

HCS HB 682 -- RESTRICTIONS ON GOVERNMENT AUTHORITY

COMMITTEE OF ORIGIN: Standing Committee on Higher Education

EMERGENCY POWERS (Section 1.1000, RSMo)

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 non impairment 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 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.

This provision is similar to HB 602 (2021).

CLASSIFICATION OF ESSENTIAL WORKERS (Section 21.753)

This bill provides that the General Assembly occupies and preempts the entire field of legislation touching in any way the classification of essential workers. Existing or future orders,

ordinances, or regulations regarding the classification of essential workers are and will be null and void. Neither the state nor an official, agency, or political subdivision thereof shall issue or adopt any order, ordinance, or regulation concerning in any way which occupations are classified as essential workers.

All occupations in the state of Missouri qualify as essential workers.

This provision is similar to HB 851 (2021).

CHILD ADVOCATE OFFICE (Sections 37.710 and 210.152)

This bill allows the Office of Child Advocate to release findings for members of a multidisciplinary team relating to their professional performance.

This provision is similar to HB 673 (2021).

SAFETY REPORTING (Section 37.717)

This bill requires the Office of Child Advocate to create a safety reporting system for the Department of Social Services employees to be able to report information regarding the safety of those served by the office and the safety of the employees. The bill specifies how the identity of the person making the report will be protected.

Any criminal act reported to the reporting system will be disclosed to the Department and to the appropriate law enforcement agency, and any investigation conducted as a result of the report must be conducted by an unbiased and disinterested investigator.

This provision is similar to HB 673 (2021).

PUBLIC HEALTH OR SAFETY CLOSURES (Section 67.260)

This bill provides time limited authority for political subdivisions to order closures of businesses, churches, schools, or other public gatherings for reasons of public health or safety.

A public official is authorized to order closure for up to 15 days, then for a second period of up to 15 days upon approval of the government entity's legislative body. The order closure may be extended an addition 10 days at a time up to three times upon a 2/3's vote of the governmental entity's legislative body. After three extensions of 10 days any additional 10 day extension shall be upon unanimous approval of the government entity's legislative body.

This section of the bill is included in the emergency clause.

This provision is similar to HB 75 (2021).

#### INITIATIVE PETITION FOR SCHOOL BOARD AGENDA (Section 162.052).

The bill allows registered voters to file a petition with the school board to add agenda items to any monthly school board meeting. Requirements for the petition language is outlined in the bill, and no request may be submitted more than once every six months. Any agenda item added in this manner, shall be taken up by the board following the board procedure for such items.

#### STUDENT LODGING (Section 173.1590)

Beginning July 1, 2022, this bill prohibits any public institution of higher education in this state from requiring students to live in campus housing except for first-time freshman. First-time freshman may be required to live in campus housing the first year of his or her attendance. The bill allows the University of Central Missouri, the University of Southeast Missouri State, and the Missouri University of Science and Technology to continue to have policies that require upperclassman to live on campus until after June 30, 2034.

This provision is similar to HCS HB 682 (2021).

#### TRUE COVID-19 LIABILITY (Section 192.027)

The bill creates the "True COVID Liability Act" and contains declarative statements regarding epidemiology, public policy relating to contagious diseases including COVID-19, susceptibility to contagious diseases, personal accountability, legal liability and government-mandated responses as outlined.

The bill prohibits the state or any political subdivision thereof from, as a response to a contagious disease, quarantining an individual in any way; limiting the use of otherwise lawful activities in any private property or premises in which extraordinary prevalence of a contagious disease has not been proven; revoking any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity.

No individual, owner, or entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises controlled by such person unless they knowingly and purposely with malice, exposed an individual to a contagious disease where such exposure caused the exposed individual to suffer

from a clinical disease.

This section of the bill is included in the emergency clause.

This provision is similar to HB 1358 (2021).

#### COVID-19 VACCINATION (Section 292.652)

This bill prohibits a public employer from requiring any public employee or person entering a public building to receive a COVID-19 vaccination and prohibits political subdivisions from adopting any ordinance, rule, or regulation that requires a public employer to implement a policy that violates these provisions.

This provision is similar to HB 838 (2021).

#### ACCESS TO PRIVATE PROPERTY (Section 542.525)

This bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.

This provision is similar to HB 1166 (2021).

#### PUBLIC WATER AND SEWER SERVICES (Section 1)

The bill prohibits political subdivisions from adopting ordinances that require residences to connect to the public water or sewer services if the residence already has a private well or septic system installed before any ordinances, code or policy were initially instated. Applicable health and environmental regulations will still be enforced.