

HOUSE BILL NO. 199

INTRODUCED BY ADDY, DONALDSON

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

IN THE HOUSE

January 13, 1983

Introduced and referred to
Committee on State
Administration.

January 20, 1983

Committee recommend bill do
pass. Report adopted.

Bill printed and placed on
members' desks.

January 21, 1983

On motion, taken from printing
and referred to second
reading.

Second reading, do pass as
amended.

January 22, 1983

Correctly engrossed.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, passed.
Transmitted to Senate.

IN THE SENATE

January 24, 1983

Introduced and referred to
Committee on State
Administration.

March 15, 1983

Committee recommend bill be
concurrent in. Report adopted.

March 16, 1983

Second reading, pass
consideration.

On motion, taken from second
reading and rereferred to
Committee on State
Administration.

March 18, 1983

Committee recommend bill be
concurrent in. Report adopted.

March 21, 1983

Second reading, concurred in
as amended.

March 23, 1983

Third reading, concurred in.
Ayes, 50; Noes, 0.

IN THE HOUSE

March 23, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurrent in.

March 31, 1983

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

House BILL NO. *199*
 INTRODUCED BY *Patricia Donahoe*
 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES; AMENDING SECTIONS 10-1-104, 10-1-302, 10-1-704, 10-3-103, 10-3-105, 10-3-107, 10-3-301, 10-3-311, 10-3-401, 10-3-404, 10-3-601, AND 10-3-607, MCA; REPEALING SECTION 10-1-504, MCA."

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

Section 1. Section 10-1-104, MCA, is amended to read:
 "10-1-104. Federal regulations to govern. Federal laws and regulations, forms, precedents, and usages relating to and governing the armed forces of the United States and the militia, including The Uniform Code of Military Justice, shall, insofar as they are applicable and not inconsistent with the constitution of this state, apply to and govern the military forces of this state, ~~including all members of the national guard on active duty within the state as active duty guard/reserve (AGR) personnel under Title 32, U.S.C.~~"

Section 2. Section 10-1-302, MCA, is amended to read:
 "10-1-302. Oath of enlistment. (1) Except when a comparable oath of enlistment is subscribed to under federal

law or regulation, every person who enlists or reenlists shall take and subscribe to the following oath of enlistment:

"I hereby acknowledge to have voluntarily enlisted this ____ day of ____ in the ____ of the United States and the state of Montana for a period of ____ years under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of Montana, and that I will serve them honestly and faithfully against all their enemies, and that I will obey the orders of the president of the United States, the governor of the state of Montana, and the officers appointed over me."

(2) Any ~~commissioned~~ officer of the organized militia or any ~~commissioned~~ officer of the armed forces of the United States, detailed to duty with any component of the organized militia of this state, may administer the oath of enlistment to enlisted men."

Section 3. Section 10-1-704, MCA, is amended to read:
 "10-1-704. Pay, allowances, pensions, and benefits.
 (1) An officer or member of the home guard on active duty in the service of this state shall receive the same pay and allowances as prescribed for officers and enlisted members of the militia under 10-1-502.

~~(2) A member of the home guard who is wounded, disabled, or dies while on active duty in the service of this state shall receive the same pensions and benefits as prescribed for members of the organized militia under 10-1-564.~~

Section 4. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

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

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

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

(4) "Disaster and emergency services" means the

prevention of, the preparation for, and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to prevent, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

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

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

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

(10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other

1 readily fabricated dwellings."

2 Section 5. Section 10-3-105, MCA, is amended to read:

3 "10-3-105. Division of disaster and emergency services
4 -- duties. (1) A division of disaster and emergency services
5 is established in the department of military affairs. The
6 division shall have an administrator and other professional,
7 technical, secretarial, and clerical employees as necessary
8 for the performance of its functions.

9 (2) The department of military affairs through the
10 division of disaster and emergency services is responsible
11 to the governor for carrying out the planning and program
12 for disaster and emergency services of this state.

13 (3) The division shall prepare and maintain a
14 comprehensive plan and program for disaster and emergency
15 services of this state. The plan and program shall be
16 coordinated with the disaster and emergency plans and
17 programs of the federal government, other states, political
18 subdivisions, and Canada to the fullest extent possible.

19 (4) The division shall:

20 (a) coordinate the preparation of the plan and program
21 for disaster and emergency services with the political
22 subdivisions of this state;

23 (b) coordinate disaster and emergency prevention and
24 preparation activities of all departments, agencies, and
25 organizations within the state;

1 (c) advise and assist the political subdivisions of
2 this state in executing their disaster and emergency
3 services responsibilities;

4 (d) make recommendations on the formation of
5 interjurisdictional disaster and emergency services areas
6 when individual political subdivisions are unable to fully
7 and adequately mount an effective local program due to
8 limitations of funding, manpower, or other reasons;

9 (e) make surveys of industries, resources, and
10 facilities within the state, both public and private, as are
11 necessary to carry out the purposes of parts 1 through 4 of
12 this chapter;

13 (f) periodically review local and interjurisdictional
14 plans and programs for disaster and emergency services;

15 (g) develop or assist in the development of mutual aid
16 plans and agreements between the federal government, other
17 states, and Canada and among the political subdivisions of
18 this state;

19 ~~(h) determine the requirements of the state and its~~
20 ~~political subdivisions for food, clothing, and other~~
21 ~~necessities in the event of an emergency or disaster;~~

22 ~~(i) plan for the procurement of food, clothing, other~~
23 ~~necessities, supplies, medicines, materials, and equipment~~
24 ~~that may be necessary in the event of an emergency or~~
25 ~~disaster and, as funding is authorized, procure and~~

1 ~~pre-position-the-same~~

2 ~~(f)(1)~~ plan and make arrangements for the availability

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

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

5 for use under terms and conditions agreed upon;

6 ~~(f)(1)~~ institute training and public information

7 programs and take all other preparatory steps, including the

8 partial or full mobilization of disaster and emergency

9 services organizations in advance of actual emergency or

10 disaster, to insure the availability of adequately trained

11 and equipped personnel in time of emergency or disaster;

12 ~~(f)(1)~~ direct emergency response and disaster

13 preparation activities as authorized by the governor;

14 ~~(f)(1)~~ direct disaster response and recovery

15 activities as authorized by the governor;

16 ~~(f)(1)~~ prepare, for issuance by the governor,

17 executive orders or proclamations as necessary or

18 appropriate in coping with emergencies and disasters;

19 ~~(f)(1)~~ maintain liaison with and cooperate with

20 disaster and emergency services agencies and organizations

21 of the federal government, other states, and Canada in

22 achieving any purpose of parts 1 through 4 of this chapter

23 and in implementing programs for disaster prevention,

24 preparation, response, and recovery; and

25 ~~(f)(1)~~ have any additional authority, duties, and

1 responsibilities authorized by parts 1 through 4 of this

2 chapter as may be prescribed by the governor."

3 Section 6. Section 10-3-107, MCA, is amended to read:

4 "10-3-107. National defense highway plans ~~and drivers~~

5 ~~training.~~ ~~(1)~~ The department of military affairs shall:

6 ~~(a)~~ cooperate with the agencies of this and other

7 states and of the federal government which are connected

8 with national defense in the formulation and execution of

9 plans for the rapid and safe movement over the highways of

10 troops, vehicles of a military nature, and materials

11 affecting the national defense;

12 ~~(b)~~ coordinate the activities of the department of

13 highways and the department of justice in a manner which

14 will best serve to carry out any such plan for the rapid and

15 safe movement of troops, vehicles, and materials, as

16 referred to in subsection (1) of this section;

17 ~~(c)~~ ~~solicit the cooperation of officials of the~~

18 ~~various political subdivisions of the state in the proper~~

19 ~~execution of these plans;~~

20 ~~(d)~~ ~~have the authority to take an inventory by~~

21 ~~counties of the trucks and buses in the state, publicly and~~

22 ~~privately owned, which would be available in case of~~

23 ~~emergency affecting the national defense.~~

24 ~~(2)~~ ~~The department of military affairs may, in~~

25 ~~conjunction with any interested public or private agencies,~~

~~conduct a highway safety and driver training program as an aid to the national defenses"~~

Section 7. Section 10-3-301, NCA, is amended to read:

"10-3-301. State disaster and emergency plan. (1) 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.

(2) In preparing and maintaining the state disaster and emergency plan and program, the division shall ~~may~~ 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 ~~may~~ encourage them to seek advice from these sources."

Section 8. Section 10-3-311, NCA, is amended to read:

"10-3-311. Emergency or disaster expenditures. (1) The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state from the general fund, in the amount necessary, when an emergency or disaster justifies the expenditure and is declared by the governor, to meet contingencies and emergencies ~~needs~~ arising from ~~hostile attacks, riots or insurrections, epidemics of disease, plagues of insects, fires, floods, or other acts of God resulting in an emergency or disaster, as defined in 10-3-103, which results~~ in damage or disaster to the works, buildings, or property of the state or any political subdivision thereof or which ~~menace~~ ~~endangers~~ the health, welfare, safety, lives, or property of any considerable number of persons in any county or community of the state, upon demonstration by the political jurisdiction that:

(a) such political jurisdiction has exhausted all available emergency levies;

(b) the emergency is beyond the financial capability of the political jurisdiction to respond and for which no appropriation in the affected fund is available in sufficient amount to meet the emergency or disaster; or

1 (c) federal funds available for such emergency or
2 disaster require either matching state funds or specific
3 expenditures prior to eligibility for assistance under
4 federal laws.

5 (2) The governor shall be charged with the
6 implementation of the program.

7 (3) The administration and development of rules for
8 implementation of this section will be promulgated by the
9 department of administration."

10 Section 9. Section 10-3-401, MCA, is amended to read:

11 "10-3-401. Local and interjurisdictional disaster and
12 emergency plan -- distribution. (1) Each ~~local and~~
13 ~~interjurisdictional agency political subdivision eligible to~~
14 ~~receive funds under this chapter~~ shall prepare and keep
15 current a local or interjurisdictional disaster and
16 emergency plan and program covering the area for which that
17 ~~agency political subdivision~~ is responsible. This plan shall
18 be in accordance with and in support of the state disaster
19 and emergency plan and program.

20 (2) The ~~local or interjurisdictional agency political~~
21 ~~subdivision~~ shall prepare and distribute on behalf of the
22 principal executive officers, in written form, a clear and
23 complete statement of:

24 (a) the emergency responsibilities of all local
25 agencies, ~~if any~~ and officials; and of

1 (b) the disaster and emergency chain of command."

2 Section 10. Section 10-3-404, MCA, is amended to read:

3 "10-3-404. Contents of order -- effect. (1) An order
4 or resolution declaring or terminating a state of emergency
5 or disaster shall indicate the nature of the emergency or
6 disaster, the area threatened, the conditions which have
7 brought about the proclamation or declaration or which make
8 possible termination of the state of emergency or disaster.
9 Such orders or resolutions shall be disseminated promptly by
10 means calculated to bring its contents to the attention of
11 the general public and shall be filed promptly with the
12 division, ~~the local or interjurisdictional agency~~, and the
13 agency charged with recording the official records of the
14 political subdivision.

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

20 Section 11. Section 10-3-601, MCA, is amended to read:

21 "10-3-601. Citation of part. This part may be cited as
22 "The Post-Enemy-Attack Continuity in Government Act".

23 Section 12. Section 10-3-607, MCA, is amended to read:

24 "10-3-607. Relocating seat of state government.
25 ~~Following an enemy attack in which~~ If the seat of state

1 government at Helena has been ~~is~~ rendered unsuitable for use
2 in that capacity, the seat of state government may be moved
3 to an alternate location within the boundaries of the state
4 of Montana by proclamation of the governor. He shall
5 consider other Montana cities in order of their population
6 in the last federal census, giving consideration to
7 available communications, office space, and such other
8 factors as may seem to him pertinent. Such move of the seat
9 of government shall be effective until it is again moved by
10 proclamation of the governor or action by the legislature."

11 NEW SECTION. Section 13. Repealer. Section 10-1-504,
12 MCA, is repealed.

-End-

Approved by Committee
on State Administration

1 House BILL NO. 199
2 INTRODUCED BY Jeffrey Donaldson
3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO MILITARY AFFAIRS AND DISASTER AND EMERGENCY
7 SERVICES; AMENDING SECTIONS 10-1-104, 10-1-302, 10-1-704,
8 10-3-103, 10-3-105, 10-3-107, 10-3-301, 10-3-311, 10-3-401,
9 10-3-404, 10-3-601, AND 10-3-607, MCA; REPEALING SECTION
10 10-1-504, MCA."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 10-1-104, MCA, is amended to read:
14 "10-1-104. Federal regulations to govern. Federal
15 laws and regulations, forms, precedents, and usages relating
16 to and governing the armed forces of the United States and
17 the militia, including The Uniform Code of Military Justice,
18 shall, insofar as they are applicable and not inconsistent
19 with the constitution of this state, apply to and govern the
20 military forces of this state, ~~including all members of the~~
21 ~~national guard on active duty within the state as active~~
22 ~~duty guard/reserve (AGB) personnel under Title 32, D-1, E."~~
23 Section 2. Section 10-1-302, MCA, is amended to read:
24 "10-1-302. Oath of enlistment. (1) Except when a
25 comparable oath of enlistment is subscribed to under federal

1 law or regulations, every person who enlists or reenlists
2 shall take and subscribe to the following oath of
3 enlistment:
4 "I hereby acknowledge to have voluntarily enlisted this
5 day of in the of the United States and the
6 state of Montana for a period of years under the
7 conditions prescribed by law, unless sooner discharged by
8 proper authority. And I do solemnly swear that I will bear
9 true faith and allegiance to the United States of America
10 and to the state of Montana, and that I will serve them
11 honestly and faithfully against all their enemies, and that
12 I will obey the orders of the president of the United
13 States, the governor of the state of Montana, and the
14 officers appointed over me."
15 (2) Any commissioned officer of the organized militia
16 or any commissioned officer of the armed forces of the
17 United States, detailed to duty with any component of the
18 organized militia of this state, may administer the oath of
19 enlistment to enlisted men."
20 Section 3. Section 10-1-704, MCA, is amended to read:
21 "10-1-704. Pay, allowances, pensions, and benefits.
22 (1) An officer or member of the home guard on active duty in
23 the service of this state shall receive the same pay and
24 allowances as prescribed for officers and enlisted members
25 of the militia under 10-1-502.

-2- SECOND READING

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~~(2) A member of the home guard who is wounded, disabled or dies while on active duty in the service of this state shall receive the same pensions and benefits as prescribed for members of the organized militia under 10-2-504.~~

Section 4. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

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

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

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

(4) "Disaster and emergency services" means the

prevention of, the preparation for, and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to prevent, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

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

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

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

(10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other

readily fabricated dwellings."

Section 5. Section 10-3-105, NCA, is amended to read:

"10-3-105. Division of disaster and emergency services

— duties. (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 department of military affairs through the division of disaster and emergency services is responsible to the governor for carrying out the planning and program for disaster and emergency services of this state.

(3) 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.

(4) The division shall:

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

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

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

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

(e) make surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of parts 1 through 4 of this chapter;

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

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

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

~~(i) plan for the procurement of food, clothing, other necessities, supplies, medicines, materials, and equipment that may be necessary in the event of an emergency or disaster and, as funding is authorized, procure and~~

1 ~~pre-position-the-some~~
 2 ~~(1)(1)~~ plan and make arrangements for the availability
 3 and use of any private facilities, services, and property
 4 and, if necessary and if in fact used, provide for payment
 5 for use under terms and conditions agreed upon;
 6 ~~(1)(1)~~ institute training and public information
 7 programs and take all other preparatory steps, including the
 8 partial or full mobilization of disaster and emergency
 9 services organizations in advance of actual emergency or
 10 disaster, to insure the availability of adequately trained
 11 and equipped personnel in time of emergency or disaster;
 12 ~~(1)(1)~~ direct emergency response and disaster
 13 preparation activities as authorized by the governor;
 14 ~~(1)(1)~~ direct disaster response and recovery
 15 activities as authorized by the governor;
 16 ~~(1)(1)~~ prepare, for issuance by the governor,
 17 executive orders or proclamations as necessary or
 18 appropriate in coping with emergencies and disasters;
 19 ~~(1)(1)~~ maintain liaison with and cooperate with
 20 disaster and emergency services agencies and organizations
 21 of the federal government, other states, and Canada in
 22 achieving any purpose of parts 1 through 4 of this chapter
 23 and in implementing programs for disaster prevention,
 24 preparation, responses and recovery; and
 25 ~~(1)(1)~~ have any additional authority, duties, and

1 responsibilities authorized by parts 1 through 4 of this
 2 chapter as may be prescribed by the governor."
 3 Section 6. Section 10-3-107, MCA, is amended to read:
 4 "10-3-107. National defense highway plans and ~~drivers~~
 5 ~~training.~~ ~~(1)~~ The department of military affairs shall:
 6 ~~(1)(1)~~ cooperate with the agencies of this and other
 7 states and of the federal government which are connected
 8 with national defense in the formulation and execution of
 9 plans for the rapid and safe movement over the highways of
 10 troops, vehicles of a military nature, and materials
 11 affecting the national defense;
 12 ~~(1)(2)~~ coordinate the activities of the department of
 13 highways and the department of justice in a manner which
 14 will best serve to carry out any such plan for the rapid and
 15 safe movement of troops, vehicles, and materials, as
 16 ~~referred to in subsection (1) of this section~~
 17 ~~(1) collect the cooperation of officials of the~~
 18 ~~various political subdivisions of the state in the proper~~
 19 ~~execution of these plans;~~
 20 ~~(1) have the authority to take an inventory, by~~
 21 ~~counties, of the trucks and buses in the state, publicly and~~
 22 ~~privately owned, which would be available in case of~~
 23 ~~emergency affecting the national defense.~~
 24 ~~(2) The department of military affairs may, in~~
 25 ~~conjunction with any interested public or private agencies,~~

1 ~~conduct a highway safety and driver training program as an~~
2 ~~aid to the national defense.~~

3 Section 7. Section 10-3-301, MCA, is amended to read:

4 "10-3-301. State disaster and emergency plan. (1) The
5 state disaster and emergency plan and program may provide
6 for:

7 (a) prevention and minimization of injury and damage
8 caused by disaster;

9 (b) prompt and efficient response to an emergency or
10 disaster;

11 (c) emergency relief;

12 (d) identification of areas particularly vulnerable to
13 disasters;

14 (e) recommendations for preventive and preparedness
15 measures designed to eliminate or reduce disasters or their
16 impact;

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

18 (g) coordination of federal, state, and local disaster
19 and emergency activities; and

20 (h) other necessary matters.

21 (2) In preparing and maintaining the state disaster
22 and emergency plan and program, the division shall ~~may~~ seek
23 the advice and assistance of local government, business,
24 labor, industry, agriculture, civic and volunteer
25 organizations, and community leaders. In advising local and

1 interjurisdictional agencies, the division shall ~~may~~
2 encourage them to seek advice from these sources."

3 Section 8. Section 10-3-311, MCA, is amended to read:

4 "10-3-311. Emergency or disaster expenditures. (1) The
5 governor may authorize the incurring of liabilities and
6 expenses to be paid as other claims against the state from
7 the general fund, in the amount necessary, when an emergency
8 or disaster justifies the expenditure and is declared by the
9 governor, to meet contingencies and emergencies needs
10 arising from ~~hostile attacks, riots or insurrections,~~
11 ~~epidemics of disease, plagues of insects, fires, floods, or~~
12 ~~other acts of God resulting in an emergency or disaster, as~~
13 ~~defined in 10-3-103, which results in damage or disaster to~~
14 the works, buildings, or property of the state or any
15 political subdivision thereof or which menace ~~menaces~~ the
16 health, welfare, safety, lives, or property of any
17 considerable number of persons in any county or community of
18 the state, upon demonstration by the political jurisdiction
19 that:

20 (a) such political jurisdiction has exhausted all
21 available emergency levies;

22 (b) the emergency is beyond the financial capability
23 of the political jurisdiction to respond and for which no
24 appropriation in the affected fund is available in
25 sufficient amount to meet the emergency or disaster; or

1 (c) federal funds available for such emergency or
2 disaster require either matching state funds or specific
3 expenditures prior to eligibility for assistance under
4 federal laws.

5 (2) The governor shall be charged with the
6 implementation of the program.

7 (3) The administration and development of rules for
8 implementation of this section will be promulgated by the
9 department of administration."

10 Section 9. Section 10-3-401, MCA, is amended to read:

11 "10-3-401. Local and interjurisdictional disaster and
12 emergency plan -- distribution. (1) Each ~~local and~~
13 ~~interjurisdictional agency political subdivision eligible to~~
14 ~~receive funds under this chapter~~ shall prepare and keep
15 current a local or interjurisdictional disaster and
16 emergency plan and program covering the area for which that
17 agency ~~political subdivision~~ is responsible. This plan shall
18 be in accordance with and in support of the state disaster
19 and emergency plan and program.

20 (2) The ~~local or interjurisdictional agency political~~
21 ~~subdivision~~ shall prepare and distribute on behalf of the
22 principal executive officers, in written form, a clear and
23 complete statement of:

24 ~~1a) the emergency responsibilities of all local~~
25 ~~agencies, if any, and officials; and of~~

1 ~~1b) the disaster and emergency chain of command."~~

2 Section 10. Section 10-3-404, MCA, is amended to read:

3 "10-3-404. Contents of order -- effect. (1) An order
4 or resolution declaring or terminating a state of emergency
5 or disaster shall indicate the nature of the emergency or
6 disaster, the area threatened, the conditions which have
7 brought about the proclamation or declaration or which make
8 possible termination of the state of emergency or disaster.
9 Such orders or resolutions shall be disseminated promptly by
10 means calculated to bring its contents to the attention of
11 the general public and shall be filed promptly with the
12 ~~division, the local or interjurisdictional agency, and the~~
13 ~~agency charged with recording the official records of the~~
14 ~~political subdivision.~~

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

20 Section 11. Section 10-3-601, MCA, is amended to read:

21 "10-3-601. Citation of part. This part may be cited as
22 "The Post-Enemy-Attack Continuity in Government Act".

23 Section 12. Section 10-3-607, MCA, is amended to read:

24 "10-3-607. Relocating seat of state government.
25 ~~Following an enemy attack in which~~ If the seat of state

1 government at Helena has been ~~is~~ rendered unsuitable for use
2 in that capacity, the seat of state government may be moved
3 to an alternate location within the boundaries of the state
4 of Montana by proclamation of the governor. He shall
5 consider other Montana cities in order of their population
6 in the last federal census, giving consideration to
7 available communications, office space, and such other
8 factors as may seem to him pertinent. Such move of the seat
9 of government shall be effective until it is again moved by
10 proclamation of the governor or action by the legislature."

11 ~~NEW SECTION.~~ Section 13. Repealer. Section 10-1-504,
12 MCA, is repealed.

-End-

HOUSE BILL NO. 199

INTRODUCED BY ADDY, DONALDSON

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES; AMENDING SECTIONS 10-1-104, 10-1-302, 10-1-704, 10-3-103, 10-3-105, 10-3-107, 10-3-301, 10-3-311, 10-3-401, 10-3-404, 10-3-601, AND 10-3-607, MCA; REPEALING SECTION 10-1-504, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 10-1-104, MCA, is amended to read:

"10-1-104. Federal regulations to govern. Federal laws and regulations, forms, precedents, and usages relating to and governing the armed forces of the United States and the militia, including The Uniform Code of Military Justice, shall, insofar as they are applicable and not inconsistent with the constitution of this state, apply to and govern the military forces of this state, including all members of the national guard on active duty within the state as active duty guard/reserve (AGR) personnel under Title 32, U.S.C."

Section 2. Section 10-1-302, MCA, is amended to read:

"10-1-302. Oath of enlistment. (1) Except when a comparable oath of enlistment is subscribed to under federal

law or regulation, every person who enlists or reenlists shall take and subscribe to the following oath of enlistment:

"I hereby acknowledge to have voluntarily enlisted this day of in the of the United States and the state of Montana for a period of years under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of Montana, and that I will serve them honestly and faithfully against all their enemies, and that I will obey the orders of the president of the United States, the governor of the state of Montana, and the officers appointed over me."

(2) Any ~~commissioned~~ officer of the organized militia or any ~~commissioned~~ officer of the armed forces of the United States, detailed to duty with any component of the organized militia of this state, may administer the oath of enlistment to enlisted men."

Section 3. Section 10-1-704, MCA, is amended to read:

"10-1-704. Pay, allowances, pensions, and benefits. ~~††~~ An officer or member of the home guard on active duty in the service of this state shall receive the same pay and allowances as prescribed for officers and enlisted members of the militia under 10-1-502.

~~(2) A member of the home guard who is wounded, disabled, or dies while on active duty in the service of this state shall receive the same pensions and benefits as prescribed for members of the organized militia under 18-1-504.~~

Section 4. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

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

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

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

(4) "Disaster and emergency services" means the

prevention of, the preparation for, and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to prevent, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

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

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

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

(10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other

1 readily fabricated dwellings."

2 Section 5. Section 10-3-105, MCA, is amended to read:

3 "10-3-105. Division of disaster and emergency services
4 -- duties. (1) A division of disaster and emergency services
5 is established in the department of military affairs. The
6 division shall have an administrator and other professional,
7 technical, secretarial, and clerical employees as necessary
8 for the performance of its functions.

9 (2) The department of military affairs through the
10 division of disaster and emergency services is responsible
11 to the governor for carrying out the planning and program
12 for disaster and emergency services of this state.

13 (3) The division shall prepare and maintain a
14 comprehensive plan and program for disaster and emergency
15 services of this state. The plan and program shall be
16 coordinated with the disaster and emergency plans and
17 programs of the federal government, other states, political
18 subdivisions, and Canada to the fullest extent possible.

19 (4) The division shall:

20 (a) coordinate the preparation of the plan and program
21 for disaster and emergency services with the political
22 subdivisions of this state;

23 (b) coordinate disaster and emergency prevention and
24 preparation activities of all departments, agencies, and
25 organizations within the state;

1 (c) advise and assist the political subdivisions of
2 this state in executing their disaster and emergency
3 services responsibilities;

4 (d) make recommendations on the formation of
5 interjurisdictional disaster and emergency services areas
6 when individual political subdivisions are unable to fully
7 and adequately mount an effective local program due to
8 limitations of funding, manpower, or other reasons;

9 (e) make surveys of industries, resources, and
10 facilities within the state, both public and private, as are
11 necessary to carry out the purposes of parts 1 through 4 of
12 this chapter;

13 (f) periodically review local and interjurisdictional
14 plans and programs for disaster and emergency services;

15 (g) develop or assist in the development of mutual aid
16 plans and agreements between the federal government, other
17 states, and Canada and among the political subdivisions of
18 this state;

19 ~~{h}--determine--the--requirements--of--the--state--and--its~~
20 ~~political--subdivisions--for--food,--clothing,--and--other~~
21 ~~necessities--in--the--event--of--an--emergency--or--disaster;~~

22 ~~{i}--plan--for--the--procurement--of--food,--clothing,--other~~
23 ~~necessities,--supplies,--medicines,--materials,--and--equipment~~
24 ~~that--may--be--necessary--in--the--event--of--an--emergency--or~~
25 ~~disaster--and,--as--funding--is--authorized,--procure--and~~

1 ~~pre-position-the-same~~

2 ~~(j)(h)~~ plan and make arrangements for the availability
3 and use of any private facilities, services, and property
4 and, if necessary and if in fact used, provide for payment
5 for use under terms and conditions agreed upon;

6 ~~(k)(i)~~ institute training and public information
7 programs and take all other preparatory steps, including the
8 partial or full mobilization of disaster and emergency
9 services organizations in advance of actual emergency or
10 disaster, to insure the availability of adequately trained
11 and equipped personnel in time of emergency or disaster;

12 ~~(l)(j)~~ direct emergency response and disaster
13 preparation activities as authorized by the governor;

14 ~~(m)(k)~~ direct disaster response and recovery
15 activities as authorized by the governor;

16 ~~(n)(l)~~ prepare, for issuance by the governor,
17 executive orders or proclamations as necessary or
18 appropriate in coping with emergencies and disasters;

19 ~~(o)(m)~~ maintain liaison with and cooperate with
20 disaster and emergency services agencies and organizations
21 of the federal government, other states, and Canada in
22 achieving any purpose of parts 1 through 4 of this chapter
23 and in implementing programs for disaster prevention,
24 preparation, response, and recovery; and

25 ~~(p)(n)~~ have any additional authority, duties, and

1 responsibilities authorized by parts 1 through 4 of this
2 chapter as may be prescribed by the governor."

3 Section 6. Section 10-3-107, MCA, is amended to read:
4 "10-3-107. National defense highway plans and drivers'
5 training. ~~(1)~~ The department of military affairs shall:

6 ~~(a)(1)~~ cooperate with the agencies of this and other
7 states and of the federal government which are connected
8 with national defense in the formulation and execution of
9 plans for the rapid and safe movement over the highways of
10 troops, vehicles of a military nature, and materials
11 affecting the national defense;

12 ~~(b)(2)~~ coordinate the activities of the department of
13 highways and the department of justice in a manner which
14 will best serve to carry out any such plan for the rapid and
15 safe movement of troops, vehicles, and materials, as
16 referred-to-in-subsection-(1)-of-this-section;

17 ~~(c)~~ solicit the cooperation of officials of the
18 various political subdivisions of the state in the proper
19 execution of these plans;

20 ~~(d)~~ have the authority to take on inventory by
21 counties of the trucks and buses in the state, publicly and
22 privately owned, which would be available in case of
23 emergency affecting the national defenses

24 ~~(2)~~ The department of military affairs may, in
25 conjunction with any interested public or private agencies,

conduct--a--highway-safety-and-driver-training-program-as-an
aid-to-the-national-defense"

Section 7. Section 10-3-301, MCA, is amended to read:

"10-3-301. State disaster and emergency plan. (1) 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.

(2) In preparing and maintaining the state disaster
and emergency plan and program, the division shall may 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 may
encourage them to seek advice from these sources."

Section 8. Section 10-3-311, MCA, is amended to read:

"10-3-311. Emergency or disaster expenditures. (1) The
governor may authorize the incurring of liabilities and
expenses to be paid as other claims against the state from
the general fund, in the amount necessary, when an emergency
or disaster justifies the expenditure and is declared by the
governor, to meet contingencies and emergencies needs
arising from hostile--attacks--riots--or--insurrections,
epidemics-of-disease, plagues-of-insects, fires, floods,--or
other--acts--of--God--resulting an emergency or disaster as
defined in 10-3-103, which results in damage or disaster to
the works, buildings, or property of the state or any
political subdivision thereof or which menace menaces the
health, welfare, safety, lives, or property of any
considerable number of persons in any county or community of
the state, upon demonstration by the political jurisdiction
that:

(a) such political jurisdiction has exhausted all
available emergency levies;

(b) the emergency is beyond the financial capability
of the political jurisdiction to respond and for which no
appropriation in the affected fund is available in
sufficient amount to meet the emergency or disaster; or

(c) federal funds available for such emergency or disaster require either matching state funds or specific expenditures prior to eligibility for assistance under federal laws.

(2) The governor shall be charged with the implementation of the program.

(3) The administration and development of rules for implementation of this section will be promulgated by the department of administration."

Section 9. Section 10-3-401, MCA, is amended to read:

"10-3-401. Local and interjurisdictional disaster and emergency plan -- distribution. (1) Each ~~local--and interjurisdictional-agency~~ political subdivision eligible to receive funds under this chapter shall prepare and keep current a local or interjurisdictional disaster and emergency plan and program covering the area for which that agency political subdivision is responsible. This plan shall be in accordance with and in support of the state disaster and emergency plan and program.

(2) The ~~local-or-interjurisdictional-agency~~ political subdivision shall prepare and distribute on behalf of the principal executive officers, in written form, a clear and complete statement of:

(a) the emergency responsibilities of all local agencies, if any, and officials, and of

(b) the disaster and emergency chain of command."

Section 10. Section 10-3-404, MCA, is amended to read:

"10-3-404. Contents of order -- effect. (1) An order or resolution 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 proclamation or declaration or which make possible termination of the state of emergency or disaster. Such orders or resolutions shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be filed promptly with the division, ~~the--local-or-interjurisdictional-agency~~, and the agency charged with recording the official records of the political subdivision.

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

Section 11. Section 10-3-601, MCA, is amended to read:

"10-3-601. Citation of part. This part may be cited as "The ~~Pest-Enemy-Attack~~ Continuity in Government Act".

Section 12. Section 10-3-607, MCA, is amended to read:

"10-3-607. Relocating seat of state government. ~~Following--an--enemy--attack--in--which~~ If the seat of state

1 government at Helena has-been is rendered unsuitable for use
2 in that capacity, the seat of state government may be moved
3 to an alternate location within the boundaries of the state
4 of Montana by proclamation of the governor. He shall
5 consider other Montana cities in order of their population
6 in the last federal census, giving consideration to
7 available communications, office space, and such other
8 factors as may seem to him pertinent. Such move of the seat
9 of government shall be effective until it is again moved by
10 proclamation of the governor or action by the legislature."

11 NEW SECTION. Section 13. Repealer. Section 10-1-504,
12 MCA, is repealed.

13 NEW SECTION. SECTION 14. EFFECTIVE DATE. THIS ACT IS
14 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

March 21, 1983

COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 199 be amended as follows:

1. Page 8, line 15.

Following: "materials"

Insert: "; (3) solicit the cooperation of officials
of the various political subdivisions of the state
in the proper execution of these plans"

1 HOUSE BILL NO. 199

2 INTRODUCED BY ADOY, DONALDSON

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO MILITARY AFFAIRS AND DISASTER AND EMERGENCY
7 SERVICES; AMENDING SECTIONS 10-1-104, 10-1-302, 10-1-704,
8 10-3-103, 10-3-105, 10-3-107, 10-3-301, 10-3-311, 10-3-401,
9 10-3-404, 10-3-601, AND 10-3-607, MCA; REPEALING SECTION
10 10-1-504, MCA; AND PROVIDING AN EFFECTIVE DATE."
11

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

13 Section 1. Section 10-1-104, MCA, is amended to read:

14 "10-1-104. Federal regulations to govern. Federal
15 laws and regulations, forms, precedents, and usages relating
16 to and governing the armed forces of the United States and
17 the militia, including The Uniform Code of Military Justice,
18 shall, insofar as they are applicable and not inconsistent
19 with the constitution of this state, apply to and govern the
20 military forces of this state, including all members of the
21 national guard on active duty within the state as active
22 duty guard/reserve (AGRI) personnel under Title 32, U.S.C."

23 Section 2. Section 10-1-302, MCA, is amended to read:

24 "10-1-302. Oath of enlistment. (1) Except when a
25 comparable oath of enlistment is subscribed to under federal

1 law or regulation, every person who enlists or reenlists
2 shall take and subscribe to the following oath of
3 enlistment:

4 "I hereby acknowledge to have voluntarily enlisted this
5 day of in the of the United States and the
6 state of Montana for a period of years under the
7 conditions prescribed by law, unless sooner discharged by
8 proper authority. And I do solemnly swear that I will bear
9 true faith and allegiance to the United States of America
10 and to the state of Montana, and that I will serve them
11 honestly and faithfully against all their enemies, and that
12 I will obey the orders of the president of the United
13 States, the governor of the state of Montana, and the
14 officers appointed over me."

15 (2) Any commissioned officer of the organized militia
16 or any commissioned officer of the armed forces of the
17 United States, detailed to duty with any component of the
18 organized militia of this state, may administer the oath of
19 enlistment to enlisted men."

20 Section 3. Section 10-1-704, MCA, is amended to read:

21 "10-1-704. Pay, allowances, pensions, and benefits.
22 ~~††~~ An officer or member of the home guard on active duty in
23 the service of this state shall receive the same pay and
24 allowances as prescribed for officers and enlisted members
25 of the militia under 10-1-502.

~~(2) A member of the home guard who is wounded, disabled, or dies while on active duty in the service of this state shall receive the same pensions and benefits as prescribed for members of the organized militia under 10-1-504.~~

Section 4. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

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

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

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

(4) "Disaster and emergency services" means the

prevention of, the preparation for, and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to prevent, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

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

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

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

(10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other

1 readily fabricated dwellings."

2 Section 5. Section 10-3-105, MCA, is amended to read:

3 "10-3-105. Division of disaster and emergency services
4 -- duties. (1) A division of disaster and emergency services
5 is established in the department of military affairs. The
6 division shall have an administrator and other professional,
7 technical, secretarial, and clerical employees as necessary
8 for the performance of its functions.

9 (2) The department of military affairs through the
10 division of disaster and emergency services is responsible
11 to the governor for carrying out the planning and program
12 for disaster and emergency services of this state.

13 (3) The division shall prepare and maintain a
14 comprehensive plan and program for disaster and emergency
15 services of this state. The plan and program shall be
16 coordinated with the disaster and emergency plans and
17 programs of the federal government, other states, political
18 subdivisions, and Canada to the fullest extent possible.

19 (4) The division shall:

20 (a) coordinate the preparation of the plan and program
21 for disaster and emergency services with the political
22 subdivisions of this state;

23 (b) coordinate disaster and emergency prevention and
24 preparation activities of all departments, agencies, and
25 organizations within the state;

1 (c) advise and assist the political subdivisions of
2 this state in executing their disaster and emergency
3 services responsibilities;

4 (d) make recommendations on the formation of
5 interjurisdictional disaster and emergency services areas
6 when individual political subdivisions are unable to fully
7 and adequately mount an effective local program due to
8 limitations of funding, manpower, or other reasons;

9 (e) make surveys of industries, resources, and
10 facilities within the state, both public and private, as are
11 necessary to carry out the purposes of parts 1 through 4 of
12 this chapter;

13 (f) periodically review local and interjurisdictional
14 plans and programs for disaster and emergency services;

15 (g) develop or assist in the development of mutual aid
16 plans and agreements between the federal government, other
17 states, and Canada and among the political subdivisions of
18 this state;

19 ~~{h}--determine--the--requirements--of--the--state--and--its~~
20 ~~political--subdivisions--for--food--clothing--and--other~~
21 ~~necessities--in--the--event--of--an--emergency--or--disaster;~~

22 ~~{i}--plan--for--the--procurement--of--food--clothing--other~~
23 ~~necessities--supplies--medicines--materials--and--equipment~~
24 ~~that--may--be--necessary--in--the--event--of--an--emergency--or~~
25 ~~disaster--and--as--funding--is--authorized--procure--and~~

1 ~~pre-position-the-same~~
 2 ~~(j)(1)~~ plan and make arrangements for the availability
 3 and use of any private facilities, services, and property
 4 and, if necessary and if in fact used, provide for payment
 5 for use under terms and conditions agreed upon;
 6 ~~(k)(1)~~ institute training and public information
 7 programs and take all other preparatory steps, including the
 8 partial or full mobilization of disaster and emergency
 9 services organizations in advance of actual emergency or
 10 disaster, to insure the availability of adequately trained
 11 and equipped personnel in time of emergency or disaster;
 12 ~~(l)(1)~~ direct emergency response and disaster
 13 preparation activities as authorized by the governor;
 14 ~~(m)(1)~~ direct disaster response and recovery
 15 activities as authorized by the governor;
 16 ~~(n)(1)~~ prepare, for issuance by the governor,
 17 executive orders or proclamations as necessary or
 18 appropriate in coping with emergencies and disasters;
 19 ~~(o)(1)~~ maintain liaison with and cooperate with
 20 disaster and emergency services agencies and organizations
 21 of the federal government, other states, and Canada in
 22 achieving any purpose of parts 1 through 4 of this chapter
 23 and in implementing programs for disaster prevention,
 24 preparation, response, and recovery; and
 25 ~~(p)(1)~~ have any additional authority, duties, and

1 responsibilities authorized by parts 1 through 4 of this
 2 chapter as may be prescribed by the governor."
 3 Section 6. Section 10-3-107, MCA, is amended to read:
 4 "10-3-107. National defense highway plans ~~and drivers~~
 5 ~~training.~~ ~~(1)~~ The department of military affairs shall:
 6 ~~(a)(1)~~ cooperate with the agencies of this and other
 7 states and of the federal government which are connected
 8 with national defense in the formulation and execution of
 9 plans for the rapid and safe movement over the highways of
 10 troops, vehicles of a military nature, and materials
 11 affecting the national defense;
 12 ~~(b)(2)~~ coordinate the activities of the department of
 13 highways and the department of justice in a manner which
 14 will best serve to carry out any such plan for the rapid and
 15 safe movement of troops, vehicles, and materials;
 16 ~~(3) SOLICIT THE COOPERATION OF OFFICIALS OF THE~~
 17 ~~VARIOUS POLITICAL SUBDIVISIONS OF THE STATE IN THE PROPER~~
 18 ~~EXECUTION OF THESE PLANS, as-referred-to-in--subsection--(1)~~
 19 ~~of-this-section~~
 20 ~~(c)--solicit--the--cooperation--of--officials--of--the~~
 21 ~~various-political-subdivisions-of-the-state--in--the--proper~~
 22 ~~execution-of-these-plans~~
 23 ~~(d)--have--the--authority--to--take--an--inventory--by~~
 24 ~~counties--of--the--trucks--and--buses--in--the--state--public--and~~
 25 ~~privately--owned--which--would--be--available--in--case--of~~

1 ~~emergency-affecting-the-national-defense~~

2 ~~{2}--The---department---of---military---affairs---may---in~~
 3 ~~conjunction-with-any-interested-public-or-private---agency~~
 4 ~~conduct---a---highway-safety-and-driver-training-program-as-on~~
 5 ~~aid-to-the-national-defense"~~

6 Section 7. Section 10-3-301, MCA, is amended to read:
 7 "10-3-301. State disaster and emergency plan. (1) The
 8 state disaster and emergency plan and program may provide
 9 for:

10 (a) prevention and minimization of injury and damage
 11 caused by disaster;

12 (b) prompt and efficient response to an emergency or
 13 disaster;

14 (c) emergency relief;

15 (d) identification of areas particularly vulnerable to
 16 disasters;

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

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

21 (g) coordination of federal, state, and local disaster
 22 and emergency activities; and

23 (h) other necessary matters.

24 (2) In preparing and maintaining the state disaster
 25 and emergency plan and program, the division shall ~~may~~ seek

1 the advice and assistance of local government, business,
 2 labor, industry, agriculture, civic and volunteer
 3 organizations, and community leaders. In advising local and
 4 interjurisdictional agencies, the division shall ~~may~~
 5 encourage them to seek advice from these sources."

6 Section 8. Section 10-3-311, MCA, is amended to read:
 7 "10-3-311. Emergency or disaster expenditures. (1) The
 8 governor may authorize the incurring of liabilities and
 9 expenses to be paid as other claims against the state from
 10 the general fund, in the amount necessary, when an emergency
 11 or disaster justifies the expenditure and is declared by the
 12 governor, to meet contingencies and emergencies ~~needs~~
 13 arising from hostile--attacks--riots--or--insurrections--
 14 epidemics-of-disease--plagues-of-insects--fires--floods--or
 15 other--acts--of--God--resulting an emergency or disaster, as
 16 defined in 10-3-103, which results in damage or disaster to
 17 the works, buildings, or property of the state or any
 18 political subdivision thereof or which ~~menace~~ ~~menaces~~ the
 19 health, welfare, safety, lives, or property of any
 20 considerable number of persons in any county or community of
 21 the state, upon demonstration by the political jurisdiction
 22 that:

23 (a) such political jurisdiction has exhausted all
 24 available emergency levies;

25 (b) the emergency is beyond the financial capability

of the political jurisdiction to respond and for which no appropriation in the affected fund is available in sufficient amount to meet the emergency or disaster; or

(c) federal funds available for such emergency or disaster require either matching state funds or specific expenditures prior to eligibility for assistance under federal laws.

(2) The governor shall be charged with the implementation of the program.

(3) The administration and development of rules for implementation of this section will be promulgated by the department of administration."

Section 9. Section 10-3-401, MCA, is amended to read:

"10-3-401. Local and interjurisdictional disaster and emergency plan -- distribution. (1) Each ~~local and interjurisdictional agency~~ political subdivision eligible to receive funds under this chapter shall prepare and keep current a local or interjurisdictional disaster and emergency plan and program covering the area for which that ~~agency~~ political subdivision is responsible. This plan shall be in accordance with and in support of the state disaster and emergency plan and program.

(2) The ~~local or interjurisdictional agency~~ political subdivision shall prepare and distribute on behalf of the principal executive officers, in written form, a clear and

complete statement of:

(a) the emergency responsibilities of all local agencies ~~if any~~ and officials; and of

(b) the disaster and emergency chain of command."

Section 10. Section 10-3-404, MCA, is amended to read:

"10-3-404. Contents of order -- effect. (1) An order or resolution 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 proclamation or declaration or which make possible termination of the state of emergency or disaster. Such orders or resolutions shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be filed promptly with the division ~~the local or interjurisdictional agency~~ and the agency charged with recording the official records of the political subdivision.

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

Section 11. Section 10-3-601, MCA, is amended to read:

"10-3-601. Citation of part. This part may be cited as "The Post-Enemy-Attack Continuity in Government Act"."

1 Section 12. Section 10-3-607, MCA, is amended to read:

2 "10-3-607. Relocating seat of state government.

3 ~~Following--an--enemy--attack--in--which~~ If the seat of state
4 government at Helena ~~has-been~~ is rendered unsuitable for use
5 in that capacity, the seat of state government may be moved
6 to an alternate location within the boundaries of the state
7 of Montana by proclamation of the governor. He shall
8 consider other Montana cities in order of their population
9 in the last federal census, giving consideration to
10 available communications, office space, and such other
11 factors as may seem to him pertinent. Such move of the seat
12 of government shall be effective until it is again moved by
13 proclamation of the governor or action by the legislature."

14 ~~NEW SECTION.~~ Section 13. Repealer. Section 10-1-504,
15 MCA, is repealed.

16 ~~NEW SECTION. SECTION 14. EFFECTIVE DATE. THIS ACT IS~~
17 ~~EFFECTIVE ON PASSAGE AND APPROVAL.~~

-End-