

SECOND REGULAR SESSION

HOUSE BILL NO. 2497

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

5238H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 44.032, RSMo, and to enact in lieu thereof two new sections relating to merchandising practices.

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

Section A. Section 44.032, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 44.032 and 407.1387, to read as follows:

44.032. 1. (1) As used in this section, the term "rural electric cooperative" means any rural electric cooperative organized or operating under the provisions of chapter 394, any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110.

(2) The general assembly recognizes the necessity for anticipating and making advance provisions to care for the unusual and extraordinary burdens imposed by disasters or emergencies on this state, its political subdivisions, and rural electric cooperatives. To meet such situations, it is the intention of the general assembly to confer emergency powers on the governor, acting through the director, and vesting the governor with adequate power and authority within the limitation of available funds in the Missouri disaster fund to meet any such emergency or disaster.

2. There is hereby established a fund to be known as the "Missouri Disaster Fund", to which the general assembly may appropriate funds and from which funds may be appropriated annually to the state emergency management agency. The funds appropriated shall be expended during a state emergency at the direction of the governor and upon the issuance of an emergency declaration which shall set forth the emergency and shall state that

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.

18 it requires the expenditure of public funds to furnish immediate aid and relief. The director of
19 the state emergency management agency shall administer the fund.

20 3. Expenditures may be made upon direction of the governor for emergency
21 management, as defined in section 44.010, or to implement the state disaster plans.
22 Expenditures may also be made to meet the matching requirements of state and federal
23 agencies for any applicable assistance programs.

24 4. Assistance may be provided from the Missouri disaster fund to political
25 subdivisions of this state and rural electric cooperatives that have suffered from a disaster to
26 such an extent as to impose a severe financial burden exceeding the ordinary reserve capacity
27 of the subdivision or rural electric cooperative affected. Applications for aid under this
28 section shall be made to the state emergency management agency on such forms as may be
29 prescribed and furnished by the agency, which forms shall require the furnishing of sufficient
30 information to determine eligibility for aid and the extent of the financial burden incurred.
31 The agency may call upon other agencies of the state in evaluating such applications. The
32 director of the state emergency management agency shall review each application for aid
33 under the provisions of this section and recommend its approval or disapproval, in whole or in
34 part, to the governor. If approved, the governor shall determine and certify to the director of
35 the state emergency management agency the amount of aid to be furnished. The director of
36 the state emergency management agency shall thereupon issue the director's voucher to the
37 commissioner of administration, who shall issue the commissioner's warrants therefor to the
38 applicant.

39 5. When a disaster or emergency has been proclaimed by the governor or there is a
40 national emergency, the director of the state emergency management agency, upon order of
41 the governor, shall have authority to expend funds for the following:

42 (1) The purposes of sections 44.010 to 44.130 and the responsibilities of the governor
43 and the state emergency management agency as outlined in sections 44.010 to 44.130;

44 (2) Employing, for the duration of the response and recovery to emergency, additional
45 personnel and contracting or otherwise procuring necessary appliances, supplies, equipment,
46 and transport;

47 (3) Performing services for and furnishing materials and supplies to state government
48 agencies, counties, municipalities, and rural electric cooperatives with respect to performance
49 of any duties enjoined by law upon such agencies, counties, municipalities, and rural electric
50 cooperatives which they are unable to perform because of extreme natural or man-made
51 phenomena, and receiving reimbursement in whole or in part from such agencies, counties,
52 municipalities, and rural electric cooperatives able to pay therefor under such terms and
53 conditions as may be agreed upon by the director of the state emergency management agency
54 and any such agency, county, municipality, or rural electric cooperative;

55 (4) Performing services for and furnishing materials to any individual in connection
56 with alleviating hardship and distress growing out of extreme natural or man-made
57 phenomena, and receiving reimbursement in whole or in part from such individual under such
58 terms as may be agreed upon by the director of the state emergency management agency and
59 such individual;

60 (5) Providing services to counties and municipalities with respect to quelling riots and
61 civil disturbances;

62 (6) Repairing and restoring public infrastructure;

63 (7) Furnishing transportation for supplies to alleviate suffering and distress;

64 (8) Furnishing medical services and supplies to prevent the spread of disease and
65 epidemics;

66 (9) Quelling riots and civil disturbances;

67 (10) Training individuals or governmental agencies for the purpose of perfecting the
68 performance of emergency assistance duties as defined in the state disaster plans;

69 (11) Procurement, storage, and transport of special emergency supplies or equipment
70 determined by the director to be necessary to provide rapid response by state government to
71 assist counties and municipalities in impending or actual emergencies;

72 (12) Clearing or removing from publicly or privately owned land or water, debris and
73 wreckage which may threaten public health or safety;

74 (13) Reimbursement to any urban search and rescue task force for any reasonable and
75 necessary expenditures incurred in the course of responding to any declared emergency under
76 this section; ~~and~~

77 **(14) Reimbursement to any Missouri resident who, upon application, provides**
78 **evidence of expenditures for the purchase of necessities within a designated disaster area**
79 **at an amount greater than the average market sales price as determined by the state**
80 **emergency management agency. Only the expended amount in excess of the average**
81 **market sales price shall be eligible for reimbursement, up to a maximum of three**
82 **hundred dollars per applicant; and**

83 **(15) Such other measures as are customarily necessary to furnish adequate relief in**
84 **cases of catastrophe or disaster.**

85 6. The governor may receive such voluntary contributions as may be made from any
86 source to aid in carrying out the purposes of this section and shall credit the same to the
87 Missouri disaster fund.

88 7. All obligations and expenses incurred by the governor in the exercise of the powers
89 and duties vested by the provisions of this section shall be paid by the state treasurer out of
90 available funds in the Missouri disaster fund, and the commissioner of administration shall
91 draw warrants upon the state treasurer for the payment of such sum, or so much thereof as

92 may be required, upon receipt of proper vouchers provided by the director of the state
93 emergency management agency.

94 8. The provisions of this section shall be liberally construed in order to accomplish
95 the purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with
96 any emergency which may arise, and the powers vested in the governor by this section shall
97 be construed as being in addition to all other powers presently vested in the governor and not
98 in derogation of any existing powers.

99 9. Such funds as may be made available by the government of the United States for
100 the purpose of alleviating distress from disasters may be accepted by the state treasurer and
101 shall be credited to the Missouri disaster fund, unless otherwise specifically provided in the
102 act of Congress making such funds available.

103 10. The foregoing provisions of this section notwithstanding, any expenditure or
104 proposed series of expenditures which total in excess of one thousand dollars per project shall
105 be approved by the governor prior to the expenditure.

**407.1387. 1. This section shall be known and may be cited as the "Goods Once
2 Unleashed Guarantee Excellence (GOUGE) Act".**

3 **2. Notwithstanding any other provision of law or administrative rule to the**
4 **contrary, it is not an unfair trade practice for any person in connection with the**
5 **advertisement or sale of merchandise to:**

6 **(1) Charge a price substantially above the previous market price of the**
7 **merchandise in the seller's trade area;**

8 **(2) Charge an excessive price for any necessity; or**

9 **(3) Charge any person an excessive price for any necessity that the seller has**
10 **reason to know is likely to be provided to consumers within a disaster area.**

11 **3. Missouri residents who make payment on charges described under subsection**
12 **2 of this section when a disaster or emergency has been proclaimed by the governor or**
13 **when there is a national emergency may seek reimbursement as provided under**
14 **subsection 5 of section 44.032.**

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