

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 643
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 15, 2010, with recommendation that the Senate Committee Substitute do pass.

3356S.08C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new sections relating to the St. Louis police force.

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

Section A. Sections 84.010, 86.200, and 86.213 RSMo, are repealed and
2 seven new sections enacted in lieu thereof, to be known as sections 84.010,
3 84.345, 84.346, 84.347, 84.348, 86.200, and 86.213, to read as follows:

84.010. 1. In all cities of this state that now have, or may hereafter
2 attain, a population of seven hundred thousand inhabitants or over, the common
3 council or municipal assembly, as the case may be, of such cities may pass
4 ordinances for preserving order, securing property and persons from violence,
5 danger or destruction, protecting public and private property, and for promoting
6 the interests and insuring the good government of the cities; but no ordinances
7 heretofore passed, or that may hereafter be passed, by the common council or
8 municipal assembly of the cities, shall, in any manner, conflict or interfere with
9 the powers or the exercise of the powers of the boards of police commissioners of
10 the cities as created by section 84.020, nor shall the cities or any officer or agent
11 of the corporation of the cities, or the mayor thereof, in any manner impede,
12 obstruct, hinder or interfere with the boards of police or any officer, or agent or
13 servant thereof or thereunder, except that in any case of emergency imminently
14 imperiling the lives, health or safety of the inhabitants of the city, the mayor may
15 call upon and direct the chief of police of the city to provide such number of
16 officers and patrolmen to meet the emergency as the mayor determines to be
17 necessary and the chief of police shall continue to act under the direction of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 mayor until the emergency has ceased, or until the board of police commissioners
19 takes charge of such matter.

20 **2. Notwithstanding any provision of subsection 1 of this section**
21 **or any other law to the contrary, as of August 28, 2010, any city not**
22 **within a county may establish, and thereafter maintain, a municipal**
23 **police force under sections 84.345 and 84.346.**

84.345. Any city not within a county may establish a municipal
2 **police force for the purposes of:**

3 **(1) Preserving the public peace, welfare, and order;**

4 **(2) Preventing crime and arresting suspected offenders;**

5 **(3) Enforcing the laws of the state and ordinances of the city;**

6 **(4) Exercising all powers available to a police force under**
7 **generally applicable state law; and**

8 **(5) Regulating and licensing all private watchmen, private**
9 **detectives, and private policemen serving or acting as such in said**
10 **cities.**

11 **No person shall act as a private watchman, private detective, or private**
12 **policeman in said cities without first having obtained a written license**
13 **from said police force.**

84.346. 1. A city not within a county that establishes and
2 **maintains a municipal police force pursuant to subsection 2 of section**
3 **84.010 and section 84.345 shall provide for the employment in the**
4 **municipal police force, immediately upon the effective date of the**
5 **establishment of the municipal police force, of all officers and**
6 **employees of any police force previously established under sections**
7 **84.010 to 84.340 at their then current salaries, and for their entitlement**
8 **to all accrued benefits, including but not limited to, vacation time, sick**
9 **leave, health insurance, life insurance, and pensions. Any such city not**
10 **within a county shall recognize any regulation concerning residence of**
11 **police officers adopted by the board of police commissioners created**
12 **under sections 84.020 and 84.030. Any retired officers shall also**
13 **maintain their accrued benefits, including but not limited to health and**
14 **life insurance.**

15 **2. Notwithstanding the provisions of subsection 1 of this section**
16 **to the contrary, the city shall recognize the designated exclusive**
17 **bargaining representative of the uniformed members of the municipal**
18 **police force to the rank of sergeant and shall, to the extent permitted**

19 **by federal and state law, engage in negotiations with said**
20 **representative over terms, conditions, and benefits of employment in**
21 **a good faith effort to enter into a binding contract covering such terms,**
22 **conditions, and benefits.**

84.347. **The provisions of subsection 1 of section 84.010 and**
2 **sections 84.015, 84.020, 84.030, 84.040, 84.050, 84.060, 84.070, 84.080,**
3 **84.090, 84.095, 84.100, 84.110, 84.120, 84.130, 84.140, 84.150, 84.160, 84.170,**
4 **84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240, 84.250, 84.260,**
5 **84.265, 84.330, and 84.340, and the terms of office of the commissioners**
6 **of the board of police under sections 84.020 and 84.030 shall expire**
7 **upon the effective date of this act.**

84.348. **Any police pension system created under chapter 86 for**
2 **the benefit of a police force established under sections 84.010 to 84.343**
3 **shall continue to be governed by chapter 86, and shall apply to any**
4 **police force established under sections 84.345 and 84.346.**

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

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

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

10 (3) "Average final compensation":

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

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

22 compensation of the member's entire period of creditable service;

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

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

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

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

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

57 (5) "Board of police commissioners", any board of police commissioners,

58 police commissioners and any other officials or boards now or hereafter
59 authorized by law to employ and manage a permanent police force in such cities;

60 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to
61 administer the retirement system;

62 (7) "Creditable service", prior service plus membership service as provided
63 in sections 86.200 to 86.366;

64 (8) "DROP", the deferred retirement option plan provided for in section
65 86.251;

66 (9) "Earnable compensation", the annual salary which a member would
67 earn during one year on the basis of the member's rank or position as specified
68 in the applicable salary matrix [in section 84.160, RSMo,] plus **any** additional
69 compensation for academic work [as provided in subsection 7 of section 84.160,
70 RSMo, plus] **and** shift differential [as provided in subdivision (4) of subsection
71 8 of section 84.160, RSMo] **that may be provided by any official or board**
72 **now or hereafter authorized by law to employ and manage a permanent**
73 **police force in such cities.** Such amount shall include the member's deferrals
74 to a deferred compensation plan pursuant to Section 457 of the Internal Revenue
75 Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code
76 or, effective October 1, 2001, to a transportation fringe benefit program pursuant
77 to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall
78 not include a member's additional compensation for overtime, standby time, court
79 time, nonuniform time or unused vacation time. Notwithstanding the foregoing,
80 the earnable compensation taken into account under the plan established
81 pursuant to sections 86.200 to 86.366 with respect to a member who is a
82 noneligible participant, as defined in this subdivision, for any plan year beginning
83 on or after October 1, 1996, shall not exceed the amount of compensation that
84 may be taken into account under Section 401(a)(17) of the Internal Revenue Code,
85 as adjusted for increases in the cost of living, for such plan year. For purposes
86 of this subdivision, a "noneligible participant" is an individual who first becomes
87 a member on or after the first day of the first plan year beginning after the
88 earlier of:

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

90 (b) December 31, 1995;

91 (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986,
92 as amended;

93 (11) "Mandatory contributions", the contributions required to be deducted

94 from the salary of each member who is not participating in DROP in accordance
95 with section 86.320;

96 (12) "Member", a member of the retirement system as defined by sections
97 86.200 to 86.366;

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

100 (14) "Membership service", service as a policeman rendered since last
101 becoming a member, except in the case of a member who has served in the armed
102 forces of the United States and has subsequently been reinstated as a policeman,
103 in which case "membership service" means service as a policeman rendered since
104 last becoming a member prior to entering such armed service;

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

107 (16) "Policeman" or "police officer", any member of the police force of such
108 cities who holds a rank in such police force [for which the annual salary is listed
109 in section 84.160, RSMo];

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

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

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

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

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

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

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

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

15 [(3)] (2) Three members to be appointed by the mayor of the city to serve
16 for a term of two years;

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

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

32 2. Any member elected chairman of the board of trustees may serve
33 without term limitations.

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