

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE JOINT RESOLUTION NO. 116

101ST GENERAL ASSEMBLY

5096H.01T

2022

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 12 of Article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the state department of the national guard.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2022, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to Article IV of the Constitution of the state
5 of Missouri:

Section A. Section 12, Article IV, Constitution of Missouri, is repealed and two new
2 sections adopted in lieu thereof, to be known as Sections 12 and 54, to read as follows:

Section 12. The executive department shall consist of all state elective and appointive
2 officials and employees except officials and employees of the legislative and judicial
3 departments. In addition to the governor and lieutenant governor there shall be a state
4 auditor, secretary of state, attorney general, a state treasurer, an office of administration, a
5 department of agriculture, a department of conservation, a department of natural resources, a
6 department of elementary and secondary education, a department of higher education, a
7 department of highways and transportation, a department of insurance, a department of labor
8 and industrial relations, a department of economic development, a department of public
9 safety, a department of revenue, a department of social services, **a department of the**
10 **National Guard**, and a department of mental health. In addition to the elected officers, there

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.

11 shall not be more than ~~fifteen~~ **sixteen** departments and the office of administration. The
12 general assembly may create by law two departments, in addition to those named, provided
13 that the departments shall be headed by a director or commission appointed by the governor
14 on the advice and consent of the senate. The director or commission shall have administrative
15 responsibility and authority for the department created by law. Unless discontinued all
16 present or future boards, bureaus, commissions and other agencies of the state exercising
17 administrative or executive authority shall be assigned by law or by the governor as provided
18 by law to the office of administration or to one of the ~~fifteen~~ **sixteen** administrative
19 departments to which their respective powers and duties are germane.

**Section 54. There shall be established a Missouri Department of the National
2 Guard in charge of the adjutant general appointed by and serving at the pleasure of the
3 governor, by and with the advice and consent of the senate, who shall provide for the
4 state militia, uphold the Constitution of the United States, uphold the Constitution of
5 Missouri, protect the constitutional rights and civil liberties of Missourians, and provide
6 other defense and security mechanisms as may be required.**

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and
2 laws of this state allowing the general assembly to adopt ballot language for the submission of
3 this joint resolution to the voters of this state, the official summary statement of this
4 resolution shall be as follows:

5 "Shall the Missouri National Guard currently under the Missouri Department of
6 Public Safety be its own department, known as the Missouri Department of the National
7 Guard, which shall be required to protect the constitutional rights and civil liberties of
8 Missourians?".

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