

FIRST REGULAR SESSION

# HOUSE BILL NO. 602

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

1523H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to emergency orders.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.1000, to read as follows:

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

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

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

(3) **To the extent allowed by the Constitution of Missouri and state law, only the governor may issue emergency orders that infringe on constitutional rights in a nontrivial manner. For the purposes of this section, constitutional rights include, but are not limited to, the rights to travel, work, assemble, and speak; the freedom of religious exercise; the nonimpairment of contract and property rights; freedom from unreasonable search 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.

19 seizure; and the freedom to purchase lawful firearms and ammunition. Such orders made  
20 by the governor shall be further limited as follows:

21 (a) All such orders shall expire after seven days unless the general assembly is in  
22 session and has at least fifteen days to consider the order and vote to ratify or overturn it,  
23 or the governor calls the general assembly into special session or extends the session for  
24 such purpose; and

25 (b) All such orders shall expire after thirty days unless the governor or general  
26 assembly terminates the order earlier or the legislature ratifies the order by joint resolution  
27 within the thirty day period.

28 2. Each chamber of the general assembly may vote to ratify or terminate emergency  
29 orders issued under subsection 1 of this section by remote debate and electronic or other  
30 means, as established by the rules of the chamber or by the presiding officer of each  
31 chamber.

32 3. If the legislature fails to ratify an emergency order, the governor shall not reissue  
33 the order or issue another that is substantially similar to the order that expired without  
34 legislative approval or was rejected by the legislature, except that the governor may reissue  
35 the order based on significantly changed circumstances for a single period of up to three  
36 days if the governor calls the legislature to reconsider the order and the changed  
37 circumstances.

38 4. Nothing in this section grants additional emergency powers to the governor or  
39 any other official.

40 5. Notwithstanding the provisions of this section, state and local officials may issue  
41 nonbinding recommendations and guidelines and may help coordinate public and private  
42 action to prevent or respond to an emergency.

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