

SECOND REGULAR SESSION

HOUSE BILL NO. 2432

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RODEN.

5092H.011

DANA RADEMAN MILLER, Chief Clerk

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.

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Section A. Sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 86.200, 86.213, and 105.726, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 84.325, 86.200, 86.213, and 105.726, to read as follows: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, 2023, 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.

3. Upon the assumption of control by the board of police commissioners under subsection 1 of this section, the state shall accept responsibility, ownership, and liability

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.

15 as successor-in-interest for contractual obligations, indebtedness, and other lawful
16 obligations of the municipal police department.

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

26 5. The commissioned and civilian personnel who retire from service with the
27 municipal police department before the board of police commissioners assumed control
28 of the department under subsection 1 of this section shall continue to be entitled to the
29 same pension benefits provided as employees of the municipal police department and
30 the same 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
33 portion of a rule, as that term is defined in section 536.010, that is created under the
34 authority delegated in this section shall become effective only if it complies with and is
35 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
36 section and chapter 536 are nonseverable, and if any of the powers vested with the
37 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
38 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
39 rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be
40 invalid and 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
4 from the compensation of a member and credited to the member's individual account,
5 together with 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
11 of creditable service as a police officer, or if the member has had less than three years of

12 creditable service, the average earnable compensation of the member's entire period of
13 creditable service;

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

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

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

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

44 (f) With respect to the surviving spouse or surviving dependent child of a member
45 who earns any creditable service on or after October 1, 2001, the average earnable
46 compensation of the member during the member's last two years of creditable service as a
47 police officer or, if the member has had less than two years of creditable service, the average
48 earnable compensation of the member's entire period of creditable service;

- 49 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;
- 50 (5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer
51 the retirement system;
- 52 (6) "Creditable service", prior service plus membership service as provided in
53 sections 86.200 to 86.366;
- 54 (7) "DROP", the deferred retirement option plan provided for in section 86.251;
- 55 (8) "Earnable compensation", the annual salary established under section 84.160
56 which a member would earn during one year on the basis of the member's rank or position
57 plus any additional compensation for academic work and shift differential [~~that may be~~
58 ~~provided by any official or board now or hereafter authorized by law to employ and manage a~~
59 ~~permanent police force in such cities~~]. Such amount shall include the member's deferrals to a
60 deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a
61 cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1,
62 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal
63 Revenue Code. Earnable compensation shall not include a member's additional compensation
64 for overtime, standby time, court time, nonuniform time or unused vacation time.
65 Notwithstanding the foregoing, the earnable compensation taken into account under the
66 plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a
67 noneligible participant, as defined in this subdivision, for any plan year beginning on or after
68 October 1, 1996, shall not exceed the amount of compensation that may be taken into account
69 under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost
70 of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is
71 an individual who first becomes a member on or after the first day of the first plan year
72 beginning after the earlier of:
- 73 (a) The last day of the plan year that includes August 28, 1995; or
- 74 (b) December 31, 1995;
- 75 (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as
76 amended;
- 77 (10) "Mandatory contributions", the contributions required to be deducted from the
78 salary of each member who is not participating in DROP in accordance with section 86.320;
- 79 (11) "Medical board", the health care organization appointed by the trustees of the
80 police retirement board and responsible for arranging and passing upon all medical
81 examinations required under the provisions of sections 86.200 to 86.366, which shall
82 investigate all essential statements and certificates made by or on behalf of a member in
83 connection with an application for disability retirement and shall report in writing to the board
84 of trustees its conclusions and recommendations;

85 (12) "Member", a member of the retirement system as defined by sections 86.200 to
86 86.366;

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

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

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

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

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

101 (18) "Reserve officer", any member of the police reserve force of such cities, armed
102 or unarmed, who works less than full time, without compensation, and who, by his or her
103 assigned function or as implied by his or her uniform, performs duties associated with those
104 of a police officer and who currently receives a service retirement as provided by sections
105 86.200 to 86.366;

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

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

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

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

5 (1) **The president of the board of police commissioners of the city, ex officio. If**
6 **the president is absent from any meeting of the board of trustees for any cause, the**
7 **president may be represented by any member of the board of police commissioners who**
8 **in such case 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
10 meeting of the board of trustees for any cause whatsoever, the comptroller may be represented
11 by either the deputy comptroller or the first assistant comptroller who in such case shall have
12 full power 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
21 and 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
33 the board of trustees of the police retirement system of St. Louis. Travel time, with
34 compensation, 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,
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] any~~ board of police commissioners established under ~~[section 84.350, and any~~
19 ~~successor in interest established pursuant to section 84.344,]~~ **chapter 84** for liability claims
20 otherwise eligible for payment under section 105.711 paid by such ~~[board]~~ **boards on an**
21 **equal share basis per claim** 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
23 of the attorney general is requested by a board of police commissioners ~~[or its successor in~~
24 ~~interest established pursuant to section 84.344,]~~ the attorney general shall represent,
25 investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726
26 for the board of police commissioners, ~~[its successor in interest pursuant to section 84.344,]~~
27 any police officer, other employees, agents, representatives, or any other individual or entity
28 acting or purporting to act on their behalf. The attorney general may establish procedures by
29 rules promulgated under chapter 536 under which claims must be referred for the attorney
30 general's representation. The attorney general and the officials of the city which the police
31 board represents ~~[or represented]~~ shall meet and negotiate reasonable expenses or charges that
32 will fairly compensate the attorney general and the office of administration for the cost of the
33 representation of the claims under this 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~~
6 ~~her job duties, or with any aspect of any investigation arising from the~~
7 ~~performance of such job duties. This section shall not be construed to prevent~~
8 ~~such officials from acting within the normal course and scope of their~~
9 ~~employment or from acting to implement sections 84.343 to 84.346. Any~~
10 ~~person who violates this section shall be liable for a penalty of two thousand~~
11 ~~five hundred dollars for each offense and shall forever be disqualified from~~
12 ~~holding any office or employment whatsoever with the governmental entity~~
~~the person served at the time of the violation. The penalty shall not be paid by~~

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

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

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

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

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

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

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

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

17 ~~3. If the city establishes a municipal police force and completes the~~
 18 ~~transfer described in subsection 2 of this section, the city shall provide the~~
~~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~~
22 ~~contractual obligations, indebtedness, and other lawful obligations of the~~
23 ~~board of police commissioners subject to the provisions of subsection 2 of~~
24 ~~section 84.345.~~

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

36 6. ~~(1) Commissioned and civilian personnel of a municipal police~~
37 ~~force established under this section who are hired prior to September 1, 2023,~~
38 ~~shall not be subject to a residency requirement of retaining a primary residence~~
39 ~~in a city not within a county but may be required to maintain a primary~~
40 ~~residence located within a one-hour response time.~~

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

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

53 8. ~~If the city not within a county elects to establish a municipal police~~
54 ~~force under this section, the city shall establish a separate division for the~~
55 ~~operation of its municipal police force. The civil service commission of the~~
56 ~~city may adopt rules and regulations appropriate for the unique operation of a~~
57 ~~police department. Such rules and regulations shall reserve exclusive~~
58 ~~authority over the disciplinary process and procedures affecting commissioned~~
59 ~~officers to the civil service commission; however, until such time as the city~~
60 ~~adopts such rules and regulations, the commissioned personnel shall continue~~
61 ~~to be governed by the board of police commissioner's rules and regulations in~~
62 ~~effect immediately prior to the establishment of the municipal police force,~~
63 ~~with the police chief acting in place of the board of police commissioners for~~
64 ~~purposes of applying the rules and regulations. Unless otherwise provided for,~~
65 ~~existing civil service commission rules and regulations governing the appeal of~~
66 ~~disciplinary decisions to the civil service commission shall apply to all~~

67 ~~commissioned and civilian personnel. The civil service commission's rules~~
68 ~~and regulations shall provide that records prepared for disciplinary purposes~~
69 ~~shall be confidential, closed records available solely to the civil service~~
70 ~~commission and those who possess authority to conduct investigations~~
71 ~~regarding disciplinary matters pursuant to the civil service commission's rules~~
72 ~~and regulations. A hearing officer shall be appointed by the civil service~~
73 ~~commission to hear any such appeals that involve discipline resulting in a~~
74 ~~suspension of greater than fifteen days, demotion, or termination, but the civil~~
75 ~~service commission shall make the final findings of fact, conclusions of law,~~
76 ~~and decision which shall be subject to any right of appeal under chapter 536.~~

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

79 (1) ~~Shall provide or contract for life insurance coverage and for~~
80 ~~insurance benefits providing health, medical, and disability coverage for~~
81 ~~commissioned and civilian personnel of the municipal police force to the same~~
82 ~~extent as was provided by the board of police commissioners under section~~
83 ~~84.160;~~

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

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

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

100 10. ~~A city not within a county that establishes a municipal police force~~
101 ~~under sections 84.343 to 84.346 shall establish a transition committee of five~~
102 ~~members for the purpose of: coordinating and implementing the transition of~~
103 ~~authority, operations, assets, and obligations from the board of police~~
104 ~~commissioners to the city; winding down the affairs of the board; making~~
105 ~~nonbinding recommendations for the transition of the police force from the~~
106 ~~board to the city; and other related duties, if any, established by executive~~
107 ~~order of the city's mayor. Once the ordinance referenced in this section is~~
108 ~~enacted, the city shall provide written notice to the board of police~~
109 ~~commissioners and the governor of the state of Missouri. Within thirty~~
110 ~~days of such notice, the mayor shall appoint three members to the committee,~~
111 ~~two of whom shall be members of a statewide law enforcement association~~
112 ~~that represents at least five thousand law enforcement officers. The remaining~~
113 ~~members of the committee shall include the police chief of the municipal~~
114 ~~police force and a person who currently or previously served as a~~

115 commissioner on the board of police commissioners, who shall be appointed to
116 ~~the committee by the mayor of such city.]~~

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

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

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

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

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~~
6 ~~makes chapter 86 applicable to a municipal police force established under~~
7 ~~section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be~~
8 ~~construed as limiting or changing the rights or benefits provided under chapter~~
~~86.]~~

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

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