

HOUSE BILL NO. 302

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on State Administration.
January 31, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 1, 1985	Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass. Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 99; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	Committee recommend bill be concurring in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 ~~disaster mutual aid compact as developed by the civil~~
 2 ~~defense office of the national security and resources board~~
 3 ~~and the council of state governments.~~

4 (2) The governor of the state of Montana is hereby
 5 authorized to negotiate and execute such supplemental
 6 agreements as may be necessary and proper to fully carry
 7 into effect the terms and provisions of the interstate ~~civil~~
 8 ~~defense and disaster~~ mutual aid compact as set forth in
 9 ~~10-3-206 [section 3]."~~

10 NEW SECTION. Section 3. Text of compact. The
 11 interstate mutual aid compact referred to in 10-3-204 and
 12 10-3-205 reads as follows:

13 INTERSTATE MUTUAL AID COMPACT

14 Article I

15 The purpose of this compact is to provide voluntary
 16 assistance among participating states in responding to any
 17 disaster or imminent disaster that overextends the ability
 18 of local and state governments to reduce, counteract, or
 19 remove the danger. Assistance may include but is not limited
 20 to rescue, fire, police, medical, communication, and
 21 transportation services and facilities to cope with problems
 22 which require use of special equipment, trained personnel,
 23 or personnel in large numbers not locally available.

24 Article II

25 Article I, section 10, of the Constitution of the

1 United States permits a state to enter into an agreement or
 2 compact with another state, subject to the consent of
 3 congress. Congress, through enactment of 50 U.S.C. 2281(g)
 4 and 2283 and the executive branch, by issuance of Executive
 5 Orders No. 10186 of December 1, 1950, encourages the states
 6 to enter into emergency, disaster, and civil defense mutual
 7 aid agreements or pacts.

8 Article III

9 It is agreed by participating states that the following
 10 conditions will guide implementation of the compact:

11 (1) Participating states through their designated
 12 officials are authorized to request and receive assistance
 13 from a participating state. Requests will be granted only
 14 if the requesting state is committed to the mitigation of
 15 the emergency and other resources are not immediately
 16 available.

17 (2) Requests for assistance may be verbal or in
 18 writing. If the request is made by other than written
 19 communication, it must be confirmed in writing as soon as
 20 practical after the request. A written request shall provide
 21 an itemization of equipment and operators, types of
 22 expertise, and personnel or other resources needed. Each
 23 request must be signed by an authorized official.

24 (3) Personnel and equipment of the aiding state made
 25 available to the requesting state shall, whenever possible,

1 remain under the control and direction of the aiding state.
 2 The activities of personnel and equipment of the aiding
 3 state must be coordinated by the requesting state.

4 (4) An aiding state has the right to withdraw some or
 5 all of its personnel and equipment whenever the personnel
 6 and equipment are needed by that state. Notice of intention
 7 to withdraw should be communicated to the requesting state
 8 as soon as possible.

9 Article IV

10 (1) The requesting state shall reimburse the aiding
 11 state as soon as possible after the receipt by the
 12 requesting state of an itemized voucher requesting
 13 reimbursement of costs.

14 (2) Any state rendering aid pursuant to this compact
 15 must be reimbursed by the state receiving such aid for any
 16 damage to, loss of, or expense incurred in the operation of
 17 any equipment used in responding to a request for aid, and
 18 for the cost incurred in connection with such requests.

19 (3) Any state rendering aid pursuant to this compact
 20 must be reimbursed by the state receiving such aid for the
 21 cost of compensation and death benefits to injured officers,
 22 agents, or employees and their dependents or representatives
 23 if such officers, agents, or employees sustain injuries or
 24 are killed while rendering aid pursuant to this arrangement
 25 and such payments are made in the same manner and on the

1 same terms as if the injury or death were sustained within
 2 the aiding state.

3 Article V

4 (1) All privileges and immunities from liability,
 5 exemptions from law, ordinances, and rules and all pension,
 6 disability relief, workers' compensation, and other benefits
 7 that apply to the activity of officers, agents, or employees
 8 when performing their respective functions within the
 9 territorial limits of their respective political
 10 subdivisions apply to them to the same extent while engaged
 11 in the performance of any of their functions and duties
 12 extraterritorially under the provisions of this compact.

13 (2) All privileges and immunities from liability,
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 17 functions at the request of their state and within its
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 21 physicians, surgeons, nurses, dentists, structural
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23 (3) The signatory states, their political
 24 subdivisions, municipal corporations, and other public
 25 agencies shall hold harmless the corresponding entities and

1 personnel thereof from the other state with respect to the
 2 acts and omissions of its own agents and employees that
 3 occur while providing assistance pursuant to the common
 4 plan.

5 (4) Nothing in this arrangement may be construed as
 6 repealing or impairing any existing interstate mutual aid
 7 agreements.

8 (5) Upon enactment of this compact by two or more
 9 states, and annually by each January 1 thereafter, the
 10 participating states will exchange with each other the names
 11 of officials designated to request and provide services
 12 under this arrangement. In accordance with the cooperative
 13 nature of this arrangement, it is permissible and desirable
 14 for the states to exchange operational procedures to be
 15 followed in requesting assistance and reimbursing expenses.

16 (6) This compact becomes effective and is binding upon
 17 the states so acting when it has been enacted into law by
 18 any two states. Thereafter, this compact becomes effective
 19 and binding as to any other state upon similar action by
 20 such state.

21 (7) This compact remains binding upon a party state
 22 until it enacts a law repealing the compact and providing
 23 for the sending of formal written notice of withdrawal from
 24 the compact to the appropriate officials of all other party
 25 states. An actual withdrawal may not take effect until the

1 30th consecutive day after the notice has been sent. Such
 2 withdrawal does not relieve the withdrawing state from its
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5 NEW SECTION. Section 4. The department of military
 6 affairs may adopt rules necessary to implement the
 7 interstate mutual aid compact.

8 NEW SECTION. Section 5. Repealer. Section 10-3-206,
 9 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 STATEMENT OF INTENT

2 HOUSE BILL 302

3 House State Administration Committee

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5 It is the intent of this bill to allow the governor to
6 enter into interstate mutual aid agreements with other
7 states for the purposes of:

8 (1) providing state resources such as manpower,
9 equipment, and material; and

10 (2) coordinating the provision of volunteer resources
11 to assist other states in response and recovery activities
12 relating to earthquakes, floods, and other disasters.

13 The governor shall enter these agreements and shall
14 provide for their implementation, including the appointment
15 of contact persons within this state and establishment of a
16 contact procedure with participating states.

17 Although the governor is charged with implementation of
18 this bill, he may delegate authority to the department of
19 military affairs or other appropriate agency for day-to-day
20 administration of the compact.

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7 INTERSTATE MUTUAL AID COMPACT TO PROVIDE FOR EXCHANGE
8 BETWEEN STATES OF RESOURCES NEEDED TO RESPOND TO EMERGENCIES
9 AND DISASTERS; AMENDING SECTIONS 10-3-204 AND 10-3-205, MCA;
10 AND REPEALING SECTION 10-3-206, MCA."

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

12 Section 1. Section 10-3-204, MCA, is amended to read:

13 "10-3-204. Intergovernmental arrangements. (1) This
14 state enacts into law and enters into the interstate ~~civil~~
15 ~~defense-and-disaster~~ mutual aid compact with all states, as
16 defined therein, which states have enacted or shall
17 hereafter enact the compact in the form substantially
18 contained in ~~10-3-206~~ [section 3].

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

24 (3) Nothing in subsections (1) and (2) may be
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1 construed to limit previous or future entry of this state
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3 compact.

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

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

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

20 Section 2. Section 10-3-205, MCA, is amended to read:

21 "10-3-205. Authority to join interstate ~~civil-defense~~
22 ~~and-disaster~~ mutual aid compact -- supplemental agreements.

23 (1) The governor of the state of Montana is hereby
24 authorized for and in the name of the state of Montana to
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THIRD READING

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18 Canada for the purpose of exchanging disaster and emergency
19 services."

20 Section 2. Section 10-3-205, MCA, is amended to read:

21 "10-3-205. Authority to join interstate ~~civil--defense~~
22 ~~and-disaster~~ mutual aid compact -- supplemental agreements.

23 (1) The governor of the state of Montana is hereby
24 authorized for and in the name of the state of Montana to
25 join with other states in the interstate ~~civil-defense-and~~

1 ~~disaster mutual aid compact as--developed--by--the--civil~~
2 ~~defense--office-of-the-national-security-and-resources-board~~
3 ~~and-the-council-of-state-governments.~~

4 (2) The governor of the state of Montana is hereby
5 authorized to negotiate and execute such supplemental
6 agreements as may be necessary and proper to fully carry
7 into effect the terms and provisions of the interstate ~~civil~~
8 ~~defense--and--disaster~~ mutual aid compact as set forth in
9 ~~10-3-206 [section 3]."~~

10 NEW SECTION. Section 3. Text of compact. The
11 interstate mutual aid compact referred to in 10-3-204 and
12 10-3-205 reads as follows:

13 INTERSTATE MUTUAL AID COMPACT

14 Article I

15 The purpose of this compact is to provide voluntary
16 assistance among participating states in responding to any
17 disaster or imminent disaster that overextends the ability
18 of local and state governments to reduce, counteract, or
19 remove the danger. Assistance may include but is not limited
20 to rescue, fire, police, medical, communication, and
21 transportation services and facilities to cope with problems
22 which require use of special equipment, trained personnel,
23 or personnel in large numbers not locally available.

24 Article II

25 Article I, section 10, of the Constitution of the

1 United States permits a state to enter into an agreement or
2 compact with another state, subject to the consent of
3 congress. Congress, through enactment of 50 U.S.C. 2281(g)
4 and 2283 and the executive branch, by issuance of Executive
5 Orders No. 10186 of December 1, 1950, encourages the states
6 to enter into emergency, disaster, and civil defense mutual
7 aid agreements or pacts.

8 Article III

9 It is agreed by participating states that the following
10 conditions will guide implementation of the compact:

11 (1) Participating states through their designated
12 officials are authorized to request and receive assistance
13 from a participating state. Requests will be granted only
14 if the requesting state is committed to the mitigation of
15 the emergency and other resources are not immediately
16 available.

17 (2) Requests for assistance may be verbal or in
18 writing. If the request is made by other than written
19 communication, it must be confirmed in writing as soon as
20 practical after the request. A written request shall provide
21 an itemization of equipment and operators, types of
22 expertise, and personnel or other resources needed. Each
23 request must be signed by an authorized official.

24 (3) Personnel and equipment of the aiding state made
25 available to the requesting state shall, whenever possible,

1 remain under the control and direction of the aiding state.
 2 The activities of personnel and equipment of the aiding
 3 state must be coordinated by the requesting state.

4 (4) An aiding state has the right to withdraw some or
 5 all of its personnel and equipment whenever the personnel
 6 and equipment are needed by that state. Notice of intention
 7 to withdraw should be communicated to the requesting state
 8 as soon as possible.

9 Article IV

10 (1) The requesting state shall reimburse the aiding
 11 state as soon as possible after the receipt by the
 12 requesting state of an itemized voucher requesting
 13 reimbursement of costs.

14 (2) Any state rendering aid pursuant to this compact
 15 must be reimbursed by the state receiving such aid for any
 16 damage to, loss of, or expense incurred in the operation of
 17 any equipment used in responding to a request for aid, and
 18 for the cost incurred in connection with such requests.

19 (3) Any state rendering aid pursuant to this compact
 20 must be reimbursed by the state receiving such aid for the
 21 cost of compensation and death benefits to injured officers,
 22 agents, or employees and their dependents or representatives
 23 if such officers, agents, or employees sustain injuries or
 24 are killed while rendering aid pursuant to this arrangement
 25 and such payments are made in the same manner and on the

1 same terms as if the injury or death were sustained within
 2 the aiding state.

3 Article V

4 (1) All privileges and immunities from liability,
 5 exemptions from law, ordinances, and rules and all pension,
 6 disability relief, workers' compensation, and other benefits
 7 that apply to the activity of officers, agents, or employees
 8 when performing their respective functions within the
 9 territorial limits of their respective political
 10 subdivisions apply to them to the same extent while engaged
 11 in the performance of any of their functions and duties
 12 extraterritorially under the provisions of this compact.

13 (2) All privileges and immunities from liability,
 14 exemptions from law, ordinances, and rules and workers'
 15 compensation and other benefits that apply to duly enrolled
 16 or registered volunteers when performing their respective
 17 functions at the request of their state and within its
 18 territorial limits apply to the same extent while performing
 19 their functions extraterritorially under the provisions of
 20 this compact. Volunteers may include but are not limited to
 21 physicians, surgeons, nurses, dentists, structural
 22 engineers, and trained search and rescue volunteers.

23 (3) The signatory states, their political
 24 subdivisions, municipal corporations, and other public
 25 agencies shall hold harmless the corresponding entities and

1 personnel thereof from the other state with respect to the
 2 acts and omissions of its own agents and employees that
 3 occur while providing assistance pursuant to the common
 4 plan.

5 (4) Nothing in this arrangement may be construed as
 6 repealing or impairing any existing interstate mutual aid
 7 agreements.

8 (5) Upon enactment of this compact by two or more
 9 states, and annually by each January 1 thereafter, the
 10 participating states will exchange with each other the names
 11 of officials designated to request and provide services
 12 under this arrangement. In accordance with the cooperative
 13 nature of this arrangement, it is permissible and desirable
 14 for the states to exchange operational procedures to be
 15 followed in requesting assistance and reimbursing expenses.

16 (6) This compact becomes effective and is binding upon
 17 the states so acting when it has been enacted into law by
 18 any two states. Thereafter, this compact becomes effective
 19 and binding as to any other state upon similar action by
 20 such state.

21 (7) This compact remains binding upon a party state
 22 until it enacts a law repealing the compact and providing
 23 for the sending of formal written notice of withdrawal from
 24 the compact to the appropriate officials of all other party
 25 states. An actual withdrawal may not take effect until the

1 30th consecutive day after the notice has been sent. Such
 2 withdrawal does not relieve the withdrawing state from its
 3 obligations assumed under this compact prior to the
 4 effective date of withdrawal.

5 NEW SECTION. Section 4. The department of military
 6 affairs may adopt rules necessary to implement the
 7 interstate mutual aid compact.

8 NEW SECTION. Section 5. Repealer. Section 10-3-206,
 9 MCA, is repealed.

-End-