

FIRST REGULAR SESSION

SENATE BILL NO. 297

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time January 22, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0592S.02I

AN ACT

To repeal section 44.100, RSMo, and to enact in lieu thereof two new sections relating to the civil disaster response corps.

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

Section A. Section 44.100, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 44.052, and 44.100, to read as
3 follows:

**44.052. 1. There is hereby created within the department of
2 public safety the "Civil Disaster Response Corps" for the general
3 purpose of:**

**4 (1) Developing a group of members with certain types of disaster
5 expertise who shall be available for call-up by the governor only when
6 the existence of an emergency has been proclaimed by the governor or
7 by resolution of the general assembly;**

**8 (2) Hosting quarterly training sessions in various aspects of
9 emergency response, including but not limited to, disaster recovery,
10 emergency medicine, communications, safety, sandbagging and flood
11 control, fighting wildfires, hazardous materials safety, and sheltering
12 operations;**

**13 (3) Raising and maintaining adequate amounts of emergency
14 resources and equipment necessary to facilitate the successful
15 completion of missions assigned by the governor;**

**16 (4) Issuing uniforms and appropriate personal protective
17 equipment for all members; and**

**18 (5) Being able to rapidly deploy individual members, specialty
19 units, and general purpose units anywhere in the state of Missouri for
20 emergency response, hazard mitigation, and disaster recovery missions**

21 as requested by the governor during a state of declared emergency.

22 2. The director of the department of public safety shall be the
23 executive head of the civil disaster response corps and shall appoint a
24 director of the civil disaster response corps to manage the day-to-day
25 operations of the office.

26 3. Members of the civil disaster response corps shall be paid by
27 the state a daily per diem of one hundred dollars and shall only be
28 available for call-up by the governor for a period of time not to exceed
29 twenty-one calendar days per member per year.

30 4. Members of the civil disaster response corps shall only be able
31 to be called-up by the governor during an emergency declared by the
32 governor or by resolution of the legislature and shall not be compelled
33 or otherwise ordered to serve outside the state of Missouri. Members
34 of the civil disaster response corps shall not be available for federal
35 call-up.

36 5. Members of the civil disaster response corps shall have the
37 same protections regarding unlawful termination from civilian
38 employment as is afforded members of the Missouri national guard
39 upon call-up.

40 6. Membership in the civil disaster response corps shall not
41 exceed one thousand one hundred and fifty members.

42 7. The civil disaster response corps shall be organized into four
43 regional battalions, A, B, C and D, which shall each be further
44 subdivided into two companies of approximately one hundred twenty
45 members each. Each company shall be located in an area described by
46 the boundaries of a specific Missouri congressional district as of 2015
47 as follows:

48 Battalion A

49 Fourth Company - The fourth congressional district

50 Seventh Company - The seventh congressional district

51 Battalion B

52 Fifth Company - The fifth congressional district

53 Sixth Company - The sixth congressional district

54 Battalion C

55 Third Company - The third congressional district

56 Eighth Company - The eighth congressional district

57 Battalion D

58 **First Company - The first congressional district**

59 **Second Company - The second congressional district.**

60 **There shall also be a separate headquarters unit containing up to**
61 **twenty-five members as needed.**

44.100. 1. The emergency powers of the governor shall be as follows:

2 (1) The provisions of this section shall be operative only during the
3 existence of a state of emergency (referred to in this section as "emergency"). The
4 existence of an emergency may be proclaimed by the governor or by resolution of
5 the legislature, if the governor in his proclamation, or the legislature in its
6 resolution, finds that a natural or man-made disaster of major proportions has
7 actually occurred within this state, and that the safety and welfare of the
8 inhabitants of this state require an invocation of the provisions of this section;

9 (2) Any emergency, whether proclaimed by the governor or by the
10 legislature, shall terminate upon the proclamation thereof by the governor, or the
11 passage by the legislature, of a resolution terminating such emergency;

12 (3) During the period that the state of emergency exists or continues, the
13 governor shall:

14 (a) Enforce and put into operation all plans, rules and regulations relating
15 to disasters and emergency management of resources adopted under this law and
16 to assume direct operational control of all emergency forces and volunteers in the
17 state;

18 (b) Take action and give directions to state and local law enforcement
19 officers and agencies as may be reasonable and necessary for the purpose of
20 securing compliance with the provisions of this law and with the orders, rules and
21 regulations made pursuant thereof;

22 (c) Seize, take or requisition to the extent necessary to bring about the
23 most effective protection of the public:

24 a. Any means of transportation, other than railroads and railroad
25 equipment and fuel, and all fuel necessary for the propulsion thereof;

26 b. Any communication system or part thereof necessary to the prompt and
27 efficient functioning of the emergency management of the state;

28 c. All stocks of fuel;

29 d. Facilities for housing, feeding and hospitalization of persons, including
30 buildings and plants;

31 (d) Control, restrict and regulate by rationing, freezing, use of quotas,
32 prohibitions on shipments, price fixing, allocation or other means the use, sale or

33 distribution of food, feed, fuel, clothing and other commodities, materials, goods
34 or services;

35 (e) Prescribe and direct activities in connection with but not limited to
36 use, conservation, salvage and prevention of waste of materials, services and
37 facilities, including production, transportation, power and communication
38 facilities, training and supply of labor, utilization of industrial plants, health and
39 medical care, nutrition, housing, including the use of existing and private
40 facilities, rehabilitation, education, welfare, child care, recreation, consumer
41 protection and other essential civil needs;

42 (f) Use or distribute all or any of this property among the inhabitants of
43 the state in any area adversely affected by a natural or man-made disaster and
44 to account to the state treasurer for any funds received thereof;

45 (g) Waive or suspend the operation of any statutory requirement or
46 administrative rule regarding the licensing, certification or issuance of permits
47 evidencing professional, mechanical or other skills;

48 (h) Waive or suspend the operation of any statutory requirement or
49 administrative rule prescribing procedures for conducting state business, where
50 strict compliance with such requirements and rules would prevent, hinder, or
51 delay necessary action by the department of health and senior services to respond
52 to a declared emergency or increased health threat to the population;

53 (i) In accordance with rules or regulations, provide that all law
54 enforcement authorities and other emergency response workers and agencies of
55 other states who may be within this state at the request of the governor or
56 pursuant to state or local mutual-aid agreements or compacts shall have the same
57 authority and possess the same powers, duties, rights, privileges and immunities
58 as are possessed by like law enforcement authorities and emergency response
59 workers and agencies of this state;

60 (j) Perform and exercise such other functions, powers and duties as may
61 be necessary to promote and secure the safety and protection of the civilian
62 population;

63 (k) Authorize the director of finance and the director of credit unions to
64 waive or suspend the operation of any statutory requirement or administrative
65 rule applicable to the division of finance, banking, financial services, or the
66 division of credit unions and take action and give direction to banks, credit
67 unions, and financial institutions, including coordinating actions with emergency
68 responders, federal agencies, and state banking and credit union associations as

69 may be reasonable and necessary to preserve the safety and soundness of banks,
70 credit unions, and financial institutions; and facilitate disaster response and
71 recovery efforts to serve essential civil needs and protect the public interest;

72 **(l) If necessary, call-up members of the civil disaster response**
73 **corps created in section 44.052, to conduct emergency response, hazard**
74 **mitigation, or disaster recovery missions.**

75 2. When any property is seized, taken or requisitioned under this section,
76 the circuit court of the county in which the property was taken may on the
77 application of the owner thereof or on the application of the governor in cases
78 where numerous claims may be filed, appoint three disinterested commissioners
79 in the manner provided by section 523.040 to assess the damages which the
80 owners may have sustained by reason of the appropriation thereof. Upon the
81 application the amount due because of the seizure of property shall be determined
82 in the manner provided in chapter 523 for the determination of damages in case
83 of the exercise of the power of eminent domain.

✓
Bill

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