

# 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

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

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

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

115 [10.] 9. The Missouri veterans's commission, chapter  
116 42, is assigned to the department of public safety.

117 [11.] 10. Any rule or portion of a rule, as that term  
118 is defined in section 536.010, that is created under the  
119 authority delegated in this section shall become effective  
120 only if it complies with and is subject to all of the  
121 provisions of chapter 536 and, if applicable, section  
122 536.028. This section and chapter 536 are nonseverable and  
123 if any of the powers vested with the general assembly  
124 pursuant to chapter 536 to review, to delay the effective  
125 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.