20 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns
21 to active participation in the system pursuant to section 86.251, and who terminates employment
22 as a police officer for reasons other than death or disability before earning at least two years of
23 creditable service after such return, the portion of the member's benefit attributable to creditable
24 service earned before DROP entry shall be determined using average final compensation as
25 defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable
26 to creditable service earned after return to active participation in the system shall be determined
27 using average final compensation as defined in paragraph (b) of this subdivision;

28 (d) With respect to a member who is participating in the DROP pursuant to section
29 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who
30 returns to active participation in the system pursuant to section 86.251, and who terminates
31 employment as a police officer after earning at least two years of creditable service after such
32 return, the member's benefit attributable to all of such member's creditable service shall be
33 determined using the member's average final compensation as defined in paragraph (b) of this
34 subdivision;

35 (e) With respect to a member who is participating in the DROP pursuant to section
36 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns
37 to active participation in the system pursuant to section 86.251, and whose employment as a
38 police officer terminates due to death or disability after such return, the member's benefit
39 attributable to all of such member's creditable service shall be determined using the member's
40 average final compensation as defined in paragraph (b) of this subdivision; and

41 (f) With respect to the surviving spouse or surviving dependent child of a member who
42 earns any creditable service on or after October 1, 2001, the average earnable compensation of
43 the member during the member's last two years of creditable service as a police officer or, if the

44 member has had less than two years of creditable service, the average earnable compensation of
45 the member's entire period of creditable service;

46 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

47 (5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer
48 the retirement system;

49 (6) "Creditable service", prior service plus membership service as provided in sections
50 86.200 to 86.366;

51 (7) "DROP", the deferred retirement option plan provided for in section 86.251;

52 (8) "Earnable compensation", the annual salary established under section 84.160 which
53 a member would earn during one year on the basis of the member's rank or position plus any
54 additional compensation for academic work and shift differential ~~[that may be provided by any~~
55 ~~official or board now or hereafter authorized by law to employ and manage a permanent police~~
56 ~~force in such cities]~~. Such amount shall include the member's deferrals to a deferred
57 compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan
58 pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a
59 transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.
60 Earnable compensation shall not include a member's additional compensation for overtime,
61 standby time, court time, nonuniform time or unused vacation time. Notwithstanding the
62 foregoing, the earnable compensation taken into account under the plan established pursuant to
63 sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined
64 in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the
65 amount of compensation that may be taken into account under Section 401(a)(17) of the Internal
66 Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes
67 of this subdivision, a "noneligible participant" is an individual who first becomes a member on
68 or after the first day of the first plan year beginning after the earlier of:

69 (a) The last day of the plan year that includes August 28, 1995; or

70 (b) December 31, 1995;

71 (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

72 (10) "Mandatory contributions", the contributions required to be deducted from the
73 salary of each member who is not participating in DROP in accordance with section 86.320;

74 (11) "Medical board", the health care organization appointed by the trustees of the police
75 retirement board and responsible for arranging and passing upon all medical examinations
76 required under the provisions of sections 86.200 to 86.366, which shall investigate all essential
77 statements and certificates made by or on behalf of a member in connection with an application
78 for disability retirement and shall report in writing to the board of trustees its conclusions and
79 recommendations;

80 (12) "Member", a member of the retirement system as defined by sections 86.200 to
81 86.366;

82 (13) "Members' interest", interest on accumulated contributions at such rate as may be
83 set from time to time by the board of trustees;

84 (14) "Membership service", service as a policeman rendered since last becoming a
85 member, except in the case of a member who has served in the Armed Forces of the United
86 States and has subsequently been reinstated as a policeman, in which case "membership service"
87 means service as a policeman rendered since last becoming a member prior to entering such
88 armed service;

89 (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning
90 each October first and ending each September thirtieth;

91 (16) "Policeman" or "police officer", any member of the police force of such cities who
92 holds a rank in such police force;

93 (17) "Prior service", all service as a policeman rendered prior to the date the system
94 becomes operative or prior to membership service which is creditable in accordance with the
95 provisions of sections 86.200 to 86.366;

96 (18) "Reserve officer", any member of the police reserve force of such cities, armed or
97 unarmed, who works less than full time, without compensation, and who, by his or her assigned
98 function or as implied by his or her uniform, performs duties associated with those of a police
99 officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

100 (19) "Retirement allowance", annual payments for life as provided by sections 86.200
101 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof
102 granted to a member upon termination of employment as a police officer and actual retirement;

103 (20) "Retirement system", the police retirement system of the cities as defined in sections
104 86.200 to 86.366;

105 (21) "Surviving spouse", the surviving spouse of a member who was the member's
106 spouse at the time of the member's death.

86.213. 1. The general administration and the responsibility for the proper operation of
2 the retirement system and for making effective the provisions of sections 86.200 to 86.366 are
3 hereby vested in a board of trustees of ~~nine~~ ten persons. The board shall be constituted as
4 follows:

5 (1) **The president of the board of police commissioners of the city, ex officio. If the**
6 **president is absent from any meeting of the board of trustees for any cause, the president**
7 **may be represented by any member of the board of police commissioners who in such case**
8 **shall have full power to act as a member of the board of trustees;**

9 (2) The comptroller of the city, ex officio. If the comptroller is absent from any meeting
10 of the board of trustees for any cause whatsoever, the comptroller may be represented by either
11 the deputy comptroller or the first assistant comptroller who in such case shall have full power
12 to act as a member of the said board of trustees;

13 ~~[(2) Two]~~ (3) **Three** members to be appointed by the mayor of the city to serve for a
14 term of two years ~~[, except the mayor shall not appoint the police chief of the municipal police
15 force or the city's director of public safety];~~

16 ~~[(3)]~~ (4) Three members to be elected by the members of the retirement system of the
17 city for a term of three years; provided, however, that the term of office of the first three
18 members so elected shall begin immediately upon their election and one such member's term
19 shall expire one year from the date the retirement system becomes operative, another such
20 member's term shall expire two years from the date the retirement system becomes operative and
21 the other such member's term shall expire three years from the date the retirement system
22 becomes operative; provided, further, that such members shall be members of the system and
23 hold office only while members of the system;

24 ~~[(4) Three]~~ (5) **Two** members who shall be retired members of the retirement system
25 to be elected by the retired members of the retirement system for a term of three years; except
26 that, the term of office of the first two members so elected shall begin immediately upon their
27 election and one such member's term shall expire two years from the date of election and the
28 other such member's term shall expire three years from the date of election.

29 2. Any member elected chairman of the board of trustees may serve without term
30 limitations.

31 3. Each commissioned elected trustee shall be granted travel time by the St. Louis
32 metropolitan police department to attend any and all functions that have been authorized by the
33 board of trustees of the police retirement system of St. Louis. Travel time, with compensation,
34 for a trustee shall not exceed thirty days in any board fiscal year.

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, officer,
4 or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign
5 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 necessary
8 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 any
10 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 the
12 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 in
15 the original enactment of sections 105.711 to 105.726, and it is made express by this section in
16 light of the decision in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275. Except
17 that the commissioner of administration shall reimburse from the legal expense fund ~~[the]~~ **any**
18 board of police commissioners established under ~~[section 84.350, and any successor-in-interest~~
19 ~~established pursuant to section 84.344,]~~ **chapter 84** for liability claims otherwise eligible for
20 payment under section 105.711 paid by such ~~[board]~~ **boards on an equal share basis per claim**
21 up to a maximum of one million dollars per fiscal year.

22 4. ~~[Subject to the provisions of subsection 2 of section 84.345,]~~ If the representation of
23 the attorney general is requested by a board of police commissioners ~~[or its successor-in-interest~~
24 ~~established pursuant to section 84.344,]~~ the attorney general shall represent, investigate, defend,
25 negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police
26 commissioners, ~~[its successor in interest pursuant to section 84.344,]~~ any police officer, other
27 employees, agents, representatives, or any other individual or entity acting or purporting to act
28 on their behalf. The attorney general may establish procedures by rules promulgated under
29 chapter 536 under which claims must be referred for the attorney general's representation. The
30 attorney general and the officials of the city which the police board represents ~~[or represented]~~
31 shall meet and negotiate reasonable expenses or charges that will fairly compensate the attorney
32 general and the office of administration for the cost of the representation of the claims under this
33 section.

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

2 ~~[84.341. No elected or appointed official of the state or any political~~
3 ~~subdivision thereof shall act or refrain from acting in any manner to impede,~~
4 ~~obstruct, hinder, or otherwise interfere with any member of a municipal police~~
5 ~~force established under sections 84.343 to 84.346 in the performance of his or her~~
6 ~~job duties, or with any aspect of any investigation arising from the performance~~
7 ~~of such job duties. This section shall not be construed to prevent such officials~~
8 ~~from acting within the normal course and scope of their employment or from~~
9 ~~acting to implement sections 84.343 to 84.346. Any person who violates this~~
10 ~~section shall be liable for a penalty of two thousand five hundred dollars for each~~
~~offense and shall forever be disqualified from holding any office or employment~~

11 ~~whatsoever with the governmental entity the person served at the time of the~~
 12 ~~violation. The penalty shall not be paid by the funds of any committee as the~~
 13 ~~term committee is defined in section 130.011. This section shall not be construed~~
 14 ~~to interfere with the punishment, under any laws of this state, of a criminal~~
 15 ~~offense committed by such officials, nor shall this section apply to duly appointed~~
 16 ~~members of the municipal police force, or their appointing authorities, whose~~
 17 ~~conduct is otherwise provided for by law.]~~
 18

~~[84.342. 1. It shall be an unlawful employment practice for an official,~~
 2 ~~employee, or agent of a municipal police force established under sections 84.343~~
 3 ~~to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against~~
 4 ~~an employee of the municipal police force for reporting to any superior,~~
 5 ~~government agency, or the press the conduct of another employee that the~~
 6 ~~reporting employee believes, in good faith, is illegal.~~

7 ~~2. Any employee of the municipal police force may bring a cause of~~
 8 ~~action for general or special damages based on a violation of this section.]~~
 9

~~[84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any~~
 2 ~~city not within a county may establish a municipal police force for the purposes~~
 3 ~~of:~~

- 4 ~~(1) Preserving the public peace, welfare, and order;~~
 5 ~~(2) Preventing crime and arresting suspected offenders;~~
 6 ~~(3) Enforcing the laws of the state and ordinances of the city;~~
 7 ~~(4) Exercising all powers available to a police force under generally~~
 8 ~~applicable state law; and~~
 9 ~~(5) Regulating and licensing all private watchmen, private detectives, and~~
 10 ~~private policemen serving or acting as such in said city.~~

11 ~~2. Any person who acts as a private watchman, private detective, or~~
 12 ~~private policeman in said cities without having obtained a written license from~~
 13 ~~said cities is guilty of a class A misdemeanor.]~~
 14

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

8 ~~2. Upon the establishment of a municipal police force by a city under~~
 9 ~~sections 84.343 to 84.346, the board of police commissioners shall convey,~~
 10 ~~assign, and otherwise transfer to the city title and ownership of all indebtedness~~
 11 ~~and assets, including, but not limited to, all funds and real and personal property~~
 12 ~~held in the name of or controlled by the board of police commissioners created~~

13 under sections 84.010 to 84.340. The board of police commissioners shall
14 execute all documents reasonably required to accomplish such transfer of
15 ownership and obligations.

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

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

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

35 ~~6. Commissioned and civilian personnel who were previously employed~~
36 ~~by the board shall continue to be subject, throughout their employment for the~~
37 ~~city not within a county, to a residency rule no more restrictive than a~~
38 ~~requirement of retaining a primary residence in a city not within a county for a~~
39 ~~total of seven years and of then allowing them to maintain a primary residence~~
40 ~~outside the city not within a county so long as the residence is located within a~~
41 ~~one-hour response time.~~

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

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

56 to the establishment of the municipal police force, with the police chief acting in
57 place of the board of police commissioners for purposes of applying the rules and
58 regulations. Unless otherwise provided for, existing civil service commission
59 rules and regulations governing the appeal of disciplinary decisions to the civil
60 service commission shall apply to all commissioned and civilian personnel. The
61 civil service commission's rules and regulations shall provide that records
62 prepared for disciplinary purposes shall be confidential, closed records available
63 solely to the civil service commission and those who possess authority to conduct
64 investigations regarding disciplinary matters pursuant to the civil service
65 commission's rules and regulations. A hearing officer shall be appointed by the
66 civil service commission to hear any such appeals that involve discipline
67 resulting in a suspension of greater than fifteen days, demotion, or termination;
68 but the civil service commission shall make the final findings of fact, conclusions
69 of law, and decision which shall be subject to any right of appeal under chapter
70 536.

71 ~~9. A city not within a county that establishes and maintains a municipal~~
72 ~~police force under this section:~~

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

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

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

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

93 ~~10. A city not within a county that establishes a municipal police force~~
94 ~~under sections 84.343 to 84.346 shall establish a transition committee of five~~
95 ~~members for the purpose of: coordinating and implementing the transition of~~
96 ~~authority, operations, assets, and obligations from the board of police~~
97 ~~commissioners to the city; winding down the affairs of the board; making~~
98 ~~nonbinding recommendations for the transition of the police force from the board~~

99 to the city; and other related duties, if any, established by executive order of the
100 city's mayor. Once the ordinance referenced in this section is enacted, the city
101 shall provide written notice to the board of police commissioners and the
102 governor of the state of Missouri. Within thirty days of such notice, the mayor
103 shall appoint three members to the committee, two of whom shall be members
104 of a statewide law enforcement association that represents at least five thousand
105 law enforcement officers. The remaining members of the committee shall
106 include the police chief of the municipal police force and a person who currently
107 or previously served as a commissioner on the board of police commissioners;
108 who shall be appointed to the committee by the mayor of such city.]
109

2 ~~[84.345. 1. Except as required for the board of police commissioners to~~
3 ~~conclude its affairs and pursue legal claims and defenses, upon the establishment~~
4 ~~of a municipal police force, the terms of office of the commissioners of the board~~
5 ~~of police created under sections 84.020 and 84.030 shall expire, and the~~
6 ~~provisions of sections 84.010 to 84.340 shall not apply to any city not within a~~
7 ~~county or its municipal police force as of such date. The board shall continue to~~
8 ~~operate, if necessary, to wind down the board's affairs until the transfer of~~
9 ~~ownership and obligations under subsection 2 of section 84.344 has been~~
10 ~~completed. During such time, the board of police commissioners shall designate~~
11 ~~and authorize its secretary to act on behalf of the board for purposes of~~
12 ~~performing the board's duties and any other actions incident to the transfer and~~
13 ~~winding down of the board's affairs.~~

14 ~~2. For any claim, lawsuit, or other action arising out of actions occurring~~
15 ~~before the date of completion of the transfer provided under subsection 2 of~~
16 ~~section 84.344, the state shall continue to provide legal representation as set forth~~
17 ~~in section 105.726, and the state legal expense fund shall continue to provide~~
18 ~~reimbursement for such claims under section 105.726. This subsection applies~~
19 ~~to all claims, lawsuits, and other actions brought against any commissioner,~~
20 ~~police officer, employee, agent, representative, or any individual or entity acting~~
21 ~~or purporting to act on its or their behalf.~~

22 ~~3. Notwithstanding any other provision of law, rule, or regulation to the~~
23 ~~contrary, any city not within a county that establishes a municipal police force~~
24 ~~under sections 84.343 to 84.346 shall not be restricted or limited in any way in~~
25 ~~the selection of a police chief or chief of the division created under subsection 8~~
26 ~~of section 84.344.~~

27 ~~4. It shall be the duty of the sheriff for any city not within a county,~~
28 ~~whenever called upon by the police chief of the municipal police force, to act~~
29 ~~under the police chief's control for the preservation of the public peace and quiet;~~
30 ~~and, whenever the exigency or circumstances may, in the police chief's judgment,~~
31 ~~warrant it, said police chief shall have the power to assume the control and~~
~~command of all local and municipal conservators of the peace of the city, whether~~

32 ~~sheriff, constable, policemen or others, and they shall act under the orders of the~~
33 ~~said police chief and not otherwise.]~~

34

2 ~~[84.346. Any police pension system created under chapter 86 for the~~
3 ~~benefit of a police force established under sections 84.010 to 84.340 shall~~
4 ~~continue to be governed by chapter 86, and shall apply to any police force~~
5 ~~established under section 84.343 to 84.346. Other than any provision that makes~~
6 ~~chapter 86 applicable to a municipal police force established under section~~
7 ~~84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as~~
8 ~~limiting or changing the rights or benefits provided under chapter 86.]~~

8

2 ~~[84.347. Notwithstanding the provisions of section 1.140 to the contrary,~~
3 ~~the provisions of sections 84.343 to 84.346 shall be nonseverable. If any~~
4 ~~provision of sections 84.343 to 84.346 is for any reason held to be invalid, such~~
5 ~~decision shall invalidate all of the remaining provisions of this act.]~~

5

2 Section B. Because immediate action is necessary to ensure that law enforcement
3 officers are able to adequately protect the public during the current unprecedented wave of
4 violent crime in the nation and in the state, section A of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
6 to be an emergency act within the meaning of the constitution, and section A of this act shall be
in full force and effect upon its passage and approval.

✓