

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 120, Page 4, Section 36.221, Line 6,

2 by inserting after all of said line the following:

3 "41.035. 1. There is hereby created and established
4 as a department of state government, the "Missouri
5 Department of the National Guard" headed by the adjutant
6 general as provided in Article IV of the Constitution of
7 Missouri, and this chapter and other chapters. The Missouri
8 department of the National Guard shall administer the
9 militia and programs of the state relating to military
10 forces, except for the Missouri veterans commission which is
11 assigned to the department of public safety as provided in
12 chapters 42 and 650.

13 2. The office of adjutant general and the state
14 militia are hereby transferred to the Missouri department of
15 the National Guard by a type I transfer as defined in
16 section 1 of the Omnibus State Reorganization Act of 1974.

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

21 4. Rules necessary to administer and implement this
22 section may be established by the department. Any rule or
23 portion of a rule, as that term is defined in section
24 536.010, that is created under the authority delegated in
25 this section shall become effective only if it complies with
26 and is subject to all of the provisions of chapter 536 and,

27 if applicable, section 536.028. This section and chapter
28 536 are nonseverable and if any of the powers vested with
29 the general assembly pursuant to chapter 536 to review, to
30 delay the effective date, or to disapprove and annul a rule
31 are subsequently held unconstitutional, then the grant of
32 rulemaking authority and any rule proposed or adopted after
33 the effective date of this act shall be invalid and void.";
34 and

35 Further amend said bill, Page 28, Section 620.2010,
36 Line 239, by inserting after all of said line the following:

37 "650.005. 1. There is hereby created a "Department of
38 Public Safety" in charge of a director appointed by the
39 governor with the advice and consent of the senate. The
40 department's role will be to provide overall coordination in
41 the state's public safety and law enforcement program, to
42 provide channels of coordination with local and federal
43 agencies in regard to public safety, law enforcement and
44 with all correctional and judicial agencies in regard to
45 matters pertaining to its responsibilities as they may
46 interrelate with the other agencies or offices of state,
47 local or federal governments.

48 2. All the powers, duties and functions of the state
49 highway patrol, chapter 43 and others, are transferred by
50 type II transfer to the department of public safety. The
51 governor by and with the advice and consent of the senate
52 shall appoint the superintendent of the patrol. With the
53 exception of sections 43.100 to 43.120 relating to financial
54 procedures, the director of public safety shall succeed the
55 state highways and transportation commission in approving
56 actions of the superintendent and related matters as
57 provided in chapter 43. Uniformed members of the patrol
58 shall be selected in the manner provided by law and shall
59 receive the compensation provided by law. Nothing in the

60 Reorganization Act of 1974, however, shall be interpreted to
61 affect the funding of appropriations or the operation of
62 chapter 104 relating to retirement system coverage or
63 section 226.160 relating to workers' compensation for
64 members of the patrol.

65 3. All the powers, duties and functions of the
66 supervisor of liquor control, chapter 311 and others, are
67 transferred by type II transfer to the department of public
68 safety. The supervisor shall be nominated by the department
69 director and appointed by the governor with the advice and
70 consent of the senate. The supervisor shall appoint such
71 agents, assistants, deputies and inspectors as limited by
72 appropriations. All employees shall have the qualifications
73 provided by law and may be removed by the supervisor or
74 director of the department as provided in section 311.670.

75 4. All the powers, duties and functions of the safety
76 and fire prevention bureau of the department of public
77 health and welfare are transferred by type I transfer to the
78 director of public safety.

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

82 6. All the powers, duties and functions of the law
83 enforcement assistance council administering federal grants,
84 planning and the like relating to Public Laws 90-351, 90-445
85 and related acts of Congress are transferred by type I
86 transfer to the director of public safety. The director of
87 public safety shall appoint such advisory bodies as are
88 required by federal laws or regulations. The council is
89 abolished.

90 7. The director of public safety shall promulgate
91 motor vehicle regulations and be ex officio a member of the
92 safety compact commission in place of the director of

revenue and all powers, duties and functions relating to chapter 307 are transferred by type I transfer to the director of public safety.

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

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

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

[11.] 10. 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

126 held unconstitutional, then the grant of rulemaking
127 authority and any rule proposed or adopted after August 28,
128 2009, shall be invalid and void."; and

129 Further amend said bill and page, Section B, Line 9, by
130 inserting after all of said line the following:

131 "Section C. The enactment of section 41.035 and the
132 repeal and reenactment of section 650.005 of this act shall
133 become effective only upon approval by the voters of an
134 amendment to article IV of the Constitution of Missouri that
135 establishes the Missouri department of the National Guard.";
136 and

137 Further amend the title and enacting clause accordingly.