

SECOND REGULAR SESSION

# HOUSE BILL NO. 2051

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KELLY (Sponsor), MOORE, BROWN (50), QUINN (9), CASEY,  
ROBINSON AND FISHER (Co-sponsors).

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4994L.011

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### AN ACT

To repeal sections 217.030 and 217.665, RSMo, and to enact in lieu thereof two new sections relating to the chairman of the board of probation and parole.

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

Section A. Sections 217.030 and 217.665, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 217.030 and 217.665, to read as follows:

217.030. The director shall appoint the directors of the divisions of the department,  
2 except the chairman of the board of probation and parole who shall be appointed by the governor  
3 and who shall serve as the director of the division of probation and parole. **The director may**  
4 **appoint an acting chairman of the board of probation and parole under subsection 5 of**  
5 **section 217.665.** Division directors shall serve at the pleasure of the director, except the  
6 chairman of the board of probation and parole who shall serve in the capacity of chairman at the  
7 pleasure of the governor. The director of the department shall be the appointing authority under  
8 chapter 36, RSMo, to employ such administrative, technical and other personnel who may be  
9 assigned to the department generally rather than to any of the department divisions or facilities  
10 and whose employment is necessary for the performance of the powers and duties of the  
11 department.

217.665. 1. Beginning August 28, 1996, the board of probation and parole shall consist  
2 of seven members appointed by the governor by and with the advice and consent of the senate.

3 2. Beginning August 28, 1996, members of the board shall be persons of recognized

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 integrity and honor, known to possess education and ability in decision making through career  
5 experience and other qualifications for the successful performance of their official duties. Not  
6 more than four members of the board shall be of the same political party.

7         3. At the expiration of the term of each member and of each succeeding member, the  
8 governor shall appoint a successor who shall hold office for a term of six years and until his **or**  
9 **her** successor has been appointed and qualified. Members may be appointed to succeed  
10 themselves.

11         4. Vacancies occurring in the office of any member shall be filled by appointment by the  
12 governor for the unexpired term.

13         5. The governor shall designate one member of the board as chairman. The chairman  
14 shall be the director of the division and shall have charge of the division's operations, funds and  
15 expenditures. The chairman shall designate by order of record another member to act as  
16 chairman in the event of absence or sickness of the chairman, and during such time the member  
17 so appointed by the chairman shall possess all powers of the chairman. **When the chairman's**  
18 **position is vacant, the director may serve in that capacity or appoint a member of the**  
19 **board to serve as acting chairman until the governor appoints a chairman. The acting**  
20 **chairman shall have all the power and authority of a chairman appointed by the governor.**

21         6. Members of the board shall devote full time to the duties of their office and before  
22 taking office shall subscribe to an oath or affirmation to support the Constitution of the United  
23 States and the Constitution of the State of Missouri. The oath shall be signed in the office of the  
24 secretary of state.

25         7. The annual compensation for each member of the board whose term commenced  
26 before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including  
27 prior salary adjustments, provided pursuant to section 105.005, RSMo. Salaries for board  
28 members whose terms commence after August 27, 1999, shall be set as provided in section  
29 105.950, RSMo; provided, however, that the compensation of a board member shall not be  
30 increased during the member's term of office, except as provided in section 105.005, RSMo. In  
31 addition to compensation provided by law, the members shall be entitled to reimbursement for  
32 necessary travel and other expenses incurred pursuant to section 33.090, RSMo.

33         8. Any person who served as a member of the board of probation and parole prior to July  
34 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state  
35 employees' retirement system as a special consultant on the problems of retirement, aging and  
36 other state matters. As compensation for such services, such consultant shall not be denied use  
37 of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter  
38 104, RSMo, provided such sick leave was maintained by the board of probation and parole in  
39 the regular course of business prior to July 1, 2000, but only to the extent of such sick leave

40 records are consistent with the rules promulgated pursuant to section 36.350, RSMo. Nothing  
41 in this section shall authorize the use of any other form of leave that may have been maintained  
42 by the board prior to July 1, 2000.

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