

SECOND REGULAR SESSION

SENATE BILL NO. 896

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Read 1st time January 15, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4866S.01I

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Section A. Section 650.005, RSMo, is repealed and two new sections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

41.035. 1. **There is hereby created and established as a**
2 **department of state government, the "Department of Military Forces"**
3 **headed by the adjutant general as provided in Article IV of the**
4 **Constitution of Missouri, and this chapter and other chapters. The**
5 **department of military forces shall administer the militia and programs**
6 **of the state relating to military forces.**

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

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

13 4. **Rules necessary to administer and implement this section may**
14 **be established by the department. Any rule or portion of a rule, as that**
15 **term is defined in section 536.010, that is created under the authority**
16 **delegated in this section shall become effective only if it complies with**
17 **and is subject to all of the provisions of chapter 536 and, if applicable,**
18 **section 536.028. This section and chapter 536 are nonseverable and if**

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

19 **any of the powers vested with the general assembly pursuant to chapter**
20 **536 to review, to delay the effective date, or to disapprove and annul a**
21 **rule are subsequently held unconstitutional, then the grant of**
22 **rulemaking authority and any rule proposed or adopted after the**
23 **effective date of this act shall be invalid and void.**

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

9 2. All the powers, duties and functions of the state highway patrol,
10 chapter 43 and others, are transferred by type II transfer to the department of
11 public safety. The governor by and with the advice and consent of the senate
12 shall appoint the superintendent of the patrol. With the exception of sections
13 43.100 to 43.120 relating to financial procedures, the director of public safety
14 shall succeed the state highways and transportation commission in approving
15 actions of the superintendent and related matters as provided in chapter
16 43. Uniformed members of the patrol shall be selected in the manner provided
17 by law and shall receive the compensation provided by law. Nothing in the
18 Reorganization Act of 1974, however, shall be interpreted to affect the funding of
19 appropriations or the operation of chapter 104 relating to retirement system
20 coverage or section 226.160 relating to workers' compensation for members of the
21 patrol.

22 3. All the powers, duties and functions of the supervisor of liquor control,
23 chapter 311 and others, are transferred by type II transfer to the department of
24 public safety. The supervisor shall be nominated by the department director and
25 appointed by the governor with the advice and consent of the senate. The
26 supervisor shall appoint such agents, assistants, deputies and inspectors as
27 limited by appropriations. All employees shall have the qualifications provided
28 by law and may be removed by the supervisor or director of the department as
29 provided in section 311.670.

30 4. All the powers, duties and functions of the safety and fire prevention
31 bureau of the department of public health and welfare are transferred by type I

32 transfer to the director of public safety.

33 5. All the powers, duties and functions of the state fire marshal, chapter
34 320 and others, are transferred to the department of public safety by a type I
35 transfer.

36 6. All the powers, duties and functions of the law enforcement assistance
37 council administering federal grants, planning and the like relating to Public
38 Laws 90-351, 90-445 and related acts of Congress are transferred by type I
39 transfer to the director of public safety. The director of public safety shall
40 appoint such advisory bodies as are required by federal laws or regulations. The
41 council is abolished.

42 7. The director of public safety shall promulgate motor vehicle regulations
43 and be ex officio a member of the safety compact commission in place of the
44 director of revenue and all powers, duties and functions relating to chapter 307
45 are transferred by type I transfer to the director of public safety.

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

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

60 [10.] 9. The Missouri veterans's commission, chapter 42, is assigned to
61 the department of public safety.

62 [11.] 10. Any rule or portion of a rule, as that term is defined in section
63 536.010, that is created under the authority delegated in this section shall
64 become effective only if it complies with and is subject to all of the provisions of
65 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the general assembly pursuant
67 to chapter 536 to review, to delay the effective date, or to disapprove and annul

68 a rule are subsequently held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28, 2009, shall be
70 invalid and void.

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

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Unofficial

Bill

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