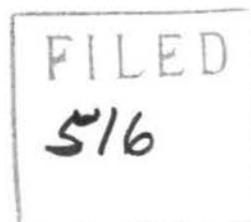


CITIES, TOWNS AND VILLAGES:
CITIES OF FOURTH CLASS:
POLICE:
RESIDENCE:

A person may be appointed as a
policeman in a fourth class city
who is not a resident of such city.

OPINION NO. 516

December 23, 1969



Honorable David H. Jackson
Prosecuting Attorney
St. Clair County
Osceola, Missouri 64776

Dear Mr. Jackson:

This is in response to your request for an opinion from this office as follows:

"Would you please furnish me with an Attorney General's opinion concerning whether there is a residency requirement for the city police chief of a fourth class city who is appointed by the Mayor and City Council. Also, if there is a residency requirement, what that requirement is."

Osceola is a fourth class city.

Section 79.250 Senate Bill No. 15 of the Seventy-fifth General Assembly, Missouri Legislative Service 1969 pamphlet No. 1 p. 29, which applies to fourth class cities provides as follows:

"All officers elected or appointed to offices under the city government shall be qualified voters under the laws and constitution of this state and the ordinances of the city except that appointed police officers, the city attorney, and other employees having only

Honorable David H. Jackson

ministerial duties need not be registered voters of the city. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes, or forfeiture or defalcation in office. All officers, except appointed police officers, the city attorney, and other employees having only ministerial duties, shall be residents of the city."

Section 79.250 RSMo 1959 provided no person should be elected or appointed to any office in a fourth class city who is not a qualified voter and a resident of the city. This section was repealed and reenacted by the General Assembly in 1967 by RSMo Supp. 1967, by excepting appointed police officers and other employees having only ministerial duties from the voting and residency requirements of Section 79.250 RSMo 1959. The General Assembly in 1969; Senate Bill No. 15, V.M.A.S. Legislative Service, pamphlet No. 1 p. 29, repealed and reenacted Section 79.250 by also exempting the city attorney from the voting and residency requirements.

In *Memmel v. Thomas*, 181, S.W.2d 168, in construing a statute the court said:

"To get at the true meaning of language employed in a statute, we must look at the whole purpose of the act, the law as it was before the enactment, and the change in the law intended to be made.' *Pembroke v. Huston*, 180 Mo. 627, loc.cit. 636, 79 S.W. 470, 471; *Young v. Hudson*, 99 Mo. 102, 12 S.W. 632. We should also consider the results of the construction suggested, it being presumed that the Legislature intended a reasonable construction which will permit of beneficial results. *Darlington Lumber Co. v. Missouri Pacific R. Co.*, 216 Mo. 658, loc.cit, 672, 116 S.W. 530.

"Prior to the enactment of this section administration of an estate could only be closed out after all assets were liquidated, or distributed in kind. No doubt it was to correct this condition that the section was enacted. *Rutledge v. Simpson's Adm'r*, 141 Mo. 290, 42 S.W. 820, loc.cit. 821."

Honorable David H. Jackson

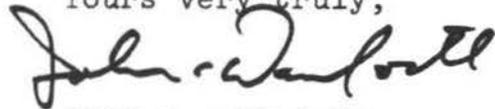
It is a matter of common knowledge at the present time that law enforcement officials must have scientific and specified training in order to properly perform their duties as police officers. Frequently, persons with such qualifications do not reside within the city. Undoubtedly, this condition prompted the legislature to eliminate the residency qualifications for appointed police officers in fourth class cities so that qualified persons could be appointed to fill such important positions without being residents of such city.

CONCLUSION

It is the opinion of this office that a person who is not a resident of a fourth class city may be appointed chief of police of such city.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



JOHN C. DANFORTH
Attorney General