

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR

# HOUSE BILL NO. 579

## 94TH GENERAL ASSEMBLY

1395S.05T

2007

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### AN ACT

To repeal sections 44.020, 44.024, and 44.100, RSMo, section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof five new sections relating to emergency management, with an emergency clause.

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

Section A. Sections 44.020, 44.024, and 44.100, RSMo, section 44.045 as enacted by  
2 conference committee substitute for senate substitute for senate committee substitute for house  
3 committee substitute for house bill no. 58, ninety-third general assembly, first regular session and  
4 section 44.045 as enacted by conference committee substitute for house committee substitute for  
5 senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first  
6 regular session, are repealed and five new sections enacted in lieu thereof, to be known as  
7 sections 44.020, 44.024, 44.045, 44.100, and 44.105, to read as follows:

44.020. There is hereby created within the [military division of the executive department,  
2 office of the adjutant general] **department of public safety**, the "State Emergency Management  
3 Agency", for the general purpose of assisting in coordination of national, state and local activities  
4 related to emergency functions by coordinating response, recovery, planning and mitigation.  
5 This agency shall also serve as the statewide coordinator for activities associated with the  
6 National Flood Insurance Program.

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.

44.024. The [adjutant general, subject to the direction and control of the governor,]  
2 **director of the department of public safety** shall be the executive head of the office of the state  
3 emergency management agency **and shall appoint a director of the state emergency**  
4 **management agency to manage the day-to-day operations of the office.**

44.045. 1. Subject to approval by the state emergency management agency during an  
2 emergency declared by the governor [or general assembly], any health care [professional]  
3 **provider** licensed, registered, or certified in this state **or any state who agrees to be so**  
4 **deployed as provided in this section** may be deployed to provide care as necessitated by the  
5 emergency, including care necessitated by mutual aid agreements between political subdivisions  
6 and other public and private entities under section 44.090. **During an emergency declared by**  
7 **the governor, health care providers deployed by the governor or any state agency shall not**  
8 **be liable for any civil damages or administrative sanctions for any failure, in the delivery**  
9 **of healthcare necessitated by the emergency during deployment, to exercise the skill and**  
10 **learning of an ordinarily careful health care provider in similar circumstances, but shall**  
11 **be liable for damages due to willful and wanton acts or omissions in rendering such care.**

12 2. In a declared state of emergency, the department of health and senior services and the  
13 division of professional registration within the department of [economic development]  
14 **insurance, financial institutions and professional registration** may release otherwise  
15 confidential contact and licensure, registration, or certification information relating to health care  
16 professionals to state, local, and private agencies to facilitate deployment.

[44.045. 1. Subject to approval by the state emergency management  
2 agency during an emergency declared by the governor or state legislature, any  
3 health care professional licensed, registered, or certified in this state who  
4 volunteers to be so deployed may be deployed to provide care as necessitated by  
5 the emergency.

6 2. In a declared state of emergency, the department of health and senior  
7 services or the division of professional registration within the department of  
8 economic development may release otherwise confidential contact and licensure,  
9 registration, or certification information relating to health care professionals to  
10 state, local, and private agencies to facilitate deployment.]  
11

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

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

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

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

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

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

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

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

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

24 c. All stocks of fuel;

25 d. Facilities for housing, feeding and hospitalization of persons, including buildings and  
26 plants;

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

30 (e) Prescribe and direct activities in connection with but not limited to use, conservation,  
31 salvage and prevention of waste of materials, services and facilities, including production,  
32 transportation, power and communication facilities, training and supply of labor, utilization of  
33 industrial plants, health and medical care, nutrition, housing, including the use of existing and  
34 private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection  
35 and other essential civil needs;

36 (f) To use or distribute all or any of this property among the inhabitants of the state in  
37 any area adversely affected by a natural or man-made disaster and to account to the state treasurer  
38 for any funds received thereof;

39 (g) To waive or suspend the operation of any statutory requirement or administrative rule  
40 regarding the licensing, certification or issuance of permits evidencing professional, mechanical  
41 or other skills;

42 (h) **To waive or suspend the operation of any statutory requirement or**  
43 **administrative rule prescribing procedures for conducting state business, where strict**

44 **compliance with such requirements and rules would prevent, hinder, or delay necessary**  
45 **action by the department of health and senior services to respond to a declared emergency**  
46 **or increased health threat to the population;**

47 (i) In accordance with rules or regulations, to provide that all law enforcement authorities  
48 and other emergency response workers and agencies of other states who may be within this state  
49 at the request of the governor or pursuant to state or local mutual-aid agreements or compacts  
50 shall have the same authority and possess the same powers, duties, rights, privileges and  
51 immunities as are possessed by like law enforcement authorities and emergency response  
52 workers and agencies of this state;

53 [(i)] (j) To perform and exercise such other functions, powers and duties as may be  
54 necessary to promote and secure the safety and protection of the civilian population.

55 2. When any property is seized, taken or requisitioned under this section, the circuit court  
56 of the county in which the property was taken may on the application of the owner thereof or on  
57 the application of the governor in cases where numerous claims may be filed, appoint three  
58 disinterested commissioners in the manner provided by section 523.040, RSMo, to assess the  
59 damages which the owners may have sustained by reason of the appropriation thereof. Upon the  
60 application the amount due because of the seizure of property shall be determined in the manner  
61 provided in chapter 523, RSMo, for the determination of damages in case of the exercise of the  
62 power of eminent domain.

**44.105. 1. In a governor-declared state of emergency, the department of health and**  
2 **senior services may suspend any provision of chapters 195 and 334, RSMo, pertaining to**  
3 **dispensing medications. Persons who dispense medications under this section shall be**  
4 **trained by the department of health and senior services and shall dispense medications**  
5 **under the supervision of a licensed health care provider according to the department's**  
6 **Strategic National Stockpile Plan.**

7 **2. The department may develop effective citizen involvement to recruit, train, and**  
8 **accept the services of volunteers to supplement the programs administered by the**  
9 **department in dispensing medications to the population in the event of an emergency.**

10 **3. Volunteers recruited, trained, and accepted by the department shall comply with**  
11 **the department's Strategic National Stockpile Plan in dispensing medications.**

12 **4. The department may:**

13 (1) **Provide staff as deemed necessary for the effective management and**  
14 **development of volunteer dispensing sites deployed in response to a governor-declared**  
15 **emergency;**

16 (2) **Provide or assure access to professional staff as deemed necessary for the**  
17 **effective training and oversight of volunteers;**

18           **(3) Develop and provide to all volunteers written rules governing the job**  
19 **descriptions, recruitment, screening, training responsibility, utilization, and supervision**  
20 **of volunteers; and**

21           **(4) Educate volunteers to ensure that they understand their duties and**  
22 **responsibilities.**

23           **5. Non-health care professional volunteers, whose liability is not otherwise**  
24 **protected by section 44.045 shall be deemed unpaid employees and shall be accorded the**  
25 **protection of the legal expense fund and other provisions of section 105.711, RSMo.**

26           **6. As used in this section, "volunteer" means any person who, of his or her own free**  
27 **will, performs any assigned duties for the department of health and senior services with**  
28 **no monetary or material compensation.**

          Section B. Because of the need to immediately respond in the wake of a state of  
2 emergency, provisions of section A of this act are deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and are hereby declared to be an  
4 emergency within the meaning of the constitution, and section A of this act shall be in full force  
5 and effect upon its passage and approval.

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