

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Section A. Sections 44.100, 77.530, 79.380, and 192.300, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 44.100, 67.265, 77.530, 79.380, and 192.300, to read as follows: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