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Missouri Emergency Management and Homeland Security Authorities Summarized

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Summary

Missouri addresses emergencies under civil defense and natural disaster statutes. The Joint Committee on Terrorism, Bioterrorism and Homeland Security of the General Assembly is responsible for terrorism preparedness and evaluating the need for policy changes. Aid is provided through the Missouri disaster fund, and relief funds are accepted from the federal government and private contributors. Both the governor and the legislature can declare an emergency. Earthquake response is a significant part of Missouri's disaster codes.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

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Missouri Emergency Management and Homeland Security Authorities Summarized

Entities with Key Responsibilities

Governor: The governor exercises general direction and control of the state emergency management agency. In a disaster that exceeds local capabilities the governor assumes direct operational control over all or any part of emergency functions, and makes, amends, and rescinds orders, rules, and regulations to carry out emergency management provisions, with due consideration of federal policies and plans. The governor may establish and appoint volunteer disaster or state agency committees as needed to assemble and evaluate information regarding emergency matters (Mo. Rev. Stat. §44.022,1., 3.(1),(7)).

During a state of emergency, the governor may: assume direct operational control of all emergency forces and volunteers; seize any means of transportation, communication, stocks of fuel, and housing for the feeding and hospitalization of persons; regulate the use or sale of food, fuel, and other commodities or services; direct the conservation or salvage of essential supplies; and suspend licensing and certification requirements for professional, mechanical or other skills. The statute extends the same authority, powers, rights, and immunities to law enforcement and other emergency response workers and agencies of other states, as are given to like workers and agencies of the state. The statute provides for the assessment of damages in cases of property takings (Mo. Rev. Stat. §44.100.1.(3), 2.).

State Emergency Management Agency: The EMA, within the military division of the executive department, assists in the coordination of national, state and local emergency functions by coordinating response, recovery, planning and mitigation activities. The agency also serves as the statewide coordinator for activities associated with the National Flood Insurance Program (Mo. Rev. Stat. §44.020).

Adjutant General: The adjutant general heads the emergency management agency, subject to direction and control of governor (Mo. Rev. Stat. §44.024).

Joint Committee on Terrorism, Bioterrorism, and Homeland Security: The committee analyzes terrorism and bioterrorism preparedness for state government; devises standard reporting system for biennial review of each government agency's preparedness status; determines the need for statutory law changes; and makes recommendations to the General Assembly. The committee makes recommendations to the General Assembly that are necessary to provide adequate terrorism, bioterrorism and homeland security protections (Mo. Rev. Stat. §21.800.1).

Local emergency management organizations: Political subdivisions are authorized to establish local organizations for disaster planning in accordance with the state emergency operations plan. The executive officer of political subdivision is authorized to appoint a coordinator responsible for the organization, administration, and operation of the local emergency management operations. Each local organization is responsible for the performance of emergency management functions within its territorial limits, and may conduct these functions outside those limits as required. Each political subdivision may appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies; provide for health and safety; and provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation (Mo. Rev. Stat. §44.080).

Missouri Emergency Response Commission: The commission, established within the department of public safety, is composed of department directors of economic development and natural resources among others, gubernatorial appointees, state legislators and representatives of local government and private industry. Commission members represent the general public and have emergency response technical expertise (Mo.Rev. Stat. §292-602).

Preparedness

In order to meet disaster and emergency situations, the legislature confers emergency powers on the governor, acting through the director of emergency management, and gives governor power and authority within the limitation of available disaster funds (Mo. Rev. Stat. §44.032.1).

The statute requires a review of and recommendations for programs and techniques to improve preparedness for and response to damaging earthquakes with special attention to hazard control measures, pre-earthquake emergency planning, readiness of emergency services, and planning for post-earthquake reconstruction and redevelopment (Mo. Rev. Stat. §44.237).

The state EMA is required to establish an emergency volunteer program to be activated in the event of a disaster. Architects, professional engineers, construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment for up to three days as requested and needed by the state emergency management agency. The statute provides for incidental expenses to be paid by the local jurisdiction, and limits liability (Mo. Rev. Stat. §44.023. 1).

The state Emergency Response Commission provides emergency training to local emergency planning committees and other local officials. The department of safety coordinates training and periodically reports to the commission on training activities (Mo. Rev. Stat. §292.602 (6)).

The governor and the executive officers or governing bodies of political subdivisions are directed to use the services, equipment, supplies and facilities of existing departments, offices, and agencies to the maximum extent practicable (Mo. Rev. Stat. §44.110. 1).

In any emergency due to a natural or man-made disaster, the governor may order the suspension of the activities, functions and duties of any agency, officer, or employee of the state or a political subdivision, and may direct the personnel to render services and provide facilities for emergency management functions within or without the state (Mo. Rev. Stat. §44.110. 1. 2.).

The director of environmental control must develop a Hazardous Substance Emergency Response Plan, in consultation and cooperation with affected industries, and in cooperation and with the approval of the Departments of Public Safety, Social Services, Agriculture, Conservation, Transportation, and Economic Development. The department may enter into agreements with any state agency or unit of local government, with the federal government, and with other persons as necessary to develop and implement the plan (Mo. Rev. Stat. §260.505.1).

The statute establishes training standards for Department of Public Safety employees responsible for responding to 911 emergency calls (Mo. Rev. Stat. §650.430).

Declaration Procedures

An emergency is to be proclaimed by the governor or by resolution of the legislature if either finds that a natural or manmade disaster had occurred and the safety and welfare of citizens requires governor's emergency powers. Any emergency, whether proclaimed by the governor or by the legislature, terminates upon proclamation by the governor, or by passage of a resolution by the legislature (Mo. Rev. Stat. §44.100.1(1-2)).

Types of Assistance

The Department of Safety monitors state grants for operations of all state emergency units. Funds are made available by the General Assembly for emergency operations and appropriated annually (Mo. Rev. Stat. §195.509).

The statute authorizes the state to accept federal goods and services on behalf of itself and its subdivisions for the purpose of emergency management (Mo. Rev. Stat. §44.028).

Mutual Aid

The *Emergency Mutual Aid Compact* (EMAC) is codified (Mo. Rev. Stat. §44.415).

The *Interstate Earthquake Emergency Compact* provides for mutual aid to be provided among the states in meeting any emergency or disaster caused by earthquakes or other seismic disturbances. Agencies must develop and follow procedures to assure the maintenance of resource inventories and exchange information about earthquakes and disaster response (Mo. Rev. Stat. §256.155).

The executive officer of any political subdivision, with gubernatorial approval, may enter into mutual-aid agreements with other public and private agencies within and without the state for reciprocal emergency aid. The agreements must be consistent with the state disaster plan. The coordinator of each local organization for emergency management may assist in the negotiation of reciprocal mutual-aid agreements involving his or her organization and other public and private agencies, and among the governor and the adjoining states or political subdivisions (Mo. Rev. Stat. §44.090. 1).

The governor may enter into mutual aid arrangements with other states, coordinate mutual aid plans between political subdivisions, and economic and geographic areas; cooperate with the president, the Federal Emergency Management Agency (FEMA), and other appropriate federal officers and agencies (Mo. Rev. Stat. §44.022.3(3),(6)).

Funding

The statute requires that funds be appropriated annually by the General Assembly for the Missouri disaster fund. Funds are to be expended at the governor's direction upon issuance of an emergency declaration stating that the expenditure of public funds is required to furnish aid and relief. The director of EMA administers the fund. Expenditures are to be made for emergency management at the governor's direction; to implement the state disaster plans; or to meet matching requirements of state and federal agencies for assistance programs (Mo. Rev. Stat. §44.032.3). Assistance is to be provided from the disaster fund to political subdivisions when a disaster creates a severe financial burden exceeding the ordinary reserve capacity. The statute authorizes other state agencies to evaluate applications for such assistance. If assistance is approved, the governor is to determine the amount of aid to be provided. During a declared disaster or emergency the governor may expend funds for employing additional emergency personnel; performing services for and furnishing materials and supplies to state government agencies, counties, municipalities and individuals; restoring public infrastructure; furnishing medical services and supplies; quelling riots and civil disturbances; and training individuals or governmental agencies in emergency assistance (Mo. Rev. Stat. §44.032.2 to .5).

Federal funds made available to alleviate distress from disaster may be accepted by the state treasurer and credited to the state disaster fund (Mo. Rev. Stat. §44-032.9).

The Emergency Response Commission is authorized to receive and administer grants or other funds or gifts from public and private agencies, including the federal government, to carry out functions and responsibilities of emergency response (Mo. Rev. Stat. §292.602 (4)). The commission and Department of Public Safety are funded by chemical emergency preparedness fund and general revenue appropriations (Mo. Rev. Stat. §292.604). Local emergency planning committees receiving funds may combine those funds with other local emergency planning committees. The commission must establish criteria and guidance on how funds should be used by local emergency planning committees (Mo. Rev. Stat. §292.606).

The statute established the antiterrorism fund, which is comprised of appropriations, donations, and gifts. The fund, upon appropriation, is to be used by the state homeland security office for antiterrorism activities, including the prevention, detection, and response to terrorism by state and local agencies (Mo. Rev. Stat. §41.033).

Hazard Mitigation

The statute created the Seismic Safety Commission and outlines its duties regarding hazard mitigation; sets goals and priorities in public and private sectors; directs state agencies to devise criteria to promote earthquake and disaster safety; and scheduled a report on disaster mitigation to be issued by the emergency management agency (Mo. Rev. Stat. §44.227 to 233).

The director of the Department of Environmental Control or the commission is to take action to protect human and environmental health if hazardous waste were to escape into the environment and expose people to waste that could cause death, disabling personal injury, serious acute or chronic disease, or serious environmental harm (Mo. Rev. Stat. §260.420).

Continuity of Government Operations

The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting only from disasters caused by enemy attack, is to immediately convene in Jefferson City or a place designated by a joint proclamation of the highest presiding officers of each house. The assembly may adopt any legislation necessary and proper for insuring the continuity of governmental operations. Elections are to be called as soon as possible to fill any elective vacancies in any office temporarily occupied (Mo. Const. Art. 3, §46(a)).

Other

Records and meetings are exempt from public information requirements if they are related to existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, if disclosure were deemed a threat to public safety. The public governmental body must state in writing that the disclosure would impair ability to protect the security or safety of persons or real property and that the public interest in nondisclosure of the records outweighs that of public interest. The exception terminates on December 31, 2006 (Mo. Rev. Stat. §610.021).

The governor may direct an administrative agency, officer or state or political subdivision employee personnel to render services or provide facilities as needed for emergency management functions inside or outside the state. In the event of an order, any law that requires specific performance of civil duties by officers or employees is suspended as long as they are engaged in emergency management functions (Mo. Rev. Stat. §44.110).

The statute disqualifies persons involved in subversive activities from employment with emergency management agencies and requires an oath of loyalty. (Mo. Rev. Stat. §44.115).

State emergency organizations are prohibited from engaging in political activities (Mo. Rev. Stat. §44.113).

Every plan, rule, and regulation adopted by the governor must be filed in the office of the secretary of state (Mo. Rev. Stat. §44.130).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Missouri Statutes, with Citations

Terms	Citations
Bioterrorism	Mo. Rev. Stat. §44.010 (2)
Disasters	Mo. Rev. Stat. §44.010 (4)
District or local emergency planning committee	Mo. Rev. Stat. §292-600 (2)
Emergency	Mo. Rev. Stat. §44.010 (6)
Emergency management	Mo. Rev. Stat. §44-010 (7)
Emergency management functions	Mo. Rev. Stat. §44-010 (8)
Emergency resources planning and management	Mo. Rev. Stat. §44.010 (9)
Executive officer of any political subdivision	Mo. Rev. Stat. §44.010 (10)
Hazardous substance	Mo. Rev. Stat. §292.600 (4)
Local organization for emergency management	Mo. Rev. Stat. §44.010 (11)
Material support	Mo. Rev. Stat. §576.088
Planning	Mo. Rev. Stat. §44.010 (13)

For Further Research

The citations noted above and other elements of the state code for Missouri may be searched at: [<http://www.moga.state.mo.us/homestat.asp>]