

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 732

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MUNZLINGER.

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ADRIANE D. CROUSE, Secretary.

4627S.03P

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## AN ACT

To repeal sections 44.010 and 44.032, RSMo, and to enact in lieu thereof three new sections relating to emergency responses.

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

Section A. Sections 44.010 and 44.032, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 44.010, 44.032, and  
3 190.260, to read as follows:

44.010. As used in sections 44.010 to 44.130, the following terms mean:

- 2 (1) "Agency", the state emergency management agency;
- 3 (2) "Bioterrorism", the intentional use of any microorganism, virus,  
4 infectious substance, or biological product that may be engineered as a result of  
5 biotechnology, or any naturally occurring or bioengineered component of any such  
6 microorganism, virus, infectious substance, or biological product, to cause death,  
7 disease, or other biological malfunction in a human, an animal, a plant, or  
8 another living organism in order to influence the conduct of government or to  
9 intimidate or coerce a civilian population;
- 10 (3) "Director", the director of the state emergency management agency;
- 11 (4) "Disasters", disasters which may result from terrorism, including  
12 bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made  
13 causes;
- 14 (5) "Economic or geographic area", an area or areas within the state, or  
15 partly in this state and adjacent states, comprising political subdivisions grouped

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 together for purposes of administration, organization, control or disaster recovery  
17 and rehabilitation in time of emergency;

18 (6) "Emergency", any state of emergency declared by proclamation by the  
19 governor, or by resolution of the legislature pursuant to sections 44.010 to 44.130  
20 upon the actual occurrence of a natural or man-made disaster of major  
21 proportions within this state when the safety and welfare of the inhabitants of  
22 this state are jeopardized;

23 (7) "Emergency management", government at all levels performing  
24 emergency functions, other than functions for which military forces are primarily  
25 responsible;

26 (8) "Emergency management functions", "emergency management  
27 activities" and "emergency management service", those functions required to  
28 prepare for and carry out actions to prevent, minimize and repair injury and  
29 damage due to disasters, to include emergency management of resources and  
30 administration of such economic controls as may be needed to provide for the  
31 welfare of the people, either on order of or at the request of the federal  
32 government, or in the event the federal government is incapable of administering  
33 such control;

34 (9) "Emergency resources planning and management", planning for,  
35 management and coordination of national, state and local resources;

36 (10) "Executive officer of any political subdivision", the county commission  
37 or county supervisor or the mayor or other manager of the executive affairs of any  
38 city, town, village or fire protection district;

39 (11) "Local organization for emergency management", any organization  
40 established under this law by any county or by any city, town, or village to  
41 perform local emergency management functions;

42 (12) "Management", the activities of the emergency management director  
43 in the implementation of emergency operations plans during time of emergency;

44 (13) "Planning", activities of the state and local emergency management  
45 agency in the formulation of emergency management plans to be used in time of  
46 emergency;

47 (14) "Political subdivision", any county or city, town or village, or any fire  
48 district created by law;

49 **(15) "Urban search and rescue task force", any entity whose**  
50 **primary responsibility is to locate, remove, and provide medical care**  
51 **to persons in collapsed buildings.**

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

9 2. There is hereby established a fund to be known as the "Missouri  
10 Disaster Fund", to which the general assembly may appropriate funds and from  
11 which funds may be appropriated annually to the state emergency management  
12 agency. The funds appropriated shall be expended during a state emergency at  
13 the direction of the governor and upon the issuance of an emergency declaration  
14 which shall set forth the emergency and shall state that it requires the  
15 expenditure of public funds to furnish immediate aid and relief. The director of  
16 the state emergency management agency shall administer the fund.

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

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

37 applicant.

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

42           (1) The purposes of sections 44.010 to 44.130 and the responsibilities of  
43 the governor and the state emergency management agency as outlined in sections  
44 44.010 to 44.130;

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

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

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

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

63           (6) Repairing and restoring public infrastructure;

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

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

68           (9) Quelling riots and civil disturbances;

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

72           (11) Procurement, storage, and transport of special emergency supplies or

73 equipment determined by the director to be necessary to provide rapid response  
74 by state government to assist counties and municipalities in impending or actual  
75 emergencies;

76 (12) Clearing or removing from publicly or privately owned land or water,  
77 debris and wreckage which may threaten public health or safety; [and]

78 (13) **Reimbursement to any urban search and rescue task force**  
79 **for any reasonable and necessary expenditures incurred in the course**  
80 **of responding to any declared emergency under this section; and**

81 (14) Such other measures as are customarily necessary to furnish  
82 adequate relief in cases of catastrophe or disaster.

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

86 7. All obligations and expenses incurred by the governor in the exercise  
87 of the powers and duties vested by the provisions of this section shall be paid by  
88 the state treasurer out of available funds in the Missouri disaster fund, and the  
89 commissioner of administration shall draw warrants upon the state treasurer for  
90 the payment of such sum, or so much thereof as may be required, upon receipt of  
91 proper vouchers provided by the director of the state emergency management  
92 agency.

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

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

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

**190.260. 1. This section shall be known and may be cited as the**

2 **"First Informer Broadcasters Act".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Broadcaster", a radio broadcasting station or television**  
5 **broadcasting station licensed by the Federal Communications**  
6 **Commission and subject to participation in the Emergency Alert System**  
7 **(EAS), which is primarily engaged in and deriving income from the**  
8 **business of facilitating speech via over-the-air-communications, both as**  
9 **pure speech and commercial speech;**

10 **(2) "First informer broadcaster", a person who has been certified**  
11 **as a first informer broadcaster under this section.**

12 **3. The department of public safety, in cooperation with any**  
13 **statewide organization or any member of a statewide organization that**  
14 **represents broadcasters, shall establish a program for training and**  
15 **certifying broadcast engineers and technical personnel as first**  
16 **informer broadcasters. Upon completion of the program, broadcasters**  
17 **shall receive statewide recognized credentials to certify that such**  
18 **broadcasters are first informer broadcasters. The program established**  
19 **under this section shall provide training and education concerning:**

20 **(1) The restoration, repair, and resupply of any facilities and**  
21 **equipment of a broadcaster in an area affected by an emergency or**  
22 **disaster; and**

23 **(2) The personal safety of a first informer broadcaster in an area**  
24 **affected by an emergency or disaster.**

25 **4. To the extent practicable and consistent with not endangering**  
26 **public safety or inhibiting recovery efforts, state and local**  
27 **governmental agencies shall allow first informer broadcasters access**  
28 **to areas affected by an emergency or disaster for the purposes of**  
29 **restoring, repairing, or resupplying any facility or equipment critical**  
30 **to the ability of a broadcaster to acquire, produce, and transmit**  
31 **essential emergency or disaster-related public information**  
32 **programming including, without limitation, repairing and maintaining**  
33 **transmitters and generators, and transporting fuel for generators.**

34 **5. The statewide association involved in establishing a program**  
35 **in accordance with this section shall pay the costs of developing and**  
36 **implementing the training program.**

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