

HCS HB 28 -- NATURAL AND MAN-MADE DISASTER ORDINANCES

SPONSOR: Lichtenegger

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Local Government by a vote of 18 to 1.

This substitute authorizes any municipality or fire protection district to adopt orders, ordinances, or resolutions, including burn ban orders, as they specifically relate to the actual or impending occurrence of a natural or man-made disaster of major proportions within the county of the municipality or fire protection district when the safety and welfare of the inhabitants of the county are jeopardized. The orders, ordinances, or resolutions may include a penalty for a violation as an infraction or a misdemeanor.

The substitute also authorizes any county commission to adopt by order or ordinance reasonable regulations relating to its emergency management functions and operations and conditions controls, including burn ban orders, as they specifically relate to the actual occurrence of a natural or man-made disaster within the county when the health, safety, or welfare of the inhabitants of the county are threatened by actual or impending circumstances. The regulations may include a penalty for a violation as an infraction or a misdemeanor and can include monetary fines.

PROPONENTS: Supporters say that after last year's drought and the problems it caused with regard to controlling burns, the counties would like to have the power to issue burn bans.

Testifying for the bill were Representative Lichtenegger; County of Boone; Donald Kritzer, Missouri Association of Counties and County Commissioners Association of Missouri.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they would like to include an exemption for farmers using appropriate burn practices, include language allowing the Department of Conservation to use fire to contain fire, and give the Fire Marshal's office the decision-making power as to what constitutes an emergency for burn ban purposes.

Testifying on the bill were Missouri Farm Bureau; Missouri Department of Conservation; and Missouri Fireworks Association.