

FIRST REGULAR SESSION

HOUSE BILL NO. 615

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor) AND ATKINS (Co-sponsor).

1340L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 44.100, RSMo, and to enact in lieu thereof two new sections relating to the civil disaster response corps.

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

Section A. Section 44.100, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 44.052, and 44.100, to read as follows:

44.052. 1. There is hereby created within the department of public safety the "Civil Disaster Response Corps" for the general purpose of:

(1) Developing a group of members with certain types of disaster expertise who shall be available for call-up by the governor only when the existence of an emergency has been proclaimed by the governor or by resolution of the legislature;

(2) Hosting quarterly training sessions in various aspects of emergency response, including but not limited to, disaster recovery, emergency medicine, communications, safety, sandbagging and flood control, fighting wildfires, hazardous materials safety, and sheltering operations;

(3) Raising and maintaining adequate amounts of emergency resources and equipment necessary to facilitate the successful completion of missions assigned by the governor;

(4) Issuing uniforms and appropriate personal protective equipment for all members; and

(5) Being able to rapidly deploy individual members, specialty units, and general purpose units anywhere in the state of Missouri for emergency response, hazard

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.

17 mitigation, and disaster recovery missions as requested by the governor during a state of
18 declared emergency.

19 **2. The director of the department of public safety shall be the executive head of the**
20 **civil disaster response corps and shall appoint a director of the civil disaster response corps**
21 **to manage the day-to-day operations of the office.**

22 **3. Members of the civil disaster response corps shall be paid by the state an annual**
23 **stipend of three thousand dollars and shall only be available for call-up by the governor**
24 **for a period of time not to exceed twenty-one calendar days per member per year.**

25 **4. Members of the civil disaster response corps shall only be able to be called-up**
26 **by the governor during an emergency declared by the governor or by resolution of the**
27 **legislature and shall not be compelled or otherwise ordered to serve outside the state of**
28 **Missouri. Members of the civil disaster response corps shall not be available for federal**
29 **call-up.**

30 **5. Members of the civil disaster response corps shall have the same protections**
31 **regarding unlawful termination from civilian employment as is afforded members of the**
32 **Missouri national guard upon call-up.**

33 **6. Membership in the civil disaster response corps shall not exceed one thousand**
34 **one hundred and fifty members.**

35 **7. The civil disaster response corps shall be organized into three regional battalions,**
36 **A, B, and C, which shall each be further subdivided into three companies of approximately**
37 **one hundred twenty members each. Each company shall be located in an area described**
38 **by the boundaries of a specific Missouri congressional district as of 2009 as follows:**

39 **Battalion A**

40 **Fifth Company - The fifth congressional district**

41 **Fourth Company - The fourth congressional district**

42 **Seventh Company - The seventh congressional district**

43 **Battalion B**

44 **Sixth Company - The sixth congressional district**

45 **Ninth Company - The ninth congressional district**

46 **Second Company - The second congressional district**

47 **Battalion C**

48 **First Company - The first congressional district**

49 **Third Company - The third congressional district**

50 **Eighth Company - The eighth congressional district.**

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52 **There shall also be a separate headquarters unit containing up to twenty-five members as**
53 **needed.**

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) Use or distribute all or any of this property among the inhabitants of the state in any
37 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) 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) Waive or suspend the operation of any statutory requirement or administrative rule
43 prescribing procedures for conducting state business, where strict compliance with such
44 requirements and rules would prevent, hinder, or delay necessary action by the department of
45 health and senior services to respond to a declared emergency or increased health threat to the
46 population;

47 (i) In accordance with rules or regulations, 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 (j) Perform and exercise such other functions, powers and duties as may be necessary
54 to promote and secure the safety and protection of the civilian population;

55 (k) Authorize the director of finance and the director of credit unions to waive or
56 suspend the operation of any statutory requirement or administrative rule applicable to the
57 division of finance, banking, financial services, or the division of credit unions and take action
58 and give direction to banks, credit unions, and financial institutions, including coordinating
59 actions with emergency responders, federal agencies, and state banking and credit union
60 associations as may be reasonable and necessary to preserve the safety and soundness of banks,
61 credit unions, and financial institutions; and facilitate disaster response and recovery efforts to
62 serve essential civil needs and protect the public interest;

63 **(l) If necessary, call-up members of the civil disaster response corps created in**
64 **section 44.052, to conduct emergency response, hazard mitigation, or disaster recovery**
65 **missions.**

66 2. When any property is seized, taken or requisitioned under this section, the circuit court
67 of the county in which the property was taken may, on the application of the owner thereof or
68 on the application of the governor in cases where numerous claims may be filed, appoint three
69 disinterested commissioners in the manner provided by section 523.040, to assess the damages

70 which the owners may have sustained by reason of the appropriation thereof. Upon the
71 application the amount due because of the seizure of property shall be determined in the manner
72 provided in chapter 523, for the determination of damages in case of the exercise of the power
73 of eminent domain.

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