

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 1095

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Read 1st time February 4, 2002, and 1,000 copies ordered printed.

Read 2nd time February 11, 2002, and referred to the Committee on Civil and Criminal Jurisprudence.

Reported from the Committee April 4, 2002, with recommendation that the Senate Committee Substitute for Senate Bills Nos. 1095 and 1195 do pass.

Motion to adopt Senate Committee Substitute defeated April 24, 2002.

Taken up for Perfection April 24, 2002. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4359S.03P

AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff methamphetamine relief team.

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

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be known as section 650.350, to read as follows:

650.350. 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Team" (MoSMART). MoSMART shall be composed of five members. Each member shall serve a term of two years. The members shall be sheriffs elected by sheriffs from the twenty counties or from the city not within a county with the highest level of methamphetamine arrests within the state in the past three years. In the year of election, the members shall elect a chairman from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the funds of the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than semi-annually, additional meetings shall

be held upon the request of at least two members.

3. A special fund is hereby created in the state treasury, to be know as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received from appropriations, interest, or federal moneys shall be deposited to the credit of the fund. Moneys in the fund may be disbursed to local, county, and interjurisdictional agencies upon application for the use in eliminating methamphetamine labs within the state. The committee shall distribute at least fifty percent but not more than one hundred percent of the fund annually.

4. All moneys appropriated to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, no less than one percent and not to exceed two percent. The department of public safety shall conduct an audit of the MoSMART fund at the end of each fiscal year. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 2002, shall be invalid and void.

6. Any law enforcement entity or task force may apply for grants from the MoSMART fund on application provided by MoSMART. Applications shall be evaluated based on the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. All applications shall be reviewed by MoSMART. No applicant shall receive grants in excess of one hundred thousand dollars per year or for more than three consecutive years.