

SENATE RESOLUTION NO. 189

Whereas, on March 13, 2020, Governor Michael L. Parson signed Executive Order 20-02 declaring a state of emergency in Missouri in response to the novel corona virus (COVID-19); and

Whereas, in the order, the Governor stated that he was invoking the provisions of Sections 44.100 and 44.110, RSMo, and declaring a state of emergency to "ensure the protection of the safety and welfare of the citizens of Missouri"; and

Whereas, under subdivision (1) of subsection 1 of Section 44.100, RSMo, "[t]he 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"; and

Whereas, the Governor's declaration of a state of emergency was improper on the grounds that no natural or man-made disaster of major proportions has actually occurred within the state of Missouri as required under section 44.100, RSMo; and

Whereas, the Governor's declaration of a state of emergency unquestionably infringes upon Missouri citizens' rights under the Bill of Rights of the Missouri Constitution, in particular those granted under Article I, Sections 11, V, and IX; and

Whereas, Missouri citizens are free to personally take precautions aimed at mitigating the spread of COVID-19 and

there is no need for overreaching governmental involvement;
and

Whereas, under Section 44.100, RSMo, "[a]ny 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":

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, under the authority granted under subdivision (2) of subsection 44.100, RSMo, hereby call for the immediate termination of Executive Order 20-02 and urge the House to call for the same; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Michael L. Parson.