

FIRST REGULAR SESSION

# HOUSE BILL NO. 337

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOBBS, MUNZLINGER, SUTHERLAND, SHOEMAKER (8), DIXON, LUETKEMEYER, PORTWOOD, BEHNEN (Co-sponsors), MOORE, YAEGER, GUEST, AVERY, KING, SANDER, JACKSON, SMITH (14), TOWNLEY, COOPER (120), BEARDEN, CRAWFORD, RECTOR, CROWELL, HUNTER, WALLACE, JETTON, STEFANICK, WRIGHT, COOPER (155) AND WILSON (130).

Read 1<sup>st</sup> time January 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0607L.011

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### AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff methamphetamine relief team.

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

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be known as section 650.350, to read as follows:

**650.350. 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two years, the Missouri sheriffs' association board of directors will submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members from the list of twenty names, having no more than three from any one political party, to serve a term of two years on MoSMART. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.**

**2. MoSMART shall meet no less than twice each calendar year with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.**

**3. A special fund is hereby created in the state treasury to be known as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from appropriations,**

17 interest, or federal moneys shall be deposited to the credit of the fund. The director of the  
18 department of public safety shall distribute at least fifty percent but not more than one  
19 hundred percent of the fund annually in the form of grants approved by MoSMART.

20 4. All moneys appropriated to or received by MoSMART shall be deposited and  
21 credited to the MoSMART fund. The department of public safety shall only be reimbursed  
22 for actual and necessary expenses for the administration of MoSMART, which shall be no  
23 less than one percent and which shall not exceed two percent of all moneys appropriated  
24 to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding,  
25 moneys in the MoSMART fund shall not lapse to general revenue at the end of the  
26 biennium.

27 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
28 that is created under the authority delegated in this section shall become effective only if  
29 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
30 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
31 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
32 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
33 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
34 adopted after August 28, 2003, shall be invalid and void.

35 6. Any county law enforcement entity or established task force with a memorandum  
36 of understanding and protocol may apply for grants from the MoSMART fund on an  
37 application to be developed by the department of public safety with the approval of  
38 MoSMART. All applications shall be evaluated by MoSMART and approved or denied  
39 based upon the level of funding designated for methamphetamine enforcement before 1997  
40 and upon current need and circumstances. No applicant shall receive a MoSMART grant  
41 in excess of one hundred thousand dollars per year. The department of public safety shall  
42 monitor all MoSMART grants.

43 7. MoSMART's anti-methamphetamine funding priorities are as follows:

44 (1) Sheriffs who are participating in coordinated multi-jurisdictional task forces  
45 and have their task forces apply for funding;

46 (2) Sheriffs whose county has been designated HIDTA counties, yet have received  
47 no HIDTA or narcotics assistance program funding; and

48 (3) Sheriffs without HIDTA designations or task forces, whose application justifies  
49 the need for MoSMART funds to eliminate methamphetamine labs.