HOUSE BILL NO. 1211

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LICHTENEGGER.

2330H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 44.080 and 49.266, RSMo, and to enact in lieu thereof two new sections relating to emergency regulations, with penalty provisions.

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

Section A. Sections 44.080 and 49.266, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 44.080 and 49.266, to read as follows:

44.080. 1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

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

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

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

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.

18   **(3) Adopt an order or resolution with penalties specifically related to the actual or**
19 **impending occurrence of a natural disaster of major proportions within the county that**
20 **threatens the safety and welfare of the inhabitants of such county. Such order or**
21 **resolution may include the issuance of a burn ban order carrying a penalty as specified**
22 **under subsection 2 of section 44.130 if the a Keetch-Byram drought index is six hundred**
23 **twenty-five or higher. A violation of such an order or resolution shall be an infraction,**
24 **except that state agencies responsible for fire management or suppression activities and**
25 **persons conducting agricultural burning using best management practices shall not be**
26 **subject to a penalty under this subsection or section 44.130. The ability of an individual,**
27 **organization, or corporation to sell fireworks shall not be affected by the issuance of a burn**
28 **ban order**.

    49.266. 1. The county commission in all noncharter counties may by order or ordinance
2 promulgate reasonable regulations concerning the use of county property, the hours, conditions,
3 methods and manner of such use and the regulation of pedestrian and vehicular traffic and
4 parking thereon.
5   2. Violation of any regulation so adopted under subsection 1 of this section is an
6 infraction **or, if the adopted regulation so specifies, subject to a penalty under subsection**
7 **2 of section 44.130**.
8   3. [Upon a determination by the state fire marshal that a burn ban order is appropriate
9 for a county because:
10   (1) An actual or impending occurrence of a natural disaster of major proportions within
11 the county jeopardizes the safety and welfare of the inhabitants of such county; and
12   (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,
13 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn
14 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for
15 fire management or suppression activities and persons conducting agricultural burning using best
16 management practices shall not be subject to the provisions of this subsection. The ability of an
17 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of
18 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or
19 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American
20 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other
21 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.] **The**
22 **county commission in all noncharter counties may, by order, promulgate reasonable**
23 **regulations concerning its emergency management functions, operations, and condition**
24 **controls, as such specifically relate to the actual or impending occurrence of a natural**
25 **disaster within the county that threatens the health, safety, or welfare of the inhabitants**

26 **of such county. Such a regulation may include the issuance of a burn ban order carrying**
27 **penalties, as specified under subsection 2 of section 44.130, or monetary fines, as**
28 **established by the county commission, if the Keetch-Byram drought index is six hundred**
29 **twenty-five or higher, except that state agencies responsible for fire management or**
30 **suppression activities and persons conducting agricultural burning using best management**
31 **practices shall not be subject to a penalty under this subsection or section 44.130. The**
32 **ability of an individual, organization, or corporation to sell fireworks shall not be affected**
33 **by the issuance of a burn ban order.**
34   4. The regulations so adopted shall be codified, printed and made available for public
35 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

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