

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 83, Page 11, Section 34.040, Line 58, by inserting after all of said section and line
3 the following:
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5 "44.080. 1. Each political subdivision of this state shall establish a local organization for
6 disaster planning in accordance with the state emergency operations plan and program. The
7 executive officer of the political subdivision shall appoint a coordinator who shall have direct
8 responsibility for the organization, administration and operation of the local emergency management
9 operations, subject to the direction and control of the executive officer or governing body. Each
10 local organization for emergency management shall be responsible for the performance of
11 emergency management functions within the territorial limits of its political subdivision, and may
12 conduct these functions outside of the territorial limits as may be required pursuant to the provisions
13 of this law.

14 2. In carrying out the provisions of this law, each political subdivision may:

15 (1) Appropriate and expend funds, make contracts, obtain and distribute equipment,
16 materials, and supplies for emergency management purposes; provide for the health and safety of
17 persons; the safety of property; and direct and coordinate the development of disaster plans and
18 programs in accordance with the policies and plans of the federal and state governments; [and]

19 (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other
20 emergency operations teams, units or personnel who may serve without compensation[.]; and

21 (3) Adopt orders or resolutions with penalties as these specifically relate to the actual or
22 impending occurrence of a natural disaster of major proportions within the county when the safety
23 and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include
24 the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if
25 the U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional
26 drought. The political subdivision may consult the state fire marshal regarding the necessity for a
27 burn ban order. The violations of such order or resolution shall be an infraction, except that state
28 agencies responsible for fire management or suppression activities and persons conducting
29 agricultural burning using best management practices shall not be subject to the provisions of this
30 subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be
31 affected by the issuance of a burn ban order.

32 49.266. 1. The county commission in all counties of the first, second or fourth classification
33 may by order or ordinance promulgate reasonable regulations concerning the use of county property,

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1 the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular
2 traffic and parking thereon.

3 2. The county commission in all counties may, by order, promulgate reasonable regulations
4 concerning its emergency management functions and operations and conditions controls, as they
5 specifically relate to the actual occurrence of a natural disaster within the county when the safety or
6 welfare of the inhabitants of such county are threatened by actual or impending circumstances. The
7 regulations may include the issuance of burn ban orders carrying penalties as specified in subsection
8 2 of section 44.130 and monetary fines as established by the county commission, if the U.S. Drought
9 Monitor has designated the county as an area of severe, extreme, or exceptional drought. The
10 political subdivision may consult the state fire marshal regarding the necessity for a burn ban order.
11 State agencies responsible for fire management or suppression activities and persons conducting
12 agricultural burning using best management practices shall not be subject to the provisions of this
13 subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be
14 affected by the issuance of a burn ban order.

15 3. Violation of any regulation so adopted is an infraction or may be as provided in subsection
16 2 of section 44.130 as specified in the adopted regulation.

17 [3.] 4. The regulations so adopted shall be codified, printed and made available for public
18 use and adequate signs concerning smoking, traffic and parking regulations shall be posted. "; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.
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