

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 270

94TH GENERAL ASSEMBLY

2007

1182L.02T

AN ACT

To repeal sections 590.120 and 590.190, RSMo, and to enact in lieu thereof two new sections relating to the POST commission.

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

Section A. Sections 590.120 and 590.190, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 590.120 and 590.190, to
3 read as follows:

590.120. 1. There is hereby established within the department of public
2 safety a "Peace Officer Standards and Training Commission" which shall be
3 composed of ~~[nine]~~ **eleven** members, including a voting public member, appointed
4 by the governor, by and with the advice and consent of the senate, from a list of
5 qualified candidates submitted to the governor by the director of the department
6 of public safety. No ~~[member]~~ **more than two members** of the POST
7 commission shall reside in the same congressional district as any other at the
8 time of their appointments but this provision shall not apply to the public
9 member. Three members of the POST commission shall be police chiefs, three
10 members shall be sheriffs, one member shall represent a state law enforcement
11 agency covered by the provisions of this chapter, **two members shall be peace**
12 **officers at or below the rank of sergeant employed by a political**
13 **subdivision**, and one member shall be a chief executive officer of a certified
14 training academy. The public member shall be at the time of appointment a
15 registered voter; a person who is not and never has been a member of any
16 profession certified or regulated under this chapter or the spouse of such person;
17 and a person who does not have and never has had a material financial interest

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

18 in either the providing of the professional services regulated by this chapter, or
19 an activity or organization directly related to any profession certified or regulated
20 under this chapter. Each member of the POST commission shall have been at the
21 time of his appointment a citizen of the United States and a resident of this state
22 for a period of at least one year, and members who are peace officers shall be
23 qualified as established by this chapter. No member of the POST commission
24 serving a full term of three years may be reappointed to the POST commission
25 until at least one year after the expiration of his most recent term.

26 2. Three of the original members of the POST commission shall be
27 appointed for terms of one year, three of the original members shall be appointed
28 for terms of two years, and three of the original members shall be appointed for
29 terms of three years. Thereafter the terms of the members of the POST
30 commission shall be for three years or until their successors are appointed. The
31 director may remove any member of the POST commission for misconduct or
32 neglect of office. Any member of the POST commission may be removed for cause
33 by the director but such member shall first be presented with a written statement
34 of the reasons thereof, and shall have a hearing before the POST commission if
35 the member so requests. Any vacancy in the membership of the commission shall
36 be filled by appointment for the unexpired term. **No two members of the**
37 **POST commission shall be employees of the same law enforcement**
38 **agency.**

39 3. Annually the director shall appoint one of the members as
40 chairperson. The POST commission shall meet at least twice each year as
41 determined by the director or a majority of the members to perform its duties. A
42 majority of the members of the POST commission shall constitute a quorum.

43 4. No member of the POST commission shall receive any compensation for
44 the performance of his official duties.

45 5. The POST commission shall guide and advise the director concerning
46 duties pursuant to this chapter.

590.190. **The director is authorized to promulgate rules and**
2 **regulations to implement the provisions of this chapter.** Any rule or
3 portion of a rule, as that term is defined in section 536.010, RSMo, that is created
4 under the authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, RSMo, and,
6 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general assembly pursuant

8 to chapter 536, RSMo, to review, to delay the effective date or to disapprove and
9 annul a rule are subsequently held unconstitutional, then the grant of
10 rulemaking authority and any rule proposed or adopted after August 28, 2001,
11 shall be invalid and void.

✓

Unofficial

Bill

Copy