

FIRST EXTRAORDINARY SESSION OF THE  
SECOND REGULAR SESSION

# HOUSE BILL NO. 29

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MURPHY.

5884H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to powers of government entities.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.260, to read as follows:

**67.260. 1. As used in this section, the following terms mean:**

(1) "Government entity", the government of any political subdivision, as such term is defined under section 70.120; provided that, "government entity" shall not be construed to include the general assembly;

(2) "Public health or safety closure", an order that closes, partially closes, or places restrictions on the opening of business organizations, churches, schools, or other places of public gathering, or an order prohibiting or otherwise limiting one or more types of public gatherings in one or more specified locations; provided that, such an order is instituted in response to an actual or perceived threat to public health or safety that has been recognized in an official state of emergency or similar executive order or declaration by the state or federal government that directly relates to public health or safety.

2. An individual official of a government entity may order a public health or safety closure within that government entity's jurisdiction for a period of no more than fifteen days; provided that, such official is authorized to make such an order on behalf of the government entity and the closure is not otherwise prohibited by law.

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           3. A government entity may order a public health or safety closure within its  
17 jurisdiction for a period of no more than forty-five days; provided that, the full governing  
18 body of the government entity votes in favor of the closure and the closure is not otherwise  
19 prohibited by law.

20           4. A government entity may order a public health or safety closure within its  
21 jurisdiction for a period of more than forty-five but no more than ninety days; provided  
22 that, the government entity receives explicit prior approval for the closure from the  
23 department of health and senior services and the closure is not otherwise prohibited by  
24 law.

25           5. A government entity may order a public health or safety closure within its  
26 jurisdiction for a period of more than ninety days; provided that, the government entity  
27 receives explicit prior approval from the general assembly and the closure is not otherwise  
28 prohibited by law. If the general assembly is not in session when the government entity  
29 seeks approval, the joint committee on disaster preparedness and awareness is authorized  
30 to grant approval, in its discretion, on behalf of the general assembly.

31           6. The department of health and senior services may promulgate necessary rules  
32 and regulations for the administration of this section. Any rule or portion of a rule, as that  
33 term is defined in section 536.010, that is created under the authority delegated in this  
34 section shall become effective only if it complies with and is subject to all of the provisions  
35 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
36 nonseverable, and if any of the powers vested with the general assembly pursuant to  
37 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
38 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
39 proposed or adopted after the effective date of this section shall be invalid and void.

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