

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 718, Page 1, Section title, Line 5,

2 of the title, by inserting after "provision" the following: "and  
3 a contingent effective date for certain sections"; and

4 Further amend said bill, Page 2, Section 27.115, Line 14 of  
5 said page, by inserting after all of said line the following:

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

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

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

19 4. Rules necessary to administer and implement this section  
20 may be established by the department. Any rule or portion of a  
21 rule, as that term is defined in section 536.010, that is created

1 under the authority delegated in this section shall become  
2 effective only if it complies with and is subject to all of the  
3 provisions of chapter 536 and, if applicable, section 536.028.  
4 This section and chapter 536 are nonseverable and if any of the  
5 powers vested with the general assembly pursuant to chapter 536  
6 to review, to delay the effective date, or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the  
8 grant of rulemaking authority and any rule proposed or adopted  
9 after the effective date of this act shall be invalid and void.";  
10 and

11 Further amend said bill, Page 39, Section 379.122, Line 5 of  
12 said page, by inserting after all of said line the following:

13 "650.005. 1. There is hereby created a "Department of  
14 Public Safety" in charge of a director appointed by the governor  
15 with the advice and consent of the senate. The department's role  
16 will be to provide overall coordination in the state's public  
17 safety and law enforcement program, to provide channels of  
18 coordination with local and federal agencies in regard to public  
19 safety, law enforcement and with all correctional and judicial  
20 agencies in regard to matters pertaining to its responsibilities  
21 as they may interrelate with the other agencies or offices of  
22 state, local or federal governments.

23 2. All the powers, duties and functions of the state  
24 highway patrol, chapter 43 and others, are transferred by type II  
25 transfer to the department of public safety. The governor by and  
26 with the advice and consent of the senate shall appoint the  
27 superintendent of the patrol. With the exception of sections  
28 43.100 to 43.120 relating to financial procedures, the director  
29 of public safety shall succeed the state highways and

1 transportation commission in approving actions of the  
2 superintendent and related matters as provided in chapter 43.  
3 Uniformed members of the patrol shall be selected in the manner  
4 provided by law and shall receive the compensation provided by  
5 law. Nothing in the Reorganization Act of 1974, however, shall  
6 be interpreted to affect the funding of appropriations or the  
7 operation of chapter 104 relating to retirement system coverage  
8 or section 226.160 relating to workers' compensation for members  
9 of the patrol.

10 3. All the powers, duties and functions of the supervisor  
11 of liquor control, chapter 311 and others, are transferred by  
12 type II transfer to the department of public safety. The  
13 supervisor shall be nominated by the department director and  
14 appointed by the governor with the advice and consent of the  
15 senate. The supervisor shall appoint such agents, assistants,  
16 deputies and inspectors as limited by appropriations. All  
17 employees shall have the qualifications provided by law and may  
18 be removed by the supervisor or director of the department as  
19 provided in section 311.670.

20 4. All the powers, duties and functions of the safety and  
21 fire prevention bureau of the department of public health and  
22 welfare are transferred by type I transfer to the director of  
23 public safety.

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

27 6. All the powers, duties and functions of the law  
28 enforcement assistance council administering federal grants,  
29 planning and the like relating to Public Laws 90-351, 90-445 and

1 related acts of Congress are transferred by type I transfer to  
2 the director of public safety. The director of public safety  
3 shall appoint such advisory bodies as are required by federal  
4 laws or regulations. The council is abolished.

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

10 8. [The office of adjutant general and the state militia  
11 are assigned to the department of public safety; provided,  
12 however, nothing herein shall be construed to interfere with the  
13 powers and duties of the governor as provided in Article IV,  
14 Section 6 of the Constitution of the state of Missouri or chapter  
15 41.

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

28 [10.] 9. The Missouri veterans's commission, chapter 42, is  
29 assigned to the department of public safety.

1           [11.] 10. Any rule or portion of a rule, as that term is  
2 defined in section 536.010, that is created under the authority  
3 delegated in this section shall become effective only if it  
4 complies with and is subject to all of the provisions of chapter  
5 536 and, if applicable, section 536.028. This section and  
6 chapter 536 are nonseverable and if any of the powers vested with  
7 the general assembly pursuant to chapter 536 to review, to delay  
8 the effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2009,  
11 shall be invalid and void.

12           Section B. The enactment of section 41.035 and the repeal  
13 and reenactment of section 650.005 of this act shall become  
14 effective only upon approval by the voters of an amendment to  
15 article IV of the Constitution of Missouri that establishes the  
16 department of military forces."; and

17           Further amend the title and enacting clause accordingly.