

FIRST REGULAR SESSION

# HOUSE BILL NO. 68

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JACKSON.

Pre-filed December 7, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0295L.011

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### AN ACT

To repeal section 21.800, and to enact in lieu thereof twelve new sections relating to homeland security, with an emergency clause.

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

Section A. Section 21.800, RSMo, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 21.800, 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018, 655.021, 655.023, 655.025, and 655.028, to read as follows:

21.800. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts;

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.

16 (2) Devise a standard reporting system to obtain data on each state government agency  
17 that will provide information on each agency's terrorism and bioterrorism preparedness, and  
18 homeland security status at least biennially;

19 (3) Determine from its study and analysis the need for changes in statutory law; and

20 (4) Make any other recommendation to the general assembly necessary to provide  
21 adequate terrorism and bioterrorism protections, and homeland security to the citizens of the  
22 state of Missouri.

23 3. The joint committee shall meet within thirty days after its creation and organize by  
24 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and  
25 the other a member of the house of representatives. The chairperson shall alternate between  
26 members of the house and senate every two years after the committee's organization.

27 4. The committee shall meet **regularly** at least [quarterly] **annually**. The committee  
28 may meet at locations other than Jefferson City when the committee deems it necessary.

29 5. The committee shall be staffed by legislative personnel as is deemed necessary to  
30 assist the committee in the performance of its duties.

31 6. The members of the committee shall serve without compensation but shall be entitled  
32 to reimbursement for actual and necessary expenses incurred in the performance of their official  
33 duties.

34 7. It shall be the duty of the committee to compile a full report of its activities for  
35 submission to the general assembly. The report shall be submitted not later than the fifteenth of  
36 January of each year in which the general assembly convenes in regular session and shall include  
37 any recommendations which the committee may have for legislative action as well as any  
38 recommendations for administrative or procedural changes in the internal management or  
39 organization of state or local government agencies and departments. Copies of the report  
40 containing such recommendations shall be sent to the appropriate directors of state or local  
41 government agencies or departments included in the report.

42 8. The provisions of this section shall expire on December 31, 2007.

**655.001. As used in sections 655.001 to 655.028, the following terms mean:**

2 (1) "Council", the Missouri security council;

3 (2) "Director", the director of the office of homeland security;

4 (3) "Disaster", disaster or disasters which may result from terrorism, including  
5 bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made causes;

6 (4) "Executive officer of any political subdivision", the county commission or  
7 county supervisor or the mayor or other manager of the executive affairs of any city, town,  
8 village or fire protection district;

9           (5) "Homeland security", is a concerted national effort to prevent terrorist attacks  
10 within the United States, reduce America's vulnerability to terrorism, and minimize the  
11 damage and recover from attacks that do occur;

12           (6) "Missouri Security Council", the council established pursuant to section  
13 655.023;

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

16           (8) "Terrorism", any premeditated, unlawful act dangerous to human life or public  
17 welfare that is intended to intimidate or coerce civilian populations or governments.

          655.003. 1. There is hereby created, the "Office of Homeland Security", for the  
2 general purpose of assisting in coordination of national, state and local activities, and  
3 assessing the readiness of the state and its communities to deter, prevent and appropriately  
4 respond to acts of terrorism in Missouri. The office of homeland security shall be  
5 supported by the department of public safety solely for the purpose of administrative  
6 support by the state emergency management agency and shall have as its chief executive  
7 officer the director appointed pursuant to 655.006.

8           2. The director of the office of homeland security shall be Missouri's representative  
9 to the federal Department of Homeland Security and to the federal Homeland Security  
10 Council.

11           3. The director of the office of homeland security shall be a member of the  
12 governor's cabinet.

13           4. The office shall possess, design, establish, coordinate and integrate such  
14 homeland security programs as are necessary and authorized for improving the security  
15 of state government against terrorism.

16           5. The office shall coordinate and integrate the state's role in other homeland  
17 security programs, federal, or local that are necessary and authorized for improving the  
18 security of the people and property within the state of Missouri against terrorism.

          655.006. 1. The governor, with the advice and consent of the senate, shall appoint  
2 a full-time director, who shall be the head of the office of homeland security. The director  
3 shall be a citizen of the United States, shall be a person of good moral character, and a  
4 resident taxpayer of Missouri. He or she shall possess administrative ability and  
5 experience and be able to obtain facts in connection with the duties of his or her office, and  
6 to accurately report his or her findings.

7           2. The director shall provide the governor with such assistance in the supervision  
8 of the executive branch of state government as the governor requires and shall perform  
9 such other duties as are assigned to him or her by law.

10           **3. The director shall administer and enforce the provisions of sections 655.001 to**  
11 **655.021.**

**655.009. 1. There is hereby established within the department of public safety the**  
2 **"Missouri Homeland Security Advisory Board", which shall be composed of eight**  
3 **members appointed by the governor, by and with the advice and consent of the senate,**  
4 **from a list of qualified candidates submitted to the governor by the director of the**  
5 **department of public safety. It shall be the duty of the Missouri homeland security**  
6 **advisory board to advise the director on all matters pertaining to the responsibilities of the**  
7 **director and the office. The members shall be qualified voters of Missouri at the time of**  
8 **their appointment, shall receive no compensation for their services, and shall be**  
9 **reimbursed for their actual and necessary expenses incurred in the performance of their**  
10 **official duties.**

11           **2. Of the members appointed to the Missouri homeland security advisory board,**  
12 **one shall:**

13           **(1) Have served or are currently serving in the military or National Guard;**

14           **(2) Have expertise in hazardous materials;**

15           **(3) Have expertise in Missouri's transportation system;**

16           **(4) Have expertise in Missouri's energy infrastructure.**

17           **3. Of the members appointed to the Missouri homeland security board, two shall:**

18           **(1) Have expertise in emergency 911 service; and**

19           **(2) Have served or are currently serving in law enforcement.**

20           **4. The term of office for each member of the Missouri homeland security advisory**  
21 **board appointed by the governor shall be four years, except that of the initial**  
22 **appointments, two members shall be appointed for a term of one year, two members shall**  
23 **be appointed for a term of two years, two members shall be appointed for a term of three**  
24 **years and two members shall be appointed for a term of four years. Any member may be**  
25 **removed from office by the governor without cause. Before the expiration of the term of**  
26 **a member appointed by the governor, the governor shall appoint a successor whose term**  
27 **begins on July first next following. A member is eligible for reappointment. If there is a**  
28 **vacancy for any cause, the governor shall make an appointment to become effective**  
29 **immediately for the unexpired term.**

**655.012. The director shall appoint employees as the needs of the office require**  
2 **within the limits of the appropriation made for such purpose. Any person appointed shall**  
3 **be of good character, shall be a citizen of the United States, shall be a taxpaying resident**  
4 **of this state and shall be a graduate of an accredited four-year high school or, in lieu**  
5 **thereof, shall have obtained a certificate of equivalency from the state department of**

6 elementary and secondary education. An appointee or employee shall not hold any other  
7 commission or office, elective or appointive, or accept any other employment while serving  
8 in said position. An appointee or employee shall not accept any compensation, reward, or  
9 gift other than his or her regular salary and expenses for the performance of his or her  
10 official duties.

655.015. 1. All salaries, expenses, and other costs necessary in enforcing sections  
2 655.001 to 655.028 and any other laws in which the director is designated as the enforcing  
3 officer or agent shall be paid for out of funds appropriated from the general revenue fund  
4 or federal funds if made available for that purpose.

5 2. Employees shall be reimbursed for actual traveling and other expenses necessary  
6 to the performance of their official duties. Appointees shall, at the expense of the state, be  
7 furnished with such vehicles, equipment, supplies, and insignia of office as the director  
8 deems necessary, within the appropriation made therefor all of which shall remain the  
9 property of the state and be strictly accounted for by each appointee.

655.018. Appropriate office space shall be provided for the director and his or her  
2 employees.

655.021. Whenever the federal government or officer or agency thereof shall offer  
2 to the state, or through the state to any political subdivision thereof, services, equipment,  
3 supplies, materials or funds by way of gift, grant or loan, for the purpose of homeland  
4 security, the state acting through the agency, or the political subdivision, through its  
5 executive officer with the consent of the governor, may accept the offer and may receive  
6 these services, equipment, supplies, materials or funds on behalf of the state or the political  
7 subdivision subject to the terms of the offer.

655.023. 1. The "Missouri Security Council" is hereby established as created by  
2 executive order 02-15 of the governor on September 11, 2002, and executive order 02-16  
3 of the governor on October 2, 2002. The council shall serve as the mechanism for ensuring  
4 coordination of homeland security-related activities between executive agencies and local  
5 political subdivisions and effective development and implementation of homeland security  
6 policies.

7 2. The council shall consist of fourteen members. The council shall have as its  
8 members the governor, who shall serve as chairman of the council, director of the office  
9 of homeland security, director of the department of agriculture, director of the department  
10 of health and senior services, director of the department of mental health, director of the  
11 department of natural resources, director of the department of public safety, director of  
12 the state emergency management agency, director of the department of transportation,  
13 commissioner of the office of administration, chief information officer of the state, state

14 **adjutant general, superintendent of the Missouri state highway patrol, commissioner of the**  
15 **Missouri state water patrol, state fire marshal, and chair of the public service commission.**

16 **3. The council shall meet at the governor's direction. When the governor is absent**  
17 **from a meeting of the council, the director of the office of homeland security shall preside**  
18 **over the meeting. The director of homeland security shall be responsible for determining**  
19 **the agenda of the council meetings, ensuring that necessary papers are prepared, posting**  
20 **public notice of council meetings, and recording council actions and recommendations.**

21 **4. The members of the council shall serve without compensation. Each department**  
22 **or division by which a member is employed shall pay for the member's actual and**  
23 **necessary expenses.**

24 **5. The council shall be located within the department of public safety, solely for**  
25 **administrative purposes, which shall be responsible for providing staff support for the**  
26 **council.**

**655.025. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the**  
2 **provisions of sections 655.001 to 655.028.**

**655.028. The provisions of sections 655.001 to 655.028, RSMo, shall terminate**  
2 **ninety days following the notice to the revisor of statutes, by the director of the Missouri**  
3 **office of homeland security, that the Federal Department of Homeland Security established**  
4 **pursuant to H.R. 500, 107th Congress (2002), has been dissolved.**

Section B. Because of the need to protect the citizens of this state from acts of terrorism,  
2 the enactment of sections 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018,  
3 655.021, 655.023, 655.025, and 655.028 of section A of this act is deemed necessary for the  
4 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared  
5 to be an emergency act within the meaning of the constitution, and the enactment of sections  
6 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018, 655.021, 655.023, 655.025, and  
7 655.028 of section A of this act shall be in full force and effect upon its passage and approval.