

SENATE BILL NO. 353
INTRODUCED BY CRIPPEN, B. BROWN

IN THE SENATE

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.

IN 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.

MARCH 29, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sen. Bill No. 353*
 2 INTRODUCED BY *Sen. Bob 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 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:

25 (a) a barricaded gunman;

(b) a person taken hostage;
 (c) arrests in extraordinary circumstances;
 (d) civil disorder;
 (e) terrorist activity;
 (f) protection of a dignitary; and
 (g) courtroom security in extraordinary circumstances.
 (3) "Tactical team" means a small group of highly
 disciplined law enforcement officers trained to provide a
 quick and ready response to high risk conditions and
 situations that go beyond the capabilities of normally
 trained and equipped officers. With specialized training,
 tactics, and equipment, this small group of officers
 provides a greater expectation of resolving incidents
 without loss of property, injury, or loss of life.

NEW SECTION. Section 3. Tactical team aiding another
 jurisdiction. (1) If a tactical incident exceeds the
 capability of a local law enforcement agency, the agency
 administrator may request the assistance of a tactical team
 from another jurisdiction.

(2) A tactical team called to another jurisdiction has
 peace officer status in that jurisdiction under the
 authority of the requesting agency.

NEW SECTION. Section 4. Local agency to contact
 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 tactical teams that are
10 providing assistance to the requesting agency during a
11 tactical incident.

12 (2) This section does not give the national guard the
13 status or authority of peace officers.

14 NEW SECTION. Section 6. Funding -- costs related to
15 tactical incidents. The attorney general shall authorize the
16 expenditure of funds from the account created by [section 7]
17 for all reasonable costs resulting from a request for:

18 (1) tactical team assistance under [section 3]; and

19 (2) national guard assistance under [section 5].

20 NEW SECTION. Section 7. Tactical incident account.
21 There is an account in the state special revenue fund. Money
22 from the tax imposed under [section 8] must be deposited in
23 the account. The money in the account is statutorily
24 appropriated, as provided in 17-7-502, to the attorney
25 general to pay costs related to tactical incidents, as

1 provided in [section 6].

2 NEW SECTION. Section 8. vehicle tax -- tactical
3 incident account -- excess. (1) There is a state tax imposed
4 on vehicles subject to the property tax under 61-3-504(2),
5 at a rate of 0.5% of the value determined under 61-3-503.
6 The state tax imposed by this section is in addition to the
7 tax imposed under 61-3-504(2).

8 (2) The tax must be paid at the same time and in the
9 same manner as the tax imposed under 61-3-504(2). The county
10 in which the tax is collected shall forward the tax to the
11 state treasurer.

12 (3) The taxes collected under this section and any
13 income and interest from investment of these taxes must be
14 credited to the account created by [section 7] in order to
15 maintain a \$500,000 balance in that account.

16 (4) Any amount over the \$500,000 balance in the
17 account must be deposited in the state general fund, whether
18 the excess is the result of taxation or investment.

19 Section 9. Section 17-7-502, MCA, is amended to read:

20 "17-7-502. Statutory appropriations -- definition --
21 requisites for validity. (1) A statutory appropriation is an
22 appropriation made by permanent law that authorizes spending
23 by a state agency without the need for a biennial
24 legislative appropriation or budget amendment.

25 (2) Except as provided in subsection (4), to be

effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(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.

(3) The following laws are the only laws containing 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; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 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; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111; 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; 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 13, House Bill No. 861, Laws of 1985; and section 1, Chapter 454, Laws of 1987; and [section 7].

(4) 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, 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 17-2-107, as determined by the state treasurer, 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. 15, Ch. 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)"

NEW SECTION. Section 10. Codification instructions.

(1) [Sections 1 through 7] are intended to be codified as an integral part of Title 10, and the provisions of Title 10 apply to [sections 1 through 7].

(2) [Section 8] 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 8].

NEW SECTION. Section 11. 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 remains in effect in all valid applications that are

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

-End-

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:

	FY90			FY91		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Motor Vehicle Taxes	\$37,138,000	\$41,780,250	\$ 4,642,250	\$40,376,000	\$50,470,000	\$10,094,000


Fund Information:

District Court	\$ 2,600,000	\$ 2,600,000	\$ 0	\$ 2,826,000	\$ 2,826,000	\$ 0
Local Governments	34,538,000	34,538,000	0	37,550,000	37,550,000	0
Tactical Incident						
Special Rev. Acct.	0	500,000	500,000	0	0	0
General Fund	0	4,142,250	4,142,250	0	10,094,000	10,094,000
Total	\$37,138,000	\$41,780,250	\$ 4,642,250	\$40,376,000	\$50,470,000	\$10,094,000



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/13/89



BRUCE D. CRIPPEN, PRIMARY SPONSOR

DATE 2/14/89

Fiscal Note for SB353, as introduced**SB 353**

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 353

INTRODUCED BY CRIPPEN, B. BROWN

A BILL FOR AN ACT ENTITLED: "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, AMENDING SECTION 17-7-502, MCA, AND PROVIDING AN EFFECTIVE DATE.~~"

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

NEW SECTION. Section 1. Short title. [This act] may be cited as the "Tactical Incident Assistance Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Jurisdiction" means the jurisdiction of any law enforcement agency within Montana.

(2) "Tactical incident" means any situation in which it is reasonable to expect the possibility of the loss of life or the taking of a hostage unless extraordinary steps are taken. These situations may include but are not limited to:

(a) a barricaded gunman;

(b) a person taken hostage;

(c) arrests in extraordinary circumstances;

(d) civil disorder;

(e) terrorist activity;

(f) protection of a dignitary; and

(g) courtroom security in extraordinary circumstances.

(3) "Tactical team" means a small group of highly disciplined law enforcement officers trained to provide a quick and ready response to high risk conditions and situations that go beyond the capabilities of normally trained and equipped officers. With specialized training, tactics, and equipment, this small group of officers provides a greater expectation of resolving incidents without loss of property, injury, or loss of life.

NEW SECTION. Section 3. Tactical team aiding another jurisdiction. (1) If a tactical incident exceeds the capability of a local law enforcement agency, the agency administrator may request the assistance of a tactical team from another jurisdiction.

(2) A tactical team called to another jurisdiction has peace officer status in that jurisdiction under the authority of the requesting agency.

NEW SECTION. Section 4. Local agency to contact 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 6. 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 {section 5};

21 NEW SECTION. Section 7. Tactical incident account.
22 There is an account in the state special revenue fund. Money
23 from the tax imposed under {section 8} must be deposited in
24 the account. The money in the account is statutorily
25 appropriated, as provided in 17-7-502, to the attorney

1 general-to-pay--costs--related--to--tactical--incidents,--as
2 provided in {section 6};

3 NEW SECTION. Section 8. vehicle tax -- tactical
4 incident account. {1} There is a state tax imposed
5 on vehicles subject to the property tax under 61-3-504(2),
6 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 tax 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 {3} The taxes collected under this section and any
14 income and interest from investment of these taxes must be
15 credited to the account created by {section 7} in order to
16 maintain a \$500,000 balance in that account;

17 {4} 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
25 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:

{a}--The law containing the statutory authority must be listed in subsection {3}.

{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.

{3}--The following laws are the only laws containing 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; 15-25-123;--15-31-702;--15-36-112;--15-65-121;--15-70-101; 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; 19-10-305;--19-10-506;--19-11-512;--19-11-513;--19-11-606; 19-12-301;--19-13-604;--20-4-109;--20-6-406;--20-8-111; 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; 75-7-305;--76-12-123;--80-2-103;--80-2-220;--82-11-136; 90-3-301;--90-3-302;--90-3-412;--90-4-215;--90-9-306;--90-15-103; section 13, House Bill Not-861; laws of 1985; and section 17 Chapter 454, laws of 1987; and {section-7}.

{4}--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,

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 17-2-107, as determined by the state treasurer, 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-15, Ch-607, b-1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec-10, Ch-664, b-1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec-67, Ch-454, b-1987, the inclusion of sec-17, Ch-454, b-1987, terminates July 1, 1988.}"

NEW SECTION. Section 6. Codification instructions
INSTRUCTION. {1} [Sections 1 through 7 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 5].

{2}--{Section--8}--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 8}.

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

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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.

-End-

SENATE BILL NO. 353

INTRODUCED BY CRIPPEN, B. BROWN

A BILL FOR AN ACT ENTITLED: "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; AMENDING SECTION--17-7-502;--MEA; AND PROVIDING AN EFFECTIVE DATE."~~

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

NEW SECTION. Section 1. Short title. [This act] may be cited as the "Tactical Incident Assistance Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 6 5], the following definitions apply:

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(2) "Tactical incident" means any situation in which it is reasonable to expect the possibility of the loss of life or the taking of a hostage unless extraordinary steps are taken. These situations may include but are not limited to:

(a) a barricaded gunman;

(b) a person taken hostage;

(c) arrests in extraordinary circumstances;

(d) civil disorder;

(e) terrorist activity;

(f) protection of a dignitary; and

(g) courtroom security in extraordinary circumstances.

(3) "Tactical team" means a small group of highly disciplined law enforcement officers trained to provide a quick and ready response to high risk conditions and situations that go beyond the capabilities of normally trained and equipped officers. With specialized training, tactics, and equipment, this small group of officers provides a greater expectation of resolving incidents without loss of property, injury, or loss of life.

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(2) A tactical team called to another jurisdiction has peace officer status in that jurisdiction under the authority of the requesting agency.

NEW SECTION. Section 4. Local agency to contact 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 6.** 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 {section 5};

21 NEW SECTION. **Section 7.** Tactical incident -- account.
22 There is an account in the state special revenue fund. Money
23 from the tax imposed under {section 8} must be deposited in
24 the account. The money in the account is statutorily
25 appropriated, as provided in 17-7-502, to the attorney

1 general to pay costs related to tactical incidents, as
2 provided in {section 6};

3 NEW SECTION. **Section 8.** Vehicle tax ----- tactical
4 incident account ----- excess. {1} There is a state tax imposed
5 on vehicles subject to the property tax under 61-3-504{2},
6 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 tax 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 {3} The taxes collected under this section and any
14 income and interest from investment of these taxes must be
15 credited to the account created by {section 7} in order to
16 maintain a \$500,000 balance in that account;

17 {4} 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
25 legislative appropriation or budget amendment;

1 {2}--Except--as--provided--in--subsection--{4},--to--be
2 effective,--a--statutory--appropriation--must--comply--with--both
3 of--the--following--provisions:

4 {a}--The--law--containing--the--statutory--authority--must--be
5 listed--in--subsection--{3}:

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,--2-18-812,
11 10-3-203,--10-3-312,--10-3-314,--10-4-301,--13-37-304,
12 15-25-123,--15-31-702,--15-36-112,--15-65-121,--15-70-101,
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,--53-6-1507,--53-24-206,--67-3-205,--75-1-1101,
19 75-7-305,--76-12-123,--80-2-103,--80-2-228,--82-11-136,
20 90-3-301,--90-3-302,--90-3-412,--90-4-215,--90-9-306,--90-15-103,
21 section-137--House--Bill--No--8617--laws--of--1985,--and--section-17
22 Chapter-454,--laws--of--1987,--and--{section-7}:

23 {4}--There--is--a--statutory--appropriation--to--pay--the
24 principal,--interest,--premiums,--and--costs--of--issuing,--paying,
25 and--securing--all--bonds,--notes,--or--other--obligations,--as--due,

1 that--have--been--authorized--and--issued--pursuant--to--the--laws--of
2 Montana,--Agencies--that--have--entered--into--agreements
3 authorized--by--the--laws--of--Montana--to--pay--the--state
4 treasurer,--for--deposit--in--accordance--with--17-2-101--through
5 17-2-107,--as--determined--by--the--state--treasurer,--an--amount
6 sufficient--to--pay--the--principal--and--interest--as--due--on--the
7 bonds--or--notes--have--statutory--appropriation--authority--for
8 such--payments,--{In--subsection--{3},--pursuant--to--sec--157-Ch-
9 607,--B--1987,--the--inclusion--of--15-65-121--terminates--June--30,
10 1989,--pursuant--to--sec--107-Ch--664,--B--1987,--the--inclusion
11 of--39-71-2504--terminates--June--30,--1991,--and--pursuant--to--sec-
12 67--Ch--454,--B--1987,--the--inclusion--of--sec--17-Ch--454,--B-
13 1987,--terminates--July--17--1988:}"

14 NEW SECTION. Section 6. Codification Instructions
15 INSTRUCTION. {1} [Sections 1 through 7 5] are intended to be
16 codified as an integral part of Title 10, and the provisions
17 of Title 10 apply to [sections 1 through 7 5].

18 {2}--{Section--8}--is--intended--to--be--codified--as--an
19 integral--part--of--Title--61,--chapter--37,--part--5,--and--the
20 provisions--of--Title--61,--chapter--37,--part--5,--apply--to--{section
21 8}:

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

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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.

-End-

SENATE BILL NO. 353

INTRODUCED BY CRIPPEN, B. BROWN

A BILL FOR AN ACT ENTITLED: "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;--AMENDING--SECTION--17-7-502;--MEA; AND PROVIDING AN EFFECTIVE DATE.~~"

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

NEW SECTION. **Section 1.** Short title. [This act] may be cited as the "Tactical Incident Assistance Act".

NEW SECTION. **Section 2.** Definitions. As used in [sections 1 through 6 5], the following definitions apply:

(1) "Jurisdiction" means the jurisdiction of any law enforcement agency within Montana.

(2) "Tactical incident" means any situation in which it is reasonable to expect the possibility of the loss of life or the taking of a hostage unless extraordinary steps are taken. These situations may include but are not limited to:

(a) a barricaded gunman;

(b) a person taken hostage;

(c) arrests in extraordinary circumstances;

(d) civil disorder;

(e) terrorist activity;

(f) protection of a dignitary; and

(g) courtroom security in extraordinary circumstances.

(3) "Tactical team" means a small group of highly disciplined law enforcement officers trained to provide a quick and ready response to high risk conditions and situations that go beyond the capabilities of normally trained and equipped officers. With specialized training, tactics, and equipment, this small group of officers provides a greater expectation of resolving incidents without loss of property, injury, or loss of life.

NEW SECTION. **Section 3.** Tactical team aiding another jurisdiction. (1) If a tactical incident exceeds the capability of a local law enforcement agency, the agency administrator may request the assistance of a tactical team from another jurisdiction.

(2) A tactical team called to another jurisdiction has peace officer status in that jurisdiction under the authority of the requesting agency.

NEW SECTION. **Section 4.** Local agency to contact 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 6. 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 {section 5};

21 NEW SECTION. Section 7. Tactical incident -- account.
22 There is an account in the state special revenue fund. Money
23 from the tax imposed under {section 8} must be deposited in
24 the account. The money in the account is statutorily
25 appropriated, as provided in 17-7-502, to the attorney

1 general to pay costs related to tactical incidents, as
2 provided in {section 6};

3 NEW SECTION. Section 8. Vehicle tax -- tactical
4 incident account -- excess. {1} There is a state tax imposed
5 on vehicles subject to the property tax under 61-3-504(2),
6 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 tax 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 {3} The taxes collected under this section and any
14 income and interest from investment of these taxes must be
15 credited to the account created by {section 7} in order to
16 maintain a \$500,000 balance in that account;

17 {4} 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
25 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:

{a}--The law containing the statutory authority must be listed in subsection (3):

{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:

{3}--The following laws are the only laws containing statutory appropriations:--2-9-202,--2-17-105,--2-18-812,--10-3-203,--10-3-312,--10-3-314,--10-4-381,--13-37-304,--15-25-123,--15-31-702,--15-36-112,--15-65-121,--15-70-101,--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,--19-10-305,--19-10-506,--19-11-512,--19-11-513,--19-11-606,--19-12-301,--19-13-604,--20-4-109,--20-6-406,--20-8-111,--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,--75-7-305,--76-12-123,--80-2-103,--80-2-220,--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 No. 861, Laws of 1985, and section 17 Chapter 454, Laws of 1987, and {section 7}:

{4}--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,

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 17-2-107,--as--determined--by--the--state--treasurer, 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. 15, Ch. 607, b. 1987, the inclusion of 15-65-121 terminates June 30, 1989, pursuant to sec. 10, Ch. 664, b. 1987, the inclusion of 39-71-2504 terminates June 30, 1991, and pursuant to sec. 67, Ch. 454, b. 1987, the inclusion of sec. 17, Ch. 454, b. 1987, terminates July 1, 1988.}

NEW SECTION. Section 6. Codification Instructions

INSTRUCTION. {1} [Sections 1 through 7 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 5].

{2}--{Section--8}--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 8}:

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

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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.

-End-