

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 198

101ST GENERAL ASSEMBLY

0998S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 650.005, RSMo, and to enact in lieu thereof two new sections relating to military forces, with a contingent effective date.

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

Section A. Section 650.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 41.035 and 650.005, to read as follows:

41.035. 1. **There is hereby created and established as a department of state government, the "Department of Military Forces" headed by the adjutant general as provided in Article IV of the Constitution of Missouri, and this chapter and other chapters. The department of military forces shall administer the militia and programs of the state relating to military forces, except for the Missouri veterans commission which is assigned to the department of public safety as provided in chapters 42 and 650.**

2. **The office of adjutant general and the state militia are hereby transferred to the department of military forces by a type I transfer as defined in section 1 of the Omnibus State Reorganization Act of 1974.**

3. **Nothing herein shall be construed to interfere with the powers and duties of the governor provided in Article IV, Section 6 of the Constitution of Missouri or this chapter.**

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

18 **4. Rules necessary to administer and implement this**
19 **section may be established by the department. Any rule or**
20 **portion of a rule, as that term is defined in section**
21 **536.010, that is created under the authority delegated in**
22 **this section shall become effective only if it complies with**
23 **and is subject to all of the provisions of chapter 536 and,**
24 **if applicable, section 536.028. This section and chapter**
25 **536 are nonseverable and if any of the powers vested with**
26 **the general assembly pursuant to chapter 536 to review, to**
27 **delay the effective date, or to disapprove and annul a rule**
28 **are subsequently held unconstitutional, then the grant of**
29 **rulemaking authority and any rule proposed or adopted after**
30 **the effective date of this act shall be invalid and void.**

 650.005. 1. There is hereby created a "Department of
2 Public Safety" in charge of a director appointed by the
3 governor with the advice and consent of the senate. The
4 department's role will be to provide overall coordination in
5 the state's public safety and law enforcement program, to
6 provide channels of coordination with local and federal
7 agencies in regard to public safety, law enforcement and
8 with all correctional and judicial agencies in regard to
9 matters pertaining to its responsibilities as they may
10 interrelate with the other agencies or offices of state,
11 local or federal governments.

12 2. All the powers, duties and functions of the state
13 highway patrol, chapter 43 and others, are transferred by
14 type II transfer to the department of public safety. The
15 governor by and with the advice and consent of the senate
16 shall appoint the superintendent of the patrol. With the
17 exception of sections 43.100 to 43.120 relating to financial
18 procedures, the director of public safety shall succeed the
19 state highways and transportation commission in approving

20 actions of the superintendent and related matters as
21 provided in chapter 43. Uniformed members of the patrol
22 shall be selected in the manner provided by law and shall
23 receive the compensation provided by law. Nothing in the
24 Reorganization Act of 1974, however, shall be interpreted to
25 affect the funding of appropriations or the operation of
26 chapter 104 relating to retirement system coverage or
27 section 226.160 relating to workers' compensation for
28 members of the patrol.

29 3. All the powers, duties and functions of the
30 supervisor of liquor control, chapter 311 and others, are
31 transferred by type II transfer to the department of public
32 safety. The supervisor shall be nominated by the department
33 director and appointed by the governor with the advice and
34 consent of the senate. The supervisor shall appoint such
35 agents, assistants, deputies and inspectors as limited by
36 appropriations. All employees shall have the qualifications
37 provided by law and may be removed by the supervisor or
38 director of the department as provided in section 311.670.

39 4. All the powers, duties and functions of the safety
40 and fire prevention bureau of the department of public
41 health and welfare are transferred by type I transfer to the
42 director of public safety.

43 5. All the powers, duties and functions of the state
44 fire marshal, chapter 320 and others, are transferred to the
45 department of public safety by a type I transfer.

46 6. All the powers, duties and functions of the law
47 enforcement assistance council administering federal grants,
48 planning and the like relating to Public Laws 90-351, 90-445
49 and related acts of Congress are transferred by type I
50 transfer to the director of public safety. The director of
51 public safety shall appoint such advisory bodies as are

52 required by federal laws or regulations. The council is
53 abolished.

54 7. The director of public safety shall promulgate
55 motor vehicle regulations and be ex officio a member of the
56 safety compact commission in place of the director of
57 revenue and all powers, duties and functions relating to
58 chapter 307 are transferred by type I transfer to the
59 director of public safety.

60 8. [The office of adjutant general and the state
61 militia are assigned to the department of public safety;
62 provided, however, nothing herein shall be construed to
63 interfere with the powers and duties of the governor as
64 provided in Article IV, Section 6 of the Constitution of the
65 state of Missouri or chapter 41.

66 9.] All the powers, duties and functions of the
67 Missouri boat commission, chapter 306 and others, are
68 transferred by type I transfer to the "Missouri State Water
69 Patrol", which is hereby created, in the department of
70 public safety. The Missouri boat commission and the office
71 of secretary to the commission are abolished. All deputy
72 boat commissioners and all other employees of the commission
73 who were employed on February 1, 1974, shall be transferred
74 to the water patrol without further qualification.
75 Effective January 1, 2011, all the powers, duties, and
76 functions of the Missouri state water patrol are transferred
77 to the division of water patrol within the Missouri state
78 highway patrol as set out in section 43.390.

79 [10.] 9. The Missouri veterans's commission, chapter
80 42, is assigned to the department of public safety.

81 [11.] 10. Any rule or portion of a rule, as that term
82 is defined in section 536.010, that is created under the
83 authority delegated in this section shall become effective

84 only if it complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable and
87 if any of the powers vested with the general assembly
88 pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently
90 held unconstitutional, then the grant of rulemaking
91 authority and any rule proposed or adopted after August 28,
92 2009, shall be invalid and void.

Section B. Section A of this act shall become
2 effective only upon approval by the voters of an amendment
3 to article IV of the Constitution of Missouri that
4 establishes the department of military forces.

✓