

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 732

AN ACT

To repeal sections 44.010 and 44.032, RSMo, and to enact in lieu thereof three new sections relating to emergency responses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 44.010 and 44.032, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as
3 sections 44.010, 44.032, and 190.260, to read as follows:

4 44.010. As used in sections 44.010 to 44.130, the following
5 terms mean:

6 (1) "Agency", the state emergency management agency;

7 (2) "Bioterrorism", the intentional use of any
8 microorganism, virus, infectious substance, or biological product
9 that may be engineered as a result of biotechnology, or any
10 naturally occurring or bioengineered component of any such
11 microorganism, virus, infectious substance, or biological
12 product, to cause death, disease, or other biological malfunction
13 in a human, an animal, a plant, or another living organism in
14 order to influence the conduct of government or to intimidate or
15 coerce a civilian population;

16 (3) "Director", the director of the state emergency
17 management agency;

18 (4) "Disasters", disasters which may result from terrorism,

1 including bioterrorism, or from fire, wind, flood, earthquake, or
2 other natural or man-made causes;

3 (5) "Economic or geographic area", an area or areas within
4 the state, or partly in this state and adjacent states,
5 comprising political subdivisions grouped together for purposes
6 of administration, organization, control or disaster recovery and
7 rehabilitation in time of emergency;

8 (6) "Emergency", any state of emergency declared by
9 proclamation by the governor, or by resolution of the legislature
10 pursuant to sections 44.010 to 44.130 upon the actual occurrence
11 of a natural or man-made disaster of major proportions within
12 this state when the safety and welfare of the inhabitants of this
13 state are jeopardized;

14 (7) "Emergency management", government at all levels
15 performing emergency functions, other than functions for which
16 military forces are primarily responsible;

17 (8) "Emergency management functions", "emergency management
18 activities" and "emergency management service", those functions
19 required to prepare for and carry out actions to prevent,
20 minimize and repair injury and damage due to disasters, to
21 include emergency management of resources and administration of
22 such economic controls as may be needed to provide for the
23 welfare of the people, either on order of or at the request of
24 the federal government, or in the event the federal government is
25 incapable of administering such control;

26 (9) "Emergency resources planning and management", planning
27 for, management and coordination of national, state and local
28 resources;

1 (10) "Executive officer of any political subdivision", the
2 county commission or county supervisor or the mayor or other
3 manager of the executive affairs of any city, town, village or
4 fire protection district;

5 (11) "Local organization for emergency management", any
6 organization established under this law by any county or by any
7 city, town, or village to perform local emergency management
8 functions;

9 (12) "Management", the activities of the emergency
10 management director in the implementation of emergency operations
11 plans during time of emergency;

12 (13) "Planning", activities of the state and local
13 emergency management agency in the formulation of emergency
14 management plans to be used in time of emergency;

15 (14) "Political subdivision", any county or city, town or
16 village, or any fire district created by law;

17 (15) "Urban search and rescue task force", any entity whose
18 primary responsibility is to locate, remove, and provide medical
19 care to persons in collapsed buildings.

20 44.032. 1. The general assembly recognizes the necessity
21 for anticipating and making advance provisions to care for the
22 unusual and extraordinary burdens imposed on this state and its
23 political subdivisions by disasters or emergencies. To meet such
24 situations, it is the intention of the general assembly to confer
25 emergency powers on the governor, acting through the director,
26 and vesting the governor with adequate power and authority within
27 the limitation of available funds in the Missouri disaster fund
28 to meet any such emergency or disaster.

1 2. There is hereby established a fund to be known as the
2 "Missouri Disaster Fund", to which the general assembly may
3 appropriate funds and from which funds may be appropriated
4 annually to the state emergency management agency. The funds
5 appropriated shall be expended during a state emergency at the
6 direction of the governor and upon the issuance of an emergency
7 declaration which shall set forth the emergency and shall state
8 that it requires the expenditure of public funds to furnish
9 immediate aid and relief. The director of the state emergency
10 management agency shall administer the fund.

11 3. Expenditures may be made upon direction of the governor
12 for emergency management, as defined in section 44.010, or to
13 implement the state disaster plans. Expenditures may also be
14 made to meet the matching requirements of state and federal
15 agencies for any applicable assistance programs.

16 4. Assistance may be provided from the Missouri disaster
17 fund to political subdivisions of this state which have suffered
18 from a disaster to such an extent as to impose a severe financial
19 burden exceeding the ordinary reserve capacity of the subdivision
20 affected. Applications for aid under this section shall be made
21 to the state emergency management agency on such forms as may be
22 prescribed and furnished by the agency, which forms shall require
23 the furnishing of sufficient information to determine eligibility
24 for aid and the extent of the financial burden incurred. The
25 agency may call upon other agencies of the state in evaluating
26 such applications. The director of the state emergency
27 management agency shall review each application for aid under the
28 provisions of this section and recommend its approval or

1 disapproval, in whole or in part, to the governor. If approved,
2 the governor shall determine and certify to the director of the
3 state emergency management agency the amount of aid to be
4 furnished. The director of the state emergency management agency
5 shall thereupon issue his voucher to the commissioner of
6 administration, who shall issue his warrants therefor to the
7 applicant.

8 5. When a disaster or emergency has been proclaimed by the
9 governor or there is a national emergency, the director of the
10 state emergency management agency, upon order of the governor,
11 shall have authority to expend funds for the following:

12 (1) The purposes of sections 44.010 to 44.130 and the
13 responsibilities of the governor and the state emergency
14 management agency as outlined in sections 44.010 to 44.130;

15 (2) Employing, for the duration of the response and
16 recovery to emergency, additional personnel and contracting or
17 otherwise procuring necessary appliances, supplies, equipment,
18 and transport;

19 (3) Performing services for and furnishing materials and
20 supplies to state government agencies, counties, and
21 municipalities with respect to performance of any duties enjoined
22 by law upon such agencies, counties, and municipalities which
23 they are unable to perform because of extreme natural or man-made
24 phenomena, and receiving reimbursement in whole or in part from
25 such agencies, counties, and municipalities able to pay therefor
26 under such terms and conditions as may be agreed upon by the
27 director of the state emergency management agency and any such
28 agency, county, or municipality;

1 (4) Performing services for and furnishing materials to any
2 individual in connection with alleviating hardship and distress
3 growing out of extreme natural or man-made phenomena, and
4 receiving reimbursement in whole or in part from such individual
5 under such terms as may be agreed upon by the director of the
6 state emergency management agency and such individual;

7 (5) Providing services to counties and municipalities with
8 respect to quelling riots and civil disturbances;

9 (6) Repairing and restoring public infrastructure;

10 (7) Furnishing transportation for supplies to alleviate
11 suffering and distress;

12 (8) Furnishing medical services and supplies to prevent the
13 spread of disease and epidemics;

14 (9) Quelling riots and civil disturbances;

15 (10) Training individuals or governmental agencies for the
16 purpose of perfecting the performance of emergency assistance
17 duties as defined in the state disaster plans;

18 (11) Procurement, storage, and transport of special
19 emergency supplies or equipment determined by the director to be
20 necessary to provide rapid response by state government to assist
21 counties and municipalities in impending or actual emergencies;

22 (12) Clearing or removing from publicly or privately owned
23 land or water, debris and wreckage which may threaten public
24 health or safety; [and]

25 (13) Reimbursement to any urban search and rescue task
26 force for any reasonable and necessary expenditures incurred in
27 the course of responding to any declared emergency under this
28 section; and

1 (14) Such other measures as are customarily necessary to
2 furnish adequate relief in cases of catastrophe or disaster.

3 6. The governor may receive such voluntary contributions as
4 may be made from any source to aid in carrying out the purposes
5 of this section and shall credit the same to the Missouri
6 disaster fund.

7 7. All obligations and expenses incurred by the governor in
8 the exercise of the powers and duties vested by the provisions of
9 this section shall be paid by the state treasurer out of
10 available funds in the Missouri disaster fund, and the
11 commissioner of administration shall draw warrants upon the state
12 treasurer for the payment of such sum, or so much thereof as may
13 be required, upon receipt of proper vouchers provided by the
14 director of the state emergency management agency.

15 8. The provisions of this section shall be liberally
16 construed in order to accomplish the purposes of sections 44.010
17 to 44.130 and to permit the governor to cope adequately with any
18 emergency which may arise, and the powers vested in the governor
19 by this section shall be construed as being in addition to all
20 other powers presently vested in the governor and not in
21 derogation of any existing powers.

22 9. Such funds as may be made available by the government of
23 the United States for the purpose of alleviating distress from
24 disasters may be accepted by the state treasurer and shall be
25 credited to the Missouri disaster fund, unless otherwise
26 specifically provided in the act of Congress making such funds
27 available.

28 10. The foregoing provisions of this section

1 notwithstanding, any expenditure or proposed series of
2 expenditures which total in excess of one thousand dollars per
3 project shall be approved by the governor prior to the
4 expenditure.

5 190.260. 1. This section shall be known and may be cited
6 as the "First Informer Broadcasters Act".

7 2. As used in this section, the following terms shall mean:

8 (1) "Broadcaster", a radio broadcasting station or
9 television broadcasting station licensed by the Federal
10 Communications Commission and subject to participation in the
11 Emergency Alert System (EAS), which is primarily engaged in and
12 deriving income from the business of facilitating speech via
13 over-the-air-communications, both as pure speech and commercial
14 speech;

15 (2) "First informer broadcaster", a person who has been
16 certified as a first informer broadcaster under this section.

17 3. The department of public safety, in cooperation with any
18 statewide organization or any member of a statewide organization
19 that represents broadcasters, shall establish a program for
20 training and certifying broadcast engineers and technical
21 personnel as first informer broadcasters. Upon completion of the
22 program, broadcasters shall receive statewide recognized
23 credentials to certify that such broadcasters are first informer
24 broadcasters. The program established under this section shall
25 provide training and education concerning:

26 (1) The restoration, repair, and resupply of any facilities
27 and equipment of a broadcaster in an area affected by an
28 emergency or disaster; and

1 (2) The personal safety of a first informer broadcaster in
2 an area affected by an emergency or disaster.

3 4. To the extent practicable and consistent with not
4 endangering public safety or inhibiting recovery efforts, state
5 and local governmental agencies shall allow first informer
6 broadcasters access to areas affected by an emergency or disaster
7 for the purposes of restoring, repairing, or resupplying any
8 facility or equipment critical to the ability of a broadcaster to
9 acquire, produce, and transmit essential emergency or disaster-
10 related public information programming including, without
11 limitation, repairing and maintaining transmitters and
12 generators, and transporting fuel for generators.

13 5. The statewide association involved in establishing a
14 program in accordance with this section shall pay the costs of
15 developing and implementing the training program.