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Senate BILL NO. 83
 INTRODUCED BY Rasmussen Goodwin Bergman
Frederick
 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

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A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CIVIL DEFENSE, DISASTER, AND EMERGENCY SERVICES; PROVIDING POWERS, DUTIES, AND AUTHORITY FOR PREPAREDNESS AND ASSISTANCE IN EMERGENCIES AND DISASTERS; AMENDING SECTIONS 77-2301, 77-2302, 77-2303, 77-2304, 77-2306, 77-2309, 77-2310, AND 77-2311, R.C.M. 1947; AND REPEALING SECTIONS 77-2305, 77-2307, AND 77-2308, R.C.M. 1947."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Short title. This act may be cited as the

15 "Montana Disaster Act of 1977".

16 Section 2. Section 77-2301, R.C.M. 1947, is amended to

17 read as follows:

18 "77-2301. Policy and purpose. Because of the existing

19 and increasing possibility of the occurrence of disasters or

20 emergencies of unprecedented size and destructiveness

21 resulting from enemy attack, sabotage, or other hostile

22 action, and natural disasters, and in order to provide for

23 prompt and timely reaction to an emergency or disaster, to

24 insure that preparation of this state will be adequate to

25 deal with such disasters or emergencies, and generally to

1 provide for the common defense and to protect the public

2 peace, health, and safety and to preserve the lives and

3 property of the people of this state, it is hereby found and

4 declared to be necessary:

5 (1) ~~to~~ to authorize the creation of local ~~or~~

6 ~~interjurisdictional~~ organizations for ~~civil-defense~~ disaster

7 ~~and emergency services~~ in the political subdivisions of this

8 state; and

9 (2) ~~To provide for the rendering of mutual aid among~~

10 ~~the political subdivisions of the state, and with other~~

11 ~~states, and with the federal government, with respect to~~

12 ~~carrying out of civil defense functions,~~ to reduce

13 vulnerability of people and communities of this state to

14 damage, injury, and loss of life and property resulting from

15 natural or man-made disasters;

16 (3) to prepare for prompt and efficient search,

17 rescue, recovery, care, and treatment of persons lost,

18 entrapped, victimized, or threatened by emergencies or

19 disasters;

20 (4) to provide a setting conducive to the rapid and

21 orderly start of restoration and rehabilitation of persons

22 and property affected by disasters;

23 (5) to clarify and strengthen the roles of the

24 governor, state agencies, and local governments in

25 prevention of, preparation for, response to, and recovery

1 from emergencies and disasters;

2 (6) to authorize and provide for cooperation in
3 disaster prevention, preparedness, response, and recovery;

4 (7) to authorize and provide for coordination of
5 activities relating to disaster prevention, preparedness,
6 response, and recovery by agencies and officers of this
7 state and similar state-local, interstate, federal-state,
8 and foreign activities in which the state and its political
9 subdivisions may participate;

10 (8) to provide an emergency and disaster management
11 system embodying all aspects of emergency or disaster
12 prevention, preparedness, response, and recovery;

13 (9) to assist in prevention of disasters caused or
14 aggravated by inadequate planning for public and private
15 facilities and land use; and

16 (10) to supplement, without in any way limiting,
17 authority conferred by previous statutes of this state and
18 increase the capability of the state, local, and
19 interjurisdictional disaster and emergency services agencies
20 to perform disaster and emergency services."

21 Section 3. There is a new R.C.M. section that reads as
22 follows:

23 Limitations. Nothing in this chapter may be construed
24 to give any state, local, or interjurisdictional agency or
25 public official authority to:

1 (1) interfere with the course of conduct of a labor
2 dispute, except that actions otherwise authorized by this
3 act or other laws may be taken when necessary to forestall
4 or mitigate imminent or existing danger to public health or
5 safety;

6 (2) interfere with dissemination of news or comment on
7 public affairs; but any communications facility or
8 organization (including but not limited to radio and
9 television stations, wire services, and newspapers) may be
10 required to transmit or print public service messages
11 furnishing information or instructions in connection with an
12 emergency or disaster;

13 (3) affect the jurisdiction or responsibilities of
14 police forces, firefighting forces, units of the armed
15 forces of the United States, or of any personnel thereof,
16 when on active duty; but state, local, and
17 interjurisdictional disaster and emergency plans shall place
18 reliance upon the forces available for performance of
19 functions related to emergencies and disasters; or

20 (4) limit, modify, or abridge the authority of the
21 governor to proclaim martial law or exercise any other
22 powers vested in him under the constitution, statutes, or
23 common law of this state independent of or in conjunction
24 with any provisions of this act.

25 Section 4. Section 77-2302, R.C.M. 1947, is amended to

1 read as follows:

2 "77-2302. Definitions. As used in this chapter, the
3 term "civil defense" means the preparation for and the
4 carrying out of emergency functions other than functions
5 for which military forces or other federal agencies are
6 primarily responsible to prevent, minimize, and repair
7 injury and damage resulting from disasters caused by enemy
8 attacks, sabotage, or other hostile actions and catastrophes
9 of all types which shall endanger any community in the
10 state or the lives or property of the inhabitants thereof
11 including storms, floods, explosions, earthquakes,
12 epidemics, and fires. These functions include fire fighting
13 services, police services, medical and health services,
14 rescue, engineering, air raid warning services,
15 communications, radiological, chemical, and other special
16 weapons of defense, evacuation of persons from stricken
17 areas, emergency welfare services (civilian war aid),
18 emergency transportation, plant protection, temporary
19 restoration of public utility services, and other functions
20 related to civilian protection. The term "political
21 subdivisions" means the counties, cities, towns, and villages
22 in this state. the following definitions apply:

23 (1) "Civil defense" means the nuclear preparedness
24 functions and responsibilities of disaster and emergency
25 services.

1 (2) "Department" means the department of military
2 affairs.

3 (3) "Disaster" means the occurrence or imminent threat
4 of widespread or severe damage, injury, or loss of life or
5 property resulting from any natural or man-made cause,
6 including tornadoes, windstorms, snowstorms, wind-driven
7 water, high water, floods, wave action, earthquakes,
8 landslides, mudslides, volcanic action, fires, explosions,
9 or air or water contamination requiring emergency action to
10 avert danger or damage, blight, droughts, infestations,
11 riots, sabotage, hostile military or paramilitary action, or
12 accidents involving radiation byproducts or other hazardous
13 materials.

14 (4) "Disaster and emergency services" means the
15 prevention of, the preparation for, and the carrying out of
16 disaster and emergency functions and responsibilities, other
17 than those for which military forces or other state or
18 federal agencies are primarily responsible, to prevent,
19 prepare for, respond to, and recover from injury and damage
20 resulting from emergencies or disasters.

21 (5) "Division" means the division of disaster and
22 emergency services of the department of military affairs.

23 (6) "Emergency" means the imminent threat of a
24 disaster causing immediate peril to life or property which
25 timely action can avert or minimize.

1 (7) "Political subdivision" means any county, city,
 2 town, or other legally constituted unit of local government
 3 in this state.

4 (8) "Principal executive officer" means the mayor,
 5 chairman of the county commissioners, or other chief
 6 executive officer of a political subdivision.

7 (9) "Search and rescue" means the employment,
 8 coordination, and utilization of available resources and
 9 personnel in locating, relieving distress of, preserving
 10 life of, or removing survivors from the site of a hazard,
 11 emergency, or disaster to a place of safety in case of lost,
 12 stranded, entrapped, or injured persons.

13 (10) "Temporary housing" means unoccupied habitable
 14 dwellings, suitable rental housing, mobile homes, or other
 15 readily fabricated dwellings."

16 Section 5. Section 77-2303, R.C.M. 1947, is amended to
 17 read as follows:

18 "77-2303. Responsibility for ~~civil~~-defense ~~disaster~~
 19 and emergency services. (a) The department of military
 20 affairs, through the ~~division of disaster and emergency~~
 21 services, is responsible to the governor for carrying out
 22 the ~~planning and~~ program for ~~civil~~-defense ~~disaster and~~
 23 emergency services of this state. ~~The department shall~~
 24 coordinate the activities of all organizations for ~~civil~~
 25 defense within the state, and maintain liaison with and

1 cooperate with civil defense agencies and organizations of
 2 other states, of the federal government, and Canada, and
 3 have any additional authority, duties, and responsibilities
 4 authorized by this chapter as may be prescribed by the
 5 governor.

6 (b) In providing assistance under this chapter, state
 7 agencies shall cooperate to the fullest extent possible with
 8 each other and with local governments, relief agencies, and
 9 the American National Red Cross, but nothing contained in
 10 this chapter limits or in any way affects the
 11 responsibilities of the American National Red Cross under
 12 the act approved January 5, 1985, (33 Stat. 559), as
 13 amended."

14 Section 6. Section 77-2304, R.C.M. 1947, is amended to
 15 read as follows:

16 "77-2304. Civil defense duties Duties of the governor.
 17 (1) The governor is responsible for carrying out this
 18 chapter. ~~The governor shall utilize the services and~~
 19 facilities of the existing officers and agencies of the
 20 state, and all officers and agencies shall cooperate with
 21 and extend their services and facilities to the governor as
 22 he may request in the carrying out of the purposes of this
 23 chapter.

24 (2) (a) A state of emergency shall be declared by
 25 executive order or proclamation of the governor when

1 necessary, even though a disaster has not occurred. The
 2 state of emergency shall continue until the governor
 3 declares a state of disaster or finds that the emergency has
 4 passed or has been dealt with to the extent that emergency
 5 conditions no longer exist and he terminates the state of
 6 emergency by executive order or proclamation.

7 (b) All executive orders or proclamations issued under
 8 this subsection shall indicate the nature of the emergency,
 9 the area threatened, and the conditions which have brought
 10 about the declaration or which make possible termination of
 11 the state of emergency.

12 (c) An executive order or proclamation of a state of
 13 emergency shall activate the emergency response and disaster
 14 preparation aspects of the state disaster and emergency plan
 15 and program applicable to the political subdivision or area
 16 and be authority for the deployment and use of any forces to
 17 which the plans apply and for the distribution and use of
 18 any supplies, equipment, and materials and facilities
 19 assembled, stockpiled, or arranged to be made available
 20 pursuant to this chapter or any other provision of law
 21 pertaining to disasters and disaster-related emergencies.

22 (d) A state of emergency may not continue for longer
 23 than 10 days unless renewed by the governor. However,
 24 termination of the state of emergency may not conclude
 25 disaster and emergency services required as a result of the

1 emergency.

2 (e) The legislature may terminate a state of emergency
 3 at any time by joint resolution. Thereupon, the governor
 4 shall terminate the state of emergency by executive order or
 5 proclamation. However, termination of the state of emergency
 6 may not conclude disaster and emergency services required as
 7 a result of the emergency.

8 (3) (a) A disaster shall be declared by executive
 9 order or proclamation of the governor if he finds a disaster
 10 has occurred or that the occurrence thereof is imminent. The
 11 state of disaster shall continue until the governor finds
 12 that the disaster or the imminent danger of disaster
 13 occurrence has passed or has been dealt with to the extent
 14 that disaster conditions or the imminent danger conditions
 15 thereof no longer exist and terminates the state of disaster
 16 by executive order or proclamation.

17 (b) All executive orders or proclamations issued under
 18 this subsection shall indicate the nature of the disaster,
 19 the area threatened, and the conditions which have brought
 20 about the declaration or which make possible termination of
 21 the state of disaster.

22 (c) An executive order or proclamation of a state of
 23 disaster shall activate the disaster response and recovery
 24 aspects of the state disaster and emergency plan and program
 25 applicable to the political subdivision or area and be

1 authority for the deployment and use of any forces to which
 2 the plans apply and for the distribution and use of any
 3 supplies, equipment, and materials and facilities assembled,
 4 stockpiled, or arranged to be made available pursuant to
 5 this chapter or any other provision of law pertaining to
 6 disasters and disaster-related emergencies.

7 (d) A state of disaster may not continue for longer
 8 than 30 days unless renewed by the governor. However,
 9 termination of the state of disaster may not conclude
 10 disaster and emergency services required as a result of the
 11 disaster.

12 (e) The legislature may terminate a state of disaster
 13 at any time by joint resolution. Thereupon, the governor
 14 shall terminate the state of disaster by executive order or
 15 proclamation. However, termination of the state of disaster
 16 may not conclude disaster and emergency services required as
 17 a result of the disaster.

18 (4) An executive order or proclamation issued under
 19 this section shall be disseminated promptly by means
 20 calculated to bring its contents to the attention of the
 21 general public. Unless the circumstances attendant upon the
 22 emergency or disaster prevent or impede it, the executive
 23 order or proclamation will be filed promptly with the
 24 division, the secretary of state, and clerk and recorders of
 25 the counties involved.

1 (5) During a state of emergency or disaster, the
 2 governor is commander-in-chief of the militia and of all
 3 other forces available for emergency or disaster duty. To
 4 the greatest extent possible, the governor shall delegate or
 5 assign command authority by prior arrangement embodied in
 6 the state disaster and emergency plan and program and
 7 appropriate executive orders, but nothing herein restricts
 8 his authority to do so by orders issued at the time of the
 9 emergency or disaster.

10 (6) In addition to any other powers conferred upon the
 11 governor by law, he may:

12 (a) suspend the provisions of any regulatory statute
 13 prescribing the procedures for conduct of state business or
 14 orders or rules of any state agency, if the strict
 15 compliance with the provisions of any statute, order, or
 16 rule would in any way prevent, hinder, or delay necessary
 17 action in coping with the emergency or disaster;

18 (b) transfer the direction, personnel, or function of
 19 state departments and agencies or units thereof for the
 20 purpose of performing or facilitating disaster and emergency
 21 services;

22 (c) subject to the restrictions of this act or other
 23 existing state laws, commandeer or utilize any private
 24 property if he finds this necessary to cope with the
 25 emergency or disaster;

1 ~~(d) direct and compel the evacuation of all or part of~~
 2 ~~the population from an emergency or disaster area within the~~
 3 ~~state if he considers this action necessary for the~~
 4 ~~preservation of life or other disaster mitigation, response,~~
 5 ~~or recovery;~~

6 ~~(e) prescribe routes, modes of transportation, and~~
 7 ~~destinations in connection with relocation;~~

8 ~~(f) control ingress and egress to and from an~~
 9 ~~emergency or disaster area, the movement of persons within~~
 10 ~~the area, and the occupancy of premises therein;~~

11 ~~(g) suspend or limit the sale, dispensing, or~~
 12 ~~transportation of alcoholic beverages, firearms, explosives,~~
 13 ~~combustibles, or other materials determined to be~~
 14 ~~detrimental;~~

15 ~~(h) make provision for the availability and use of~~
 16 ~~temporary housing; and~~

17 ~~(i) utilize all available resources of the state~~
 18 ~~government and of each political subdivision of the state as~~
 19 ~~reasonably necessary to cope with the emergency or~~
 20 ~~disaster."~~

21 Section 7. There is a new R.C.M. section that reads as
 22 follows:

23 Division of disaster and emergency services. (1) A
 24 division of disaster and emergency services is established
 25 in the department of military affairs. The division shall

1 have an administrator and other professional, technical,
 2 secretarial, and clerical employees as necessary for the
 3 performance of its functions.

4 (2) The division shall prepare and maintain a
 5 comprehensive plan and program for disaster and emergency
 6 services of this state. The plan and program shall be
 7 coordinated with the disaster and emergency plans and
 8 programs of the federal government, other states, political
 9 subdivisions, and Canada to the fullest extent possible. The
 10 state disaster and emergency plan and program may provide
 11 for:

12 (a) prevention and minimization of injury and damage
 13 caused by disaster;

14 (b) prompt and efficient response to an emergency or
 15 disaster;

16 (c) emergency relief;

17 (d) identification of areas particularly vulnerable to
 18 disasters;

19 (e) recommendations for preventive and preparedness
 20 measures designed to eliminate or reduce disasters or their
 21 impact;

22 (f) organization of manpower and chains of command;

23 (g) coordination of federal, state, and local disaster
 24 and emergency activities; and

25 (h) other necessary matters.

1 (3) In preparing and maintaining the state disaster
2 and emergency plan and program, the division shall seek the
3 advice and assistance of local government, business, labor,
4 industry, agriculture, civic and volunteer organizations,
5 and community leaders. In advising local and
6 interjurisdictional agencies, the division shall encourage
7 them to seek advice from these sources.

8 (4) The division shall:

9 (a) coordinate the preparation of the plan and program
10 for disaster and emergency services with the political
11 subdivisions of this state;

12 (b) coordinate disaster and emergency prevention and
13 preparation activities of all departments, agencies, and
14 organizations within the state;

15 (c) advise and assist the political subdivisions of
16 this state in executing their disaster and emergency
17 services responsibilities;

18 (d) make recommendations on the formation of
19 interjurisdictional disaster and emergency services areas
20 when individual political subdivisions are unable to fully
21 and adequately mount an effective local program due to
22 limitations of funding, manpower, or other reasons;

23 (e) make surveys of industries, resources, and
24 facilities within the state, both public and private, as are
25 necessary to carry out the purposes of this chapter;

1 (f) periodically review local and interjurisdictional
2 plans and programs for disaster and emergency services;

3 (g) develop or assist in the development of mutual aid
4 plans and agreements between the federal government, other
5 states, and Canada and among the political subdivisions of
6 this state;

7 (h) determine the requirements of the state and its
8 political subdivisions for food, clothing, and other
9 necessities in the event of an emergency or disaster;

10 (i) plan for the procurement of food, clothing, other
11 necessities, supplies, medicines, materials, and equipment
12 that may be necessary in the event of an emergency or
13 disaster and, as funding is authorized, procure and
14 pre-position the same;

15 (j) plan and make arrangements for the availability
16 and use of any private facilities, services, and property
17 and, if necessary and if in fact used, provide for payment
18 for use under terms and conditions agreed upon;

19 (k) institute training and public information programs
20 and take all other preparatory steps, including the partial
21 or full mobilization of disaster and emergency services
22 organizations in advance of actual emergency or disaster, to
23 insure the availability of adequately trained and equipped
24 personnel in time of emergency or disaster;

25 (l) direct emergency response and disaster preparation

1 activities as authorized by the governor;

2 (m) direct disaster response and recovery activities
3 as authorized by the governor;

4 (n) prepare, for issuance by the governor, executive
5 orders or proclamations as necessary or appropriate in
6 coping with emergencies and disasters;

7 (o) maintain liaison with and cooperate with disaster
8 and emergency services agencies and organizations of the
9 federal government, other states, and Canada in achieving
10 any purpose of this chapter and in implementing programs for
11 disaster prevention, preparation, response, and recovery;
12 and

13 (p) have any additional authority, duties, and
14 responsibilities authorized by this act as may be prescribed
15 by the governor.

16 (5) In providing assistance under this act, state
17 departments and agencies shall cooperate to the fullest
18 extent possible with each other and with local governments
19 and relief agencies such as the American national red cross,
20 but nothing contained in this chapter lists or in any way
21 affects the responsibilities of the American national red
22 cross under the act approved January 5, 1905 (33 Stat. 559),
23 as amended.

24 Section 8. There is a new R.C.M. section that reads as
25 follows:

1 Local and interjurisdictional emergency and disaster
2 agencies and services. (1) Each political subdivision within
3 this state shall designate a local or interjurisdictional
4 agency responsible for emergency and disaster prevention and
5 preparedness and coordination of response and recovery.

6 (2) The local or interjurisdictional disaster and
7 emergency services agency shall receive assistance from the
8 division in emergency and disaster prevention, preparedness,
9 response, and recovery to the extent of the division's
10 authority and responsibility.

11 (3) Each political subdivision shall adhere to the
12 provisions of this act and the state disaster and emergency
13 plan and program regarding the structure and
14 responsibilities of the local or interjurisdictional
15 disaster and emergency service agencies and their
16 relationship to the division.

17 (4) The principal executive officer of each political
18 subdivision shall notify the division of the manner by which
19 the political subdivision is providing or securing emergency
20 and disaster planning and services, identify the person who
21 heads the agency from which planning and services are
22 obtained, and furnish additional information as the division
23 requires.

24 (5) Each local and interjurisdictional agency shall
25 prepare and keep current a local or interjurisdictional

1 disaster and emergency plan and program covering the area
 2 for which that agency is responsible. This plan shall be in
 3 accordance with and in support of the state disaster and
 4 emergency plan and program.

5 (6) The local or interjurisdictional agency shall
 6 prepare and distribute on behalf of the principal executive
 7 officers, in written form, a clear and complete statement of
 8 the emergency responsibilities of all local agencies and
 9 officials and of the disaster and emergency chain of
 10 command.

11 Section 9. There is a new R.C.M. section that reads as
 12 follows:

13 Local emergency or disaster. (1) A local emergency
 14 proclamation or disaster declaration may be issued only by
 15 the principal executive officer of a political subdivision.

16 (2) An emergency proclamation may be issued by order
 17 or resolution whenever the principal executive officer
 18 determines there is an emergency.

19 (a) An emergency proclamation may not continue for
 20 longer than 10 days except by consent of the governing body
 21 of the political subdivision.

22 (b) An emergency proclamation may terminate with a
 23 disaster declaration or when the principal executive officer
 24 determines that the emergency no longer exists.

25 (3) A disaster declaration may be issued by order or

1 resolution whenever the principal executive officer
 2 determines a disaster is occurring or has occurred.

3 (a) A disaster declaration may not continue for longer
 4 than 30 days except by consent of the governing body of the
 5 political subdivision.

6 (b) A disaster declaration may be terminated when the
 7 principal executive officer determines that the disaster
 8 conditions no longer exist.

9 (4) An order or resolution declaring or terminating a
 10 state of emergency or disaster shall indicate the nature of
 11 the emergency or disaster, the area threatened, the
 12 conditions which have brought about the proclamation or
 13 declaration or which make possible termination of the state
 14 of emergency or disaster. Such orders or resolutions shall
 15 be disseminated promptly by means calculated to bring its
 16 contents to the attention of the general public and shall be
 17 filed promptly with the division, the local or
 18 interjurisdictional agency, and the agency charged with
 19 recording the official records of the political subdivision.

20 (5) The effect of an emergency proclamation or a
 21 disaster declaration is to activate applicable parts of the
 22 local or interjurisdictional disaster and emergency plan and
 23 program and to authorize the furnishing of aid and
 24 assistance in accordance with such plans and programs.

25 Section 10. Section 77-2306, R.C.M. 1947, is amended

1 to read as follows:

2 ~~"77-2306. Mutual-aid~~ Mutual aid arrangements. (1) ~~The~~
3 ~~director-of-each-local-organization--of--civil--defense--may~~
4 ~~develop--or--cause--to--be--developed~~ Political subdivisions
5 ~~shall be encouraged and assisted by the division to conclude~~
6 ~~mutual-aid mutual aid~~ arrangements, with other public and
7 private agencies within this state for reciprocal ~~civil~~
8 ~~defense aid and assistance in case-of-disaster-too-great--to~~
9 ~~be--dealt--with--unassisted~~ coping with emergencies and
10 ~~disasters. These arrangements shall be consistent--with--the~~
11 ~~state--civil--defense--plan--and--program, and--in--time--of~~
12 ~~emergency--each--local--organization--for--civil--defense--shall~~
13 ~~render--assistance--in--accordance--with--the--provisions--of--the~~
14 ~~mutual-aid-arrangements.~~

15 (2) In reviewing disaster and emergency plans and
16 programs of political subdivisions, the division shall
17 consider whether they contain adequate provisions for the
18 reciprocal mutual aid.

19 ~~(2)(3) The--director--of--each--local--organization--for~~
20 ~~civil--defense~~ Local and interjurisdictional disaster and
21 emergency agencies may assist in negotiation of reciprocal
22 ~~mutual-aid mutual aid~~ agreements between the governor and
23 the adjoining states (including foreign states or provinces)
24 or political subdivisions thereof, and shall carry out
25 arrangements or any such agreements or any such agreement

1 relating to the local and political subdivision."

2 Section 11. There is a new R.C.M. section that reads
3 as follows:

4 Intergovernmental arrangements. (1) This state enacts
5 into law and enters into the interstate civil defense and
6 disaster compact with all states, as defined therein, which
7 states have enacted or shall hereafter enact the compact in
8 the form substantially contained in 77-1403.

9 (2) The governor may enter into the compact with any
10 state that does not border this state if he finds that joint
11 action with the state is desirable in meeting common
12 intergovernmental problems of emergency and disaster
13 planning, prevention, response, and recovery.

14 (3) Nothing in subsections (1) and (2) may be
15 construed to limit previous or future entry of this state
16 into the interstate civil defense and disaster compact.

17 (4) All interstate civil defense and disaster compacts
18 and other interstate agreements dealing with disaster and
19 emergency services shall be reviewed and made current at
20 intervals not to exceed 4 years.

21 (5) If a person holds a license, certificate, or other
22 permit issued by any state or political subdivision thereof
23 evidencing the meeting of qualifications for professional,
24 mechanical, or other skills, the person may render aid
25 involving that skill in this state to meet an emergency or

1 disaster and this state shall give due recognition to the
2 license, certificate, or other permit.

3 (6) When considered of mutual benefit, the governor
4 may, subject to limitations of law, enter into
5 intergovernmental arrangements with neighboring provinces of
6 Canada for the purpose of exchanging disaster and emergency
7 services.

8 Section 12. There is a new R.C.M. section that reads
9 as follows:

10 Communications. (1) The division shall coordinate
11 whatever means exist for rapid and efficient communications
12 in time of emergency or disaster.

13 (2) The division shall, in cooperation with the
14 division of communications, department of administration,
15 consider the desirability of supplementing communications
16 resources or of integrating them into a comprehensive state
17 or state-federal telecommunications or other communications
18 system or network.

19 (3) The division shall, in cooperation with the
20 division of communications and local political subdivisions,
21 evaluate the possibility of multipurpose use of
22 communications systems or networks for general state and
23 local governmental purposes.

24 (4) The division shall assist political subdivisions
25 in the orderly development of telecommunications systems

1 complementary to the state telecommunications system or
2 network.

3 Section 13. Section 77-2309, R.C.M. 1947, is amended
4 to read as follows:

5 "77-2309. Authority to accept services, gifts, grants,
6 and loans. Whenever the federal government or any agency or
7 officer thereof, or any person, firm, or corporation shall
8 offer to the state, or through the state to any political
9 subdivision thereof, services, equipment, supplies,
10 materials, or funds by way of gift, grant, or loan, for
11 purposes of ~~civil--defense~~ emergency or disaster services,
12 the state, acting through the governor, or the political
13 subdivision, acting through its executive officer or
14 governing body, may accept the offer and upon the acceptance
15 the governor of the state or executive officer or governing
16 body of the political subdivision may authorize any officer
17 of the state or of the political subdivision, as the case
18 may be, to receive the services, equipment, supplies,
19 materials, or funds on behalf of the state or such political
20 subdivision, and subject to the terms of the offer and the
21 rules ~~and--regulations~~, if any, of the agency making the
22 offer."

23 Section 14. Section 77-2310, R.C.M. 1947, is amended
24 to read as follows:

25 "77-2310. Political activity prohibited. An

1 organization for ~~civil--defense~~ disaster and emergency
 2 services established under this chapter may not participate
 3 in any form of political activity, nor may it be employed
 4 directly or indirectly for political purposes."

5 Section 15. Section 77-2311, R.C.M. 1947, is amended
 6 to read as follows:

7 "~~77-2311. Civil--defense~~ Disaster and emergency
 8 services personnel. A person may not be employed or
 9 ~~associated in any capacity~~ in any ~~civil--defense~~ disaster and
 10 emergency services organization established under this
 11 chapter who advocates a change by force or violence in the
 12 constitutional form of the government of the United States
 13 or in this state or the overthrow of any government in the
 14 United States by force or violence, or who has been
 15 convicted of or is under indictment or information charging
 16 any subversive act against the United States. Each person
 17 who is appointed to serve in an organization for ~~civil~~
 18 defense disaster and emergency services shall, before
 19 entering upon his duties, take an oath, in writing, before a
 20 person authorized to administer oaths in this state, which
 21 oath shall be substantially as follows:

22 "I, do-sotemnly swear (or affirm) that I will
 23 support and defend the the Constitution of the United States
 24 and the the Constitution of the State of Montana, against
 25 all enemies, foreign and domestic; that I will bear true

1 faith and allegiance to the same; that I take this
 2 obligation freely, without any mental reservation or purpose
 3 of evasion; and that I will well and faithfully discharge
 4 the duties of the office upon ~~on~~ which I am about to enter.
 5 ~~And I do further swear (or affirm) that I do not advocate~~
 6 ~~nor am I a member of any political party or organization~~
 7 ~~that advocates the overthrow of the government of the United~~
 8 ~~States or of this state by force or violence; and that~~
 9 ~~during such time as I am a member of the Montana civil~~
 10 ~~defense agency I will not advocate nor become a member of~~
 11 ~~any political party or organization that advocates the~~
 12 ~~overthrow of the government of the United States or of this~~
 13 ~~state by force or violence. So help me, God."~~

14 Section 16. There is a new R.C.M. section that reads
 15 as follows:

16 Temporary housing for disaster victims -- site
 17 acquisition and preparation. (1) Whenever the governor has
 18 declared a state of emergency or state of disaster or the
 19 president has declared an emergency or a major disaster to
 20 exist in this state, the governor is authorized:

21 (a) to enter into purchase, lease, or other
 22 arrangements with any agency of the United States for
 23 temporary housing units to be occupied by emergency or
 24 disaster victims and to make such units available to any
 25 political subdivision of the state;

1 (b) to assist any political subdivision of this state
2 which is the locus of temporary housing for emergency or
3 disaster victims to acquire sites necessary for such
4 temporary housing and to do all things required to prepare
5 such site to receive and utilize temporary housing units by:

6 (i) advancing or lending funds available to the
7 governor from any appropriation made by the legislature or
8 from any other source;

9 (ii) "passing through" funds made available by any
10 agency, public or private; or

11 (iii) becoming a copartner with the political
12 subdivision for the execution and performance of any
13 temporary housing project for emergency or disaster victims
14 and for such purposes to pledge the credit of the state on
15 such terms as he considers appropriate, having due regard
16 for current debt transactions of the state;

17 (c) under such regulations as he shall prescribe, to
18 temporarily suspend or modify for not to exceed 60 days any
19 public health, safety, zoning, transportation (within or
20 across the state), or other requirement of law or regulation
21 within this state when by proclamation he declares such
22 suspension or modification essential to provide temporary
23 housing for emergency or disaster victims.

24 (2) Any political subdivision of this state is
25 expressly authorized to acquire, temporarily or permanently,

1 by purchase, lease, or otherwise, sites required for
2 installation of temporary housing units for emergency or
3 disaster victims and to enter into whatever arrangements,
4 including purchase of temporary housing units and payment of
5 transportation charges, which are necessary to prepare or
6 equip such sites to utilize the housing units.

7 (3) Nothing contained in this chapter shall be
8 construed to limit the governor's authority to apply for,
9 administer, and expend any grants, gifts, or payments in aid
10 of emergency or disaster prevention, preparedness, response,
11 or recovery.

12 Section 17. There is a new R.C.M. section that reads
13 as follows:

14 Community disaster loans. Whenever, at the request of
15 the governor, the president has declared a major disaster to
16 exist in this state, the governor is authorized:

17 (1) upon his determination that a political
18 subdivision of the state will suffer a substantial loss of
19 tax and other revenues from an emergency or disaster and has
20 demonstrated a need for financial assistance to perform its
21 governmental functions, to apply to the federal government,
22 on behalf of the political subdivision, for a loan and to
23 receive and disburse the proceeds of any approved loan to
24 any applicant political subdivision;

25 (2) to determine the amount needed by any applicant

1 political subdivision to restore or resume its governmental
 2 functions and to certify the same to the federal government.
 3 However, no application amount may exceed 25% of the annual
 4 operating budget of the applicant for the fiscal year in
 5 which the emergency or disaster occurs.

6 (3) to recommend to the federal government, based upon
 7 his review, the cancellation of all or any part of repayment
 8 when, in the first 3 full fiscal years following the
 9 emergency or disaster, the revenues of the political
 10 subdivision are insufficient to meet its operating expenses,
 11 including additional emergency- or disaster-related expenses
 12 of a political subdivision operation character.

13 Section 18. There is a new R.C.M. section that reads
 14 as follows:

15 Debris and wreckage removal in emergencies or
 16 disasters. (1) Whenever the governor has declared a state of
 17 emergency or state of disaster to exist under the laws of
 18 this state or the president, at the request of the governor,
 19 has declared a major disaster or emergency to exist in this
 20 state, the governor is authorized:

21 (a) notwithstanding any other provision of law,
 22 through the use of state departments or agencies or the use
 23 of any of the state's instrumentalities, to clear or remove,
 24 from publicly or privately owned land or water, debris and
 25 wreckage which may threaten public health or safety or

1 public or private property in any state of emergency or
 2 state of disaster declared by the governor or major disaster
 3 as declared by the president;

4 (b) to accept funds from the federal government and
 5 utilize such funds to make grants to any political
 6 subdivision for the purpose of removing debris or wreckage
 7 from publicly or privately owned land or water.

8 (2) (a) Authority under this section shall not be
 9 exercised unless the affected political subdivision,
 10 corporation, organization, or individual shall first present
 11 an unconditional authorization for removal of such debris or
 12 wreckage from public and private property and, in the case
 13 of removal of debris or wreckage from private property,
 14 shall first agree to indemnify the state government against
 15 any claim arising from such removal.

16 (b) Whenever the governor provides for clearance of
 17 debris or wreckage pursuant to subsection (1)(a) or (1)(b),
 18 employees of the designated state agencies or individuals
 19 appointed by the state are authorized to enter upon private
 20 land or waters and perform any tasks necessary to the
 21 removal or clearance operation.

22 Section 19. There is a new R.C.M. section that reads
 23 as follows:

24 Identification. Disaster and emergency services
 25 organizations and personnel may continue to identify

1 themselves by the use of the civil defense symbol.

2 Section 20. Severability. If a part of this act is
3 invalid, all valid parts that are severable from the invalid
4 part remain in effect. If a part of this act is invalid in
5 one or more of its applications, the part remains in effect
6 in all valid applications that are severable from the
7 invalid applications.

8 Section 21. Repealer. Sections 77-2305, 77-2307, and
9 77-2308, R.C.M. 1947, are repealed.

10 Section 22. Effective date. This act is effective on
11 its passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 67-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, , 19 77 , there is hereby submitted a Fiscal Note for Senate Bill 83 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 83 is the "Montana Disaster Act of 1977" relating to Civil Defense, emergency, and disaster services, and providing powers and duties.

ASSUMPTIONS:

The action of this bill essentially defines and clarifies duties already being performed by the Civil Defense Agency.

FISCAL IMPACT:

None.

Richard L. Baumgardner
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-77

Approved by Committee
on Public Health, Welfare
& Safety

1 SENATE BILL NO. 83
 2 INTRODUCED BY RASMUSSEN, GOODOVER, BERGREN, FASBENDER
 3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CIVIL
 6 DEFENSE, DISASTER, AND EMERGENCY SERVICES; PROVIDING POWERS,
 7 DUTIES, AND AUTHORITY FOR PREPAREDNESS AND ASSISTANCE IN
 8 EMERGENCIES AND DISASTERS; AMENDING SECTIONS 77-2301,
 9 77-2302, 77-2303, 77-2304, 77-2306, 77-2309, 77-2310, AND
 10 77-2311, R.C.M. 1947; AND REPEALING SECTIONS 77-2305,
 11 77-2307, AND 77-2308, R.C.M. 1947."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Short title. This act may be cited as the
 15 "Montana Disaster Act of 1977".
 16 Section 2. Section 77-2301, R.C.M. 1947, is amended to
 17 read as follows:
 18 "77-2301. Policy and purpose. Because of the existing
 19 and increasing possibility of the occurrence of disasters or
 20 emergencies of unprecedented size and destructiveness
 21 resulting from enemy attack, sabotage, or other hostile
 22 actions, and natural disasters, and in order to provide for
 23 prompt and timely reaction to an emergency or disaster; to
 24 insure that preparation of this state will be adequate to
 25 deal with such disasters or emergencies, and generally to

1 provide for the common defense and to protect the public
 2 peace, health, and safety and to preserve the lives and
 3 property of the people of this state, it is hereby found and
 4 declared to be necessary:
 5 (1) ~~To~~ to authorize the creation of local or
 6 interjurisdictional organizations for ~~civil-defense disaster~~
 7 and emergency services in the political subdivisions of this
 8 state; and
 9 (2) ~~To provide for the rendering of mutual aid among~~
 10 ~~the political subdivisions of the state and with other~~
 11 ~~states and with the federal government with respect to~~
 12 ~~carrying out of civil defense functions~~ to reduce
 13 vulnerability of people and communities of this state to
 14 damage, injury, and loss of life and property resulting from
 15 natural or man-made disasters;
 16 (3) to prepare for prompt and efficient search,
 17 rescue, recovery, care, and treatment of persons lost,
 18 entrapped, victimized, or threatened by emergencies or
 19 disasters;
 20 (4) to provide a setting conducive to the rapid and
 21 orderly start of restoration and rehabilitation of persons
 22 and property affected by disasters;
 23 (5) to clarify and strengthen the roles of the
 24 governor, state agencies, and local governments in
 25 prevention of, preparation for, response to, and recovery

*The changes in Sen. Bill 83 are on Pages 4-24
 printed in yellow.*
 Please refer to white copy for complete text.

SB 0083/02

1 (1) interfere with the course of QR conduct of a labor
 2 dispute, except that actions otherwise authorized by this
 3 act or other laws may be taken when necessary to forestall
 4 or mitigate imminent or existing danger to public health or
 5 safety;

6 (2) interfere with dissemination of news or comment on
 7 public affairs; but any communications facility or
 8 organization (including but not limited to radio and
 9 television stations, wire services, and newspapers) may be
 10 required to transmit or print public service messages
 11 furnishing information or instructions in connection with an
 12 emergency or disaster;

13 (3) affect the jurisdiction or responsibilities of
 14 police forces, firefighting forces, units of the armed
 15 forces of the United States, or of any personnel thereof,
 16 when on active duty; but state, local, and
 17 interjurisdictional disaster and emergency plans shall place
 18 reliance upon the forces available for performance of
 19 functions related to emergencies and disasters; or

20 (4) limit, modify, or abridge the authority of the
 21 governor to proclaim martial law or exercise any other
 22 powers vested in him under the constitution, statutes, or
 23 common law of this state independent of or in conjunction
 24 with any provisions of this act.

25 Section 4. Section 77-2302, R.C.M. 1947, is amended to

1 to read as follows:

2 "77-2306. ~~Mutual-aid~~ Mutual_aid arrangements. (1) ~~The~~
 3 ~~director--of--each--local--organization--of--civil--defense--may~~
 4 ~~develop--or--cause--to--be--developed~~ Political_subdivisions
 5 ~~shall be encouraged and assisted by the division to conclude~~
 6 ~~mutual-aid~~ mutual_aid arrangements, with other public and
 7 private agencies within this state for reciprocal ~~civil~~
 8 ~~defense~~ aid and assistance in case-of-disaster-too-great-to
 9 ~~be--dealt--with--unassisted~~ coping_with_emergencies_and
 10 ~~disasters. These--arrangements--shall--be--consistent--with--the~~
 11 ~~state-civil--defense--plan--and--program--and--in--time--of~~
 12 ~~emergency--each--local--organization--for--civil--defense--shall~~
 13 ~~render--assistance--in--accordance--with--the--provisions--of--the~~
 14 ~~mutual-aid--arrangements.~~

15 (2) In reviewing disaster and emergency plans and
 16 programs of political subdivisions, the division shall
 17 consider whether they contain adequate provisions for the
 18 reciprocal mutual aid.

19 ~~(2)(3) The director of each local organization for~~
 20 ~~civil--defense~~ Local_and_interjurisdictional_disaster_and
 21 ~~emergency agencies~~ may assist in negotiation of reciprocal
 22 ~~mutual-aid~~ mutual_aid agreements between the governor and
 23 the adjoining states (including foreign states or provinces)
 24 or political subdivisions thereof, and shall carry out
 25 arrangements or QE any such agreements or ~~any such agreement~~

1 SENATE BILL NO. 83

2 INTRODUCED BY RASMUSSEN, GOODOVER, BERGREN, FASBENDER

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CIVIL
6 DEFENSE, DISASTER, AND EMERGENCY SERVICES; PROVIDING POWERS,
7 DUTIES, AND AUTHORITY FOR PREPAREDNESS AND ASSISTANCE IN
8 EMERGENCIES AND DISASTERS; AMENDING SECTIONS 77-2301,
9 77-2302, 77-2303, 77-2304, 77-2306, 77-2309, 77-2310, AND
10 77-2311, R.C.M. 1947; AND REPEALING SECTIONS 77-2305, AND
11 77-2307, AND 77-2308, R.C.M. 1947; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15 Section 1. Short title. This act may be cited as the
16 "Montana Disaster Act of 1977".17 Section 2. Section 77-2301, R.C.M. 1947, is amended to
18 read as follows:

19 "77-2301. Policy and purpose. Because of the existing
20 and increasing possibility of the occurrence of disasters or
21 emergencies of unprecedented size and destructiveness
22 resulting from enemy attack, sabotage, or other hostile
23 actions and natural disasters, and in order to provide for
24 prompt and timely reaction to an emergency or disaster, to
25 insure that preparation of this state will be adequate to

1 deal with such disasters or emergencies, and generally to
2 provide for the common defense and to protect the public
3 peace, health, and safety and to preserve the lives and
4 property of the people of this state, it is hereby found and
5 declared to be necessary:

6 (1) ~~to~~ to authorize the creation of local or
7 interjurisdictional organizations for civil-defense disaster
8 and emergency services in the political subdivisions of this
9 state; and

10 (2) ~~to provide for the rendering of mutual aid among~~
11 ~~the political subdivisions of the state, and with other~~
12 ~~states, and with the federal government with respect to~~
13 ~~carrying out of civil defense functions,~~ to reduce
14 vulnerability of people and communities of this state to
15 damages, injury, and loss of life and property resulting from
16 natural or man-made disasters;

17 (3) to prepare for prompt and efficient search,
18 rescue, recovery, care, and treatment of persons lost,
19 entrapped, victimized, or threatened by emergencies or
20 disasters;

21 (4) to provide a setting conducive to the rapid and
22 orderly start of restoration and rehabilitation of persons
23 and property affected by disasters;

24 (5) to clarify and strengthen the roles of the
25 governor, state agencies, and local governments in

1 prevention of, preparation for, response to, and recovery
2 from emergencies and disasters:

3 (6) to authorize and provide for cooperation in
4 disaster prevention, preparedness, response, and recovery;

5 (7) to authorize and provide for coordination of
6 activities relating to disaster prevention, preparedness,
7 response, and recovery by agencies and officers of this
8 state and similar state-local, interstate, federal-state,
9 and foreign activities in which the state and its political
10 subdivisions may participate;

11 (8) to provide an emergency and disaster management
12 system embodying all aspects of emergency or disaster
13 prevention, preparedness, response, and recovery;

14 (9) to assist in prevention of disasters caused or
15 aggravated by inadequate planning for public and private
16 facilities and land use; and

17 (10) to supplement, without in any way limiting,
18 authority conferred by previous statutes of this state and
19 increase the capability of the state, local, and
20 interjurisdictional disaster and emergency services agencies
21 to perform disaster and emergency services."

22 Section 3. There is a new R.C.M. section that reads as
23 follows:

24 Limitations. Nothing in this chapter may be construed
25 to give any state, local, or interjurisdictional agency or

1 public official authority to:

2 (1) interfere with the course of DR conduct of a labor
3 dispute, except that actions otherwise authorized by this
4 act or other laws may be taken when necessary to forestall
5 or mitigate imminent or existing danger to public health or
6 safety;

7 (2) interfere with dissemination of news or comment on
8 public affairs; but any communications facility or
9 organization (including but not limited to radio and
10 television stations, wire services, and newspapers) may be
11 required to transmit or print public service messages
12 furnishing information or instructions in connection with an
13 emergency or disaster;

14 (3) affect the jurisdiction or responsibilities of
15 police forces, firefighting forces, units of the armed
16 forces of the United States, or of any personnel thereof,
17 when on active duty; but state, local, and
18 interjurisdictional disaster and emergency plans shall place
19 reliance upon the forces available for performance of
20 functions related to emergencies and disasters; or

21 (4) limit, modify, or abridge the authority of the
22 governor to proclaim martial law or exercise any other
23 powers vested in him under the constitution, statutes, or
24 common law of this state independent of or in conjunction
25 with any provisions of this act.

1 Section 4. Section 77-2302, R.C.M. 1947, is amended to
2 read as follows:

3 "77-2302. Definitions. As used in this chapter, the
4 term "~~civil defense~~" means ~~the preparation for and the~~
5 ~~carrying out of emergency functions, other than functions~~
6 ~~for which military forces or other federal agencies are~~
7 ~~primarily responsible to prevent, minimize and repair~~
8 ~~injury and damage resulting from disasters caused by enemy~~
9 ~~attack, sabotage or other hostile action and catastrophes~~
10 ~~of all types which shall endanger any community in the~~
11 ~~state or the lives or property of the inhabitants thereof~~
12 ~~including storms, floods, explosions, earthquakes,~~
13 ~~epidemics, and fires. These functions include fire-fighting~~
14 ~~services, police services, medical and health services,~~
15 ~~rescue, engineering, air raid warning services,~~
16 ~~communications, radiological, chemical and other special~~
17 ~~weapons of defense, evacuation of persons from stricken~~
18 ~~areas, emergency welfare services (civilian war aid),~~
19 ~~emergency transportation, plant protection, temporary~~
20 ~~restoration of public utility services, and other functions~~
21 ~~related to civilian protection. The term "political~~
22 ~~subdivisions" means the counties, cities, towns and villages~~
23 ~~in this state. The following definitions apply:~~

24 (1) "Civil defense" means the nuclear preparedness
25 functions and responsibilities of disaster and emergency

1 services.

2 (2) "Department" means the department of military
3 affairs.

4 (3) "Disaster" means the occurrence or imminent threat
5 of widespread or severe damage, injury, or loss of life or
6 property resulting from any natural or man-made cause,
7 including tornadoes, windstorms, snowstorms, wind-driven
8 water, high water, floods, wave action, earthquakes,
9 landslides, mudslides, volcanic action, fires, explosions,
10 or air or water contamination requiring emergency action to
11 avert danger or damage, blight, droughts, infestations,
12 riots, sabotage, hostile military or paramilitary action, or
13 accidents involving radiation byproducts or other hazardous
14 materials.

15 (4) "Disaster and emergency services" means the
16 prevention of, the preparation for, and the carrying out of
17 disaster and emergency functions and responsibilities, other
18 than those for which military forces or other state or
19 federal agencies are primarily responsible, to prevent,
20 prepare for, respond to, and recover from injury and damage
21 resulting from emergencies or disasters.

22 (5) "Division" means the division of disaster and
23 emergency services of the department of military affairs.

24 (6) "Emergency" means the imminent threat of a
25 disaster causing immediate peril to life or property which

1 timely action can avert or minimize.

2 (7) "Political subdivision" means any county, city,
3 town, or other legally constituted unit of local government
4 in this state.

5 (8) "Principal executive officer" means the mayor,
6 chairman of the county commissioners, or other chief
7 executive officer of a political subdivision.

8 (9) "Search and rescue" means the employment,
9 coordination, and utilization of available resources and
10 personnel in locating, relieving distress of, preserving
11 life of, or removing survivors from the site of a hazard,
12 emergency, or disaster to a place of safety in case of lost,
13 stranded, entrapped, or injured persons.

14 (10) "Temporary housing" means unoccupied habitable
15 dwelling, suitable rental housing, mobile homes, or other
16 readily fabricated dwellings."

17 Section 5. Section 77-2303, R.C.M. 1947, is amended to
18 read as follows:

19 "77-2303. Responsibility for ~~civil--defense disaster~~
20 and emergency services. ~~{~~ The department of military
21 affairs, through the division of disaster and emergency
22 services, is responsible to the governor for carrying out
23 the planning and program for ~~civil--defense disaster and~~
24 emergency services of this state. ~~The--department--shall~~
25 ~~coordinate the activities of all organizations for civil~~

1 ~~defense within the state, and maintain liaison with and~~
2 ~~cooperate with civil defense agencies and organizations of~~
3 ~~other states, of the federal government, and Canada, and~~
4 ~~have any additional authority, duties, and responsibilities~~
5 ~~authorized by this chapter as may be prescribed by the~~
6 ~~governor.~~

7 ~~{b}--In providing assistance under this chapter, state~~
8 ~~agencies shall cooperate to the fullest extent possible with~~
9 ~~each other and with local governments, relief agencies, and~~
10 ~~the American National Red Cross, but nothing contained in~~
11 ~~this chapter limits or in any way affects the~~
12 ~~responsibilities of the American National Red Cross under~~
13 ~~the act approved January 5, 1965 (33 Stat 559), as~~
14 ~~amended."~~

15 Section 6. Section 77-2304, R.C.M. 1947, is amended to
16 read as follows:

17 "77-2304. ~~Civil-defense duties~~ Duties of the governor.
18 ~~{1} The governor is responsible for carrying out this~~
19 ~~chapter. The governor shall utilize the services and~~
20 ~~facilities of the existing officers and agencies of the~~
21 ~~state and all officers and agencies shall cooperate with~~
22 ~~and extend their services and facilities to the governor as~~
23 ~~he may request in the carrying out of the purposes of this~~
24 ~~chapter.~~

25 ~~{2} In a state of emergency shall be declared by~~

1 ~~executive order or proclamation of the governor when~~
 2 ~~necessary even though a disaster has not occurred. The~~
 3 ~~state of emergency shall continue until the governor~~
 4 ~~declares a state of disaster or finds that the emergency has~~
 5 ~~passed or has been dealt with to the extent that emergency~~
 6 ~~conditions no longer exist and he terminates the state of~~
 7 ~~emergency by executive order or proclamation.~~

8 ~~(b) All executive orders or proclamations issued under~~
 9 ~~this subsection shall indicate the nature of the emergency,~~
 10 ~~the area threatened, and the conditions which have brought~~
 11 ~~about the declaration or which make possible termination of~~
 12 ~~the state of emergency.~~

13 ~~(c) An executive order or proclamation of a state of~~
 14 ~~emergency shall activate the emergency response and disaster~~
 15 ~~preparation aspects of the state disaster and emergency plan~~
 16 ~~and program applicable to the political subdivision or area~~
 17 ~~and be authority for the deployment and use of any forces to~~
 18 ~~which the plans apply and for the distribution and use of~~
 19 ~~any supplies, equipment, and materials and facilities~~
 20 ~~assembled, stockpiled, or arranged to be made available~~
 21 ~~pursuant to this chapter or any other provision of law~~
 22 ~~pertaining to disasters and disaster-related emergencies.~~

23 ~~(d) A state of emergency may not continue for longer~~
 24 ~~than 10 days unless renewed by the governor. However,~~
 25 ~~termination of the state of emergency may not conclude~~

1 ~~disaster and emergency services required as a result of the~~
 2 ~~emergency.~~

3 ~~(e) The legislature may terminate a state of emergency~~
 4 ~~at any time by joint resolution. Thereupon, the governor~~
 5 ~~shall terminate the state of emergency by executive order or~~
 6 ~~proclamation. However, termination of the state of emergency~~
 7 ~~may not conclude disaster and emergency services required as~~
 8 ~~a result of the emergency.~~

9 ~~(2) (a) A disaster shall be declared by executive~~
 10 ~~order or proclamation of the governor if he finds a disaster~~
 11 ~~has occurred or that the occurrence thereof is imminent. The~~
 12 ~~state of disaster shall continue until the governor finds~~
 13 ~~that the disaster or the imminent danger of disaster~~
 14 ~~occurrence has passed or has been dealt with to the extent~~
 15 ~~that disaster conditions or the imminent danger conditions~~
 16 ~~thereof no longer exist and terminates the state of disaster~~
 17 ~~by executive order or proclamation.~~

18 ~~(b) All executive orders or proclamations issued under~~
 19 ~~this subsection shall indicate the nature of the disaster,~~
 20 ~~the area threatened, and the conditions which have brought~~
 21 ~~about the declaration or which make possible termination of~~
 22 ~~the state of disaster.~~

23 ~~(c) An executive order or proclamation of a state of~~
 24 ~~disaster shall activate the disaster response and recovery~~
 25 ~~aspects of the state disaster and emergency plan and program~~

1 ~~applicable to the political subdivision or area and be~~
 2 ~~authority for the deployment and use of any forces to which~~
 3 ~~the plans apply and for the distribution and use of any~~
 4 ~~supplies, equipment, and materials and facilities assembled,~~
 5 ~~stockpiled, or arranged to be made available pursuant to~~
 6 ~~this chapter or any other provision of law pertaining to~~
 7 ~~disasters and disaster-related emergencies.~~
 8 ~~(d) A state of disaster may not continue for longer~~
 9 ~~than 30 days unless renewed by the governor. However,~~
 10 ~~termination of the state of disaster may not conclude~~
 11 ~~disaster and emergency services required as a result of the~~
 12 ~~disaster.~~
 13 ~~(e) The legislature may terminate a state of disaster~~
 14 ~~at any time by joint resolution. Thereupon, the governor~~
 15 ~~shall terminate the state of disaster by executive order or~~
 16 ~~proclamation. However, termination of the state of disaster~~
 17 ~~may not conclude disaster and emergency services required as~~
 18 ~~a result of the disaster.~~
 19 ~~(f) An executive order or proclamation issued under~~
 20 ~~this section shall be disseminated promptly by means~~
 21 ~~calculated to bring its contents to the attention of the~~
 22 ~~general public. Unless the circumstances attendant upon the~~
 23 ~~emergency or disaster prevent or impede it, the executive~~
 24 ~~order or proclamation will be filed promptly with the~~
 25 ~~division, the secretary of state, and clerk and recorders of~~

1 ~~the counties involved.~~
 2 ~~(5) During a state of emergency or disaster, the~~
 3 ~~governor is commander in chief of the militia and of all~~
 4 ~~other forces available for emergency or disaster duty. To~~
 5 ~~the greatest extent possible, the governor shall delegate or~~
 6 ~~assign command authority by prior arrangement embodied in~~
 7 ~~the state disaster and emergency plan and program and~~
 8 ~~appropriate executive orders, but nothing herein restricts~~
 9 ~~his authority to do so by orders issued at the time of the~~
 10 ~~emergency or disaster.~~
 11 ~~(6) In addition to any other powers conferred upon the~~
 12 ~~governor by law, he may:~~
 13 ~~(a) suspend the provisions of any regulatory statute~~
 14 ~~prescribing the procedures for conduct of state business or~~
 15 ~~orders or rules of any state agency if the strict~~
 16 ~~compliance with the provisions of any statute, order, or~~
 17 ~~rule would in any way prevent, hinder, or delay necessary~~
 18 ~~action in coping with the emergency or disaster;~~
 19 ~~(b) transfer the direction, personnel, or function of~~
 20 ~~state departments and agencies or units thereof for the~~
 21 ~~purpose of performing or facilitating disaster and emergency~~
 22 ~~services;~~
 23 ~~(c) subject to the restrictions of this act or other~~
 24 ~~existing state laws, commandeer or utilize any private~~
 25 ~~property if he finds this necessary to cope with the~~

1 ~~emergency or disaster~~
2 ~~(d) direct and compel the evacuation of all or part of~~
3 ~~the population from an emergency or disaster area within the~~
4 ~~state if he considers this action necessary for the~~
5 ~~preservation of life or other disaster mitigation, response,~~
6 ~~or recovery;~~
7 ~~(e) prescribe routes, modes of transportation, and~~
8 ~~destinations in connection with relocation;~~
9 ~~(f) control ingress and egress to and from an~~
10 ~~emergency or disaster area; the movement of persons within~~
11 ~~the area; and the occupancy of premises therein;~~
12 ~~(g) suspend or limit the sale, dispensing, or~~
13 ~~transportation of alcoholic beverages, firearms, explosives,~~
14 ~~combustibles, or other materials determined to be~~
15 ~~detrimental;~~
16 ~~(h) make provision for the availability and use of~~
17 ~~temporary housing; and~~
18 ~~(i) utilize all available resources of the state~~
19 ~~government and of each political subdivision of the state as~~
20 ~~reasonably necessary to cope with the emergency or disaster;~~
21 (2) UNDER THIS SECTION, THE GOVERNOR MAY ISSUE
22 EXECUTIVE ORDERS, PROCLAMATIONS AND REGULATIONS, AND AMEND
23 AND RESCIND THEM. ALL EXECUTIVE ORDERS OR PROCLAMATIONS
24 DECLARING OR TERMINATING A STATE OF EMERGENCY OR DISASTER
25 SHALL INDICATE THE NATURE OF THE EMERGENCY OR DISASTER, THE

1 AREA THREATENED, THE CONDITIONS WHICH HAVE BROUGHT ABOUT THE
2 DECLARATION OR WHICH MAKE POSSIBLE TERMINATION OF THE STATE
3 OR EMERGENCY OR DISASTER.
4 (3) (A) A STATE OF EMERGENCY MAY BE DECLARED BY THE
5 GOVERNOR WHEN HE DETERMINES THAT AN EMERGENCY, AS DEFINED IN
6 SECTION 77-2302(6), R.C.M., 1947, EXISTS.
7 (B) AN EXECUTIVE ORDER OR PROCLAMATION OF A STATE OF
8 EMERGENCY SHALL ACTIVATE THE EMERGENCY RESPONSE AND DISASTER
9 PREPARATION ASPECTS OF THE STATE DISASTER AND EMERGENCY PLAN
10 AND PROGRAM APPLICABLE TO THE POLITICAL SUBDIVISION OR AREA
11 AND BE AUTHORITY FOR THE DEPLOYMENT AND USE OF ANY FORCES TO
12 WHICH THE PLANS APPLY AND FOR THE DISTRIBUTION AND USE OF
13 ANY SUPPLIES, EQUIPMENT, AND MATERIALS AND FACILITIES
14 ASSEMBLED, STOCKPILED, OR ARRANGED TO BE MADE AVAILABLE
15 PURSUANT TO THIS CHAPTER OR ANY OTHER PROVISION OF LAW
16 PERTAINING TO DISASTERS AND DISASTER RELATED EMERGENCIES.
17 (C) A STATE OF EMERGENCY MAY NOT CONTINUE FOR LONGER
18 THAN 20 DAYS UNLESS CONTINUING CONDITIONS OF THE STATE OF
19 EMERGENCY EXIST, WHICH SHALL BE DETERMINED BY A DECLARATION
20 BY THE PRESIDENT OF THE UNITED STATES OF AN EMERGENCY, OR BY
21 A DECLARATION OF THE LEGISLATURE BY JOINT RESOLUTION OF
22 CONTINUING CONDITIONS OF THE STATE OF EMERGENCY.
23 (4) (A) A STATE OF DISASTER MAY BE DECLARED BY THE
24 GOVERNOR WHEN HE DETERMINED THAT A DISASTER HAS OCCURRED.
25 (B) AN EXECUTIVE ORDER OR PROCLAMATION OF A STATE OF

1 DISASTER SHALL ACTIVATE THE DISASTER RESPONSE AND RECOVERY
 2 ASPECTS OF THE STATE DISASTER AND EMERGENCY PLAN AND PROGRAM
 3 APPLICABLE TO THE POLITICAL SUBDIVISION OR AREA AND BE
 4 AUTHORITY FOR THE DEPLOYMENT AND USE OF ANY FORCES TO WHICH
 5 THE PLANS APPLY AND FOR THE DISTRIBUTION AND USE OF ANY
 6 SUPPLIES, EQUIPMENT, AND MATERIALS AND FACILITIES ASSEMBLED,
 7 STOCKPILED, OR ARRANGED TO BE MADE AVAILABLE PURSUANT TO
 8 THIS CHAPTER OR ANY OTHER PROVISION OF LAW PERTAINING TO
 9 DISASTER AND DISASTER RELATED EMERGENCIES.

10 (C) A STATE OF DISASTER MAY NOT CONTINUE FOR LONGER
 11 THAN 30 DAYS UNLESS CONTINUING CONDITIONS OF THE STATE OF
 12 DISASTER EXIST, WHICH SHALL BE DETERMINED BY A DECLARATION
 13 BY THE PRESIDENT OF THE UNITED STATES OF A MAJOR DISASTER,
 14 OR BY THE DECLARATION OF THE LEGISLATURE BY JOINT RESOLUTION
 15 OF CONTINUING CONDITIONS OF THE STATE OF DISASTER.

16 (5) THE GOVERNOR SHALL TERMINATE A STATE OF EMERGENCY
 17 OR DISASTER WHEN:

18 (A) THE EMERGENCY OR DISASTER HAS PASSED;

19 (B) THE EMERGENCY OR DISASTER HAS BEEN DEALT WITH TO
 20 THE EXTENT THAT EMERGENCY OR DISASTER CONDITIONS NO LONGER
 21 EXIST; OR

22 (C) AT ANY TIME THE LEGISLATURE TERMINATES THE STATE
 23 OF EMERGENCY OR DISASTER BY JOINT RESOLUTION, HOWEVER, AFTER
 24 TERMINATION OF THE STATE OF EMERGENCY OR DISASTER, DISASTER
 25 AND EMERGENCY SERVICES REQUIRED AS A RESULT OF THE EMERGENCY

1 OR DISASTER MAY CONTINUE.

2 (6) AN EXECUTIVE ORDER OR PROCLAMATION ISSUED UNDER
 3 THIS SECTION SHALL BE DISSEMINATED PROMPTLY BY MEANS
 4 CALCULATED TO BRING ITS CONTENTS TO THE ATTENTION OF THE
 5 GENERAL PUBLIC, UNLESS THE CIRCUMSTANCES ATTENDANT UPON THE
 6 EMERGENCY OR DISASTER PREVENT OR IMPEDE IT, THE EXECUTIVE
 7 ORDER OR PROCLAMATION WILL BE FILED PROMPTLY WITH THE
 8 DIVISION, THE SECRETARY OF STATE, AND CLERKS AND RECORDERS
 9 OF THE COUNTIES INVOLVED.

10 (7) DURING A STATE OF EMERGENCY OR DISASTER, THE
 11 GOVERNOR IS COMMANDER-IN-CHIEF OF THE MILITIA AND OF ALL
 12 OTHER FORCES AVAILABLE FOR EMERGENCY OR DISASTER DUTY, TO
 13 THE GREATEST EXTENT POSSIBLE, THE GOVERNOR SHALL DELEGATE OR
 14 ASSIGN COMMAND AUTHORITY BY PRIOR ARRANGEMENT EMBODIED IN
 15 THE STATE DISASTER AND EMERGENCY PLAN AND PROGRAM AND
 16 APPROPRIATE EXECUTIVE ORDERS.

17 (8) THE GOVERNOR SHALL UTILIZE THE SERVICES AND
 18 FACILITIES OF THE EXISTING OFFICERS AND AGENCIES OF THE
 19 STATE, AND ALL OFFICERS AND AGENCIES SHALL COOPERATE WITH
 20 AND EXTEND THEIR SERVICES AND FACILITIES TO THE GOVERNOR AS
 21 HE MAY REQUEST IN THE CARRYING OUT OF THE PURPOSES OF THIS
 22 CHAPTER.

23 Section 7. There is a new K.C.M. section that reads as
 24 follows:

25 Division of disaster and emergency services. (1) A

1 division of disaster and emergency services is established
 2 in the department of military affairs. The division shall
 3 have an administrator and other professional, technical,
 4 secretarial, and clerical employees as necessary for the
 5 performance of its functions.

6 (2) The division shall prepare and maintain a
 7 comprehensive plan and program for disaster and emergency
 8 services of this state. The plan and program shall be
 9 coordinated with the disaster and emergency plans and
 10 programs of the federal government, other states, political
 11 subdivisions, and Canada to the fullest extent possible. The
 12 state disaster and emergency plan and program may provide
 13 for:

- 14 (a) prevention and minimization of injury and damage
 15 caused by disaster;
- 16 (b) prompt and efficient response to an emergency or
 17 disaster;
- 18 (c) emergency relief;
- 19 (d) identification of areas particularly vulnerable to
 20 disasters;
- 21 (e) recommendations for preventive and preparedness
 22 measures designed to eliminate or reduce disasters or their
 23 impact;
- 24 (f) organization of manpower and chains of command;
- 25 (g) coordination of federal, state, and local disaster

1 and emergency activities; and

2 (h) other necessary matters.

3 (3) In preparing and maintaining the state disaster
 4 and emergency plan and program, the division shall seek the
 5 advice and assistance of local government, business, labor,
 6 industry, agriculture, civic and volunteer organizations,
 7 and community leaders. In advising local and
 8 interjurisdictional agencies, the division shall encourage
 9 them to seek advice from these sources.

10 (4) The division shall:

- 11 (a) coordinate the preparation of the plan and program
 12 for disaster and emergency services with the political
 13 subdivisions of this state;
- 14 (b) coordinate disaster and emergency prevention and
 15 preparation activities of all departments, agencies, and
 16 organizations within the state;
- 17 (c) advise and assist the political subdivisions of
 18 this state in executing their disaster and emergency
 19 services responsibilities;
- 20 (d) make recommendations on the formation of
 21 interjurisdictional disaster and emergency services areas
 22 when individual political subdivisions are unable to fully
 23 and adequately mount an effective local program due to
 24 limitations of funding, manpower, or other reasons;
- 25 (e) make surveys of industries, resources, and

1 facilities within the state, both public and private, as are
2 necessary to carry out the purposes of this chapter;

3 (f) periodically review local and interjurisdictional
4 plans and programs for disaster and emergency services;

5 (g) develop or assist in the development of mutual aid
6 plans and agreements between the federal government, other
7 states, and Canada and among the political subdivisions of
8 this state;

9 (h) determine the requirements of the state and its
10 political subdivisions for food, clothing, and other
11 necessities in the event of an emergency or disaster;

12 (i) plan for the procurement of food, clothing, other
13 necessities, supplies, medicines, materials, and equipment
14 that may be necessary in the event of an emergency or
15 disaster and, as funding is authorized, procure and
16 pre-position the same;

17 (j) plan and make arrangements for the availability
18 and use of any private facilities, services, and property
19 and, if necessary and if in fact used, provide for payment
20 for use under terms and conditions agreed upon;

21 (k) institute training and public information programs
22 and take all other preparatory steps, including the partial
23 or full mobilization of disaster and emergency services
24 organizations in advance of actual emergency or disaster, to
25 insure the availability of adequately trained and equipped

1 personnel in time of emergency or disaster;

2 (l) direct emergency response and disaster preparation
3 activities as authorized by the governor;

4 (m) direct disaster response and recovery activities
5 as authorized by the governor;

6 (n) prepare, for issuance by the governor, executive
7 orders or proclamations as necessary or appropriate in
8 coping with emergencies and disasters;

9 (o) maintain liaison with and cooperate with disaster
10 and emergency services agencies and organizations of the
11 federal government, other states, and Canada in achieving
12 any purpose of this chapter and in implementing programs for
13 disaster prevention, preparation, response, and recovery;
14 and

15 (p) have any additional authority, duties, and
16 responsibilities authorized by this act as may be prescribed
17 by the governor.

18 (5) In providing assistance under this act, state
19 departments and agencies shall cooperate to the fullest
20 extent possible with each other and with local governments
21 and relief agencies such as the American national red cross,
22 but nothing contained in this chapter lists or in any way
23 affects the responsibilities of the American national red
24 cross under the act approved January 5, 1905 (33 Stat. 559),
25 as amended.

1 Section 8. There is a new R.C.M. section that reads as
2 follows:

3 Local and interjurisdictional emergency and disaster
4 agencies and services. (1) Each political subdivision within
5 this state shall designate a local or interjurisdictional
6 agency responsible for emergency and disaster prevention and
7 preparedness and coordination of response and recovery.

8 (2) The local or interjurisdictional disaster and
9 emergency services agency shall receive assistance from the
10 division in emergency and disaster prevention, preparedness,
11 response, and recovery to the extent of the division's
12 authority and responsibility.

13 (3) Each political subdivision shall adhere to the
14 provisions of this act and the state disaster and emergency
15 plan and program regarding the structure and
16 responsibilities of the local or interjurisdictional
17 disaster and emergency service agencies and their
18 relationship to the division.

19 (4) The principal executive officer of each political
20 subdivision shall notify the division of the manner by which
21 the political subdivision is providing or securing emergency
22 and disaster planning and services, identify the person who
23 heads the agency from which planning and services are
24 obtained, and furnish additional information as the division
25 requires.

1 (5) Each local and interjurisdictional agency shall
2 prepare and keep current a local or interjurisdictional
3 disaster and emergency plan and program covering the area
4 for which that agency is responsible. This plan shall be in
5 accordance with and in support of the state disaster and
6 emergency plan and program.

7 (6) The local or interjurisdictional agency shall
8 prepare and distribute on behalf of the principal executive
9 officers, in written form, a clear and complete statement of
10 the emergency responsibilities of all local agencies and
11 officials and of the disaster and emergency chain of
12 command.

13 Section 9. There is a new R.C.M. section that reads as
14 follows:

15 Local emergency or disaster. (1) A local emergency
16 proclamation or disaster declaration may be issued only by
17 the principal executive officer of a political subdivision.

18 (2) An emergency proclamation may be issued by order
19 or resolution whenever the principal executive officer
20 determines there is an emergency.

21 (a) An emergency proclamation may not continue for
22 longer than 10 days except by consent of the governing body
23 of the political subdivision.

24 (b) An emergency proclamation may terminate with a
25 disaster declaration or when the principal executive officer

1 determines that the emergency no longer exists.

2 (3) A disaster declaration may be issued by order or
3 resolution whenever the principal executive officer
4 determines a disaster is occurring or has occurred.

5 (a) A disaster declaration may not continue for longer
6 than 30 days except by consent of the governing body of the
7 political subdivision.

8 (b) A disaster declaration may be terminated when the
9 principal executive officer determines that the disaster
10 conditions no longer exist.

11 (4) An order or resolution declaring or terminating a
12 state of emergency or disaster shall indicate the nature of
13 the emergency or disaster, the area threatened, the
14 conditions which have brought about the proclamation or
15 declaration or which make possible termination of the state
16 of emergency or disaster. Such orders or resolutions shall
17 be disseminated promptly by means calculated to bring its
18 contents to the attention of the general public and shall be
19 filed promptly with the division, the local or
20 interjurisdictional agency, and the agency charged with
21 recording the official records of the political subdivision.

22 (5) The effect of an emergency proclamation or a
23 disaster declaration is to activate applicable parts of the
24 local or interjurisdictional disaster and emergency plan and
25 program and to authorize the furnishing of aid and

1 assistance in accordance with such plans and programs.

2 Section 10. Section 77-2306, R.C.M. 1947, is amended
3 to read as follows:

4 ~~"77-2306. Mutual-aid~~ Mutual aid arrangements. (1) ~~The~~
5 ~~director--of--each--local--organization--of--civil--defense--may~~
6 ~~develop--or--cause--to--be--developed~~ Political subdivisions
7 shall be encouraged and assisted by the division to conclude
8 ~~mutual-aid~~ mutual aid arrangements, with other public and
9 private agencies within this state for reciprocal civil
10 ~~defense aid and assistance in case of disaster too great to~~
11 ~~be--dealt--with--unassisted~~ coping with emergencies and
12 ~~disasters. These arrangements shall be consistent with the~~
13 ~~state-civil--defense--plan--and--program--and--in--time--of~~
14 ~~emergency--each--local--organization--for--civil--defense--shall~~
15 ~~render--assistance--in--accordance--with--the--provisions--of--the~~
16 ~~mutual-aid--arrangements.~~

17 (2) In reviewing disaster and emergency plans and
18 programs of political subdivisions, the division shall
19 consider whether they contain adequate provisions for the
20 reciprocal mutual aid.

21 ~~(2)(3) The director of each local organization for~~
22 ~~civil--defense local and interjurisdictional disaster and~~
23 ~~emergency agencies may assist in negotiation of reciprocal~~
24 ~~mutual-aid mutual aid~~ agreements between the governor and
25 the adjoining states (including foreign states or provinces)

1 or political subdivisions thereof, and shall carry out
2 arrangements or ~~or~~ any such agreements ~~or any such agreement~~
3 relating to the local and political subdivision."

4 Section 11. There is a new R.C.M. section that reads
5 as follows:

6 Intergovernmental arrangements. (1) This state enacts
7 into law and enters into the interstate civil defense and
8 disaster compact with all states, as defined therein, which
9 states have enacted or shall hereafter enact the compact in
10 the form substantially contained in 77-1403.

11 (2) The governor may enter into the compact with any
12 state that does not border this state if he finds that joint
13 action with the state is desirable in meeting common
14 intergovernmental problems of emergency and disaster
15 planning, prevention, response, and recovery.

16 (3) Nothing in subsections (1) and (2) may be
17 construed to limit previous or future entry of this state
18 into the interstate civil defense and disaster compact.

19 (4) All interstate civil defense and disaster compacts
20 and other interstate agreements dealing with disaster and
21 emergency services shall be reviewed and made current at
22 intervals not to exceed 4 years.

23 (5) If a person holds a license, certificate, or other
24 permit issued by any state or political subdivision thereof
25 evidencing the meeting of qualifications for professional,

1 mechanical, or other skills, the person may render aid
2 involving that skill in this state to meet an emergency or
3 disaster and this state shall give due recognition to the
4 license, certificate, or other permit.

5 (6) When considered of mutual benefit, the governor
6 may, subject to limitations of law, enter into
7 intergovernmental arrangements with neighboring provinces of
8 Canada for the purpose of exchanging disaster and emergency
9 services.

10 Section 12. There is a new R.C.M. section that reads
11 as follows:

12 Communications. (1) The division shall coordinate
13 whatever means exist for rapid and efficient communications
14 in time of emergency or disaster.

15 (2) The division shall, in cooperation with the
16 division of communications, department of administration,
17 consider the desirability of supplementing communications
18 resources or of integrating them into a comprehensive state
19 or state-federal telecommunications or other communications
20 system or network.

21 (3) The division shall, in cooperation with the
22 division of communications and local political subdivisions,
23 evaluate the possibility of multipurpose use of
24 communications systems or networks for general state and
25 local governmental purposes.

1 (4) The division shall assist political subdivisions
2 in the orderly development of telecommunications systems
3 complementary to the state telecommunications system or
4 network.

5 Section 13. Section 77-2309, R.C.M. 1947, is amended
6 to read as follows:

7 "77-2309. Authority to accept services, gifts, grants,
8 and loans. Whenever the federal government or any agency or
9 officer thereof or any person, firm, or corporation shall
10 offer to the state, or through the state to any political
11 subdivision thereof, services, equipment, supplies,
12 materials, or funds by way of gift, grant, or loan for
13 purposes of ~~civil--defense~~ emergency or disaster services,
14 the state, acting through the governor, or the political
15 subdivision, acting through its executive officer or
16 governing body, may accept the offer and upon the acceptance
17 the governor of the state or executive officer or governing
18 body of the political subdivision may authorize any officer
19 of the state or of the political subdivision, as the case
20 may be, to receive the services, equipment, supplies,
21 materials, or funds on behalf of the state or such political
22 subdivision, and subject to the terms of the offer and the
23 rules ~~and--regulations~~, if any, of the agency making the
24 offer."

25 Section 14. Section 77-2310, R.C.M. 1947, is amended

1 to read as follows:

2 "77-2310. Political activity prohibited. An
3 organization for ~~civil--defense~~ disaster and emergency
4 services established under this chapter may not participate
5 in any form of political activity, nor may it be employed
6 directly or indirectly for political purposes."

7 Section 15. Section 77-2311, R.C.M. 1947, is amended
8 to read as follows:

9 "77-2311. ~~Civil--defense~~ Disaster and emergency
10 services personnel. A person may not be employed or
11 ~~associated in any capacity~~ in any ~~civil--defense~~ disaster and
12 emergency services organization established under this
13 chapter who advocates a change by force or violence in the
14 constitutional form of the government of the United States
15 or in this state or the overthrow of any government in the
16 United States by force or violence, or who has been
17 convicted of or is under indictment or information charging
18 any subversive act against the United States. Each person
19 who is appointed to serve in an organization for ~~civil~~
20 defense disaster and emergency services shall, before
21 entering upon his duties, take an oath, in writing, before a
22 person authorized to administer oaths in this state, which
23 oath shall be substantially as follows:

24 "I, ~~do solemnly~~ swear (or affirm) that I will
25 support and defend the the Constitution of the United States

1 and the Ine Constitution of the State of Montana, against
 2 all enemies, foreign and domestic; that I will bear true
 3 faith and allegiance to the same; that I take this
 4 obligation freely, without any mental reservation or purpose
 5 of evasion; and that I will well and faithfully discharge
 6 the duties of the office upon on which I am about to enter.
 7 ~~And I do further swear (or affirm) that I do not advocate~~
 8 ~~nor am I a member of any political party or organization~~
 9 ~~that advocates the overthrow of the government of the United~~
 10 ~~States or of this state by force or violence, and that~~
 11 ~~during such time as I am a member of the Montana civil~~
 12 ~~defense agency I will not advocate nor become a member of~~
 13 ~~any political party or organization that advocates the~~
 14 ~~overthrow of the government of the United States or of this~~
 15 ~~state by force or violence. So help me, God."~~

16 Section 16. There is a new R.C.M. section that reads
 17 as follows:

18 Temporary housing for disaster victims -- site
 19 acquisition and preparation. (1) Whenever the governor has
 20 declared a state of emergency or state of disaster or the
 21 president has declared an emergency or a major disaster to
 22 exist in this state, the governor is authorized:

23 (a) to enter into purchase, lease, or other
 24 arrangements with any agency of the United States for
 25 temporary housing units to be occupied by emergency or

1 disaster victims and to make such units available to any
 2 political subdivision of the state;

3 (b) to assist any political subdivision of this state
 4 which is the locus of temporary housing for emergency or
 5 disaster victims to acquire sites necessary for such
 6 temporary housing and to do all things required to prepare
 7 such site to receive and utilize temporary housing units by:

8 (i) advancing or lending funds available to the
 9 governor from any appropriation made FOR THOSE PURPOSES by
 10 the legislature or from any other source;

11 (ii) "passing through" funds made available FOR THOSE
 12 PURPOSES by any agency, public or private; or

13 (iii) becoming a copartner with the political
 14 subdivision for the execution and performance of any
 15 temporary housing project for emergency or disaster victims;
 16 ~~and for such purposes to pledge the credit of the state on~~
 17 ~~such terms as he considers appropriate, having due regard~~
 18 ~~for current debt transactions of the state;~~

19 (c) under such regulations as he shall prescribe, to
 20 temporarily suspend or modify for not to exceed 60 days any
 21 public health, safety, zoning, OR transportation (within or
 22 across the state), ~~or other requirement of law~~ LAWS or
 23 regulation REGULATIONS within this state when by
 24 proclamation he declares such suspension or modification
 25 essential to provide temporary housing for emergency or

1 disaster victims.

2 (2) Any political subdivision of this state is
3 expressly authorized to acquire, temporarily or permanently,
4 by purchase, lease, or otherwise, sites required for
5 installation of temporary housing units for emergency or
6 disaster victims and to enter into whatever arrangements,
7 including purchase of temporary housing units and payment of
8 transportation charges, which are necessary to prepare or
9 equip such sites to utilize the housing units.

10 (3) Nothing contained in this chapter shall be
11 construed to limit the governor's authority to apply for,
12 administer, and expend any grants, gifts, or payments in aid
13 of emergency or disaster prevention, preparedness, response,
14 or recovery.

15 Section 17. There is a new R.C.M. section that reads
16 as follows:

17 Community disaster loans. Whenever, at the request of
18 the governor, the president has declared a major disaster to
19 exist in this state, the governor is authorized:

20 (1) upon his determination that a political
21 subdivision of the state will suffer a substantial loss of
22 tax and other revenues from an emergency or disaster and has
23 demonstrated a need for financial assistance to perform its
24 governmental functions, to apply to the federal government,
25 on behalf of the political subdivision, for a loan and to

1 receive and disburse the proceeds of any approved loan to
2 any applicant political subdivision;

3 (2) to determine the amount needed by any applicant
4 political subdivision to restore or resume its governmental
5 functions and to certify the same to the federal government.
6 However, no application amount may exceed 25% of the annual
7 operating budget of the applicant for the fiscal year in
8 which the emergency or disaster occurs.

9 (3) to recommend to the federal government, based upon
10 his review, the cancellation of all or any part of repayment
11 when, in the first 3 full fiscal years following the
12 emergency or disaster, the revenues of the political
13 subdivision are insufficient to meet its operating expenses,
14 including additional emergency- or disaster-related expenses
15 of a political subdivision operation character.

16 Section 18. There is a new R.C.M. section that reads
17 as follows:

18 Debris and wreckage removal in emergencies or
19 disasters. (1) Whenever the governor has declared a state of
20 emergency or state of disaster to exist under the laws of
21 this state or the president, at the request of the governor,
22 has declared a major disaster or emergency to exist in this
23 state, the governor is authorized:

24 (a) notwithstanding any other provision of law,
25 through the use of state departments or agencies or the use

1 of any of the state's instrumentalities, to clear or remove,
 2 from publicly or privately owned land or water, debris and
 3 wreckage which may threaten public health or safety or
 4 public or private property in any state of emergency or
 5 state of disaster declared by the governor or major disaster
 6 as declared by the president;

7 (b) to accept funds from the federal government and
 8 utilize such funds to make grants to any political
 9 subdivision for the purpose of removing debris or wreckage
 10 from publicly or privately owned land or water.

11 (2) (a) Authority under this section shall not be
 12 exercised unless the affected political subdivision,
 13 corporation, organization, or individual shall first present
 14 an unconditional authorization for removal of such debris or
 15 wreckage from public and private property and, in the case
 16 of removal of debris or wreckage from private property,
 17 shall first agree to indemnify the state government against
 18 any claim arising from such removal.

19 (b) Whenever the governor provides for clearance of
 20 debris or wreckage pursuant to subsection (1)(a) or (1)(b),
 21 employees of the designated state agencies or individuals
 22 appointed by the state are authorized to enter upon private
 23 land or waters and perform any tasks necessary to the
 24 removal or clearance operation.

25 Section 19. There is a new R.C.M. section that reads

1 as follows:

2 Identification. Disaster and emergency services
 3 organizations and personnel may continue to identify
 4 themselves by the use of the civil defense symbol.

5 Section 20. Severability. If a part of this act is
 6 invalid, all valid parts that are severable from the invalid
 7 part remain in effect. If a part of this act is invalid in
 8 one or more of its applications, the part remains in effect
 9 in all valid applications that are severable from the
 10 invalid applications.

11 Section 21. Repealer. Sections 77-2305, AND 77-2307,
 12 and ~~77-2308~~, R.C.M. 1947, are repealed.

13 Section 22. Effective date. This act is effective on
 14 its passage and approval.

-End-

HOUSE OF REPRESENTATIVES, PUBLIC HEALTH, WELFARE AND SAFETY COMM.
Amendments to SENATE BILL 83.

March 10, 1977

1. Amend page 13, section 6.

Following: line 20

Insert: "(2) In addition to any other powers conferred upon the governor by law, he may:

(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency, if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

(b) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if he considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(c) control ingress and egress to and from an emergency or disaster area, the movement of persons within the area, and the occupancy of premises therein."

Renumber: subsequent subsections.

AS AMENDED BE CONCURRED IN

HOUSE OF REPRESENTATIVES, PUBLIC HEALTH, WELFARE AND SAFETY COMM.
Amendments to SENATE BILL 269.

March 10, 1977

1. Amend title, line 17.

Following: "1947"

Insert: "; AND REPEALING SECTION 69-4908, R.C.M. 1947"

2. Amend page 9

Following: line 20

Insert: "Section 7. Repealer. Section 69-4908, R.C.M. 1947, is repealed."

AS AMENDED BE CONCURRED IN

DJ

SENATE BILL NO. 83

INTRODUCED BY RASHUSSEN, GOODOVER, BERGFEN, FASBENDER
BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CIVIL DEFENSE, DISASTER, AND EMERGENCY SERVICES; PROVIDING POWERS, DUTIES, AND AUTHORITY FOR PREPAREDNESS AND ASSISTANCE IN EMERGENCIES AND DISASTERS; AMENDING SECTIONS 77-2301, 77-2302, 77-2303, 77-2304, 77-2306, 77-2309, 77-2310, AND 77-2311, R.C.M. 1947; AND REPEALING SECTIONS 77-2305, AND 77-2307, AND 77-2309, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This act may be cited as the "Montana Disaster Act of 1977".

Section 2. Section 77-2301, R.C.M. 1947, is amended to read as follows:

"77-2301. Policy and purpose. Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, and natural disasters, and in order to provide for prompt and timely reaction to an emergency or disaster, to insure that preparation of this state will be adequate to

deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of this state, it is hereby found and declared to be necessary:

(1) ~~to~~ to authorize the creation of local or interjurisdictional organizations for ~~civil defense disaster and emergency services~~ in the political subdivisions of this state; and

(2) ~~to provide for the rendering of mutual aid among the political subdivisions of the state, and with other states, and with the federal government with respect to carrying out of civil defense functions. to reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made disasters;~~

(3) to prepare for prompt and efficient search, rescue, recovery, care, and treatment of persons lost, entrapped, victimized, or threatened by emergencies or disasters;

(4) to provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(5) to clarify and strengthen the roles of the governor, state agencies, and local governments in

1 prevention of, preparation for, response to, and recovery
 2 from emergencies and disasters;

3 (6) to authorize and provide for cooperation in
 4 disaster prevention, preparedness, response, and recovery;

5 (7) to authorize and provide for coordination of
 6 activities relating to disaster prevention, preparedness,
 7 response, and recovery by agencies and officers of this
 8 state and similar state-local, interstate, federal-state,
 9 and foreign activities in which the state and its political
 10 subdivisions may participate;

11 (8) to provide an emergency and disaster management
 12 system embodying all aspects of emergency or disaster
 13 prevention, preparedness, response, and recovery;

14 (9) to assist in prevention of disasters caused or
 15 aggravated by inadequate planning for public and private
 16 facilities and land use; and

17 (10) to supplement, without in any way limiting,
 18 authority conferred by previous statutes of this state and
 19 increase the capability of the state, local, and
 20 interjurisdictional disaster and emergency services agencies
 21 to perform disaster and emergency services."

22 Section 3. There is a new N.C.G.S. section that reads as
 23 follows:

24 Limitations. Nothing in this chapter may be construed
 25 to give any state, local, or interjurisdictional agency or

1 public official authority to:

2 (1) interfere with the course of ~~of~~ the conduct of a labor
 3 dispute, except that actions otherwise authorized by this
 4 act or other laws may be taken when necessary to forestall
 5 or mitigate imminent or existing danger to public health or
 6 safety;

7 (2) interfere with dissemination of news or comment on
 8 public affairs; but any communications facility or
 9 organization (including but not limited to radio and
 10 television stations, wire services, and newspapers) may be
 11 required to transmit or print public service messages
 12 furnishing information or instructions in connection with an
 13 emergency or disaster;

14 (3) affect the jurisdiction or responsibilities of
 15 police forces, firefighting forces, units of the armed
 16 forces of the United States, or of any personnel thereof,
 17 when on active duty; but state, local, and
 18 interjurisdictional disaster and emergency plans shall place
 19 reliance upon the forces available for performance of
 20 functions related to emergencies and disasters; or

21 (4) limit, modify, or abridge the authority of the
 22 governor to proclaim martial law or exercise any other
 23 powers vested in him under the constitution, statutes, or
 24 common law of this state independent of or in conjunction
 25 with any provisions of this act.

1 Section 4. Section 77-2302, R.C.M. 1947, is amended to
2 read as follows:

3 "77-2302. Definitions. As used in this chapter, the
4 ~~term "civil defense" means the preparation for and the~~
5 ~~carrying out of emergency functions, other than functions~~
6 ~~for which military forces or other federal agencies are~~
7 ~~primarily responsible, to prevent, minimize, and repair~~
8 ~~injury and damage resulting from disasters caused by enemy~~
9 ~~attack, sabotage, or other hostile action, and catastrophes~~
10 ~~of all types which shall endanger any community in the~~
11 ~~state, or the lives or property of the inhabitants thereof,~~
12 ~~including storms, floods, explosions, earthquakes,~~
13 ~~epidemics, and fires. These functions include fire fighting~~
14 ~~services, police services, medical and health services,~~
15 ~~rescue, engineering, air raid warning services,~~
16 ~~communications, radiological, chemical and other special~~
17 ~~weapons of defense, evacuation of persons from stricken~~
18 ~~areas, emergency welfare services (civilian war aid),~~
19 ~~emergency transportation, plant protection, temporary~~
20 ~~restoration of public utility services, and other functions~~
21 ~~related to civilian protection. The term "political~~
22 ~~subdivisions" means the counties, cities, towns and villages~~
23 ~~in this state. The following definitions apply:~~

24 (1) "Civil defense" means the nuclear preparedness
25 functions and responsibilities of disaster and emergency

1 services.

2 (2) "Department" means the department of military
3 affairs.

4 (3) "Disaster" means the occurrence or imminent threat
5 of widespread or severe damage, injury, or loss of life or
6 property resulting from any natural or man-made cause,
7 including tornadoes, windstorms, snowstorms, wind-driven
8 water, high water, floods, wave action, earthquakes,
9 landslides, mudslides, volcanic action, fires, explosions,
10 or air or water contamination requiring emergency action to
11 avert danger or damage, blight, droughts, infestations,
12 riots, sabotage, hostile military or paramilitary action, or
13 accidents involving radiation byproducts or other hazardous
14 materials.

15 (4) "Disaster and emergency services" means the
16 prevention of, the preparation for, and the carrying out of
17 disaster and emergency functions and responsibilities, other
18 than those for which military forces or other state or
19 federal agencies are primarily responsible, to prevent,
20 prepare for, respond to, and recover from injury and damage
21 resulting from emergencies or disasters.

22 (5) "Division" means the division of disaster and
23 emergency services of the department of military affairs.

24 (6) "Emergency" means the imminent threat of a
25 disaster causing immediate peril to life or property which

1 ~~timely action can avert or minimize.~~

2 (7) "Political subdivision" means any county, city,
3 town, or other legally constituted unit of local government
4 in this state.

5 (8) "Principal executive officer" means the mayor,
6 chairman of the county commissioners, or other chief
7 executive officer of a political subdivision.

8 (9) "Search and rescue" means the employment,
9 coordination, and utilization of available resources and
10 personnel in locating, relieving distress of, preserving
11 life of, or removing survivors from the site of a hazard,
12 emergency, or disaster to a place of safety in case of lost,
13 stranded, entrapped, or injured persons.

14 (10) "Temporary housing" means unoccupied habitable
15 dwelling, suitable rental housing, mobile homes, or other
16 readily fabricated dwellings."

17 Section 5. Section 77-2303, R.C.M. 1947, is amended to
18 read as follows:

19 "77-2303. Responsibility for ~~civil-defense disaster~~
20 ~~and emergency services.~~ (a) The department of military
21 affairs, through the division of disaster and emergency
22 services, is responsible to the governor for carrying out
23 the planning and program for civil-defense disaster and
24 emergency services of this state. ~~The department shall~~
25 ~~coordinate the activities of all organizations for civil~~

1 ~~defense within the state, and maintain liaison with and~~
2 ~~cooperate with civil defense agencies and organizations of~~
3 ~~other states, of the federal government, and Canada, and~~
4 ~~have any additional authority, duties, and responsibilities~~
5 ~~authorized by this chapter as may be prescribed by the~~
6 ~~governor.~~

7 ~~(b) In providing assistance under this chapter, state~~
8 ~~agencies shall cooperate to the fullest extent possible with~~
9 ~~each other and with local governments, relief agencies, and~~
10 ~~the American National Red Cross, but nothing contained in~~
11 ~~this chapter limits or in any way affects the~~
12 ~~responsibilities of the American National Red Cross under~~
13 ~~the act approved January 6, 1905 (33 Stat. 556), as~~
14 ~~amended."~~

15 Section 6. Section 77-2304, R.C.M. 1947, is amended to
16 read as follows:

17 "77-2304. ~~Civil-defense duties~~ Duties of the governor.
18 (1) The governor is responsible for carrying out this
19 chapter. ~~The governor shall utilize the services and~~
20 ~~facilities of the existing officers and agencies of the~~
21 ~~state, and all officers and agencies shall cooperate with~~
22 ~~and extend their services and facilities to the governor as~~
23 ~~he may request in the carrying out of the purposes of this~~
24 ~~chapter.~~

25 ~~(2) (a) A state of emergency shall be declared by~~

1 ~~executive order or proclamation of the governor when~~
 2 ~~necessary, even though a disaster has not occurred. The~~
 3 ~~state of emergency shall continue until the governor~~
 4 ~~declares a state of disaster or finds that the emergency has~~
 5 ~~passed or has been dealt with to the extent that emergency~~
 6 ~~conditions no longer exist and he terminates the state of~~
 7 ~~emergency by executive order or proclamation.~~

8 ~~(b) All executive orders or proclamations issued under~~
 9 ~~this subsection shall indicate the nature of the emergency,~~
 10 ~~the area threatened, and the conditions which have brought~~
 11 ~~about the declaration or which make possible termination of~~
 12 ~~the state of emergency.~~

13 ~~(c) An executive order or proclamation of a state of~~
 14 ~~emergency shall activate the emergency response and disaster~~
 15 ~~preparation aspects of the state disaster and emergency plan~~
 16 ~~and program applicable to the political subdivision or area~~
 17 ~~and be authority for the deployment and use of any forces to~~
 18 ~~which the plans apply and for the distribution and use of~~
 19 ~~any supplies, equipment, and materials and facilities~~
 20 ~~accessible, stockpiled, or arranged to be made available~~
 21 ~~pursuant to this charter or any other provision of law~~
 22 ~~pertaining to disasters and disaster-related emergencies.~~

23 ~~(d) A state of emergency may not continue for longer~~
 24 ~~than 10 days unless renewed by the governor; however,~~
 25 ~~termination of the state of emergency may not conclude~~

1 ~~disaster, and emergency services required as a result of the~~
 2 ~~emergency.~~

3 ~~(e) The legislature may terminate a state of emergency~~
 4 ~~at any time by joint resolution. Therefore, the governor~~
 5 ~~shall terminate the state of emergency by executive order or~~
 6 ~~proclamation. However, termination of the state of emergency~~
 7 ~~may not conclude disaster and emergency services required as~~
 8 ~~a result of the emergency.~~

9 ~~(2) (a) A disaster shall be declared by executive~~
 10 ~~order or proclamation of the governor if he finds a disaster~~
 11 ~~has occurred or that the occurrence thereof is imminent. The~~
 12 ~~state of disaster shall continue until the governor finds~~
 13 ~~that the disaster or the imminent danger of disaster~~
 14 ~~occurrence has passed or has been dealt with to the extent~~
 15 ~~that disaster conditions or the imminent danger conditions~~
 16 ~~thereof no longer exist and terminates the state of disaster~~
 17 ~~by executive order or proclamation.~~

18 ~~(b) All executive orders or proclamations issued under~~
 19 ~~this subsection shall indicate the nature of the disaster,~~
 20 ~~the area threatened, and the conditions which have brought~~
 21 ~~about the declaration or which make possible termination of~~
 22 ~~the state of disaster.~~

23 ~~(c) An executive order or proclamation of a state of~~
 24 ~~disaster shall activate the disaster response and recovery~~
 25 ~~aspects of the state disaster and emergency plan and program~~

~~applicable to the political subdivisions or area and be authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law pertaining to disasters and disaster related emergencies.~~

~~(d) A state of disaster may not continue for longer than 90 days unless renewed by the governor, however, termination of the state of disaster may not conclude disaster and emergency services required as a result of the disaster.~~

~~(e) The legislature may terminate a state of disaster at any time by joint resolution. Thereupon, the governor shall terminate the state of disaster by executive order or proclamation. However, termination of the state of disaster may not conclude disaster and emergency services required as a result of the disaster.~~

~~(4) An executive order or proclamation issued under this section shall be disseminated promptly by means calculated to bring its contents to the attention of the general public. Unless the circumstances attendant upon the emergency or disaster prevent or impede it, the executive order or proclamation will be filed promptly with the division, the secretary of state, and clerk and recorded in~~

~~the counties involved.~~

~~(5) During a state of emergency or disaster, the governor is commander in chief of the militia and of all other forces available for emergency or disaster duty. To the greatest extent possible, the governor shall delegate or assign command authority by prior arrangement embodied in the state disaster and emergency plan and program and appropriate executive orders, but nothing herein restricts his authority to do so by orders issued at the time of the emergency or disaster.~~

~~(6) In addition to any other powers conferred upon the governor by law, he may~~

~~(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency, if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;~~

~~(b) transfer the direction, personnel, or function of state departments and agencies or units thereof for the purpose of performing or facilitating disaster and emergency services;~~

~~(c) subject to the restrictions of this act or other existing state laws, commandeer or utilize any private property if he finds this necessary to cope with the~~

~~emergency or disaster:~~

~~(d) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if he considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;~~

~~(e) prescribe routes, modes of transportation, and destinations in connection with relocation;~~

~~(f) control ingress and egress to and from an emergency or disaster area, the movement of persons within the area, and the occupancy of premises therein;~~

~~(g) suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, combustibles, or other materials determined to be detrimental;~~

~~(h) make provision for the availability and use of temporary housing; and~~

~~(i) utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the emergency or disaster.~~

~~(2) IN ADDITION TO ANY OTHER POWERS CONFERRED UPON THE GOVERNOR BY LAW, HE MAY:~~

~~(A) SUSPEND THE PROVISIONS OF ANY REGULATORY STATUTE PRESCRIBING THE PROCEDURES FOR CONDUCT OF STATE BUSINESS OR ORDERS OR RULES OF ANY STATE AGENCY, IF THE STRICT~~

~~COMPLIANCE WITH THE PROVISIONS OF ANY STATUTE, ORDER, OR RULE WOULD IN ANY WAY PREVENT, HINDER, OR DELAY NECESSARY ACTION IN COPING WITH THE EMERGENCY OR DISASTER;~~

~~(B) DIRECT AND COMPEL THE EVACUATION OF ALL OR PART OF THE POPULATION FROM AN EMERGENCY OR DISASTER AREA WITHIN THE STATE IF HE CONSIDERS THIS ACTION NECESSARY FOR THE PRESERVATION OF LIFE OR OTHER DISASTER MITIGATION, RESPONSE, OR RECOVERY;~~

~~(C) CONTROL INGRESS AND EGRESS TO AND FROM AN EMERGENCY OR DISASTER AREA, THE MOVEMENT OF PERSONS WITHIN THE AREA, AND THE OCCUPANCY OF PREMISES THEREIN.~~

~~(3) UNDER THIS SECTION, THE GOVERNOR MAY ISSUE EXECUTIVE ORDERS, PROCLAMATIONS AND REGULATIONS, AND AMEND AND RESCIND THEM. ALL EXECUTIVE ORDERS OR PROCLAMATIONS DECLARING OR TERMINATING A STATE OF EMERGENCY OR DISASTER SHALL INDICATE THE NATURE OF THE EMERGENCY OR DISASTER, THE AREA THREATENED, THE CONDITIONS WHICH HAVE BROUGHT ABOUT THE DECLARATION OR WHICH MAKE POSSIBLE TERMINATION OF THE STATE OF EMERGENCY OR DISASTER.~~

~~(4) (A) A STATE OF EMERGENCY MAY BE DECLARED BY THE GOVERNOR WHEN HE DETERMINES THAT AN EMERGENCY, AS DEFINED IN SECTION 77-2302(6), R.C.M., 1947, EXISTS.~~

~~(B) AN EXECUTIVE ORDER OR PROCLAMATION OF A STATE OF EMERGENCY SHALL ACTIVATE THE EMERGENCY RESPONSE AND DISASTER PREPARATION ASPECTS OF THE STATE DISASTER AND EMERGENCY PLAN~~

1 AND PROGRAM APPLICABLE TO THE POLITICAL SUBDIVISION OR AREA
 2 AND BE AUTHORITY FOR THE DEPLOYMENT AND USE OF ANY FORCES TO
 3 WHICH THE PLANS APPLY AND FOR THE DISTRIBUTION AND USE OF
 4 ANY SUPPLIES, EQUIPMENT, AND MATERIALS AND FACILITIES
 5 ASSEMBLED, STOCKPILED, OR ARRANGED TO BE MADE AVAILABLE
 6 PURSUANT TO THIS CHAPTER OR ANY OTHER PROVISION OF LAW
 7 PERTAINING TO DISASTERS AND DISASTER RELATED EMERGENCIES.

8 (C) A STATE OF EMERGENCY MAY NOT CONTINUE FOR LONGER
 9 THAN 20 DAYS UNLESS CONTINUING CONDITIONS OF THE STATE OF
 10 EMERGENCY EXISTS, WHICH SHALL BE DETERMINED BY A DECLARATION
 11 BY THE PRESIDENT OF THE UNITED STATES OF AN EMERGENCY, OR BY
 12 A DECLARATION OF THE LEGISLATURE BY JOINT RESOLUTION OF
 13 CONTINUING CONDITIONS OF THE STATE OF EMERGENCY.

14 ~~44~~ (5) (A) A STATE OF DISASTER MAY BE DECLARED BY THE
 15 GOVERNOR WHEN HE DETERMINED THAT A DISASTER HAS OCCURRED.

16 (B) AN EXECUTIVE ORDER OR PROCLAMATION OF A STATE OF
 17 DISASTER SHALL ACTIVATE THE DISASTER RESPONSE AND RECOVERY
 18 ASPECTS OF THE STATE DISASTER AND EMERGENCY PLAN AND PROGRAM
 19 APPLICABLE TO THE POLITICAL SUBDIVISION OR AREA AND BE
 20 AUTHORITY FOR THE DEPLOYMENT AND USE OF ANY FORCES TO WHICH
 21 THE PLANS APPLY AND FOR THE DISTRIBUTION AND USE OF ANY
 22 SUPPLIES, EQUIPMENT, AND MATERIALS AND FACILITIES ASSEMBLED,
 23 STOCKPILED, OR ARRANGED TO BE MADE AVAILABLE PURSUANT TO
 24 THIS CHAPTER OR ANY OTHER PROVISION OF LAW PERTAINING TO
 25 DISASTER AND DISASTER RELATED EMERGENCIES.

1 (C) A STATE OF DISASTER MAY NOT CONTINUE FOR LONGER
 2 THAN 30 DAYS UNLESS CONTINUING CONDITIONS OF THE STATE OF
 3 DISASTER EXIST, WHICH SHALL BE DETERMINED BY A DECLARATION
 4 BY THE PRESIDENT OF THE UNITED STATES OF A MAJOR DISASTER,
 5 OR BY THE DECLARATION OF THE LEGISLATURE BY JOINT RESOLUTION
 6 OF CONTINUING CONDITIONS OF THE STATE OF DISASTER.

7 ~~45~~ (6) THE GOVERNOR SHALL TERMINATE A STATE OF
 8 EMERGENCY OR DISASTER WHEN:

9 (A) THE EMERGENCY OR DISASTER HAS PASSED;

10 (B) THE EMERGENCY OR DISASTER HAS BEEN DEALT WITH TO
 11 THE EXTENT THAT EMERGENCY OR DISASTER CONDITIONS NO LONGER
 12 EXIST; OR

13 (C) AT ANY TIME THE LEGISLATURE TERMINATES THE STATE
 14 OF EMERGENCY OR DISASTER BY JOINT RESOLUTION, HOWEVER, AFTER
 15 TERMINATION OF THE STATE OF EMERGENCY OR DISASTER, DISASTER
 16 AND EMERGENCY SERVICES REQUIRED AS A RESULT OF THE EMERGENCY
 17 OR DISASTER MAY CONTINUE.

18 ~~46~~ (7) AN EXECUTIVE ORDER OR PROCLAMATION ISSUED UNDER
 19 THIS SECTION SHALL BE DISSEMINATED PROMPTLY BY MEANS
 20 CALCULATED TO BRING ITS CONTENTS TO THE ATTENTION OF THE
 21 GENERAL PUBLIC, UNLESS THE CIRCUMSTANCES ATTENDANT UPON THE
 22 EMERGENCY OR DISASTER PREVENT OR IMPED IT, THE EXECUTIVE
 23 ORDER OR PROCLAMATION WILL BE FILED PROMPTLY WITH THE
 24 DIVISION, THE SECRETARY OF STATE, AND CLERKS AND RECORDERS
 25 OF THE COUNTIES INVOLVED.

~~47(8) DURING A STATE OF EMERGENCY OR DISASTER, THE GOVERNOR IS COMMANDER-IN-CHIEF OF THE MILITIA AND OF ALL OTHER FORCES AVAILABLE FOR EMERGENCY OR DISASTER DUTY. TO THE GREATEST EXTENT POSSIBLE, THE GOVERNOR SHALL DELEGATE OR ASSIGN COMMAND AUTHORITY BY PRIOR ARRANGEMENT EMPLOYED IN THE STATE DISASTER AND EMERGENCY PLAN AND PROGRAM AND APPROPRIATE EXECUTIVE ORDERS.~~

~~48(9) THE GOVERNOR SHALL UTILIZE THE SERVICES AND FACILITIES OF THE EXISTING OFFICERS AND AGENCIES OF THE STATE, AND ALL OFFICERS AND AGENCIES SHALL COOPERATE WITH AND EXTEND THEIR SERVICES AND FACILITIES TO THE GOVERNOR AS HE MAY REQUEST IN THE CARRYING OUT OF THE PURPOSES OF THIS CHAPTER."~~

Section 7. There is a new R.C.M. section that reads as follows:

Division of disaster and emergency services. (1) A division of disaster and emergency services is established in the department of military affairs. The division shall have an administrator and other professional, technical, secretarial, and clerical employees as necessary for the performance of its functions.

(2) The division shall prepare and maintain a comprehensive plan and program for disaster and emergency services of this state. The plan and program shall be coordinated with the disaster and emergency plans and

programs of the federal government, other states, political subdivisions, and Canada to the fullest extent possible. The state disaster and emergency plan and program may provide for:

- (a) prevention and minimization of injury and damage caused by disaster;
 - (b) prompt and efficient response to an emergency or disaster;
 - (c) emergency relief;
 - (d) identification of areas particularly vulnerable to disasters;
 - (e) recommendations for preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
 - (f) organization of manpower and chains of command;
 - (g) coordination of federal, state, and local disaster and emergency activities; and
 - (h) other necessary matters.
- (3) In preparing and maintaining the state disaster and emergency plan and program, the division shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the division shall encourage them to seek advice from these sources.

1 (4) The division shall:

2 (a) coordinate the preparation of the plan and program

3 for disaster and emergency services with the political

4 subdivisions of this state;

5 (b) coordinate disaster and emergency prevention and

6 preparation activities of all departments, agencies, and

7 organizations within the state;

8 (c) advise and assist the political subdivisions of

9 this state in executing their disaster and emergency

10 services responsibilities;

11 (d) make recommendations on the formation of

12 interjurisdictional disaster and emergency services areas

13 when individual political subdivisions are unable to fully

14 and adequately mount an effective local program due to

15 limitations of funding, manpower, or other reasons;

16 (e) make surveys of industries, resources, and

17 facilities within the state, both public and private, as are

18 necessary to carry out the purposes of this chapter;

19 (f) periodically review local and interjurisdictional

20 plans and programs for disaster and emergency services;

21 (g) develop or assist in the development of mutual aid

22 plans and agreements between the federal government, other

23 states, and Canada and among the political subdivisions of

24 this state;

25 (h) determine the requirements of the state and its

1 political subdivisions for food, clothing, and other

2 necessities in the event of an emergency or disaster;

3 (i) plan for the procurement of food, clothing, other

4 necessities, supplies, medicines, materials, and equipment

5 that may be necessary in the event of an emergency or

6 disaster and, as funding is authorized, procure and

7 pre-position the same;

8 (j) plan and make arrangements for the availability

9 and use of any private facilities, services, and property

10 and, if necessary and if in fact used, provide for payment

11 for use under terms and conditions agreed upon;

12 (k) institute training and public information programs

13 and take all other preparatory steps, including the partial

14 or full mobilization of disaster and emergency services

15 organizations in advance of actual emergency or disaster, to

16 insure the availability of adequately trained and equipped

17 personnel in time of emergency or disaster;

18 (l) direct emergency response and disaster preparation

19 activities as authorized by the governor;

20 (m) direct disaster response and recovery activities

21 as authorized by the governor;

22 (n) prepare, for issuance by the governor, executive

23 orders or proclamations as necessary or appropriate in

24 coping with emergencies and disasters;

25 (o) maintain liaison with and cooperate with disaster

1 and emergency services agencies and organizations of the
 2 federal government, other states, and Canada in achieving
 3 any purpose of this chapter and in implementing programs for
 4 disaster prevention, preparation, response, and recovery;
 5 and

6 (p) have any additional authority, duties, and
 7 responsibilities authorized by this act as may be prescribed
 8 by the governor.

9 (5) In providing assistance under this act, state
 10 departments and agencies shall cooperate to the fullest
 11 extent possible with each other and with local governments
 12 and relief agencies such as the American national red cross,
 13 but nothing contained in this chapter lists or in any way
 14 affects the responsibilities of the American national red
 15 cross under the act approved January 5, 1905 (33 Stat. 559),
 16 as amended.

17 Section 8. There is a new R.C.M. section that reads as
 18 follows:

19 Local and interjurisdictional emergency and disaster
 20 agencies and services. (1) Each political subdivision within
 21 this state shall designate a local or interjurisdictional
 22 agency responsible for emergency and disaster prevention and
 23 preparedness and coordination of response and recovery.

24 (2) The local or interjurisdictional disaster and
 25 emergency services agency shall receive assistance from the

1 division in emergency and disaster prevention, preparedness,
 2 response, and recovery to the extent of the division's
 3 authority and responsibility.

4 (3) Each political subdivision shall adhere to the
 5 provisions of this act and the state disaster and emergency
 6 plan and program regarding the structure and
 7 responsibilities of the local or interjurisdictional
 8 disaster and emergency service agencies and their
 9 relationship to the division.

10 (4) The principal executive officer of each political
 11 subdivision shall notify the division of the manner by which
 12 the political subdivision is providing or securing emergency
 13 and disaster planning and services, identify the person who
 14 heads the agency from which planning and services are
 15 obtained, and furnish additional information as the division
 16 requires.

17 (5) Each local and interjurisdictional agency shall
 18 prepare and keep current a local or interjurisdictional
 19 disaster and emergency plan and program covering the area
 20 for which that agency is responsible. This plan shall be in
 21 accordance with and in support of the state disaster and
 22 emergency plan and program.

23 (6) The local or interjurisdictional agency shall
 24 prepare and distribute on behalf of the principal executive
 25 officers, in written form, a clear and complete statement of

1 the emergency responsibilities of all local agencies and
2 officials and of the disaster and emergency chain of
3 command.

4 Section 9. There is a new R.C.M. section that reads as
5 follows:

6 Local emergency or disaster. (1) A local emergency
7 proclamation or disaster declaration may be issued only by
8 the principal executive officer of a political subdivision.

9 (2) An emergency proclamation may be issued by order
10 or resolution whenever the principal executive officer
11 determines there is an emergency.

12 (a) An emergency proclamation may not continue for
13 longer than 10 days except by consent of the governing body
14 of the political subdivision.

15 (b) An emergency proclamation may terminate with a
16 disaster declaration or when the principal executive officer
17 determines that the emergency no longer exists.

18 (3) A disaster declaration may be issued by order or
19 resolution whenever the principal executive officer
20 determines a disaster is occurring or has occurred.

21 (a) A disaster declaration may not continue for longer
22 than 30 days except by consent of the governing body of the
23 political subdivision.

24 (b) A disaster declaration may be terminated when the
25 principal executive officer determines that the disaster

1 conditions no longer exist.

2 (4) An order or resolution declaring or terminating a
3 state of emergency or disaster shall indicate the nature of
4 the emergency or disaster, the area threatened, the
5 conditions which have brought about the proclamation or
6 declaration or which make possible termination of the state
7 of emergency or disaster. Such orders or resolutions shall
8 be disseminated promptly by means calculated to bring its
9 contents to the attention of the general public and shall be
10 filed promptly with the division, the local or
11 interjurisdictional agency, and the agency charged with
12 recording the official records of the political subdivision.

13 (5) The effect of an emergency proclamation or a
14 disaster declaration is to activate applicable parts of the
15 local or interjurisdictional disaster and emergency plan and
16 program and to authorize the furnishing of aid and
17 assistance in accordance with such plans and programs.

18 Section 10. Section 77-2306, R.C.M. 1947, is amended
19 to read as follows:

20 "77-2306. ~~Mutual-aid~~ Mutual aid arrangements. (1) ~~The~~
21 ~~director of each local organization of civil defense may~~
22 ~~develop or cause to be developed~~ Political subdivisions
23 shall be encouraged and assisted by the division to conclude
24 ~~mutual-aid~~ mutual aid arrangements, with other public and
25 private agencies within this state for reciprocal ~~civil~~

~~defense aid and assistance in case of disaster too great to be dealt with unassisted coping with emergencies and disasters. These arrangements shall be consistent with the state civil defense plan and program, and in time of emergency each local organization for civil defense shall render assistance in accordance with the provisions of the mutual aid arrangements.~~

(2) In reviewing disaster and emergency plans and programs of political subdivisions, the division shall consider whether they contain adequate provisions for the reciprocal mutual aid.

~~(3) (3) The director of each local organization for civil defense~~ Local and interjurisdictional disaster and emergency agencies may assist in negotiation of reciprocal mutual aid mutual aid agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions thereof, and shall carry out arrangements ~~or~~ of any such agreements ~~or any such agreement~~ relating to the local and political subdivision."

Section 11. There is a new B.C.M. section that reads as follows:

Intergovernmental arrangements. (1) This state enacts into law and enters into the interstate civil defense and disaster compact with all states, as defined therein, which states have enacted or shall hereafter enact the compact in

the form substantially contained in 77-1403.

(2) The governor may enter into the compact with any state that does not border this state if he finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency and disaster planning, prevention, response, and recovery.

(3) Nothing in subsections (1) and (2) may be construed to limit previous or future entry of this state into the interstate civil defense and disaster compact.

(4) All interstate civil defense and disaster compacts and other interstate agreements dealing with disaster and emergency services shall be reviewed and made current at intervals not to exceed 4 years.

(5) If a person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster and this state shall give due recognition to the license, certificate, or other permit.

(6) When considered of mutual benefit, the governor may, subject to limitations of law, enter into intergovernmental arrangements with neighboring provinces of Canada for the purpose of exchanging disaster and emergency services.

1 Section 12. There is a new R.C.M. section that reads
2 as follows:

3 Communications. (1) The division shall coordinate
4 whatever means exist for rapid and efficient communications
5 in time of emergency or disaster.

6 (2) The division shall, in cooperation with the
7 division of communications, department of administration,
8 consider the desirability of supplementing communications
9 resources or of integrating them into a comprehensive state
10 or state-federal telecommunications or other communications
11 system or network.

12 (3) The division shall, in cooperation with the
13 division of communications and local political subdivisions,
14 evaluate the possibility of multipurpose use of
15 communications systems or networks for general state and
16 local governmental purposes.

17 (4) The division shall assist political subdivisions
18 in the orderly development of telecommunications systems
19 complementary to the state telecommunications system or
20 network.

21 Section 13. Section 77-2309, R.C.M. 1947, is amended
22 to read as follows:

23 "77-2309. Authority to accept services, gifts, grants,
24 and loans. Whenever the federal government or any agency or
25 officer thereof, or any person, firm, or corporation shall

1 offer to the state, or through the state to any political
2 subdivision thereof, services, equipment, supplies,
3 materials, or funds by way of gift, grant, or loan, for
4 purposes of ~~civil-defense~~ emergency or disaster services,
5 the state, acting through the governor, or the political
6 subdivision, acting through its executive officer or
7 governing body, may accept the offer and upon the acceptance
8 the governor of the state or executive officer or governing
9 body of the political subdivision may authorize any officer
10 of the state or of the political subdivision, as the case
11 may be, to receive the services, equipment, supplies,
12 materials, or funds on behalf of the state or such political
13 subdivision, and subject to the terms of the offer and the
14 rules ~~and regulations~~, if any, of the agency making the
15 offer."

16 Section 14. Section 77-2310, R.C.M. 1947, is amended
17 to read as follows:

18 "77-2310. Political activity prohibited. An
19 organization for ~~civil-defense~~ disaster and emergency
20 services established under this chapter may not participate
21 in any form of political activity, nor may it be employed
22 directly or indirectly for political purposes."

23 Section 15. Section 77-2311, R.C.M. 1947, is amended
24 to read as follows:

25 "77-2311. ~~Civil-defense~~ Disaster and emergency

1 services personnel. A person may not be employed or
 2 ~~associated in any capacity~~ in any civil defense disaster and
 3 emergency services organization established under this
 4 chapter who advocates a change by force or violence in the
 5 constitutional form of the government of the United States
 6 or in this state or the overthrow of any government in the
 7 United States by force or violence, or who has been
 8 convicted of or is under indictment or information charging
 9 any subversive act against the United States. Each person
 10 who is appointed to serve in an organization for civil
 11 defense disaster and emergency services shall, before
 12 entering upon his duties, take an oath, in writing, before a
 13 person authorized to administer oaths in this state, which
 14 oath shall be substantially as follows:

15 "I, ~~do solemnly~~ swear (or affirm) that I will
 16 support and defend ~~the~~ The Constitution of the United States
 17 and ~~the~~ The Constitution of the State of Montana, against
 18 all enemies, foreign and domestic; that I will bear true
 19 faith and allegiance to the same; that I take this
 20 obligation freely, without any mental reservation or purpose
 21 of evasion; and that I will well and faithfully discharge
 22 the duties of the office upon which I am about to enter.
 23 ~~And I do further swear (or affirm) that I do not~~ advocate
 24 ~~nor am I a member of any political party or organization~~
 25 ~~that advocates the overthrow of the government of the United~~

1 ~~States or of this state by force or violence; and that~~
 2 ~~during such time as I as a member of the Montana civil~~
 3 ~~defense agency I will not advocate nor become a member of~~
 4 ~~any political party or organization that advocates the~~
 5 ~~overthrow of the government of the United States or of this~~
 6 ~~state by force or violence. So help me, God."~~

7 Section 16. There is a new R.C.M. section that reads
 8 as follows:

9 Temporary housing for disaster victims -- site
 10 acquisition and preparation. (1) Whenever the governor has
 11 declared a state of emergency or state of disaster or the
 12 president has declared an emergency or a major disaster to
 13 exist in this state, the governor is authorized:

14 (a) to enter into purchase, lease, or other
 15 arrangements with any agency of the United States for
 16 temporary housing units to be occupied by emergency or
 17 disaster victims and to make such units available to any
 18 political subdivision of the state;

19 (b) to assist any political subdivision of this state
 20 which is the locus of temporary housing for emergency or
 21 disaster victims to acquire sites necessary for such
 22 temporary housing and to do all things required to prepare
 23 such site to receive and utilize temporary housing units by:

24 (i) advancing or lending funds available to the
 25 governor from any appropriation made FOR THOSE PURPOSES by

1 the legislature or from any other source;

2 (ii) "passing through" funds made available FOR THOSE
3 PURPOSES by any agency, public or private; or

4 (iii) becoming a copartner with the political
5 subdivision for the execution and performance of any
6 temporary housing project for emergency or disaster victims;
7 ~~and for such purposes to pledge the credit of the state on~~
8 ~~such terms as he considers appropriate, having due regard~~
9 ~~for current debt transactions of the state;~~

10 (c) under such regulations as he shall prescribe, to
11 temporarily suspend or modify for not to exceed 60 days any
12 public health, safety, zoning, or transportation (within or
13 across the state), ~~or other requirement of law~~ LAWS or
14 ~~regulation~~ REGULATIONS within this state when by
15 proclamation he declares such suspension or modification
16 essential to provide temporary housing for emergency or
17 disaster victims.

18 (2) Any political subdivision of this state is
19 expressly authorized to acquire, temporarily or permanently,
20 by purchase, lease, or otherwise, sites required for
21 installation of temporary housing units for emergency or
22 disaster victims and to enter into whatever arrangements,
23 including purchase of temporary housing units and payment of
24 transportation charges, which are necessary to prepare or
25 equip such sites to utilize the housing units.

1 (3) Nothing contained in this chapter shall be
2 construed to limit the governor's authority to apply for,
3 administer, and expend any grants, gifts, or payments in aid
4 of emergency or disaster prevention, preparedness, response,
5 or recovery.

6 Section 17. There is a new R.C.M. section that reads
7 as follows:

8 Community disaster loans. Whenever, at the request of
9 the governor, the president has declared a major disaster to
10 exist in this state, the governor is authorized:

11 (1) upon his determination that a political
12 subdivision of the state will suffer a substantial loss of
13 tax and other revenues from an emergency or disaster and has
14 demonstrated a need for financial assistance to perform its
15 governmental functions, to apply to the federal government,
16 on behalf of the political subdivision, for a loan and to
17 receive and disburse the proceeds of any approved loan to
18 any applicant political subdivision;

19 (2) to determine the amount needed by any applicant
20 political subdivision to restore or resume its governmental
21 functions and to certify the same to the federal government.
22 However, no application amount may exceed 25% of the annual
23 operating budget of the applicant for the fiscal year in
24 which the emergency or disaster occurs.

25 (3) to recommend to the federal government, based upon

1 his review, the cancellation of all or any part of repayment
 2 when, in the first 3 full fiscal years following the
 3 emergency or disaster, the revenues of the political
 4 subdivision are insufficient to meet its operating expenses,
 5 including additional emergency- or disaster-related expenses
 6 of a political subdivision operation character.

7 Section 18. There is a new R.C.M. section that reads
 8 as follows:

9 Debris and wreckage removal in emergencies or
 10 disasters. (1) Whenever the governor has declared a state of
 11 emergency or state of disaster to exist under the laws of
 12 this state or the president, at the request of the governor,
 13 has declared a major disaster or emergency to exist in this
 14 state, the governor is authorized:

15 (a) notwithstanding any other provision of law,
 16 through the use of state departments or agencies or the use
 17 of any of the state's instrumentalities, to clear or remove,
 18 from publicly or privately owned land or water, debris and
 19 wreckage which may threaten public health or safety or
 20 public or private property in any state of emergency or
 21 state of disaster declared by the governor or major disaster
 22 as declared by the president;

23 (b) to accept funds from the federal government and
 24 utilize such funds to make grants to any political
 25 subdivision for the purpose of removing debris or wreckage

1 from publicly or privately owned land or water.

2 (2) (a) Authority under this section shall not be
 3 exercised unless the affected political subdivision,
 4 corporation, organization, or individual shall first present
 5 an unconditional authorization for removal of such debris or
 6 wreckage from public and private property and, in the case
 7 of removal of debris or wreckage from private property,
 8 shall first agree to indemnify the state government against
 9 any claim arising from such removal.

10 (b) Whenever the governor provides for clearance of
 11 debris or wreckage pursuant to subsection (1) (a) or (1) (b),
 12 employees of the designated state agencies or individuals
 13 appointed by the state are authorized to enter upon private
 14 land or waters and perform any tasks necessary to the
 15 removal or clearance operation.

16 Section 19. There is a new R.C.M. section that reads
 17 as follows:

18 Identification. Disaster and emergency services
 19 organizations and personnel may continue to identify
 20 themselves by the use of the civil defense symbol.

21 Section 20. Severability. If a part of this act is
 22 invalid, all valid parts that are severable from the invalid
 23 part remain in effect. If a part of this act is invalid in
 24 one or more of its applications, the part remains in effect
 25 in all valid applications that are severable from the

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1 invalid applications.

2 Section 21. Repealer. Sections 77-2305, AND 77-2307,
3 ~~and 77-2308~~, R.C.E. 1947, are repealed.

4 Section 22. Effective date. This act is effective on
5 its passage and approval.

-End-