

HB 602 -- EMERGENCY POWERS

SPONSOR: Grier

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 state-wide emergency orders infringing Constitutional rights will expire automatically after seven days unless the legislature is in session and has 15 days to consider and vote on them, or the Governor calls a special sessions for that purpose;
- 5) All orders will expire after 30 days unless the Governor or General Assembly terminates the order earlier or the legislature ratifies the order by joint resolution within the 30 day period;

The legislature is authorized to vote on these emergency orders by remote debate and electronic or other means, as established by the rules of the chamber or by the presiding officer of each chamber.

If the legislature fails to timely ratify an emergency order or rejects it, the Governor cannot reissue the order or issue one that is substantially similar, except that the Governor may reissue the order based on significantly changed circumstances for a single period of up to three days if the Governor calls the legislature to reconsider the order and the changed circumstances.

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.