

SECOND REGULAR SESSION

HOUSE BILL NO. 1849

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

4675L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 650.350, RSMo, and to enact in lieu thereof one new section relating to the Missouri Sheriff Methamphetamine Relief Task Force (MoSMART).

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

Section A. Section 650.350, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 650.350, to read as follows: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 **and one active member of the Missouri Deputy Sheriff's Association**. 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. **Every two years the Missouri Deputy Sheriff's Association will submit five names of active members of the Missouri Deputy Sheriff's Association to the governor. The governor shall appoint one member from the list of five names 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.

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.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited
20 to the credit of the fund. The director of the department of public safety shall distribute at least
21 fifty percent but not more than one hundred percent of the fund annually in the form of grants
22 approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplementation fund
24 created under section 57.278, RSMo, all moneys appropriated to or received by MoSMART shall
25 be deposited and credited to the MoSMART fund. The department of public safety shall only
26 be reimbursed for actual and necessary expenses for the administration of MoSMART, which
27 shall be no less than one percent and which shall not exceed two percent of all moneys
28 appropriated to the fund, except that the department shall not receive any amount of the money
29 deposited into the deputy sheriff salary supplementation fund for administrative purposes. The
30 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART
31 fund shall not lapse to general revenue at the end of the biennium.

32 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
33 is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
35 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
38 grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be
39 invalid and void.

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

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

48 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
49 their task forces apply for funding;

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

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

54 8. MoSMART shall administer the deputy sheriff salary supplementation fund as
55 provided under section 57.278, RSMo.

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