

HCS HB 602 -- EMERGENCY POWERS

SPONSOR: Grier

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Small Business by a vote of 12 to 5. Voted "Return to the Committee of Origin" by the Standing Committee on Rules-Legislative Oversight by a vote of 9 to 0. Voted "Do Pass with HCS" by the Special Committee on Small Business by a vote of 13 to 5. Voted "Do Pass" by the Standing Committee on Rules-Legislative Oversight by a vote of 6 to 2 with 1 voting Present.

This bill requires that any exercise of emergency powers by the Governor or state or local officials that regulates the public is limited as follows:

(1) It must be narrowly tailored to serve a compelling public health or safety purpose, and must be limited in duration, applicability, and scope to reduce infringement of individual liberty;

(2) There must be expedited judicial review of these requirements, and 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 seizure; and the freedom to purchase lawful firearms and ammunition;

(4) All orders will expire after 30 days unless the Governor terminates the order earlier or the legislature ratifies enacts legislation granting the Governor power to issue an extended order;

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

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

PROPONENTS: Supporters say that this bill will prevent local

governments from issuing emergency closures over and over. Closing businesses unnecessarily is bad for the business, consumers and owners. Many small businesses have been forced to close their doors permanently because of the overstepping of local government. Testifying for the bill were Representative Grier; Debbie Shaw-Frank, Progress 64 West; Benjamin Brown; Mark A. Harder, Councilman St. Louis County; and the Missouri Retailers Association.

OPPONENTS: Those who oppose the bill say that we need to have local control, the county health departments know what is right for their community and understand the need to be able to make emergency health decisions to keep the public safe and keep people from being hurt do to lack of action.

Testifying against the bill were Todd Shaffer, MD, Missouri Academy of Family Physicians; Sarah Michaels, DO, Missouri Academy of Family Physicians; Clay Goddard, Missouri Center for Public Health Excellence; Mike Herbert, Missouri Association of Local Public Health Agency; and the Miller County Health Center; Missouri State Medical Association; and Georganne Syler, Cape Girardeau County Public Health Center.