

FIRST REGULAR SESSION

# HOUSE BILL NO. 118

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Pre-filed December 12, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0459L.01I

### AN ACT

To amend chapter 41, RSMo, by adding thereto one new section relating to the civil air patrol.

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

Section A. Chapter 41, RSMo, is amended by adding thereto one new section, to be  
2 known as section 41.970, to read as follows:

**41.970. 1. As used in this section the following terms shall mean:**

2 (1) "Civil air patrol", the civilian auxiliary of the United States Air Force  
3 established by the United States Congress in 36 U.S.C. 9441 et seq. Civil air patrol  
4 missions include search and rescue, disaster relief, and aerial reconnaissance;

5 (2) "Office of air search and rescue", as established by section 41.960, within  
6 military division of the executive department, office of adjutant general, the wing  
7 commander of Missouri wing, civil air patrol; Missouri wing emergency service personnel;  
8 and others as necessary for duties assigned to the office.

9 2. The civil air patrol may be used to support national guard missions in support  
10 of civil authorities, and to support state agencies under memorandums of understanding  
11 (MOU) or agreements established between the agencies and the civil air patrol.

12 3. Requests for activation or support of the civil air patrol shall be made to the  
13 commander of the Missouri wing of the civil air patrol. Missions shall be in accordance  
14 with laws and regulations applicable to the United States Air Force and the civil air patrol.  
15 Prior to activation of the civil air patrol, the adjutant general or the Missouri civil air  
16 patrol wing commander shall apply to the Air Force Rescue Coordination Center, the Air

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.

17 Force National Security Emergency Preparedness agency, or the civil air patrol national  
18 operations center for federal mission status and funding.

19 4. If an operation or mission of the civil air patrol is granted funded federal mission  
20 status and assigned an accompanying federal mission number, the following shall apply:

21 (1) The operation or mission shall be funded by the federal government;

22 (2) When training or operating under a federal mission number, the members of  
23 the civil air patrol shall be considered federal employees for the purposes of tort claims and  
24 workers' compensation arising from the performance of the mission or any actions incident  
25 to the performance of the mission.

26 5. If an operation or mission of the civil air patrol is not granted federal mission  
27 status and is not assigned an accompanying federal mission number, the following shall  
28 apply:

29 (1) Operations and administration of the civil air patrol relating to missions within  
30 the state and for state agencies not qualifying for funded federal mission status shall be  
31 funded by the state from moneys appropriated to the requesting state agency for that  
32 purpose;

33 (2) When performing a mission within the state and for state agencies that does not  
34 qualify for funded federal mission status, members of the civil air patrol shall be  
35 considered state employees for purposes of tort claims as provided in chapter 537, RSMo,  
36 and for purposes of workers' compensation, as provided in chapter 287, RSMo;

37 (3) The procedures in this section apply to any civil air patrol personnel and  
38 aircraft from any state that are flying or otherwise supporting missions for Missouri state  
39 agencies;

40 (4) Emergency operations or missions as determined by the commander of the  
41 Missouri wing of the civil air patrol in coordination with the adjutant general may be  
42 conducted pending funding authorization for federal, state, or other sources.

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