

FIRST REGULAR SESSION

SENATE BILL NO. 67

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0825S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 44.100, 77.530, 79.380, and 192.300, RSMo, and to enact in lieu thereof five new sections relating to public health, with an existing penalty provision.

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

Section A. Sections 44.100, 77.530, 79.380, and 192.300, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 44.100, 67.265, 77.530, 79.380, and 192.300, to read as follows:

44.100. 1. The emergency powers of the governor shall be as follows:

(1) The provisions of this section shall be operative only during the existence of a state of emergency (referred to in this section as "emergency"). The existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section;

(2) Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 (3) During the period that the state of emergency
18 exists or continues, the governor shall:

19 (a) Enforce and put into operation all plans, rules
20 and regulations relating to disasters and emergency
21 management of resources adopted under this law and to assume
22 direct operational control of all emergency forces and
23 volunteers in the state;

24 (b) Take action and give directions to state and local
25 law enforcement officers and agencies as may be reasonable
26 and necessary for the purpose of securing compliance with
27 the provisions of this law and with the orders, rules and
28 regulations made pursuant thereof;

29 (c) Seize, take or requisition to the extent necessary
30 to bring about the most effective protection of the public:

31 a. Any means of transportation, other than railroads
32 and railroad equipment and fuel, and all fuel necessary for
33 the propulsion thereof;

34 b. Any communication system or part thereof necessary
35 to the prompt and efficient functioning of the emergency
36 management of the state;

37 c. All stocks of fuel;

38 d. Facilities for housing, feeding and hospitalization
39 of persons, including buildings and plants;

40 (d) Control, restrict and regulate by rationing,
41 freezing, use of quotas, prohibitions on shipments, price
42 fixing, allocation or other means the use, sale or
43 distribution of food, feed, fuel, clothing and other
44 commodities, materials, goods or services;

45 (e) Prescribe and direct activities in connection with
46 but not limited to use, conservation, salvage and prevention
47 of waste of materials, services and facilities, including
48 production, transportation, power and communication

49 facilities, training and supply of labor, utilization of
50 industrial plants, health and medical care, nutrition,
51 housing, including the use of existing and private
52 facilities, rehabilitation, education, welfare, child care,
53 recreation, consumer protection and other essential civil
54 needs;

55 (f) Use or distribute all or any of this property
56 among the inhabitants of the state in any area adversely
57 affected by a natural or man-made disaster and to account to
58 the state treasurer for any funds received thereof;

59 (g) Waive or suspend the operation of any statutory
60 requirement or administrative rule regarding the licensing,
61 certification or issuance of permits evidencing
62 professional, mechanical or other skills;

63 (h) Waive or suspend the operation of any statutory
64 requirement or administrative rule prescribing procedures
65 for conducting state business, where strict compliance with
66 such requirements and rules would prevent, hinder, or delay
67 necessary action by the department of health and senior
68 services to respond to a declared emergency or increased
69 health threat to the population;

70 (i) In accordance with rules or regulations, provide
71 that all law enforcement authorities and other emergency
72 response workers and agencies of other states who may be
73 within this state at the request of the governor or pursuant
74 to state or local mutual-aid agreements or compacts shall
75 have the same authority and possess the same powers, duties,
76 rights, privileges and immunities as are possessed by like
77 law enforcement authorities and emergency response workers
78 and agencies of this state;

79 (j) Perform and exercise such other functions, powers
80 and duties as may be necessary to promote and secure the
81 safety and protection of the civilian population;

82 (k) Authorize the director of finance and the director
83 of credit unions to waive or suspend the operation of any
84 statutory requirement or administrative rule applicable to
85 the division of finance, banking, financial services, or the
86 division of credit unions and take action and give direction
87 to banks, credit unions, and financial institutions,
88 including coordinating actions with emergency responders,
89 federal agencies, and state banking and credit union
90 associations as may be reasonable and necessary to preserve
91 the safety and soundness of banks, credit unions, and
92 financial institutions; and facilitate disaster response and
93 recovery efforts to serve essential civil needs and protect
94 the public interest.

95 2. When any property is seized, taken or requisitioned
96 under this section, the circuit court of the county in which
97 the property was taken may on the application of the owner
98 thereof or on the application of the governor in cases where
99 numerous claims may be filed, appoint three disinterested
100 commissioners in the manner provided by section 523.040 to
101 assess the damages which the owners may have sustained by
102 reason of the appropriation thereof. Upon the application
103 the amount due because of the seizure of property shall be
104 determined in the manner provided in chapter 523 for the
105 determination of damages in case of the exercise of the
106 power of eminent domain.

107 **3. No authority granted to the governor under this**
108 **section, or any law enforcement officers and agencies or**
109 **state agencies empowered under this section, shall be**
110 **interpreted to authorize any orders, plans, rules, or**

111 regulations governing the number of persons gathering or
112 residing on private residential property during a state of
113 emergency relating to the entrance of infectious,
114 contagious, communicable, or dangerous diseases declared
115 under this section.

67.265. No political subdivision of this state shall
2 make and promulgate any orders, ordinances, rules, or
3 regulations during a declared state of emergency relating to
4 the entrance of infectious, contagious, communicable, or
5 dangerous diseases and pertaining to such state of emergency
6 governing the number of persons gathering or residing on
7 private residential property.

77.530. The council may make regulations and pass
2 ordinances for the prevention of the introduction of
3 contagious diseases into the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; **provided, that no such**
6 **regulation or ordinance made and passed during a declared**
7 **state of emergency relating to the entrance of infectious,**
8 **contagious, communicable, or dangerous diseases and**
9 **pertaining to such state of emergency shall be issued**
10 **governing the number of persons gathering or residing on**
11 **private residential property.** The council may purchase or
12 condemn and hold for the city, within or without the city
13 limits, within ten miles therefrom, all necessary lands for
14 hospital purposes, waterworks, sewer carriage and outfall,
15 and erect, establish and regulate hospitals, workhouses,
16 poorhouses, police stations, fire stations and provide for
17 the government and support of the same, and make regulations
18 to secure the general health of the city, and to prevent and
19 remove nuisances; provided, however, that the condemnation
20 of any property outside of the city limits shall be

21 regulated in all respects as the condemnation of property or
22 railroad purposes is regulated by law; and provided further,
23 that the police jurisdiction of the city shall extend over
24 such lands and property to the same extent as over public
25 cemeteries, as provided in this chapter.

79.380. The board of aldermen may make regulations and
2 pass ordinances for the prevention of the introduction of
3 contagious diseases in the city, and for the abatement of
4 the same, and may make quarantine laws and enforce the same
5 within five miles of the city; **provided, that no such**
6 **regulation or ordinance made and passed during a declared**
7 **state of emergency relating to the entrance of infectious,**
8 **contagious, communicable, or dangerous diseases and**
9 **pertaining to such state of emergency shall be issued**
10 **governing the number of persons gathering or residing on**
11 **private residential property.** They may purchase or condemn
12 and hold for the city, within or without the city limits, or
13 within ten miles therefrom, all necessary lands for hospital
14 purposes, waterworks, sewer carriage and outfall, and erect,
15 establish and regulate hospitals, workhouses, poorhouses,
16 airports and provide for the government and support of the
17 same, and make regulations to secure the general health of
18 the city, and to prevent and remove nuisances; except that
19 the condemnation of any property outside of the city limits
20 shall be regulated in all respects as the condemnation of
21 property for railroad purposes is regulated by law. The
22 police jurisdiction of the city shall extend over such land
23 and property to the same extent as over other city property,
24 as provided in this chapter.

192.300. 1. The county commissions and the county
2 health center boards of the several counties may make and
3 promulgate orders, ordinances, rules or regulations,

4 respectively as will tend to enhance the public health and
5 prevent the entrance of infectious, contagious, communicable
6 or dangerous diseases into such county, but any orders,
7 ordinances, rules or regulations shall not:

8 (1) Be in conflict with any rules or regulations
9 authorized and made by the department of health and senior
10 services in accordance with this chapter or by the
11 department of social services under chapter 198; [or]

12 (2) Impose standards or requirements on an
13 agricultural operation and its appurtenances, as such term
14 is defined in section 537.295, that are inconsistent with or
15 more stringent than any provision of this chapter or
16 chapters 260, 640, 643, and 644, or any rule or regulation
17 promulgated under such chapters; or

18 (3) **Be issued governing the number of persons**
19 **gathering or residing on private residential property during**
20 **a declared state of emergency relating to the entrance of**
21 **infectious, contagious, communicable, or dangerous diseases.**

22 2. The county commissions and the county health center
23 boards of the several counties may establish reasonable fees
24 to pay for any costs incurred in carrying out such orders,
25 ordinances, rules or regulations, however, the establishment
26 of such fees shall not deny personal health services to
27 those individuals who are unable to pay such fees or impede
28 the prevention or control of communicable disease. Fees
29 generated shall be deposited in the county treasury. All
30 fees generated under the provisions of this section shall be
31 used to support the public health activities for which they
32 were generated.

33 3. After the promulgation and adoption of such orders,
34 ordinances, rules or regulations by such county commission
35 or county health board, such commission or county health

36 board shall make and enter an order or record declaring such
37 orders, ordinances, rules or regulations to be printed and
38 available for distribution to the public in the office of
39 the county clerk, and shall require a copy of such order to
40 be published in some newspaper in the county in three
41 successive weeks, not later than thirty days after the entry
42 of such order, ordinance, rule or regulation.

43 4. Any person, firm, corporation or association which
44 violates any of the orders or ordinances adopted,
45 promulgated and published by such county commission is
46 guilty of a misdemeanor and shall be prosecuted, tried and
47 fined as otherwise provided by law. The county commission
48 or county health board of any such county has full power and
49 authority to initiate the prosecution of any action under
50 this section.

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