

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 28

97TH GENERAL ASSEMBLY

0111H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 44.080 and 49.266, RSMo, and to enact in lieu thereof two new sections relating to natural disaster ordinances, with penalty provisions.

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

Section A. Sections 44.080 and 49.266, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 44.080 and 49.266, to read as follows:

44.080. 1. Each political subdivision of this state shall establish a local organization for
2 disaster planning in accordance with the state emergency operations plan and program. The
3 executive officer of the political subdivision shall appoint a coordinator who shall have direct
4 responsibility for the organization, administration and operation of the local emergency
5 management operations, subject to the direction and control of the executive officer or governing
6 body. Each local organization for emergency management shall be responsible for the
7 performance of emergency management functions within the territorial limits of its political
8 subdivision, and may conduct these functions outside of the territorial limits as may be required
9 pursuant to the provisions of this law.

10 2. In carrying out the provisions of this law, each political subdivision may:

11 (1) Appropriate and expend funds, make contracts, obtain and distribute equipment,
12 materials, and supplies for emergency management purposes; provide for the health and safety
13 of persons; the safety of property; and direct and coordinate the development of disaster plans
14 and programs in accordance with the policies and plans of the federal and state governments;
15 [and]

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.

16 (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and
17 other emergency operations teams, units or personnel who may serve without compensation[.]
18 ; and

19 (3) **Adopt orders or resolutions with penalties as these specifically relate to the**
20 **actual or impending occurrence of a natural disaster of major proportions within the**
21 **county when the safety and welfare of the inhabitants of such county are jeopardized. Such**
22 **orders or resolutions may include the issuance of burn ban orders carrying penalties as**
23 **specified in subsection 2 of section 44.130 if there is a Keetch-Byram Drought Index of 625**
24 **or more. The violations of such order or resolution shall be an infraction, except that state**
25 **agencies responsible for fire management or suppression activities and persons conducting**
26 **agricultural burning using best management practices shall not be subject to the provisions**
27 **of this subsection. The ability of an individual, organization, or corporation to sell**
28 **fireworks shall not be affected by the issuance of a burn ban order.**

49.266. 1. The county commission in all counties of the first, second or fourth
2 classification may by order or ordinance promulgate reasonable regulations concerning the use
3 of county property, the hours, conditions, methods and manner of such use and the regulation of
4 pedestrian and vehicular traffic and parking thereon.

5 2. **The county commission in all counties may, by order, promulgate reasonable**
6 **regulations concerning its emergency management functions and operations and conditions**
7 **controls, as they specifically relate to the actual occurrence of a natural disaster within the**
8 **county when the health, safety or welfare of the inhabitants of such county are threatened**
9 **by actual or impending circumstances. The regulations may include the issuance of burn**
10 **ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary**
11 **finest as established by the county commission , if there is a Keetch-Byram Drought Index**
12 **of 625 or more, except that state agencies responsible for fire management or suppression**
13 **activities and persons conducting agricultural burning using best management practices**
14 **shall not be subject to the provisions of this subsection. The ability of an individual,**
15 **organization, or corporation to sell fireworks shall not be affected by the issuance of a burn**
16 **ban order.**

17 3. Violation of any regulation so adopted is an infraction **or may be as provided in**
18 **subsection 2 of section 44.130 as specified in the adopted regulation.**

19 [3.] 4. The regulations so adopted shall be codified, printed and made available for
20 public use and adequate signs concerning smoking, traffic and parking regulations shall be
21 posted.

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