

SECOND REGULAR SESSION

# HOUSE BILL NO. 1863

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

4552H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal section 44.023, RSMo, and to enact in lieu thereof one new section relating to the Missouri state emergency management agency.

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

Section A. Section 44.023, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 44.023, to read as follows:

44.023. 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects, [and professional] engineers [registered] **licensed** under chapter 327, **building officials and building inspectors employed by local governments, other individuals qualified by training and experience who have been certified by the state emergency management agency and who perform their duties under the direction of an architect or engineer licensed under chapter 327**, and construction contractors, equipment dealers, and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to [three] **five consecutive days for in-state deployments** as requested and needed by the state emergency management agency.

2. In the event of a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether [buildings] **structures** affected by a disaster:

(1) Have not sustained serious damage and may be occupied;

(2) Must be [vacated temporarily] **restricted in their use** pending repairs; or

(3) [Must be demolished in order to avoid hazards to occupants or other persons] **Are unsafe and shall not be occupied pending repair or demolition.**

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.

18           3. Any person when utilized as a volunteer under the emergency volunteer program shall  
19 have his **or her** incidental expenses paid by the local jurisdiction for which the volunteer service  
20 is provided. **Enrolled volunteers under the emergency volunteer program shall be provided**  
21 **workers compensation insurance by the state emergency management agency during their**  
22 **official duties as authorized by the state emergency management agency.**

23           4. **Emergency volunteers who are certified by the state emergency management**  
24 **agency shall be considered employees of the state for purposes of the emergency mutual**  
25 **aid compact under section 44.415 and shall be eligible for out-of-state deployments in**  
26 **accordance with such section.**

27           5. Architects, [and professional] engineers, **building officials and building inspectors,**  
28 **other enrolled volunteers,** construction contractors, equipment dealers, and other owners and  
29 operators of construction equipment and the companies with which they are employed, working  
30 under the emergency volunteer program, shall not be personally liable either jointly or separately  
31 for any act or acts committed in the performance of their official duties as emergency volunteers  
32 except in the case of willful misconduct or gross negligence.

33           [5.] 6. Any individuals, employers, partnerships, corporations or proprietorships, that are  
34 working under the emergency volunteer program providing demolition, cleanup, removal, or  
35 other related services, shall not be liable for any acts committed in the performance of their  
36 official duties as emergency volunteers except in the case of willful misconduct or gross  
37 negligence.

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