

HOUSE BILL NO. 115  
INTRODUCED BY BOOKOUT-REINICKE  
BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MEMBERSHIP OF THE STATE EMERGENCY RESPONSE COMMISSION FROM 19 MEMBERS TO 27 MEMBERS AND CHANGING THE MAKEUP OF THE COMMISSION'S MEMBERSHIP; PROVIDING THAT THE COMMISSION ACTS AS AN ALL-HAZARD ADVISORY BOARD TO THE DIVISION OF DISASTER AND EMERGENCY SERVICES; AND AMENDING SECTION 10-3-1204, MCA."

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

**Section 1.** Section 10-3-1204, MCA, is amended to read:

**"10-3-1204. State emergency response commission.** (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of ~~19~~ 27 members appointed by the governor. The commission must include representatives of the national guard, the air force, state and local fire organizations, state and local emergency medical responders, state and local law enforcement agencies, local emergency planning committees, a Montana utility company, and a railroad company doing business in the state, representatives from the department of environmental quality, the division, the department of transportation, the department of justice, the department of fish, wildlife, and parks, the department of natural resources and conservation, the department of public health and human services, a fire service association, the fire training school, THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SECTION OF THE HEALTH POLICY AND SERVICES DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, A REPRESENTATIVE OF MONTANA HOSPITALS, an emergency medical services association, a law enforcement association, an emergency management association, a public health-related association, a trucking association, a utility company doing business in Montana, a railroad company doing business in Montana, the university system, a local emergency planning committee, a tribal emergency response commission, the national weather service, the Montana association of counties, the Montana league of cities and towns, and AND the office of the governor, and any three other representatives members that the governor appoints shall appoint. Members of the commission serve a term of 4 years and may be reappointed. The members shall serve without compensation. The governor shall appoint two presiding officers from the

appointees, who shall act as copresiding officers.

(2) The commission shall implement the provisions of this part, and in so doing, the commission may create and implement a state hazardous material incident response team to respond to incidents. The members of the team must be certified in accordance with the plan.

(3) The commission may enter into written agreements with each entity or person providing equipment or services to the state hazardous material incident response team.

(4) The commission or its designee may direct that the state hazardous material incident response team be available and respond, when requested by a local emergency response authority, to incidents according to the plan.

(5) The commission may contract with persons to meet state emergency response needs for the state hazardous material incident response team.

(6) The commission may advise, consult, cooperate, and enter into agreements with agencies of the state and federal government, other states and their state agencies, cities, counties, tribal governments, and other persons concerned with emergency response and matters relating to and arising out of incidents.

(7) The commission may encourage, participate in, or conduct studies, investigations, training, research, and demonstrations for and with the state hazardous material incident response team, local emergency responders, and other interested persons.

(8) The commission may collect and disseminate information relating to emergency response to incidents.

(9) The commission may accept and administer grants, gifts, or other funds, conditional or otherwise, made to the state for emergency response activities provided for in this part.

(10) The commission may prepare, coordinate, implement, and update a plan, which coordinates state and local emergency authorities, to respond to incidents within the state. The plan must be consistent with this part. All state emergency response responsibilities relating to an incident must be defined by the plan.

(11) The commission has the powers and duties of a state emergency response commission under the federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001, et seq., except that the division shall oversee the creation, annual local review, and exercise and revision of the local emergency operations plan as provided by state law.

(12) The commission shall promulgate rules and procedures limited to cost recovery procedures, certification of state response team members, and deployment of the state hazardous material incident response team, which must be a part of the plan.

(13) The commission shall act as an all-hazard advisory board to the division by:

(a) assisting the division in carrying out its responsibilities by providing the division with recommendations on issues pertaining to all-hazard emergency management; and

(b) authorizing the establishment of subcommittees to develop and provide the recommendations called for in subsection (13)(a).

~~(13)~~(14) All state agencies and institutions shall cooperate with the commission in the commission's efforts to carry out its duties under this part."

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