

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by  
2 inserting after all of said section and line the following:

3  
4 "1.1000. 1. The exercise of any emergency power that the governor or any other official  
5 may have under the Constitution of Missouri or state law that binds or regulates the public is limited  
6 as follows:

7 (1) Notwithstanding any other law, emergency orders issued by state or local officials that  
8 bind, curtail, or infringe on the rights of private parties shall be narrowly tailored to serve a  
9 compelling public health or safety interest. Each order shall be limited in duration, applicability,  
10 and scope to reduce infringement of individual liberty;

11 (2) State courts shall have jurisdiction to hear cases challenging the lawfulness of state and  
12 local emergency orders, including compliance with this section. Courts shall expedite consideration  
13 of such challenges to the extent practicable. A court may cite inequality in the applicability or  
14 impact of emergency orders on analogous groups, situations, and circumstances as evidence that the  
15 order is not narrowly tailored to serve a compelling public health or safety purpose;

16 (3) To the extent allowed by the Constitution of Missouri and state law, only the governor  
17 may issue emergency orders that infringe on constitutional rights in a nontrivial manner. For the  
18 purposes of this section, constitutional rights include, but are not limited to, the rights to travel,  
19 work, assemble, and speak; the freedom of religious exercise; the nonimpairment of contract and  
20 property rights; freedom from unreasonable search and seizure; and the freedom to purchase lawful  
21 firearms and ammunition. All such orders shall expire after thirty days unless the governor  
22 terminates the order earlier or the legislature enacts legislation granting the governor power to issue  
23 an extended order.

24 2. Nothing in this section grants additional emergency powers to the governor or any other  
25 official.

26 3. Notwithstanding the provisions of this section, state and local officials may issue  
27 nonbinding recommendations and guidelines and may help coordinate public and private action to  
28 prevent or respond to an emergency."; and

29  
30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_