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House BILL NO. 142

INTRODUCED BY [Signature]

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, AND 17-7-502, MCA."

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

Section 1. Section 10-3-103, MCA, is amended to read:

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

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

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

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

(4) "Disaster and emergency services" means the preparation for and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

3 (7) "Incident" means an event or occurrence, caused by either an individual or by natural
4 phenomena, requiring action by disaster and emergency services personnel to prevent or minimize loss of
5 life or damage to property or natural resources. The term includes the imminent threat of an emergency,
6 but the term does not include a state of emergency or disaster declared by the governor pursuant to
7 10-3-302 or 10-3-303.

8 ~~(7)~~ (8) "Political subdivision" means any county, city, town, or other legally constituted unit of local
9 government in this state.

10 ~~(8)~~ (9) "Principal executive officer" means the mayor, ~~chairman~~ presiding officer of the county
11 commissioners, or other chief executive officer of a political subdivision.

12 ~~(9)~~ (10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing,
13 mobile homes, or other readily fabricated dwellings."
14

15 **Section 2.** Section 10-3-104, MCA, is amended to read:

16 **"10-3-104. General authority of the governor.** (1) The governor is responsible for carrying out parts
17 1 through 4 of this chapter.

18 (2) In addition to any other powers conferred upon the governor by law, ~~he~~ the governor may:

19 (a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state
20 business or orders or rules of any state agency if the strict compliance with the provisions of any statute,
21 order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency
22 or disaster;

23 (b) direct and compel the evacuation of all or part of the population from an emergency or disaster
24 area within the state if ~~he~~ the governor considers this action necessary for the preservation of life or other
25 disaster mitigation, response, or recovery;

26 (c) control ingress and egress to and from an incident or emergency or disaster area, the movement
27 of persons within the area, and the occupancy of premises ~~therein~~ within the area.

28 (3) Under this section, the governor may issue executive orders, proclamations, and regulations
29 and amend and rescind them. All executive orders or proclamations declaring or terminating a state of
30 emergency or disaster ~~shall~~ must indicate the nature of the emergency or disaster, the area threatened, and

1 the conditions ~~which~~ that have brought about the declaration or ~~which~~ that make possible termination of
2 the state of emergency or disaster."

3

4 **Section 3.** Section 10-3-105, MCA, is amended to read:

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

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

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

16 (4) The division shall:

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

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

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

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

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

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

30 (g) develop or assist in the development of mutual aid plans and agreements between the federal

1 government, other states, and Canada and among the political subdivisions of this state;

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

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

9 (j) direct emergency response and disaster preparation activities as authorized by the governor;

10 (k) direct disaster response and recovery activities as authorized by the governor;

11 (l) prepare, for issuance by the governor, executive orders or proclamations as necessary or
12 appropriate in coping with incidents, emergencies, and disasters;

13 (m) maintain liaison with and cooperate with disaster and emergency services agencies and
14 organizations of the federal government, other states, and Canada in achieving any purpose of parts 1
15 through 4 of this chapter and in implementing programs for disaster prevention, preparation, response, and
16 recovery; and

17 (n) ~~have~~ assume any additional authority, duties, and responsibilities authorized by parts 1 through
18 4 of this chapter as may be prescribed by the governor."

19

20 **Section 4.** Section 10-3-111, MCA, is amended to read:

21 "**10-3-111. Personnel immune from liability.** (1) Neither the state nor any political subdivision of
22 the state nor the agents or representatives of the state or any political subdivision ~~thereof~~ of the state are
23 liable for personal injury or property damage sustained by any person appointed or acting as a volunteer
24 civilian defense worker or member of any agency engaged in civilian defense activity during a an incident,
25 disaster, or ~~catastrophe~~ emergency. This section does not affect the right of any person to receive benefits
26 or compensation to which ~~he~~ the person might otherwise be entitled under the workers' compensation law
27 or any pension law or any act of congress.

28 (2) Neither the state nor any political subdivision of the state nor, except in cases of willful
29 misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any
30 political subdivision ~~thereof~~ of the state nor any volunteer or auxiliary civilian defense worker or member

1 of any agency engaged in civilian defense activity during a an incident, disaster, or catastrophe ~~emergency~~,
 2 nor the owners of facilities used for civil defense shelters, pursuant to a fallout shelter license or privilege
 3 agreement and while complying with or reasonably attempting to comply with parts 1 through 4 of this
 4 chapter or any order or rule promulgated under the provisions of parts 1 through 4 of this chapter or
 5 pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political
 6 subdivisions of the state, are liable for the death of or injury to persons or for damage to property as a
 7 result of any such activity."

8

9 **Section 5.** Section 10-3-301, MCA, is amended to read:

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

- 12 (a) prevention and minimization of injury and damage caused by disaster;
 13 (b) prompt and efficient response to an incident, emergency, or disaster;
 14 (c) emergency relief;
 15 (d) identification of areas particularly vulnerable to disasters;
 16 (e) recommendations for preventive and preparedness measures designed to eliminate or reduce
 17 disasters or their impact;
 18 (f) organization of ~~manpower~~ personnel and chains of command;
 19 (g) coordination of federal, state, and local disaster and emergency activities; and
 20 (h) other necessary matters.

21 (2) In preparing and maintaining the state disaster and emergency plan and program, the division
 22 may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and
 23 volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the
 24 division may encourage them to seek advice from these sources."

25

26 **Section 6.** Section 10-3-305, MCA, is amended to read:

27 **"10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of
 28 emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available
 29 for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or
 30 assign command authority by prior arrangement embodied in the state disaster and emergency plan and

1 program and appropriate executive orders.

2 (2) The governor shall ~~utilize~~ use the services and facilities of the existing officers and agencies
3 of the state, and all officers and agencies shall cooperate with and extend their services and facilities to
4 the governor as ~~he~~ the governor may request in the carrying out of the purposes of parts 1 through 4 of
5 this chapter.”

6

7 **NEW SECTION. Section 7. Incident response -- authority -- appropriation -- expenditures --**
8 **recovery -- rules.** (1) The governor may by executive order activate that part of the state disaster and
9 emergency plan pertaining to incident response. The order may be issued for any year, for any part of a
10 year, or upon occurrence of an incident.

11 (2) Upon approval of an executive order pursuant to this section:

12 (a) that part of the state disaster and emergency plan pertaining to incidents becomes effective;

13 (b) the division may use any of the resources usable by the division during a state of emergency
14 or disaster to respond to the incident; and

15 (c) there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, and the
16 governor is authorized to expend from the general fund an amount not to exceed \$10,000 per incident and
17 not to exceed \$100,000 for incidents in a biennium.

18 (3) The governor may authorize the incurring of liabilities and expenses to be paid as other claims
19 against the state from the general fund, in the amount necessary, upon activation of the incident response
20 portion of the state disaster and emergency plan. Money appropriated by this section may be used only
21 for incident response costs of the state and may not be used to reimburse a local government for incident
22 response costs incurred by that local government.

23 (4) In the event of recovery of money expended pursuant to this section, the spending authority
24 must be reinstated to the level reflecting the recovery.

25 (5) The department may adopt rules to implement this section.

26

27 **Section 8.** Section 17-7-502, MCA, is amended to read:

28 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
29 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
30 without the need for a biennial legislative appropriation or budget amendment.

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

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

4 (b) The law or portion of the law making a statutory appropriation must specifically state that a
5 statutory appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
7 2-18-812; 3-5-901; 5-13-403; 10-3-203; [section 7]; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
8 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
9 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
10 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
11 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
12 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
13 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
14 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
15 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
16 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
17 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

18 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
19 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
20 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
21 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
22 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
23 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
24 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
25 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
26 July 1, 1995.)"

27
28 **NEW SECTION. Section 9. Codification instruction.** [Section 7] is intended to be codified as an
29 integral part of Title 10, chapter 3, part 3, and the provisions of Title 10, chapter 3, part 3, apply to
30 [section 7].

-END-

- 7 -

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0142, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill providing for response to incidents by disaster and emergency services personnel; defining "incident"; providing a statutory appropriation; and authorizing the Department of Military Affairs to adopt rules.

ASSUMPTIONS:

1. There is no increase in the disaster fund statutory appropriation provided for in 10-3-312, MCA.
2. The Governor may, by executive order, pre-delegate the activation of the state disaster and emergency plan pertaining to incident response.
3. General fund expenditures for state response to incidents may not exceed \$10,000 per incident and may not exceed \$100,000 for all incidents in a biennium. The statutory appropriation is provided to the Governor's Office.
4. If there is a recovery of money expended pursuant to responding to an incident, the recovered amount will be deposited to the general fund and the spending authority for incident response will be reinstated to the level of the recovery.
5. Money appropriated by this section may only be used for incident response costs of the state.
6. Funds from this section may not be used to reimburse a local government for incident response costs incurred by that local government.
7. By providing quicker response to local incidents, the potential fiscal impacts of emergencies may be lessened. The amount of the potential reduction in state and local expenditures is not subject to reasonable estimate.

FISCAL IMPACT:


<u>Expenditures:</u>	<u>FY96</u> <u>Difference</u>	<u>FY97</u> <u>Difference</u>
Operating expenses	50,000	50,000
General Fund (01)	50,000	50,000

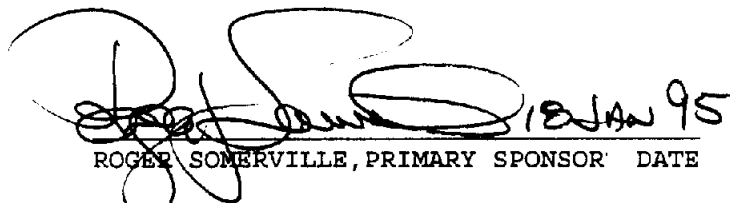
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

By providing quicker state response to local incidents, the potential fiscal impacts of emergencies may be lessened. The amount of the potential reductions in local government expenditures is not subject to reasonable estimate.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Timely responses to local incidents could minimize further escalation so the incidents do not become disasters or emergencies and reduce the fiscal impacts in future biennia.


 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 ROGER SOMERVILLE, PRIMARY SPONSOR DATE
 Fiscal Note for HB0142, as introduced

HB 142

1 HOUSE BILL NO. 142

2 INTRODUCED BY SOMERVILLE

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND
6 EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY
7 APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND
8 AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, 10-3-312, AND
9 17-7-502, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1213 **Section 1.** Section 10-3-103, MCA, is amended to read:14 **"10-3-103. Definitions.** As used in parts 1 through 4 of this chapter, the following definitions
15 apply:16 (1) "Civil defense" means the nuclear preparedness functions and responsibilities of disaster and
17 emergency services.

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

19 (3) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury,
20 or loss of life or property resulting from any natural or man-made cause, including tornadoes, windstorms,
21 snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides,
22 volcanic action, fires, explosions, ~~or~~ air or water contamination requiring emergency action to avert danger
23 or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption
24 of state services, or accidents involving radiation byproducts or other hazardous materials.25 (4) "Disaster and emergency services" means the preparation for and the carrying out of disaster
26 and emergency functions and responsibilities, other than those for which military forces or other state or
27 federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and
28 damage resulting from emergencies or disasters.29 (5) "Division" means the division of disaster and emergency services of the department ~~of military~~
30 ~~affairs~~.

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

3 (7) "Incident" means an event or occurrence, caused by either an individual or by natural
4 phenomena, THAT IS BEYOND THE CAPABILITY OF LOCAL GOVERNMENT TO ADEQUATELY RESPOND,
5 THUS requiring action by disaster and emergency services personnel to prevent or minimize loss of life or
6 damage to property or natural resources. The term includes the imminent threat of an emergency, but the
7 term does not include a state of emergency or disaster declared by the governor pursuant to 10-3-302 or
8 10-3-303.

9 ~~(7)(8)~~ "Political subdivision" means any county, city, town, or other legally constituted unit of local
10 government in this state.

11 ~~(8)(9)~~ "Principal executive officer" means the mayor, ~~chairman~~ presiding officer of the county
12 commissioners, or other chief executive officer of a political subdivision.

13 ~~(9)(10)~~ "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile
14 homes, or other readily fabricated dwellings."

15
16 **Section 2.** Section 10-3-104, MCA, is amended to read:

17 **"10-3-104. General authority of the governor.** (1) The governor is responsible for carrying out
18 parts 1 through 4 of this chapter.

19 (2) In addition to any other powers conferred upon the governor by law, ~~he~~ the governor may:

20 (a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state
21 business or orders or rules of any state agency if the strict compliance with the provisions of any statute,
22 order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency
23 or disaster;

24 (b) direct and compel the evacuation of all or part of the population from an emergency or disaster
25 area within the state if ~~he~~ the governor considers this action necessary for the preservation of life or other
26 disaster mitigation, response, or recovery;

27 (c) control ingress and egress to and from an incident or emergency or disaster area, the movement
28 of persons within the area, and the occupancy of premises ~~therein~~ within the area.

29 (3) Under this section, the governor may issue executive orders, proclamations, and regulations
30 and amend and rescind them. All executive orders or proclamations declaring or terminating a state of

1 emergency or disaster ~~shall~~ must indicate the nature of the emergency or disaster, the area threatened, and
2 the conditions ~~which~~ that have brought about the declaration or ~~which~~ that make possible termination of
3 the state of emergency or disaster."
4

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

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

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

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

17 (4) The division shall:

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

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

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

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

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

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

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

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

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

10 (j) direct emergency response and disaster preparation activities as authorized by the governor;

11 (k) direct disaster response and recovery activities as authorized by the governor;

12 (l) prepare, for issuance by the governor, executive orders or proclamations as necessary or
13 appropriate in coping with incidents, emergencies, and disasters;

14 (m) maintain liaison with and cooperate with disaster and emergency services agencies and
15 organizations of the federal government, other states, and Canada in achieving any purpose of parts 1
16 through 4 of this chapter and in implementing programs for disaster prevention, preparation, response, and
17 recovery; and

18 (n) ~~have~~ assume any additional authority, duties, and responsibilities authorized by parts 1 through
19 4 of this chapter as may be prescribed by the governor."

20
21 **Section 4.** Section 10-3-111, MCA, is amended to read:

22 "**10-3-111. Personnel immune from liability.** (1) Neither the state nor any political subdivision of
23 the state nor the agents or representatives of the state or any political subdivision ~~thereof~~ of the state are
24 liable for personal injury or property damage sustained by any person appointed or acting as a volunteer
25 civilian defense worker or member of any agency engaged in civilian defense activity during a an incident,
26 disaster, or ~~catastrophe~~ emergency. This section does not affect the right of any person to receive benefits
27 or compensation to which ~~he~~ the person might otherwise be entitled under the workers' compensation law
28 or any pension law or any act of congress.

29 (2) Neither the state nor any political subdivision of the state nor, except in cases of willful
30 misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any

1 political subdivision ~~thereof~~ of the state nor any volunteer or auxiliary civilian defense worker or member
 2 of any agency engaged in civilian defense activity during a an incident, disaster, or catastrophe ~~emergency~~
 3 nor the owners of facilities used for civil defense shelters, pursuant to a fallout shelter license or privilege
 4 agreement and while complying with or reasonably attempting to comply with parts 1 through 4 of this
 5 chapter or any order or rule promulgated under the provisions of parts 1 through 4 of this chapter or
 6 pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political
 7 subdivisions of the state, are liable for the death of or injury to persons or for damage to property as a
 8 result of any such activity."
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10 **Section 5.** Section 10-3-301, MCA, is amended to read:

11 **"10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and
 12 program may provide for:

- 13 (a) prevention and minimization of injury and damage caused by disaster;
- 14 (b) prompt and efficient response to an incident, emergency, or disaster;
- 15 (c) emergency relief;
- 16 (d) identification of areas particularly vulnerable to disasters;
- 17 (e) recommendations for preventive and preparedness measures designed to eliminate or reduce
 18 disasters or their impact;
- 19 (f) organization of ~~manpower~~ personnel and chains of command;
- 20 (g) coordination of federal, state, and local disaster and emergency activities; and
- 21 (h) other necessary matters.

22 (2) In preparing and maintaining the state disaster and emergency plan and program, the division
 23 may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and
 24 volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the
 25 division may encourage them to seek advice from these sources."
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27 **Section 6.** Section 10-3-305, MCA, is amended to read:

28 **"10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of
 29 emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available
 30 for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or

1 assign command authority by prior arrangement embodied in the state disaster and emergency plan and
2 program and appropriate executive orders.

3 (2) The governor shall ~~utilize~~ use the services and facilities of the existing officers and agencies
4 of the state, and all officers and agencies shall cooperate with and extend their services and facilities to
5 the governor as ~~he~~ the governor may request in the carrying out of the purposes of parts 1 through 4 of
6 this chapter."

7
8 **SECTION 7. SECTION 10-3-312, MCA, IS AMENDED TO READ:**

9 "10-3-312. **Maximum expenditure by governor -- appropriation.** (1) (a) Whenever an emergency
10 or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as
11 provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to
12 exceed \$2 million in any biennium, minus any amount appropriated pursuant to [section 8] in the same
13 biennium.

14 (b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily
15 appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to
16 expend from the general fund, an amount not to exceed \$3 million in any biennium. The amount
17 appropriated in this subsection (b) may be combined with the amount appropriated in subsection (1)(a) for
18 an emergency or disaster due to fire.

19 (2) In the event of the recovery of money expended under this section, the spending authority must
20 be reinstated to a level reflecting the recovery.

21 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated
22 to the office of the governor, as provided in 17-7-502, and ~~he~~ the governor is authorized to expend from
23 the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the
24 individual and family grant programs as provided in 42 U.S.C. 5178."

25
26 **NEW SECTION. Section 8. Incident response -- authority -- appropriation -- expenditures --**
27 **recovery -- rules.** (1) The governor may by executive order activate that part of the state disaster and
28 emergency plan pertaining to incident response. The order may be issued for any year, for any part of a
29 year, or upon occurrence of an incident. **OFFICIAL RESPONSE TO AN INCIDENT MAY ONLY BE UPON THE**
30 **REQUEST OF THE LOCAL GOVERNING BODY.**

1 (2) Upon approval of an executive order pursuant to this section:

2 (a) that part of the state disaster and emergency plan pertaining to incidents becomes effective;

3 (b) the division may use any of the resources usable by the division during a state of emergency
4 or disaster to respond to the incident; and

5 (c) there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, and the
6 governor is authorized to expend from the general fund an amount not to exceed \$10,000 per incident and
7 not to exceed \$100,000 for incidents in a biennium.

8 (3) The governor may authorize the incurring of liabilities and expenses to be paid as other claims
9 against the state from the general fund, in the amount necessary, upon activation of the incident response
10 portion of the state disaster and emergency plan. Money appropriated by this section may be used only
11 for incident response costs of the state and may not be used to reimburse a local government for incident
12 response costs incurred by that local government.

13 (4) In the event of recovery of money expended pursuant to this section, the spending authority
14 must be reinstated to the level reflecting the recovery.

15 (5) The department may adopt rules to implement this section.

16

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

18 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
19 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
20 without the need for a biennial legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
22 with both of the following provisions:

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

24 (b) The law or portion of the law making a statutory appropriation must specifically state that a
25 statutory appropriation is made as provided in this section.

26 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
27 2-18-812; 3-5-901; 5-13-403; 10-3-203; [section 7 8]; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
28 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
29 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
30 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;

1 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
2 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
3 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
4 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
5 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
6 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
7 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
11 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
12 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
13 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
14 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
15 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
16 July 1, 1995.)"

17

18 NEW SECTION. **Section 10. Codification instruction.** [Section ~~7~~ 8] is intended to be codified as
19 an integral part of Title 10, chapter 3, part 3, and the provisions of Title 10, chapter 3, part 3, apply to
20 [section ~~7~~ 8].

21

-END-

HOUSE BILL NO. 142

INTRODUCED BY SOMERVILLE

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, 10-3-312, AND 17-7-502, MCA."

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


THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration HB 142 (third reading copy -- blue), respectfully report that HB 142 be amended as follows and as so amended be concurred in.

Signed: 
Senator Gary Aklestad, Chair

That such amendments read:

1. Page 2, lines 4 and 5.

Following: "phenomena,"

Strike: the remainder of line 4 through "THUS" on line 5

2. Page 6, line 27.

Following: "order"

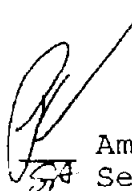
Insert: "upon request of the local governing body or its
authorized agent"

3. Page 6, lines 29 and 30.

Following: "." on line 29

Strike: the remainder of line 29 and line 30 in its entirety

-END-


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

HB 142
SENATE
491344SC.SPV

HOUSE BILL NO. 142

INTRODUCED BY SOMERVILLE

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, 10-3-312, AND 17-7-502, MCA."

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

Section 1. Section 10-3-103, MCA, is amended to read:

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

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

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

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

(4) "Disaster and emergency services" means the preparation for and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

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

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

3 (7) "Incident" means an event or occurrence, caused by either an individual or by natural
4 phenomena, THAT IS BEYOND THE CAPABILITY OF LOCAL GOVERNMENT TO ADEQUATELY RESPOND,
5 THUS requiring action by disaster and emergency services personnel to prevent or minimize loss of life or
6 damage to property or natural resources. The term includes the imminent threat of an emergency, but the
7 term does not include a state of emergency or disaster declared by the governor pursuant to 10-3-302 or
8 10-3-303.

9 ~~(7)(8)~~ "Political subdivision" means any county, city, town, or other legally constituted unit of local
10 government in this state.

11 ~~(8)(9)~~ "Principal executive officer" means the mayor, ~~chairman~~ presiding officer of the county
12 commissioners, or other chief executive officer of a political subdivision.

13 ~~(9)(10)~~ "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile
14 homes, or other readily fabricated dwellings."
15

16 **Section 2.** Section 10-3-104, MCA, is amended to read:

17 "**10-3-104. General authority of the governor.** (1) The governor is responsible for carrying out
18 parts 1 through 4 of this chapter.

19 (2) In addition to any other powers conferred upon the governor by law, ~~he~~ the governor may:

20 (a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state
21 business or orders or rules of any state agency if the strict compliance with the provisions of any statute,
22 order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency
23 or disaster;

24 (b) direct and compel the evacuation of all or part of the population from an emergency or disaster
25 area within the state if ~~he~~ the governor considers this action necessary for the preservation of life or other
26 disaster mitigation, response, or recovery;

27 (c) control ingress and egress to and from an incident or emergency or disaster area, the movement
28 of persons within the area, and the occupancy of premises ~~therein~~ within the area.

29 (3) Under this section, the governor may issue executive orders, proclamations, and regulations
30 and amend and rescind them. All executive orders or proclamations declaring or terminating a state of

1 emergency or disaster ~~shall~~ must indicate the nature of the emergency or disaster, the area threatened, and
2 the conditions ~~which~~ that have brought about the declaration or ~~which~~ that make possible termination of
3 the state of emergency or disaster."
4

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

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

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

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

17 (4) The division shall:

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

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

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

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

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

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

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

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

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

10 (j) direct emergency response and disaster preparation activities as authorized by the governor;

11 (k) direct disaster response and recovery activities as authorized by the governor;

12 (l) prepare, for issuance by the governor, executive orders or proclamations as necessary or
13 appropriate in coping with incidents, emergencies, and disasters;

14 (m) maintain liaison with and cooperate with disaster and emergency services agencies and
15 organizations of the federal government, other states, and Canada in achieving any purpose of parts 1
16 through 4 of this chapter and in implementing programs for disaster prevention, preparation, response, and
17 recovery; and

18 (n) ~~have~~ assume any additional authority, duties, and responsibilities authorized by parts 1 through
19 4 of this chapter as may be prescribed by the governor.”

20
21 **Section 4.** Section 10-3-111, MCA, is amended to read:

22 **"10-3-111. Personnel immune from liability.** (1) Neither the state nor any political subdivision of
23 the state nor the agents or representatives of the state or any political subdivision ~~thereof~~ of the state are
24 liable for personal injury or property damage sustained by any person appointed or acting as a volunteer
25 civilian defense worker or member of any agency engaged in civilian defense activity during a an incident,
26 disaster, or ~~catastrophe~~ emergency. This section does not affect the right of any person to receive benefits
27 or compensation to which ~~he~~ the person might otherwise be entitled under the workers' compensation law
28 or any pension law or any act of congress.

29 (2) Neither the state nor any political subdivision of the state nor, except in cases of willful
30 misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any

1 political subdivision ~~thereof~~ of the state nor any volunteer or auxiliary civilian defense worker or member
 2 of any agency engaged in civilian defense activity during a an incident, disaster, or ~~catastrophe~~ emergency,
 3 nor the owners of facilities used for civil defense shelters, pursuant to a fallout shelter license or privilege
 4 agreement and while complying with or reasonably attempting to comply with parts 1 through 4 of this
 5 chapter or any order or rule promulgated under the provisions of parts 1 through 4 of this chapter or
 6 pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political
 7 subdivisions of the state, are liable for the death of or injury to persons or for damage to property as a
 8 result of any such activity."

9
 10 **Section 5.** Section 10-3-301, MCA, is amended to read:

11 **"10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and
 12 program may provide for:

- 13 (a) prevention and minimization of injury and damage caused by disaster;
- 14 (b) prompt and efficient response to an incident, emergency, or disaster;
- 15 (c) emergency relief;
- 16 (d) identification of areas particularly vulnerable to disasters;
- 17 (e) recommendations for preventive and preparedness measures designed to eliminate or reduce
 18 disasters or their impact;
- 19 (f) organization of ~~manpower~~ personnel and chains of command;
- 20 (g) coordination of federal, state, and local disaster and emergency activities; and
- 21 (h) other necessary matters.

22 (2) In preparing and maintaining the state disaster and emergency plan and program, the division
 23 may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and
 24 volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the
 25 division may encourage them to seek advice from these sources."

26
 27 **Section 6.** Section 10-3-305, MCA, is amended to read:

28 **"10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of
 29 emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available
 30 for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or

1 assign command authority by prior arrangement embodied in the state disaster and emergency plan and
2 program and appropriate executive orders.

3 (2) The governor shall ~~utilize~~ use the services and facilities of the existing officers and agencies
4 of the state, and all officers and agencies shall cooperate with and extend their services and facilities to
5 the governor as ~~he~~ the governor may request in the carrying out of the purposes of parts 1 through 4 of
6 this chapter."

7
8 **SECTION 7. SECTION 10-3-312, MCA, IS AMENDED TO READ:**

9 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) (a) Whenever an emergency
10 or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as
11 provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to
12 exceed \$2 million in any biennium, minus any amount appropriated pursuant to [section 8] in the same
13 biennium.

14 (b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily
15 appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to
16 expend from the general fund, an amount not to exceed \$3 million in any biennium. The amount
17 appropriated in this subsection (b) may be combined with the amount appropriated in subsection (1)(a) for
18 an emergency or disaster due to fire.

19 (2) In the event of the recovery of money expended under this section, the spending authority must
20 be reinstated to a level reflecting the recovery.

21 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated
22 to the office of the governor, as provided in 17-7-502, and ~~he~~ the governor is authorized to expend from
23 the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the
24 individual and family grant programs as provided in 42 U.S.C. 5178."

25 **NEW SECTION. Section 8. Incident response -- authority -- appropriation -- expenditures --**
26 **recovery -- rules.** (1) The governor may by executive order UPON REQUEST OF THE LOCAL GOVERNING
27 BODY OR ITS AUTHORIZED AGENT activate that part of the state disaster and emergency plan pertaining
28 to incident response. The order may be issued for any year, for any part of a year, or upon occurrence of
29 an incident. ~~OFFICIAL RESPONSE TO AN INCIDENT MAY ONLY BE UPON THE REQUEST OF THE LOCAL~~
30

1 GOVERNING BODY.

2 (2) Upon approval of an executive order pursuant to this section:

3 (a) that part of the state disaster and emergency plan pertaining to incidents becomes effective;

4 (b) the division may use any of the resources usable by the division during a state of emergency
5 or disaster to respond to the incident; and

6 (c) there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, and the
7 governor is authorized to expend from the general fund an amount not to exceed \$10,000 per incident and
8 not to exceed \$100,000 for incidents in a biennium.

9 (3) The governor may authorize the incurring of liabilities and expenses to be paid as other claims
10 against the state from the general fund, in the amount necessary, upon activation of the incident response
11 portion of the state disaster and emergency plan. Money appropriated by this section may be used only
12 for incident response costs of the state and may not be used to reimburse a local government for incident
13 response costs incurred by that local government.

14 (4) In the event of recovery of money expended pursuant to this section, the spending authority
15 must be reinstated to the level reflecting the recovery.

16 (5) The department may adopt rules to implement this section.

17

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

19 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
21 without the need for a biennial legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
23 with both of the following provisions:

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

25 (b) The law or portion of the law making a statutory appropriation must specifically state that a
26 statutory appropriation is made as provided in this section.

27 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
28 2-18-812; 3-5-901; 5-13-403; 10-3-203; section 7 8; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
29 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
30 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;

1 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
 2 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
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 6 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
 7 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
 8 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

9 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 10 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 11 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 12 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 13 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 14 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
 15 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 16 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
 17 July 1, 1995.)"

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19 NEW SECTION. Section 10. Codification instruction. [Section ~~7~~ 8] is intended to be codified as
 20 an integral part of Title 10, chapter 3, part 3, and the provisions of Title 10, chapter 3, part 3, apply to
 21 [section ~~7~~ 8].

22

-END-