

SECOND REGULAR SESSION

# HOUSE BILL NO. 2091

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WETER.

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5657L.01I

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### AN ACT

To amend chapter 44, RSMo, by adding thereto four new sections relating to emergency management.

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

Section A. Chapter 44, RSMo, is amended by adding thereto four new sections, to be  
2 known as sections 44.134, 44.137, 44.141, and 44.143, to read as follows:

**44.134. Any individual residing in, or business owner operating in the state of**  
2 **Missouri and having any form of insured real property in the state of Missouri, shall be**  
3 **assessed a disaster mitigation fee in the amount of one dollar annually per policy. Such fee**  
4 **shall be collected by the insurer and paid monthly to the director of revenue and placed to**  
5 **the credit of the emergency management, preparedness, and assistance trust fund**  
6 **established pursuant to section 44.141. Seniors or persons with disabilities who qualify or**  
7 **may in the future qualify for property tax exemptions and reductions as a result of a**  
8 **homestead exemption program shall be exempt from this fee. Disaster mitigation fees**  
9 **payable to the emergency management, preparedness, and assistance trust fund may not**  
10 **be used to supplant existing funding to the state emergency management agency.**

**44.137. 1. Subject to appropriation, money in the emergency management,**  
2 **preparedness, and assistance trust fund shall be allocated by the state emergency**  
3 **management agency as follows:**

4 **(1) Sixty percent to implement and administer state and local emergency**  
5 **management programs, including training;**

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.

6           (2) Twenty percent to provide for state relief assistance for nonfederally declared  
7     disasters for the purpose of assisting disaster victims; and

8           (3) Twenty percent for grants to local governments and private organizations to  
9     implement projects that will further state and local emergency management objectives.  
10    These projects shall include, but need not be limited to, projects that will promote  
11    community disaster education on disaster preparedness and recovery issues, enhance  
12    coordination of relief efforts of statewide private sector organizations, and improve the  
13    training and operations capabilities of agencies assigned lead or support responsibilities  
14    in the state comprehensive emergency management plan. All of the aforementioned  
15    activities must additionally address the needs of special populations. The state emergency  
16    management agency shall establish criteria and procedures for allocation of these funds.  
17    No more than five percent of any award made pursuant to this subdivision may be used  
18    for administrative expenses.

19           2. The distribution formula provided in subsection 1 of this section may be adjusted  
20    proportionally when necessary to meet any matching requirements imposed as a condition  
21    of receiving federal disaster relief assistance or planning funds.

22           3. The state emergency management agency shall allocate funds from the  
23    emergency management, preparedness, and assistance trust fund to local emergency  
24    management agencies and programs pursuant to criteria specified in rule. Such rules shall  
25    include, but are not limited to:

26           (1) Requiring that, at a minimum, a local emergency management agency have a  
27    program director who works at least forty hours a week in that capacity;

28           (2) Specifying a formula that establishes a base grant allocation and weighted  
29    factors for funds to be allocated over the base grant amount;

30           (3) Specifying match requirements;

31           (4) Preferential funding to provide incentives to counties and municipalities to  
32    participate in mutual aid agreements; and

33           (5) Preferential funding to provide incentives to counties and municipalities to  
34    develop outcome based outreach to special needs populations.

35           4. If adequate funds are available as determined by the state emergency  
36    management agency, every county shall receive funds at least sufficient to fund a dedicated,  
37    full-time emergency preparedness officer position.

38           5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
39    that is created under the authority delegated in this section shall become effective only if  
40    it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
41    applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

42 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
43 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
44 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
45 adopted after August 28, 2006, shall be invalid and void.

44.141. 1. The state treasurer shall establish a special trust fund to be administered  
2 by the state emergency management agency and to be known as the "Emergency  
3 Management, Preparedness, and Assistance Trust Fund", from which the state emergency  
4 management agency shall use moneys to carry out the purposes stated in sections 44.137  
5 to 44.143.

6 2. All moneys duly authorized and appropriated by the general assembly, all  
7 moneys received from federal funds, gifts, bequests, donations, any other moneys so  
8 designated, and all interest earned on and income generated from moneys in the fund shall  
9 immediately be paid to and deposited in the emergency management, preparedness, and  
10 assistance trust fund.

11 3. Except as otherwise provided in sections 44.137 to 44.143, the provisions of  
12 section 33.080, RSMo, requiring the transfer of unexpended funds to the ordinary revenue  
13 funds of the state shall not apply to funds in the emergency management, preparedness,  
14 and assistance trust fund.

44.143. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the  
2 provisions of sections 44.135 to 44.143.

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