

FIRST REGULAR SESSION

HOUSE BILL NO. 612

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LICHTENEGGER (Sponsor) AND WALKER (Co-sponsor).

1487H.02I

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 and an emergency clause.

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Section A. Sections 44.080 and 49.266, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 44.080 and 49.266, to read as follows: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 disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

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

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

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

; 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.

18 **(3) Adopt orders, ordinances, or resolutions with penalties as these specifically**
19 **relate to the actual or impending occurrence of a natural or man-made disaster of major**
20 **proportions within the county if the safety and welfare of the inhabitants of such county**
21 **are jeopardized. Such orders, ordinances, or resolutions may include the issuance of burn**
22 **ban orders carrying penalties as specified in subsection 2 of section 44.130, or the violations**
23 **of such order, ordinance, or resolution shall be an infraction, except that state agencies**
24 **responsible for fire management or suppression activities shall not be subject to the**
25 **provisions of this subsection.**

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 or ordinance promulgate**
6 **reasonable regulations concerning its emergency management functions and operations**
7 **and conditions controls, as it specifically relates to the actual occurrence of a natural or**
8 **man-made disaster within the county when the health, safety or welfare of the inhabitants**
9 **of such county are threatened by actual or impending circumstances. The regulations may**
10 **include the issuance of burn ban orders carrying penalties as specified in subsection 2 of**
11 **section 44.130 and monetary fines as established by the county commission, except that**
12 **state agencies responsible for fire management or suppression activities shall not be subject**
13 **to the provisions of this subsection;**

14 [2] **3. Violation of any regulation so adopted is an infraction or may be as provided in**
15 **subsection 2 of section 44.130 as specified in the adopted regulation.**

16 [3] **4. The regulations so adopted shall be codified, printed and made available for public**
17 **use and adequate signs concerning smoking, traffic and parking regulations shall be posted.**

Section B. Because of the immediate need for disaster and emergency management
2 procedures, this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and this act shall be in full force and effect upon its passage and approval.

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