

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 270
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 5, 2007 with recommendation that House Committee Substitute for Senate Bill No. 270 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1182L.02C

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Section A. Sections 590.120 and 590.190, RSMo, are repealed and two new sections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

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

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.

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

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

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

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

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

590.190. **The director is authorized to promulgate rules and regulations to**
2 **implement the provisions of this chapter.** Any rule or portion of a rule, as that term is defined
3 in section 536.010, RSMo, that is created under the authority delegated in this section shall
4 become effective only if it complies with and is subject to all of the provisions of chapter 536,
5 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
6 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
7 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2001, shall be invalid and void.

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