SENATE BILL NO. 353

INTRODUCED BY CRIPPEN, B. BROWN

IN THE SENATE

	IND SERVICE
FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 49; NOES, 1.
	TRANSMITTED TO HOUSE.
II	THE HOUSE
FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 78; NOES, 19.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 29, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	Senste BILL NO. 353
2	INTRODUCED BY BARBARA
3	"
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW LOCAL LAW
5	ENFORCEMENT AGENCIES TO REQUEST ASSISTANCE FROM THE NATIONAL
6	GUARD AND TACTICAL TEAMS FROM OTHER JURISDICTIONS DURING
7	TACTICAL INCIDENTS; TO EMPOWER THE GOVERNOR TO AUTHORIZE THE
8	NATIONAL GUARD ASSISTANCE; TO CREATE A VEHICLE TAX TO FUND
9	SITUATIONS DEMANDING SUCH ASSISTANCE; STATUTORILY
10	APPROPRIATING THE ACCOUNT; AMENDING SECTION 17-7-502, MCA;
11	AND PROVIDING AN EFFECTIVE DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	NEW SECTION. Section 1. Short title. [This act] may
15	be cited as the "Tactical Incident Assistance Act".
16	NEW SECTION. Section 2. Definitions. As used in
17	[sections 1 through 6], the following definitions apply:
18	(1) "Jurisdiction" means the jurisdiction of any law
19	enforcement agency within Montana.
20	(2) "Tactical incident" means any situation in which
21	it is reasonable to expect the possibility of the loss of
22	life or the taking of a hostage unless extraordinary steps
23	are taken. These situations may include but are not limited
24	to:

(a) a barricaded gunman;

2	(c) arrests in extraordinary ci
3	<pre>(d) civil disorder;</pre>
4	<pre>(e) terrorist activity;</pre>
5	(f) protection of a dignitary;
6	(g) courtroom security in extra
7	(3) "Tactical team" means a s
8	disciplined law enforcement office
9	quick and ready response to high
10	situations that go beyond the ca
11	trained and equipped officers. With
12	tactics, and equipment, this sma
13	provides a greater expectation of
14	without loss of property, injury, or
15	NEW SECTION. Section 3. Tactic
16	jurisdiction. (1) If a tactical
17	capability of a local law enforce
18	administrator may request the assista
19	from another jurisdiction.
20	(2) A tactical team called to a
21	peace officer status in that
22	authority of the requesting agency.
23	NEW SECTION. Section 4. Local

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arrests in extraordinary circumstances; civil disorder; terrorist activity; protection of a dignitary; and courtroom security in extraordinary circumstances. "Tactical team" means a small group of highly ed law enforcement officers trained to provide a d ready response to high risk conditions and s that go beyond the capabilities of normally nd equipped officers. With specialized training, and equipment, this small group of officers a greater expectation of resolving incidents oss of property, injury, or loss of life. SECTION. Section 3. Tactical team aiding another ion. (1) If a tactical incident exceeds y of a local law enforcement agency, the agency ator may request the assistance of a tactical team her jurisdiction. A tactical team called to another jurisdiction has fficer status in that jurisdiction under the of the requesting agency.

national guard. (1) If a tactical incident exceeds the

capability of a local law enforcement agency, the agency

(b) a person taken hostage;

agency

to contact

- administrator may call the national guard staff duty office
 for assistance as provided in [section 5].
- 3 (2) The national guard staff duty officer shall inform4 the governor of the request.

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- NEW SECTION. Section 5. Tactical incident -- national g ard assistance. (1) Upon request by a local law enforcement agency administrator, the governor may order the national guard to provide transportation services and the use of national guard equipment to tactical teams that are providing assistance to the requesting agency during a tactical incident.
- 12 (2) This section does not give the national guard the 13 status or authority of peace officers.
 - NEW SECTION. Section 6. Funding -- costs related to tactical incidents. The attorney general shall authorize the expenditure of funds from the account created by [section 7] for all reasonable costs resulting from a request for:
 - tactical team assistance under [section 3]; and
- 19 (2) national guard assistance under [section 5].
- NEW SECTION. Section 7. Tactical incident account.
 There is an account in the state special revenue fund. Money
 from the tax imposed under [section 8] must be deposited in
 the account. The money in the account is statutorily
 appropriated, as provided in 17-7-502, to the attorney
 general to pay costs related to tactical incidents, as

provided in [section 6].

AND TO SERVICE AND ADDRESS OF THE PROPERTY OF

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- NEW SECTION. Section 8. Vehicle tax -- tactical incident account -- excess. (1) There is a state tax imposed on vehicles subject to the property tax under 61-3-504(2), at a rate of 0.5% of the value determined under 61-3-503. The state tax imposed by this section is in addition to the tax imposed under 61-3-504(2).
 - (2) The tax must be paid at the same time and in the same manner as the tax imposed under 61-3-504(2). The county in which the tax is collected shall forward the tax to the state treasurer.
 - (3) The taxes collected under this section and any income and interest from investment of these taxes must be credited to the account created by [section 7] in order to maintain a \$500,000 balance in that account.
 - (4) Any amount over the \$500,000 balance in the account must be deposited in the state general fund, whether the excess is the result of taxation or investment.
- Section 9. Section 17-7-502, MCA, is amended to read:
 - "17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
 - (2) Except as provided in subsection (4), to be

- effective, a statutory appropriation must comply with both of the following provisions:
- 3 (a) The law containing the statutory authority must be 4 listed in subsection (3).

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- (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.
- 8 (3) The following laws are the only laws containing
 9 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 - 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
- 11 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
- 12 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
- 13 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
- 14 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
- 15 19-12-301: 19-13-604; 20-4-109; 20-6-406; 20-8-111;
- 16 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
- 17 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;
- 18 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136;
- 19 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103;
- 20 section 13. House Bill No. 861, Laws of 1985; and section 1,
- 21 Chapter 454, Laws of 1987; and [section 7].
- 22 (4) There is a statutory appropriation to pay the
- 23 principal, interest, premiums, and costs of issuing, paying,
- 24 and securing all bonds, notes, or other obligations, as due,
- 25 that have been authorized and issued pursuant to the laws of

- l Montana. Agencies that have entered into agreements
- 2 authorized by the laws of Montana to pay the state
- 3 treasurer, for deposit in accordance with 17-2-101 through
- 4 17-2-107, as determined by the state treasurer, an amount
- sufficient to pay the principal and interest as due on the
- 6 bonds or notes have statutory appropriation authority for
- 7 such payments. (In subsection (3): pursuant to sec. 15, Ch.
- 8 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
- 9 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
- 10 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
- 11 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
- 12 1987, terminates July 1, 1988.)"
- 13 NEW SECTION. Section 10. Codification instructions.
- 14 (1) [Sections 1 through 7] are intended to be codified as an
- 15 integral part of Title 10, and the provisions of Title 10
- 16 apply to [sections 1 through 7].
- 17 (2) [Section 8] is intended to be codified as an
- 18 integral part of Title 61, chapter 3, part 5, and the
- 19 provisions of Title 61, chapter 3, part 5, apply to [section
- 20 8).
- 21 NEW SECTION. Section 11. Severability. If a part of
- 22 [this act] is invalid, all valid parts that are severable
- 23 from the invalid part remain in effect. If a part of [this
- 24 act) is invalid in one or more of its applications, the part
- 25 remains in effect in all valid applications that are

LC 0992/01

- severable from the invalid applications.
- 2 NEW SECTION. Section 12. Effective date. [This act]
- 3 is effective January 1, 1990.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB353, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allow local law enforcement agencies to request assistance from the National Guard and tactical teams from other jurisdictions during tactical incidents; to empower the governor to authorize the National Guard assistance; to create a vehicle tax to fund situations demanding such assistance; statutorily appropriating the account; and providing an effective date.

ASSUMPTIONS:

- 1. Total light motor vehicle tax receipts are estimated to be \$37,138,000 in FY90 and \$40,376,000 in FY91 (REAC).
- 2. The current tax rate on light motor vehicles is 2% of market value. This proposal would add an additional tax of .5% of market value. (Any local option tax revenue is not included.)
- 3. The impact in FY90 is one-half of the full year impact, as the effective date of the proposal is January 1, 1990.
- 4. No data are available to estimate expenditures from the Tactical Incident Special Revenue Account.

FISCAL IMPACT: Revenue Impact:

ROVEINGE TEMPERET		FY90			FY91	
Motor Vehicle Taxe	Current Law s\$37,138,000	Proposed Law \$41,780,250	Difference \$ 4,642,250	Current Law \$40,376,000	Proposed Law \$50,470,000	<u>Difference</u> \$10,094,000
Fund Information:						
District Court Local Governments	\$ 2,600,000 34,538,000	\$ 2,600,000 34,538,000	\$ 0 0	\$ 2,826,000 37,550,000	\$ 2,826,000 37,550,000	\$ 0 0
Tactical Incident Special Rev. Acct	0	500,000	500,000	0	0	0
General Fund Total	\$37,138,000	$\frac{4,142,250}{$41,780,250}$	4,142,250 \$ 4,642,250	0 \$40,376,000	$\frac{10,094,000}{$50,470,000}$	$\frac{10,094,000}{10,094,000}$

RAY SHACKLEFORD, BUDGET DIRECTOR

OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/13/89

BRUCE D. CRIPPEN, PRIMARY SPONSOR

Fiscal Note for SB353, as introduced

5B 353

DATE 2/14

APPROVED BY COMMITTEE ON JUDICIARY

2	INTRODUCED BY CRIPPEN, B. BROWN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW LOCAL LAW
5	ENFORCEMENT AGENCIES TO REQUEST ASSISTANCE FROM THE NATIONAL
6	GUARD AND TACTICAL TEAMS FROM OTHER JURISDICTIONS DURING
7	TACTICAL INCIDENTS; TO EMPOWER THE GOVERNOR TO AUTHORIZE THE
8	NATIONAL GUARD ASSISTANCE; TO-CREATE-A-VEHICLE-TAXTOPUND
9	SITUATIONSDEMANDINGSUCHASSISTANCE;STATUTORILY
10	APPROPRIATING-THE-ACCOUNT;-AMENDING-SECTION17-7-502;MCA;
11	AND PROVIDING AN EFFECTIVE DATE."
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15	be cited as the "Tactical Incident Assistance Act".
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20	(2) "Tactical incident" means any situation in which
21	it is reasonable to expect the possibility of the loss of
22	life or the taking of a hostage unless extraordinary steps
23	are taken. These situations may include but are not limited
	•
24	to:
25	(a) a barricaded gunman;

SENATE BILL NO. 353

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Moneana	Legislative	Council

- 1 (b) a person taken hostage;
- 2 (c) arrests in extraordinary circumstances;
- 3 (d) civil disorder;

- (e) terrorist activity;
 - (f) protection of a dignitary; and
- 6 (g) courtroom security in extraordinary circumstances.
- 7 (3) "Tactical team" means a small group of highly
- 8 disciplined law enforcement officers trained to provide a
- 9 quick and ready response to high risk conditions and
- 10 situations that go beyond the capabilities of normally
- 11 trained and equipped officers. With specialized training,
- 12 tactics, and equipment, this small group of officers
- 13 provides a greater expectation of resolving incidents
- 14 without loss of property, injury, or loss of life.
- 15 NEW SECTION. Section 3. Tactical team aiding another
- 16 jurisdiction. (1) If a tactical incident exceeds the
- 17 capability of a local law enforcement agency, the agency
- 18 administrator may request the assistance of a tactical team
- 19 from another jurisdiction.
- 20 (2) A tactical team called to another jurisdiction has
- 21 peace officer status in that jurisdiction under th
- 22 authority of the requesting agency.
- 23 NEW SECTION. Section 4. Local agency to contact
- 24 national quard. (1) If a tactical incident exceeds the
- 25 capability of a local law enforcement agency, the agency

1	administrator may call the national guard staff duty office
2	for assistance as provided in [section 5].
3	(2) The national guard staff duty officer shall inform
4	the governor of the request.
5	NEW SECTION. Section 5. Tactical incident national
6	guard assistance. (1) Upon request by a local law
7	enforcement agency administrator, the governor may order the
8	national guard to provide transportation services and the
9	use of national guard equipment TO THE REQUESTING AGENCY
10	TACTICAL TEAM OR to tactical teams that are providing
11	assistance to the requesting agency during a tactical
12	incident.
13	(2) This section does not give the national guard the
14	status or authority of peace officers.
15	NEW-SECTION: Section 6 Punding costs -related to
16	tactical-incidents:-The-attorney-general-shall-authorize-the
17	expenditure-of-funds-from-the-account-created-by-{section-7}
18	for-all-reasonable-costs-resulting-from-a-request-for:
19	(1)tactical-team-assistance-under-{section-3};-and
20	<pre>{2}national-guard-assistance-under-{section-5}:</pre>
21	NEW-SECTION: Section-7: Pactical incident account .
22	There-is-an-account-in-the-state-special-revenue-fundMoney
23	fromthe-tax-imposed-under-{section-8}-must-be-deposited-in
24	theaccountThemoneyintheaccountisstatutorily

1	general-to-paycostsrelatedtotacticalincidents;as
2	provided-in-{section-6}+
3	NEW-SECTION Section 8: - Vehicle tax tactical
4	incident-accountexcessr-(1)-There-is-a-state-tax-imposed
5	on-vehicles-subject-to-the-property-taxunder61-3-504(2);
6	atarateof-0.5%-of-the-value-determined-under-61-3-503.
7	The-state-tax-imposed-by-this-section-is-in-addition-tothe
8	tax-imposed-under-61-3-504 (2);
9	+2)Thetaxmust-be-paid-at-the-same-time-and-in-the
10	same-manner-as-the-tax-imposed-under-61-3-504(2)The-county
11	in-which-the-tax-is-collected-shall-forward-the-taxtothe
12	state-treasurer:
13	(3)Thetaxescollectedunderthis-section-and-any
14	income-and-interest-from-investment-of-these-taxesmustbe
15	creditedtothe-account-created-by-{section-7}-in-order-to
16	maintain-a-\$500,000-balance-in-that-account:
17	(4)Anyamountoverthe\$500,000balanceinthe
18	account-must-be-deposited-in-the-state-general-fund,-whether
19	the-excess-is-the-result-of-taxation-or-investment-
20	Section 9 Section 17-7-502, -MCA, -is -amended to -read:
21	#17-7-502Statutory-appropriationsdefinition
22	requisitesforvalidity:(1)-A-statutory-appropriation-is
23	an-appropriationmadebypermanentlawthatauthorizes
24	spendingbya-state-agency-without-the-need-for-a-biennia
25	legislative-appropriation-or-budget-amendment.

appropriated, -- as -- provided -- in -- 17-7-502, -- to -- the -attorney

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1	t2)Exceptasprovidedinsubsectiont4);tobe
2	effective,astatutory-appropriation-must-comply-with-both
3	of-the-following-provisions:
4	ta}The-law-containing-the-statutory-authority-must-be
5	listed-in-subsection-(3):
6	<pre>tb)The-law-or-portion-of-the-law-makingastatutory</pre>
7	appropriationmustspecificallystatethatastatutory
8	appropriation-is-made-as-provided-in-this-section-
9	(3)The-following-laws-are-theonlylawscontaining
10	statutoryappropriations2-9-202;2-17-105;2-18-812;
11	10-3-203;10-3-312;10-3-314;10-4-301;13-37-304;
12	15-25-123715-31-702715-36-112715-65-121715-70-1017
13	16-1-404;-16-1-410;-16-1-411;-17-3-212;-17-5-404;17-5-424;
14	17-5-804;19-8-504;19-9-702;19-9-1007;19-10-205;
15	19-10-305;19-10-506;19-11-512;19-11-513;19-11-606;
16	19-12-301;19-13-604;20-4-109;20-6-406;20-8-111;
17	23-5-610;23-5-1027;33-31-212;33-31-401;37-51-501;
18	39-71-2504;53-6-150;53-24-206;67-3-205;75-1-1101;
19	75-7-305;76-12-123;80-2-103;80-2-220;82-11-136;
20	90-3-301;-90-3-302;-90-3-412;-90-4-215;-90-9-306;-90-15-103;
21	section=13,-House-Bill-Nor-861,-Laws-of-1985,-and-section-1,
22	Chapter-454,-baws-of-1987;-and-{section-7};
23	(4)Thereisastatutoryappropriationto-pay-the
24	principal,-interest,-premiums,-and-costs-of-issuing,-paying,
25	and-securing-all-bonds;-notes;-or-other-obligations;-as-due;

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that-have-been-authorized-and-issued-pursuant-to-the-laws-of
      Montana:--Agencies--that--have---entered---into---agreements
      authorized --- by -- the -- laws -- of -- Montana -- to -- pay -- the -- state
      treasurer,-for-deposit-in-accordance-with--17-2-101--through
      17-2-1077--as--determined--by-the-state-treasurery-an-amount
      sufficient-to-pay-the-principal-and-interest-as-due--on--the
      bonds--or--notes--have-statutory-appropriation-authority-for
      such-payments:--(In-subsection-(3):-pursuant-to-sec:-157-Ch:
      6077-5:-19877-the-inclusion-of-15-65-121-terminates-June-307
      1989;-pursuant-to-sec--10;-Ch--664;-b--1987;--the--inclusion
10
11
      of-39-71-2504-terminates-June-307-19917-and-pursuant-to-sect
12
      67--Ch---4547--b--19877-the-inclusion-of-sec--17-Ch--4547-b-
      1987;-terminates-July-1;-1988;)#
13
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NEW SECTION. Section 6. Codification instructions

INSTRUCTION. (†) [Sections 1 through 7 $\underline{5}$] are intended to be codified as an integral part of Title 10, and the provisions of Title 10 apply to [sections 1 through 7 $\underline{5}$].

(2)--{Section--0}--is--intended--to--be--codified-as-an integral-part-of-Title--61,--chapter--3,--part--5,--and--the provisions-of-Title-61,--chapter-3,-part-5,-apply-to-{section 0}.

NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part

SB 353

-6-

SB 353

- 1 remains in effect in all valid applications that are
- 2 severable from the invalid applications.
- 3 NEW SECTION. Section 8. Effective date. [This act] is
- effective January-1,-1990 JULY 1, 1989.

51st Legislature

SB 0353/02

2	INTRODUCED BY CRIPPEN, B. BROWN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW LOCAL LAW
5	ENFORCEMENT AGENCIES TO REQUEST ASSISTANCE FROM THE NATIONAL
6	GUARD AND TACTICAL TEAMS FROM OTHER JURISDICTIONS DURING
7	TACTICAL INCIDENTS; TO EMPOWER THE GOVERNOR TO AUTHORIZE THE
8	NATIONAL GUARD ASSISTANCE; TO-CREATE-A-VEHICLE-TAXTOPUND
9	SITUATIONSBEMANDINGSUCHASSISTANCE;STATUTORILY
10	APPROPRIATING-THE-ACCOUNT;-AMENDING-SECTION17-7-502;MCA;
11	AND PROVIDING AN EFFECTIVE DATE."
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17	[sections 1 through 6 5], the following definitions apply:
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19	enforcement agency within Montana.
20	(2) "Tactical incident" means any situation in which
21	it is reasonable to expect the possibility of the loss of
22	life or the taking of a hostage unless extraordinary steps
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24	to:
25	(a) a barricaded gunman;

SENATE BILL NO. 353

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- (b) a person taken hostage; (c) arrests in extraordinary circumstances; (d) civil disorder; (e) terrorist activity; (f) protection of a dignitary; and (q) courtroom security in extraordinary circumstances. (3) "Tactical team" means a small group of highly sciplined law enforcement officers trained to provide a tick and ready response to high risk conditions and tuations that go beyond the capabilities of normally ained and equipped officers. With specialized training, actics, and equipment, this small group of officers ovides a greater expectation of resolving incidents thout loss of property, injury, or loss of life. NEW SECTION. Section 3. Tactical team aiding another risdiction. (1) If a tactical incident exceeds the pability of a local law enforcement agency, the agency lministrator may request the assistance of a tactical team om another jurisdiction.
 - peace officer status in that jurisdiction under the authority of the requesting agency.

 NEW SECTION. Section 4. Local agency to contact

(2) A tactical team called to another jurisdiction has

national guard. (1) If a tactical incident exceeds the capability of a local law enforcement agency, the agency

1	administrator may call the national guard staff duty office
2	for assistance as provided in [section 5].
3	(2) The national guard staff duty officer shall inform
4	the governor of the request.
5	NEW SECTION. Section 5. Tactical incident national
6	guard assistance. (1) Upon request by a local law
7	enforcement agency administrator, the governor may order the
8	national guard to provide transportation services and the
9	use of national guard equipment TO THE REQUESTING AGENCY
10	TACTICAL TEAM OR to tactical teams that are providing
11	assistance to the requesting agency during a tactical
12	incident.
13	(2) This section does not give the national guard the
14	status or authority of peace officers.
15	NEW-SECTION: Section 5 Funding costs related -to
16	tactical-incidents:-The-attorney-general-shall-authorize-the
17	expenditure-of-funds-from-the-account-created-by-{section-7}
18	for-all-reasonable-costs-resulting-from-a-request-for-
19	(1) tactical-team-assistance-under-{section-3};-and
20	(2)national-guard-assistance-under-fsection-5]-
21	NEW-SBCTION: Section-7 Pactical incident account -
22	There-is-an-account-in-the-state-special-revenue-fund-Money
23	from-the-tax-imposed-under-fsection-0}-must-be-deposited-in
24	theaccount:Themoneyintheaccountisstatutorily
25	appropriated,asprovidedin17-7-502,tothe-attorney

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1
     general-to-pay--costs--related--to--tactical--incidents;--as
2
     provided-in-faction-61-
          NEW-SECTION. -- Section-8. -- Vehicle -- tax -- -- tactical
3
      incident-account----excess--(1)-There-is-a-state-tax-imposed
4
5
      on-vehicles-subject-to-the-property-tax--under--61-3-504(2);
      at--a--rate--of-0.5%-of-the-value-determined-under-61-3-503-
7
      The-state-tax-imposed-by-this-section-is-in-addition-to--the
8
      tex-imposed-under-61-3-504(2);
9
           †2}--The--tax--must-be-paid-at-the-same-time-and-in-the
10
      same-manner-as-the-tax-imposed-under-61-3-504(2);-The-county
11
      in-which-the-tax-is-collected-shall-forward-the-tax--to--the
12
      state-treasurer-
13
           f3)--The--taxes--collected--under--this-section-and-any
      income-and-interest-from-investment-of-these-taxes--must--be
14
15
      credited -- to -- the account - created - by - { section - 7} - in - order -- to
16
      maintain-a-$500,000-balance-in-that-account:
17
           14)--Any--amount--over--the--$500,000--balance--in--the
18
      account-must-be-deposited-in-the-state-general-fund; -whether
19
      the-excess-is-the-result-of-taxation-or-investment-
20
           Section 9. - Section -- 17-7-502; MCA; -is -amended -to -read:
21
           *17-7-502;--Statutory-appropriations----definition----
22
      requisites--for--validity:--(1)-A-statutory-appropriation-is
23
      an-appropriation--made--by--permanent--law--that--authorizes
24
      spending--by--a-state-agency-without-the-need-for-a-biennial
      legislative-appropriation-or-budget-amendment:
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{2}--Except--as--provided--in--subsection--(4)7--to--be
1
 2
      effective;--a--statutory-appropriation-must-comply-with-both
3
      of-the-following-provisions:
4
           (a)--The-law-containing-the-statutory-authority-must-be
      listed-in-subsection-(3)-
5
6
           (b)--The-law-or-portion-of-the-law-making--a--statutory
7
      appropriation--must--specifically--state--that--a--statutory
 8
      appropriation-is-made-as-provided-in-this-section-
9
           (3)--The-following-laws-are-the--only--laws--containing
10
      statutory---appropriations:---2-9-202;--2-17-105;--2-10-812;
      10-3-2037---10-3-3127---10-3-3147----10-4-3017----13-37-3047
11
      15-25-123;---15-31-702;---15-36-112;--15-65-121;--15-70-101;
12
13
      16-1-404;-16-1-410;-16-1-411;-17-3-212;-17-5-404;--17-5-424;
      17-5-804:---19-8-504:---19-9-702:---19-9-1007:---19-10-205:
14
      19-10-305;--19-10-506;--19-11-512;---19-11-513;---19-11-606;
15
16
      19-12-301;----19-13-604;---20-4-109;---20-6-406;---20-8-111;
17
      23-5-610;--23-5-1027;---33-31-212;---33-31-401;---37-51-501;
      39-71-2504;---53-6-150;---53-24-206;---67-3-205;--75-1-1101;
18
19
      75-7-305;---76-12-123;---00-2-103;---00-2-228;----82-11-136;
      90-3-3017-90-3-3027-90-3-4127-90-4-2157-90-9-3067-90-15-1037
20
21
      section-137-House-Bill-Not-8617-baws-of-19857-and-section-17
22
      Chapter-454;-baws-of-1987;-and-{section-7};
23
            (4)--There--is--a--statutory--appropriation--to-pay-the
24
      principal; interest; premiums; and costs of issuing; paying;
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and-securing-all-bonds;-notes;-or-other-obligations;-as-due;

-5-

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that-have-been-authorized-and-issued-pursuant-to-the-laws-of
1
     Montana---Agencies--that--have---entered---into---agreements
2
     authorized---by--the--laws--of--Montana--to--pay--the--state
3
     treasurer; -for-deposit-in-accordance-with--17-2-101--through
4
     17-2-1077--as--determined--by-the-state-treasurer7-an-amount
     sufficient-to-pay-the-principal-and-interest-as-due--on--the
6
     bonds--or--notes--have-statutory-appropriation-authority-for
     such-payments:--(In-subsection-(3):-pursuant-to-sec:-157-Ch:
     607;-b:-1987;-the-inclusion-of-15-65-121-terminates-June-30;
9
     1989;-pursuant-to-sec;-10;-Ch:-664;-b:-1987;--the--inclusion
10
     of-39-71-2504-terminates-June-30;-1991;-and-pursuant-to-sect
11
      67--Ch---4547--b:-19877-the-inclusion-of-sec--17-Ch--4547-b:
1.2
      1987;-terminates-July-1;-1988;;"
13
           NEW SECTION. Section 6. Codification
                                                       instructions
14
      INSTRUCTION. (1) [Sections 1 through 7 5] are intended to be
15
      codified as an integral part of Title 10, and the provisions
16
      of Title 10 apply to [sections 1 through 7 5].
17
           +2)--{Section--8}--is--intended--to--be--codified-as-an
18
      integral-part-of-Title--61; -- chapter--3; -- part--5; -- and--the
19
      provisions-of-Title-617-chapter-37-part-57-apply-to-fsection
20
21
      0 <del>]</del> -
           NEW SECTION. Section 7. Severability. If a part of
22
       [this act] is invalid, all valid parts that are severable
23
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from the invalid part remain in effect. If a part of [this

act! is invalid in one or more of its applications, the part

- 1 remains in effect in all valid applications that are
- 2 severable from the invalid applications.
- 3 NEW SECTION. Section 8. Effective date. [This act] is
- 4 effective January-1,-1990 JULY 1, 1989.

2	INTRODUCED BY CRIPPEN, B. BROWN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW LOCAL LAW
5	ENFORCEMENT AGENCIES TO REQUEST ASSISTANCE FROM THE NATIONAL
6	GUARD AND TACTICAL TEAMS FROM OTHER JURISDICTIONS DURING
7	TACTICAL INCIDENTS: TO EMPOWER THE GOVERNOR TO AUTHORIZE THE
8	NATIONAL GUARD ASSISTANCE; TO-CREATE-A-VEHICLE-TAXTOPUND
9	Situationsdemandingsuchassistance;statutoriby
10	APPROPRIATING-THE-ACCOUNT;-AMENDING-SECTION17-7-502;MCA;
11	AND PROVIDING AN EFFECTIVE DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	NEW SECTION. Section 1. Short title. [This act] may
15	be cited as the "Tactical Incident Assistance Act".
16	NEW SECTION. Section 2. Definitions. As used in
17	[sections 1 through 6 5], the following definitions apply:
18	(1) "Jurisdiction" means the jurisdiction of any law
19	enforcement agency within Montana.
20	(2) "Tactical incident" means any situation in which
21	it is reasonable to expect the possibility of the loss of
22	life or the taking of a hostage unless extraordinary steps
23	are taken. These situations may include but are not limited
24	to:
25	(a) a barricaded gunman;

SENATE BILL NO. 353

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1	(b) a person taken nostage;
2	(c) arrests in extraordinary circumstances;
3	(d) civil disorder;
4	<pre>(e) terrorist activity;</pre>
5	(f) protection of a dignitary; and
6	(g) courtroom security in extraordinary circumstances.
7	(3) "Tactical team" means a small group of highly
8	disciplined law enforcement officers trained to provide a
9	quick and ready response to high risk conditions and
10	situations that go beyond the capabilities of normally
11	trained and equipped officers. With specialized training,
12	tactics, and equipment, this small group of officers
13	provides a greater expectation of resolving incidents
14	without loss of property, injury, or loss of life.
15	NEW SECTION. Section 3. Tactical team aiding another
16	jurisdiction. (1) If a tactical incident exceeds the
17	capability of a local law enforcement agency, the agency
18	administrator may request the assistance of a tactical team
19	from another jurisdiction.
20	(2) A tactical team called to another jurisdiction has
21	peace officer status in that jurisdiction under the
22	authority of the requesting agency.
23	NEW SECTION. Section 4. Local agency to contact
24	national guard. (1) If a tactical incident exceeds the
25	capability of a local law enforcement agency, the agency

for assistance as provided in [section 5]. 3 (2) The national guard staff duty officer shall inform the governor of the request. NEW SECTION. Section 5. Tactical incident -- national 5 guard assistance. (1) Upon request by a local law enforcement agency administrator, the governor may order the national guard to provide transportation services and the 9 use of national guard equipment TO THE REQUESTING AGENCY 10 TACTICAL TEAM OR to tactical teams that are providing 11 assistance to the requesting agency during a tactical 12 incident. 13 (2) This section does not give the national guard the 14 status or authority of peace officers. NEW-SECTION: -- Section 6. - Punding ---- costs -related to 15 tactical-incidents.-The-attorney-general-shall-authorize-the 16 17 expenditure-of-funds-from-the-account-created-by-{section-7} 18 for-all-reasonable-costs-resulting-from-a-request-for: 19 tly--tactical-team-assistance-under-fsection-3j;-and 20 f2)--national-guard-assistance-under-fsection-5};

administrator may call the national guard staff duty office

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1	general-to-paycostsrelatedtotacticalincidents;as
2	provided-in-{section-6};
3	NEW-SECTION: Section-8 Vehicle tax tactical
4	incident-accountexcess(1)-There-is-a-state-tax-imposed
5	on-vehicles-subject-to-the-property-taxunder61-3-504(2);
6	atarateof-0.5%-of-the-value-determined-under-61-3-503
7	The-state-tax-imposed-by-this-section-is-in-addition-tothe
8	tax-imposed-under-61-3-504(2):
9	(2)Thetaxmust-be-paid-at-the-same-time-and-in-the
10	same-manner-as-the-tax-imposed-under-61-3-584(2),-The-count
11	in-which-the-tax-is-collected-shall-forward-the-taxtothe
12	state-treasurer.
13	(3)Thetaxescollectedunderthis-section-and-any
14	income-and-interest-from-investment-of-these-taxesmustbe
15	creditedtothe-account-created-by-{section-7}-in-order-to
16	maintain-a-\$500;000-balance-in-that-account-
17	(4)Anyamountoverthe\$500,000balanceinthe
18	account-must-be-deposited-in-the-state-general-fund;-whether
19	the-excess-is-the-result-of-taxation-or-investment:
20	Section 9 Section 17-7-502; -MCA; -is -amended -to -read:
21	#17-7-502Statutory-appropriationsdefinition
22	requisitesforvalidity(1)-A-statutory-appropriation-i
23	an-appropriationmadebypermanentlawthatauthorize
24	spendingbya-state-agency-without-the-need-for-a-biennia
25	legislative-appropriation-or-budget-amendment.

NEW-SECTION: -- Section 7: -- Tactical -- incident --- account.

There-is-an-account-in-the-state-special-revenue-fund--Money from--the-tax-imposed-under-{section-0}-must-be-deposited-in

the--account:--The--money--in--the--account--is--statutorily appropriated;--as--provided--in--17-7-502;--to--the-attorney

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t2)Exceptasprovidedinsubsection(4);tobe
effective; astatutory-appropriation-must-comply-with-both
of-the-following-provisions:
fa}The-law-containing-the-statutory-authority-must-be
listed-in-subsection-(3).
<pre>fb}The-law-or-portion-of-the-law-makingastatutory</pre>
appropriationmustspecificallystatethatastatutory
appropriation-is-made-as-provided-in-this-section-
(3)The-following-laws-are-theonlylawscontaining
statutoryappropriations2-9-20272-17-10572-16-6127
10-3-203;10-3-312;10-3-314;10-4-301;13-37-304;
15-25-123;15-31-702;15-36-112;15-65-121;15-70-101;
16-1-4847-16-1-4187-16-1-4117-17-3-2127-17-5-484717-5-4247

17-5-804;----19-8-504;---19-9-702;---19-9-1007;---19-10-205;

19-10-305;--19-10-506;--19-11-512;---19-11-513;---19-11-606;

19-12-3017----19-13-6047---20-4-109;---20-6-406;---20-8-111;

23-5-6107--23-5-10277---33-31-2127---33-31-4017---37-51-5017

39-71-2504;---53-6-150;---53-24-206;---67-3-205;--75-1-1101;

75-7-305;---76-12-123;---80-2-103;---80-2-228;----82-11-136;

90-3-301;-90-3-302;-90-3-412;-90-4-215;-90-9-306;-90-15-103;

section-137-House-Bill-Nor-8617-baws-of-19857-and-section-17

Chapter-4547-bays-of-1987;-and-fsection-71-

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t47--There--is--a--statutory--appropriation--to-pay-the
principal;-interest;-premiums;-and-costs-of-issuing;-paying;
and-securing-all-bonds;-notes;-or-other-obligations;-as-due;

-5-

1 that-have-been-authorized-and-issued-pursuant-to-the-laws-of Montana: -- Agencies -- that -- have -- -- entered -- -- into --- agreements 2 authorized---by--the--laws--of--Montana--to--pay--the--state treasurery-for-deposit-in-accordance-with--17-2-101--through 17-2-107,--as--determined--by-the-state-treasurer,-an-amount sufficient-to-pay-the-principal-and-interest-as-due--on--the 7 bonds--or--notes--have-statutory-appropriation-authority-for such-payments;---fin-subsection-f3):-pursuant-to-sec;-15;-Ch; 9 6077-b:-19877-the-inclusion-of-15-65-121-terminates-dune-307 10 1989;-pursuant-to-sec--10;-Ch:-664;-b:-1987;--the--inclusion 11 of-39-71-2504-terminates-June-307-1991;-and-pursuant-to-sec-12 67--Ch7--4547--b7-19877-the-inclusion-of-sec7-17-Ch7-4547-b7 13 1987;-terminates-July-1;-1988;)*

NEW SECTION. Section 6. Codification instructions

INSTRUCTION. (1) {Sections 1 through 7 $\underline{5}$ } are intended to be codified as an integral part of Title 10, and the provisions of Title 10 apply to [sections 1 through 7 $\underline{5}$].

{2}--{Section--0}--is--intended--to--be--codified-as-an integral-part-of-Title--61;--chapter--3;--part--5;--and--the provisions-of-Title-61;-chapter-3;-part-5;-apply-to-{section 0};

NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part

SB 353

- 1 remains in effect in all valid applications that are
- 2 severable from the invalid applications.
- 3 NEW SECTION. Section 8. Effective date. [This act] is
- 4 effective danuary-1,-1990 JULY 1, 1989.