

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2209

100TH GENERAL ASSEMBLY

4876H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 650.005, RSMo, and to enact in lieu thereof six new sections relating to the state department of defense, 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Section A. Section 650.005, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 40.003, 41.005, 45.010, 45.020, 45.030, and 650.005, to read as follows:

40.003. As of December 31, 2020, the powers, duties, and functions vested in the office of the state judge advocate are transferred by type I transfer to the department of defense established under chapter 45.

41.005. As of December 31, 2020, the powers, duties, and functions vested in the office of adjutant general and the state militia are transferred by type I transfer to the department of defense established under chapter 45; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in Article IV, Section 6 of the Constitution of Missouri or this chapter.

45.010. There is hereby created a "Department of Defense" to be headed by the adjutant general appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions, and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall apply to this department and its divisions, agencies, and personnel.

45.020. As of December 31, 2020, the powers, duties, and functions vested in the office of adjutant general and the state militia are transferred by type I transfer to the department of defense; provided, however, nothing herein shall be construed to interfere

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 **with the powers and duties of the governor as provided in Article IV, Section 6 of the**
5 **Constitution of Missouri or chapter 41.**

2 **45.030. As of December 31, 2020, the powers, duties, and functions vested in the**
3 **office of the state judge advocate are transferred by type I transfer to the department of**
3 **defense.**

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

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

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

25 4. All the powers, duties and functions of the safety and fire prevention bureau of the
26 department of public health and welfare are transferred by type I transfer to the director of public
27 safety.

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

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

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

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

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

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

51 ~~[40-]~~ 9. The Missouri veterans's commission, chapter 42, is assigned to the department
52 of public safety.

53 ~~[41-]~~ 10. Any rule or portion of a rule, as that term is defined in section 536.010, that
54 is created under the authority delegated in this section shall become effective only if it complies
55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
56 This section and chapter 536 are nonseverable and if any of the powers vested with the general
57 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
58 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
59 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

Section B. The repeal and reenactment of section 650.005 of section A and the
2 enactment of sections 40.003, 41.005, 45.010, 45.020, and 45.030, of section A of this act shall
3 become effective only upon the passage and approval by the voters of a constitutional
4 amendment submitted to them by the general assembly regarding the creation of the department
5 of defense.

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