

SECOND REGULAR SESSION

HOUSE BILL NO. 1949

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOMO (Sponsor), WALSH, DARROUGH, WILDBERGER,
HUGHES, SCHIEFFER AND GEORGE (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

4244L.01I

AN ACT

To repeal section 44.032, RSMo, and to enact in lieu thereof one new section relating to disaster preparedness.

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

Section A. Section 44.032, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 44.032, to read as follows:

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

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

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.

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

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

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

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

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

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

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

- 50 (5) Providing services to counties and municipalities with respect to quelling riots and
51 civil disturbances;
- 52 (6) Repairing and restoring public infrastructure;
- 53 (7) Furnishing transportation for supplies to alleviate suffering and distress;
- 54 (8) Furnishing medical services and supplies to prevent the spread of disease and
55 epidemics;
- 56 (9) Quelling riots and civil disturbances;
- 57 (10) Training individuals or governmental agencies for the purpose of perfecting the
58 performance of emergency assistance duties as defined in the state disaster plans;
- 59 (11) Procurement, storage, and transport of special emergency supplies or equipment
60 determined by the director to be necessary to provide rapid response by state government to
61 assist counties and municipalities in impending or actual emergencies;
- 62 (12) Clearing or removing from publicly or privately owned land or water, debris and
63 wreckage which may threaten public health or safety; and
- 64 (13) Such other measures as are customarily necessary to furnish adequate relief in cases
65 of catastrophe or disaster.
- 66 6. The governor may receive such voluntary contributions as may be made from any
67 source to aid in carrying out the purposes of this section and shall credit the same to the Missouri
68 disaster fund.
- 69 7. All obligations and expenses incurred by the governor in the exercise of the powers
70 and duties vested by the provisions of this section shall be paid by the state treasurer out of
71 available funds in the Missouri disaster fund, and the commissioner of administration shall draw
72 warrants upon the state treasurer for the payment of such sum, or so much thereof as may be
73 required, upon receipt of proper vouchers provided by the director of the state emergency
74 management agency.
- 75 8. The provisions of this section shall be liberally construed in order to accomplish the
76 purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with any
77 emergency which may arise, and the powers vested in the governor by this section shall be
78 construed as being in addition to all other powers presently vested in the governor and not in
79 derogation of any existing powers.
- 80 9. Such funds as may be made available by the government of the United States for the
81 purpose of alleviating distress from disasters may be accepted by the state treasurer and shall be
82 credited to the Missouri disaster fund, unless otherwise specifically provided in the act of
83 Congress making such funds available.

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

87 **11. In addition to any other funds credited to the Missouri disaster fund under this**
88 **section, no less than ten percent of the unbudgeted surplus in revenue from fiscal year**
89 **2007, and any other moneys which may be appropriated to the Missouri disaster fund**
90 **under this subsection, shall be used to provide grants to any political subdivision to**
91 **purchase any equipment necessary for the political subdivision's emergency personnel to**
92 **respond to any natural or man-made disaster in a timely and efficient manner to protect**
93 **the health, safety, and welfare of residents, homes, and businesses in this state.**

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