
Rules of
Department of Public Safety
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency
Management Agency**

**11 CSR 10-11.010 Emergency Operations
Plan (State)**

PURPOSE: The State Emergency Management Agency, office of the adjutant general has the authority to establish a plan to organize the state government in order to respond in an emergency and to provide guidance to state agencies and local political subdivisions in the preparation of disaster plans of their own as required by sections 44.010 and 44.090, RSMo.

Editor's Note: The following material is incorporated into this rule by reference:

1) *State of Missouri Emergency Operations Plan (Jefferson City, MO: Missouri State Emergency Management Agency, January 1995).*

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) The purpose of the Emergency Operations Plan is to plan for those functions this office is required to prepare for and for actions needed to prevent, minimize and repair injury and damage due to disasters or emergencies which may result from sabotage or other hostile action, or from fire, flood, earthquake or other natural or man-made causes, other than functions for which military forces are primarily responsible.

*AUTHORITY: sections 44.010 to 44.130, RSMo (1994). * Original rule filed Sept. 10, 1969, effective Sept. 20, 1969. Amended: Filed Feb. 4, 1983, effective May 15, 1983. Filed Jan. 9, 1996, effective July 30, 1996.*

**Original authority may be found in the Revised Statutes of Missouri (1994).*

Op. Atty. Gen. No. 58, Wilson (3-14-79). Irrespective of the number or contiguity, counties may, by county court order duly made and entered, participate in cooperative agreements under article VI, section 16 of the Missouri Constitution and sections 70.210,

RSMo, respecting the establishment of a common disaster planning program required by section 44.080, RSMo, and may share the cost of the disaster planning office, director and staff thus established.

Op. Atty. Gen. No. 6, Weier (5-13-70). When the citizens of a county are threatened by a disaster, the county court has the authority to activate the county's civil defense personnel without requesting authority from the governor; the persons so activated have all rights, duties and responsibilities granted them under Chapter 44, RSMo (1969) and by the rules thereunder.

Op. Atty. Gen. No. 73, Antoine (8-1-68). The Missouri Civil Defense Act (Chapter 44, RSMo) envisions autonomous local civil defense organization in those political subdivisions defined by the law. Therefore, the county civil defense agency has duties and responsibilities only within the areas of the county lying outside any of the statutorily defined political subdivisions having their own local organization for disaster planning.

Op. Atty. Gen. No. 58, McDaniel (11-14-53). The same rules of negligence are applicable to volunteer participants in the civil defense program as are applied to private individuals in the conduct of their daily affairs, however no liability would be imposed upon such volunteers who, in the exercise of due care, cause damage to property under a lawful order issued by some authority constituted under the Civil Defense Law to act in time of emergency.

**11 CSR 10-11.020 Resources Management
Plan (State)**

PURPOSE: The State Emergency Management Agency, office of the adjutant general has the authority to establish a plan for emergency management of resources as required by section 44.010, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material ref-

erenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The Resources Management Plan contains plans for emergency management of resources and administration of economic controls as may be needed to provide for the welfare of the people either on order of or at the request of the federal government or in the event the federal government is incapable of administering control.

*AUTHORITY: sections 44.010 to 44.130, RSMo (1986). * Original rule filed Dec. 20, 1966, effective Dec. 30, 1966. Amended: Filed March 20, 1968, effective March 30, 1968. Amended: Filed Oct. 29, 1970, effective Nov. 8, 1970. Amended: Filed Jan. 26, 1971, effective Feb. 5, 1971. Amended: Filed March 25, 1971, effective April 4, 1971. Amended: Filed July 6, 1971, effective July 16, 1971. Amended: Filed Nov. 5, 1971, effective Nov. 15, 1971. Amended: Filed Feb. 22, 1972, effective March 4, 1972. Amended: Filed May 10, 1973, effective May 20, 1973. Amended: Filed Jan. 25, 1974, effective Feb. 4, 1974. Amended: Filed April 8, 1974, effective April 18, 1974. Amended: Filed Nov. 29, 1974, effective Dec. 9, 1974. Amended: Filed Feb. 7, 1983, effective May 15, 1983.*

**Original authority may be found in the Revised Statutes of Missouri (1986) and Cumulative Supplement 1993.*

11 CSR 10-11.030 Federal Financial Assistance

(Rescinded May 15, 1983)

11 CSR 10-11.040 Missouri Disaster Fund

PURPOSE: This rule establishes definitions, eligibility and procedures for providing assistance to state agencies, political subdivisions and individuals who have suffered losses resulting from disaster which has imposed a severe financial burden and imposes a hardship which exceeds ordinary or expected impact on their capacity to restore basic/essential services or materials needed for essential functions. Assistance will be limited to the availability of funds and will not be a duplicate of

any other assistance available from any other source.

(1) Amount of the fund will be established by appropriation of the legislature each year.

(2) The funds appropriated shall be expended during a state emergency at the direction of the governor.

(3) The director of the State Emergency Management Agency shall administer the fund.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986.*

**Original authority 1985*

11 CSR 10-11.050 Definitions

PURPOSE: This rule establishes definitions of terminology used in the Missouri Disaster Fund Rules.

(1) In addition to the definitions in chapter 44, RSMo the following terms are defined:

(A) Missouri Disaster Fund. The Missouri Disaster Fund is created to provide a source of assistance from which expenditures may be made to assist state agencies, political subdivisions and individuals to provide immediate aid and relief when disaster occurs which is beyond available resource capability. The fund is limited to appropriations by the legislature and to the approval of the governor of the state of Missouri subject to the eligibility of applicants as established by these rules;

(B) State department or agency. State agency is defined as being a department, division or agency which has extraordinary or excess expense to respond to disaster assistance requests by the governor to alleviate or mitigate the effects or disaster occurrence declared by the governor of Missouri in accordance with Chapter 44, RSMo;

(C) Political subdivision. A legally designated subdivision of the state of Missouri in accordance with Chapter 44, RSMo;

(D) Individual. A family or person who has suffered uninsured losses which are unusual or excessive and are a direct result of disaster beyond the control or expectations of normal losses; and

(E) Governor's declaration of emergency. When the governor declares a state of emergency, s/he will establish the area affected and set forth the type of emergency. S/he shall also state that the emergency requires the expenditure of public funds to furnish immediate aid and relief and direct the State Emergency Management Agency to adminis-

ter the fund in accordance with established rules.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986.*

**Original authority 1985.*

11 CSR 10-11.060 State Agency Reimbursement

PURPOSE: This rule outlines eligibility of state agencies for reimbursement of disaster-related expenses.

(1) When a disaster or emergency has been declared by the governor a state department or agency which is requested to provide services to the State Emergency Management Agency or to a political subdivision for disaster relief purposes may be reimbursed. Reimbursement will be from the Missouri Disaster Fund for actual and necessary expenses for emergency services provided which are in excess of normal expenses for response services. Terms and conditions are subject to approval of the director of the State Emergency Management Agency and to the availability of funds.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986.*

**Original authority 1985.*

11 CSR 10-11.070 Political Subdivision Assistance

PURPOSE: This rule establishes the eligibility of political subdivisions for assistance of disaster expenses from the Missouri Disaster Fund.

(1) When estimated repair or replacement costs to damaged or destroyed public property infrastructure exceed the reserve capacity of the subdivision, then assistance from the emergency fund may be made available for approved losses and within established limitations.

(2) Inspections and estimates of eligible losses shall be made and determined by state agency personnel having qualifications and expertise.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986. Amend-*

ed: Filed March 20, 1989, effective June 29, 1989.

**Original authority 1985.*

11 CSR 10-11.080 Individual Assistance

PURPOSE: This rule establishes eligibility of individuals to receive assistance for uninsured losses resulting from disaster-related damages.

(1) When an individual or a family suffers losses of basic needs or have necessary expenses which are uninsured and when assistance is not available from volunteer agencies or any other source they may apply for help from the Missouri Disaster Fund.

(2) The losses or needs must be verified and the application for assistance approved by the State Emergency Management Agency.

(3) Assistance will be provided when funds are available for essential repairs items of equipment, supplies or services necessary to reestablish the household, as determined by the director of the State Emergency Management Agency, and will not exceed one thousand dollars (\$1000) for each eligible applicant.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

**Original authority 1985.*

11 CSR 10-11.090 Procedures for Submitting Requests

PURPOSE: This rule establishes procedures which shall be followed to apply for assistance by state agencies, political subdivisions and individuals to receive assistance from the Missouri Disaster Fund.

(1) All requests for assistance from the fund shall be submitted, in writing, by the state agency or department director or chief executive officer of the political subdivision or by the individual through the State Emergency Management Agency using the forms prescribed. The requests will be subject to approval by the governor and to the review of the state director of the State Emergency Management Agency before payment will be made. Payments are subject to verification and audit. If assistance is provided from other

sources, the state shall be reimbursed for those items. In all cases the director of the State Emergency Management Agency has ultimate authority and responsibility for reimbursement.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

**Original authority 1985.*

11 CSR 10-11.100 Major Disasters, Presidentially Declared

PURPOSE: This rule clarifies and differentiates assistance from the Missouri Disaster Fund and federal assistance which may be available when a federal disaster is declared.

(1) The Missouri Disaster Fund is not intended to replace federal disaster assistance under Public Law 93-288 which may be available when major disasters occur and which provides a wide range of assistance in accordance with federal regulations. The Missouri Disaster Fund is enacted to provide relief for political subdivisions and individuals when the magnitude and impact of disaster is below the level of eligibility for application to the federal government for a major disaster declaration but which would have a severe impact to a community or to individuals.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986.*

**Original authority 1985.*

11 CSR 10-11.110 Limitations

PURPOSE: This rule establishes limits of expenditure from the fund for each disaster declaration or emergency.

(1) The director of the State Emergency Management Agency shall administer the Missouri Disaster Fund and shall not make any expenditure from the fund in excess of one thousand dollars (\$1000) unless approved by the governor prior to expenditure. Expenditures shall be for immediate and necessary needs, personnel and/or equipment to reduce the imminent impact of the incident. Expenditures must be documented and will be subject to state audit.

(2) When the Missouri Disaster Fund is depleted, further expenditures will cease until the legislature appropriates additional funds.

*AUTHORITY: section 44.032, RSMo (1986). * Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

**Original authority 1985.*

11 CSR 10-11.120 Volunteer Inspectors Administrative Plan (State)

PURPOSE: The State Emergency Management Agency, Office of the Adjutant General has the authority to establish a plan to establish and administer an emergency volunteer program to be activated in the event of a catastrophic earthquake or other natural disaster whereby volunteer architects and professional engineers registered under Chapter 327, RSMo may volunteer their services to determine whether or not buildings have been affected as required by section 44.023, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The purpose of the administrative plan is to fulfill the requirements of the legislation to establish and administer an emergency volunteer program. These volunteers are to be Missouri registered professional architects and engineers that will be used to assist local officials in the inspection of buildings after the occurrence of an earthquake or other natural disaster. These volunteers will be utilized for a period of three (3) days during which their incidental expenses will be paid by the local jurisdiction. They will have immunity from personal liability except in cases of willful misconduct or gross negligence.

*AUTHORITY: section 44.023, RSMo (Cum. Supp. 1991). * Original rule filed March 31, 1994, effective Sept. 30, 1994.*

**Original authority 1991.*