

HOUSE BILL NO. 75

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

0808H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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 that prohibits or otherwise limits 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.

3. A government entity may order a public health or safety closure within its jurisdiction for a period of no more than forty-five days; provided that, the full governing

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 **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.**

Section B. Because immediate action is necessary to protect the health and safety of
2 Missouri residents, section A of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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