

HOUSE BILL NO. 554

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

IN THE HOUSE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 3, 1989	FIRST READING.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 95; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 5, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 6, 1989	SECOND READING, CONCURRED IN.
APRIL 10, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 10, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 554  
2 INTRODUCED BY Sen. J. ...  
3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
6 LAWS RELATING TO DISASTER AND EMERGENCY SERVICES; PROVIDING  
7 A STATUTORY APPROPRIATION AND AUTHORIZING CERTAIN DISASTER  
8 AND EMERGENCY EXPENDITURES; ELIMINATING THE TIME LIMIT THAT  
9 AN EMERGENCY PROCLAMATION OR DISASTER DECLARATION MAY  
10 CONTINUE WITHOUT CONSENT OF THE LOCAL GOVERNING BODY;  
11 CLARIFYING THE AUTHORITY OF THE PRINCIPAL EXECUTIVE OFFICER;  
12 AND AMENDING SECTIONS 10-3-101, 10-3-312, 10-3-402,  
13 10-3-403, AND 10-3-406, MCA."  
14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
16 **Section 1.** Section 10-3-101, MCA, is amended to read:  
17 "10-3-101. Declaration of policy. Because of the  
18 existing and increasing possibility of the occurrence of  
19 disasters or emergencies of unprecedented size and  
20 destructiveness resulting from enemy attack, sabotage, or  
21 other hostile action and natural disasters and in order to  
22 provide for prompt and timely reaction to an emergency or  
23 disaster, to insure that preparation of this state will be  
24 adequate to deal with such disasters or emergencies, and  
25 generally to provide for the common defense and to protect

1 the public peace, health, and safety and to preserve the  
2 lives and property of the people of this state, it is hereby  
3 found-and declared to be necessary to:  
4 (1) authorize the creation of local or  
5 interjurisdictional organizations for disaster and emergency  
6 services in the political subdivisions of this state;  
7 (2) reduce vulnerability of people and communities of  
8 this state to damage, injury, and loss of life and property  
9 resulting from natural or man-made disasters;  
10 (3) provide a setting conducive to the rapid and  
11 orderly start of restoration and rehabilitation of persons  
12 and property affected by disasters;  
13 (4) clarify and strengthen the roles of the governor,  
14 state agencies, and local governments in prevention of,  
15 preparation for, response to, and recovery from emergencies  
16 and disasters;  
17 (5) authorize and provide for cooperation in disaster  
18 prevention, preparedness, response, and recovery;  
19 (6) authorize and provide for coordination of  
20 activities relating to disaster prevention, preparedness,  
21 response, and recovery by agencies and officers of this  
22 state and similar state-local, interstate, federal-state,  
23 and foreign activities in which the state and its political  
24 subdivisions may participate;  
25 (7) provide an emergency and disaster management

1 system embodying all aspects of emergency or disaster  
2 prevention, preparedness, response, and recovery;

3 (8) assist in prevention of disasters caused or  
4 aggravated by inadequate planning for public and private  
5 facilities and land use; and

6 (9) supplement, without in any way limiting, authority  
7 conferred by previous statutes of this state and increase  
8 the capability of the state, local, and interjurisdictional  
9 disaster and emergency services agencies to perform disaster  
10 and emergency services; and

11 (10) authorize the temporary hiring, with statutorily  
12 appropriated funds under 10-3-312, of professional and  
13 technical personnel to meet the state's responsibilities in  
14 providing assistance in the response to, recovery from, and  
15 mitigation of disasters in either state or federal emergency  
16 or disaster declarations."

17 **Section 2.** Section 10-3-312, MCA, is amended to read:

18 "10-3-312. Maximum expenditure in-biennium by governor  
19 -- appropriation. (1) Whenever an emergency or disaster is  
20 declared by the governor, there is statutorily appropriated  
21 to the office of the governor, as provided in 17-7-502, and  
22 he is authorized to expend from the general fund, an amount  
23 not to exceed \$1 million in any one year of the biennium.

24 (2) If a disaster is declared by the president of the  
25 United States, there is statutorily appropriated to the

1 office of the governor, as provided in 17-7-502, and he is  
2 authorized to expend from the general fund, an amount not to  
3 exceed \$500,000 during the biennium to meet the state's  
4 share of the individual and family grant programs as  
5 provided in 42 U.S.C. 5178."

6 **Section 3.** Section 10-3-402, MCA, is amended to read:

7 "10-3-402. Local emergency -- declaration and  
8 termination. (1) A local emergency proclamation or disaster  
9 declaration may be issued only by the principal executive  
10 officer of a political subdivision.

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

14 ~~{3}--An-emergency-proclamation--may--not--continue--for~~  
15 ~~longer--than-10-days-except-by-consent-of-the-governing-body~~  
16 ~~of-the-political-subdivision.~~

17 ~~{4}{3}~~ An emergency proclamation may terminate with a  
18 disaster declaration or when the principal executive officer  
19 determines that the emergency no longer exists."

20 **Section 4.** Section 10-3-403, MCA, is amended to read:

21 "10-3-403. Local disaster -- declaration and  
22 termination. (1) A disaster declaration may be issued by  
23 order or resolution whenever the principal executive officer  
24 determines a disaster is occurring or has occurred.

25 ~~{2}--A-disaster-declaration-may-not-continue-for-longer~~

1 ~~than-30-days-except-by-consent-of-the-governing-body-of--the~~  
2 ~~political-subdivision.~~

3 ~~(3)}~~(2) A disaster declaration may be terminated when  
4 the principal executive officer determines that the disaster  
5 conditions no longer exist."

6 **Section 5.** Section 10-3-406, MCA, is amended to read:

7 "10-3-406. Authority of principal executive officer.

8 ~~The~~ Upon the declaration of an emergency or disaster under  
9 10-3-402 or 10-3-403 and the issuance of an order as  
10 required by 10-3-404, the principal executive officer shall:

11 (1) direct and compel the evacuation of all or part of  
12 the population from an emergency or disaster area within  
13 that political subdivision when necessary for the  
14 preservation of life or other disaster mitigation, response,  
15 or recovery; and

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

19 NEW SECTION. **Section 6.** Extension of authority. Any  
20 existing authority to make rules on the subject of the  
21 provisions of [this act] is extended to the provisions of  
22 [this act].

-End-

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

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22 provide for prompt and timely reaction to an emergency or  
23 disaster, to insure that preparation of this state will be  
24 adequate to deal with such disasters or emergencies, and  
25 generally to provide for the common defense and to protect

1 the public peace, health, and safety and to preserve the  
2 lives and property of the people of this state, it is hereby  
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6 services in the political subdivisions of this state;  
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8 this state to damage, injury, and loss of life and property  
9 resulting from natural or man-made disasters;  
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11 orderly start of restoration and rehabilitation of persons  
12 and property affected by disasters;  
13 (4) clarify and strengthen the roles of the governor,  
14 state agencies, and local governments in prevention of,  
15 preparation for, response to, and recovery from emergencies  
16 and disasters;  
17 (5) authorize and provide for cooperation in disaster  
18 prevention, preparedness, response, and recovery;  
19 (6) authorize and provide for coordination of  
20 activities relating to disaster prevention, preparedness,  
21 response, and recovery by agencies and officers of this  
22 state and similar state-local, interstate, federal-state,  
23 and foreign activities in which the state and its political  
24 subdivisions may participate;  
25 (7) provide an emergency and disaster management

1 system embodying all aspects of emergency or disaster  
2 prevention, preparedness, response, and recovery;

3 (8) assist in prevention of disasters caused or  
4 aggravated by inadequate planning for public and private  
5 facilities and land use; and

6 (9) supplement, without in any way limiting, authority  
7 conferred by previous statutes of this state and increase  
8 the capability of the state, local, and interjurisdictional  
9 disaster and emergency services agencies to perform disaster  
10 and emergency services; and

11 (10) authorize the PAYMENT OF EXTRAORDINARY COSTS AND  
12 THE temporary hiring, with statutorily appropriated funds  
13 under 10-3-312, of professional and technical personnel to  
14 meet the state's responsibilities in providing assistance in  
15 the response to, recovery from, and mitigation of disasters  
16 in either state or federal emergency or disaster  
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18 **Section 2.** Section 10-3-312, MCA, is amended to read:

19 "10-3-312. Maximum expenditure in-biennium by governor  
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21 declared by the governor, there is statutorily appropriated  
22 to the office of the governor, as provided in 17-7-502, and  
23 he is authorized to expend from the general fund, an amount  
24 not to exceed \$1 \$2 million in any one year-of-the biennium.

25 (2) If a disaster is declared by the president of the

1 United States, there is statutorily appropriated to the  
2 office of the governor, as provided in 17-7-502, and he is  
3 authorized to expend from the general fund, an amount not to  
4 exceed \$500,000 during the biennium to meet the state's  
5 share of the individual and family grant programs as  
6 provided in 42 U.S.C. 5178."

7 **Section 3.** Section 10-3-402, MCA, is amended to read:

8 "10-3-402. Local emergency -- declaration and  
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11 officer of a political subdivision.

12 (2) An emergency proclamation may be issued by order  
13 or resolution whenever the principal executive officer  
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18 ~~(4)}~~(3) An emergency proclamation may terminate with a  
19 disaster declaration or when the principal executive officer  
20 determines that the emergency no longer exists."

21 **Section 4.** Section 10-3-403, MCA, is amended to read:

22 "10-3-403. Local disaster -- declaration and  
23 termination. (1) A disaster declaration may be issued by  
24 order or resolution whenever the principal executive officer  
25 determines a disaster is occurring or has occurred.

~~{2}--A-disaster-declaration-may-not-continue-for-longer  
than--30-days-except-by-consent-of-the-governing-body-of-the  
political-subdivision;~~

~~{3}{2}~~ A disaster declaration may be terminated when  
the principal executive officer determines that the disaster  
conditions no longer exist."

**Section 5.** Section 10-3-406, MCA, is amended to read:

**"10-3-406. Authority of principal executive officer.**

~~The~~ Upon the declaration of an emergency or disaster under  
10-3-402 or 10-3-403 and the issuance of an order as  
required by 10-3-404, the principal executive officer shall  
MAY:

(1) direct and compel the evacuation of all or part of  
the population from an emergency or disaster area within  
that political subdivision when necessary for the  
preservation of life or other disaster mitigation, response,  
or recovery; and

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

NEW SECTION. **Section 6. Extension of authority.** Any  
existing authority to make rules on the subject of the  
provisions of [this act] is extended to the provisions of  
[this act].

-End-



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**Section 1.** Section 10-3-101, MCA, is amended to read:

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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 to:

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

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

(4) clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to, and recovery from emergencies and disasters;

(5) authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;

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

(7) provide an emergency and disaster management

1 system embodying all aspects of emergency or disaster  
2 prevention, preparedness, response, and recovery;

3 (8) assist in prevention of disasters caused or  
4 aggravated by inadequate planning for public and private  
5 facilities and land use; and

6 (9) supplement, without in any way limiting, authority  
7 conferred by previous statutes of this state and increase  
8 the capability of the state, local, and interjurisdictional  
9 disaster and emergency services agencies to perform disaster  
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11 (10) authorize the PAYMENT OF EXTRAORDINARY COSTS AND  
12 THE temporary hiring, with statutorily appropriated funds  
13 under 10-3-312, of professional and technical personnel to  
14 meet the state's responsibilities in providing assistance in  
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22 to the office of the governor, as provided in 17-7-502, and  
23 he is authorized to expend from the general fund, an amount  
24 not to exceed \$1 \$2 million in any one year-of-the biennium.

25 (2) If a disaster is declared by the president of the

1 United States, there is statutorily appropriated to the  
2 office of the governor, as provided in 17-7-502, and he is  
3 authorized to expend from the general fund, an amount not to  
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11 officer of a political subdivision.

12 (2) An emergency proclamation may be issued by order  
13 or resolution whenever the principal executive officer  
14 determines there is an emergency.

15 ~~{3}--An--emergency--proclamation--may--not--continue--for~~  
16 ~~longer--than--10--days--except--by--consent--of--the--governing--body~~  
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18 ~~{4}{3}~~ (3) An emergency proclamation may terminate with a  
19 disaster declaration or when the principal executive officer  
20 determines that the emergency no longer exists."

21 **Section 4.** Section 10-3-403, MCA, is amended to read:

22 "10-3-403. Local disaster -- declaration and  
23 termination. (1) A disaster declaration may be issued by  
24 order or resolution whenever the principal executive officer  
25 determines a disaster is occurring or has occurred.

1       ~~{2}--A disaster declaration may not continue for longer~~  
2       ~~than--30 days except by consent of the governing body of the~~  
3       ~~political subdivision.~~

4       {3}{2} A disaster declaration may be terminated when  
5       the principal executive officer determines that the disaster  
6       conditions no longer exist."

7       **Section 5.** Section 10-3-406, MCA, is amended to read:

8       "10-3-406. Authority of principal executive officer.

9       ~~The~~ Upon the declaration of an emergency or disaster under  
10      10-3-402 or 10-3-403 and the issuance of an order as  
11      required by 10-3-404, the principal executive officer shall  
12      MAY:

13       (1) direct and compel the evacuation of all or part of  
14       the population from an emergency or disaster area within  
15       that political subdivision when necessary for the  
16       preservation of life or other disaster mitigation, response,  
17       or recovery; and

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

21       NEW SECTION. **Section 6.** Extension of authority. Any  
22       existing authority to make rules on the subject of the  
23       provisions of [this act] is extended to the provisions of  
24       [this act].

-End-

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