

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 78

AN ACT

To repeal sections 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.344, 84.346, and 105.726, RSMo, and to enact in lieu thereof fourteen new sections relating to the operation of certain law enforcement agencies, with penalty provisions.

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

Section A. Sections 84.030, 84.100, 84.140, 84.150, 84.160, 84.170, 84.344, 84.346, and 105.726, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 84.005, 84.012, 84.030, 84.035, 84.100, 84.140, 84.150, 84.160, 84.170, 84.225, 84.325, 84.344, 84.346, and 105.726, to read as follows:

84.005. Sections 84.005 to 84.346 shall be known as the "Safer St. Louis Act of 2023".

84.012. In all cities of this state not within a county, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and ensuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of any board of police commissioners of a city as created by section 84.020, nor shall the city or any officer or agent of the corporation of the city, or the mayor thereof, in any manner impede,

obstruct, hinder, or interfere with any board of police or any officer, or agent or servant thereof or thereunder.

84.030. [Beginning on January 9, 1989] If ordered by the court pursuant to section 84.344, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint a special administrative board which shall consist of the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. [The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.]

84.035. 1. Notwithstanding any other provision of law to the contrary, when a board of police commissioners is appointed to act as a special administrative board, the duties of the board shall be to develop a comprehensive

policing plan addressing the governance, funding, and operation of any police force operating within the city. In developing such policing plan, the board shall consider, at a minimum, each of the following alternatives for providing police services within the city:

(1) Operation of a municipal police force pursuant to a detailed methodology for achieving and maintaining compliance with the requirements of subsection 9 of section 84.344; and

(2) Operation of a police force under the control of the board of police commissioners as provided in sections 84.010 to 84.340 along with any modifications made by the board.

2. Upon adoption by the board, the policing plan shall be transmitted to the governor, the attorney general, the general assembly, the mayor of the city, and governing body of the city.

3. If such policing plan established pursuant to this section is submitted to the general assembly it shall take effect on January first of the year following its submission, unless such plan is disapproved by a concurrent resolution adopted by a majority vote of the respective members of the house and senate within sixty days after submission to the general assembly. If the general assembly shall disapprove such plan, the board may develop further policing plans and transmit the plan in the same manner provided in this section.

4. Upon the plan taking effect, it shall have the full force and effect of law and shall supersede all conflicting laws, charter provisions, ordinances, rules, or regulations.

5. To the extent the plan requires any action by the city to implement its provisions, the mayor shall report to the board on the status of any such actions to enable the

board to monitor the city's progress toward implementation of the plan. Such reports shall be made to the board in the manner prescribed by the board.

6. If at any time any elected or appointed official shall refuse or fail to take any action required to implement the plan, the attorney general may cause a petition to be filed on behalf of the board with the circuit court of the judicial circuit in which the city is located seeking an order directing such official to perform such action or, at the board's option, for an order authorizing the board to assume control of any police force operating within the city. Upon the entry of an order authorizing the board to assume control of the police force the board shall cease acting as a special administrative board and shall enjoy all general and supervising control of the police force and shall exercise all powers and be subject to the duties provided in sections 84.010 to 84.340. Upon entry of any order authorizing the board to assume control of the police force, the city shall be subject to the duties imposed on the municipal assembly or common council by sections 84.010 to 84.340.

7. The state of Missouri, its agencies, and employees shall have absolute immunity from liability for any and all acts or omissions relating to or in any way involving the police force or the board during any time that the board is acting as a special administrative board.

84.100. To enable the boards to perform the duties imposed upon them, they are hereby authorized and required to appoint, enroll and employ a permanent police force for the cities which they shall equip and arm as they may judge necessary. Except as provided below, the number of patrolmen to be appointed shall not be ~~more~~ less than one thousand ~~six~~ one hundred ~~eighty-three~~ forty-two of which

number not more than two hundred fifty are to be probationary patrolmen. Any increase in the number of patrolmen authorized, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners, with the approval of the municipal board of estimate and apportionment. ~~【The number of turnkeys to be appointed shall be sixty-five, except that for each patrolman hereafter promoted, demoted, removed, resigned or otherwise separated from the force, an additional turnkey may be appointed, but under no circumstances shall more than one hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the maximum number of patrolmen to be appointed shall be reduced accordingly so that when one hundred fifty turnkeys have been appointed, the number of patrolmen to be appointed shall not be more than one thousand five hundred ninety-eight】~~ The board may continue to employ as many non-commissioned police civilians as it deems necessary in order to perform the duties imposed upon them, which shall include city marshals and park rangers.

84.140. The boards shall grant every member of the police force who has served for one year or more a total of three weeks vacation each year with pay, and each member of the police force who has served the department for ~~【twelve】~~ five years or more shall receive ~~【four】~~ five weeks vacation each year with pay, and each member of the police force who has served the department for ~~【twenty-one】~~ ten years or more shall receive ~~【five】~~ six weeks vacation each year with pay, and each member of the police force who has served the department for ~~【thirty】~~ fifteen years or more ~~【and is eligible to participate in the deferred retirement option plan】~~ shall receive ~~【six】~~ seven weeks vacation each year with pay~~【; however the board may grant an additional week of~~

paid vacation to members after one year of service], and each member of the police force who has served the department for twenty years or more shall receive eight weeks vacation each year with pay. All members of the police force shall receive [fifteen] sixteen holidays with pay, however the board may grant additional holidays with pay, and one hundred four days off duty each year with pay, and the boards may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

84.150. The maximum number of officers of the police force in each rank in each such city shall be as follows: one chief of police with the rank of colonel; one assistant chief of police with the rank of lieutenant colonel; four additional lieutenant colonels[, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary]; ten captains; fifty-seven lieutenants; and one hundred and eighty-eight sergeants. No further appointments to the rank of major shall hereafter be made, but all members of the force holding the rank of major shall continue in such rank until their promotion, demotion, removal, resignation, or other separation from the force. The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] 2023, the board of police commissioners shall have the authority to compute and

establish the annual salary of each member of the police force without receiving prior authorization from the general assembly, which shall not be less than the annual salaries paid to each member at the time of the enactment of this section and which annual salary shall increase by no less than four thousand dollars as of July 1, 2024.

2. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of subsection 1 of this section to the contrary, no additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of **[sergeant]** lieutenant or above. Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:

(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or

(2) Be violative of any federal law or other state law.

3. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common

council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation for all hours of service rendered by probationary patrolmen [and], patrolmen, and sergeants in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

5. Notwithstanding the provisions of subsection 1 of this section to the contrary, probationary patrolmen [and], patrolmen, and sergeants shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

6. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

7. The board of police commissioners [may] shall effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed

ten percent of their yearly salaries or for field training officer and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

8. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department to the same extent as was provided by the city under section 84.344;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department to the same extent as was provided by the city under section 84.344;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department to the same extent as was provided by the city under section 84.344. Health, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired officers and employees of the police department who receive pension benefits pursuant to sections 86.200 to 86.364 to the same extent as was provided by the city under section 84.344, and shall be at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly rate.

9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to ~~five~~ ten percent of the officer's base hourly pay.

10. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police. At the time of the effective date of this act and until such time as the board adopts other investigative and disciplinary policies and procedures not inconsistent with section 590.502, discipline and investigative procedures for commissioned and civilian employees of the police force shall be regulated by rule 7 of the police manual of the police department in effect as of November 4, 2013, except that where rule 7 is in conflict with section 590.502, the board shall comply with the requirements of section 590.502. Under no circumstances shall the board initially or hereafter adopt investigative and disciplinary procedures that do not include the summary hearing board procedures provided for in rule 7 of the police manual of the police department in effect as of November 4, 2013. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common council or municipal assembly of the said cities, or other

persons whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of sections 84.010 to 84.340 or relating to the same, or who shall disburse or fail to disburse any money in violation thereof, or who shall hinder or obstruct the organization or maintenance of said board of police, or the police force therein provided to be organized and maintained, or who shall maintain or control any police force other than the one therein provided for, or who shall delay or hinder the due enforcement of sections 84.010 to 84.340 by failing or neglecting to perform the duties by said sections imposed upon him or her, shall be liable to a penalty of one thousand dollars for each and every offense, recoverable by the boards by action at law in the name of the state, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of said cities, or under sections 84.010 to 84.340; provided, however, that nothing in this section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination, or disbursement aforesaid.

84.325. 1. If a board of police commissioners assumes control of any municipal police force established within any city not within a county, such board shall follow 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. This expressly excludes any funds held by the city in the name of, for the benefit of, or for future contribution to any police pension system created under chapter 86. The city shall thereafter cease the operation of any police department or police force.

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 as successor-in-interest for contractual obligations and other lawful obligations of the municipal police department. As used herein, "obligations" shall not include, and shall not be construed to include, the city's obligation to make contributions pursuant to section 86.337 to any police pension system created under chapter 86.

4. The board of police commissioners shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the municipal police department that were employed by the municipal police department immediately prior to the date the board assumed control. The board shall recognize all accrued years of service that such commissioned and civilian personnel had with the municipal police department as well as all accrued years of service that such commissioned and civilian personnel had previously with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time, and annual

step-increases they were entitled to as employees of the municipal police department.

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

6. The board of police commissioners may promulgate all necessary rules and regulations for the implementation and administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements 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 establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city 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 board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

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

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

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel

shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

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

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

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

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned

officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

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

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

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

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

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

(5) Shall employ no less than one thousand three hundred thirteen commissioned officers per each tenth of a percentage point of the violent crime rate within such city according to the Federal Bureau of Investigation's Uniform Crime Reporting System during the immediately preceding year or one thousand one hundred forty-two commissioned officers, whichever is greater;

(6) Shall maintain the minimum commissioned staffing of one thousand one hundred forty-two commissioned officers with ranks at the minimum levels:

(a) Seventy-six commissioned officers at the rank of lieutenant and above;

(b) Two hundred commissioned officers at the rank of sergeant;

(c) One thousand thirty-seven commissioned officers at the rank of patrolmen;

(7) Shall maintain a minimum of six police districts which shall be staffed in the bureau of community policing of no less than six hundred and ninety commissioned officers of which one hundred and fifteen shall be assigned patrol duties. Should the number of districts change this staffing ratio shall be maintained; and

(8) Shall maintain salaries for patrolmen and sergeants within three percent of the average of the top three highest paid police departments in the state, excluding the Missouri state highway patrol. These averages shall be based only on police departments with commissioned staff of over five hundred.

10. [A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining

members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.] (1) If any resident of a city not within a county has belief or knowledge that such city has failed to comply with any of the requirements of subsection 9 of this section and that such failure is likely to continue, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging the failure to comply with such requirements and file the affidavit with the attorney general. If the attorney general determines that the facts stated in the affidavit demonstrate that the city has failed to comply with any requirement of subsection 9 of this section, the attorney general shall notify the city and the city shall have sixty days in which to rectify any deficiency noted by the attorney general.

(2) If after sixty days, the attorney general determines that the city has failed to comply with the requirements of this section, the attorney general may file a petition in the circuit court for the judicial circuit in which the city is located for a declaration that the city is in violation of this section. Any such petition filed by the attorney general shall be placed at the top of the civil docket and decided by the court as quickly as possible. Upon the issuance of such declaration, the court shall order the governor to appoint a board of police commissioners to act as a special administrative board as provided in sections 84.030 and 84.035. The governor shall make such appointments in the manner provided in section 84.030 within sixty days of the issuance of such order.

84.346. Any police pension system created under chapter 86 for the benefit of a police force established under sections ~~84.010~~ 84.005 to 84.340 shall continue to be governed by chapter 86, and shall apply to any police force established under section 84.343 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the rights or benefits provided under chapter 86.

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed necessary and proper public purposes for which funds of this state may be expended.

3. Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, including the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other employees, agents, representative, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the

original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275. Except that the commissioner of administration shall reimburse from the legal expense fund the board of police commissioners established under [section 84.350, and any successor-in-interest established pursuant to section 84.344,] chapter 84 for liability claims otherwise eligible for payment under section 105.711 paid by such [board] boards on a twenty-one equal share basis per claim up to a maximum of one million dollars per fiscal year.

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

5. Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended,

negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in *Wayman Smith, III, et al. v. State of Missouri*, 152 S.W.3d 275.