

HOUSE BILL NO. 821
INTRODUCED BY B. BERGREN

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA AUTOMATED EMERGENCY NOTIFICATION AND MESSAGING SYSTEM ACT; ESTABLISHING RESPONSIBILITIES; PROVIDING SYSTEM CRITERIA; PROVIDING AN APPROPRIATION; AMENDING SECTION 10-3-106, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montana does not have a robust alert and notification system because the current process of using a telephonic communications system for emergency notification is slow, often relies on inaccurate or incomplete information, is generally unsuitable for notifying even a few hundred users within a short timeframe, may result in messages being missed, misunderstood, undelivered, or inaccurate, and provides no electronic documentation to verify the timing or accuracy of the message or the identity of the message recipient; and

WHEREAS, Montana's current messaging capability depends on the state's computer network, and recent outages of this network have resulted in significant negative organizational and fiscal impacts across Montana, which clarified the need to establish an emergency notification system that does not depend solely on the state computer network; and

WHEREAS, separate disaster and emergency management exercises have concluded that the most critical but missing element in disaster planning and recovery is an emergency communications system that provides for the rapid and accurate delivery of initial alerts and for good communication between first responders and collaborating agencies.

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

NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Montana Automated Emergency Notification and Messaging System Act".

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

- (1) "Chief information officer" means the person in the position established pursuant to 2-17-511.
- (2) "Department" means the department of administration established in 2-15-1001.

(3) "Division" means the division of disaster and emergency services established in 10-3-105.

NEW SECTION. Section 3. Purpose. The purpose of [sections 1 through 6] is to ensure that Montana has an emergency notification system that:

(1) delivers rapid and consistent emergency notification to any authorized user, anywhere, anytime, on any communication device, or by any communication method;

(2) is capable of virtually instant and simultaneous delivery of messages to large numbers of participants;

(3) takes advantage of technological advances to ensure an effective emergency communications system for Montana; and

(4) ensures timely and comprehensive communications services for emergency management, continuity of government, and continuity of operations by establishing an emergency communications system that is robust, failsafe, redundant, and able to deliver critical communications to and among all subscribers with speed, efficiency, and detailed documentation.

NEW SECTION. Section 4. Administration -- rulemaking -- fees. (1) The chief information officer, in cooperation with the division, shall:

(a) establish policies, standards, and procedures for a statewide emergency notification and messaging system for Montana;

(b) conduct regular assessments of emergency notification and messaging capabilities within state government; and

(c) ensure that the system established pursuant to [sections 1 through 6] meets the criteria established in [section 6].

(2) The department shall contract for services to implement the provisions of [sections 1 through 6]. The chief information officer shall administer the contracts.

(3) The department shall by rule establish a fee schedule and collect subscription fees for providing automated emergency notification and messaging system services to system subscribers. Fees must be commensurate with department costs to develop, maintain, and administer the particular services being provided to the subscriber.

NEW SECTION. Section 5. Who may subscribe for services. (1) Any unit of a federal, tribal, state, or local government and any nonprofit entity authorized by the department may subscribe to automated

emergency notification and messaging services made available pursuant to [sections 1 through 6]. Subscriptions must be through a contract for services administered by the chief information officer.

(2) The subscribing entity is responsible for the payment of applicable fees established pursuant to [section 4].

NEW SECTION. Section 6. System criteria. The automated emergency notification and messaging system established pursuant to [sections 1 through 6] must:

(1) comply with the national incident management system established by the U.S. department of homeland security pursuant to homeland security presidential directive five, dated February 28, 2003, and Montana's executive order 17-04 on management of domestic incidents;

(2) support interjurisdictional disaster and emergency services plans established pursuant to 10-3-105(3) and state disaster and emergency services and continuity of government planning required pursuant to Title 10, chapter 3, parts 1 through 4;

(3) be coordinated with the division's communications system established pursuant to 10-3-106;

(4) provide for virtually instant and simultaneous emergency notification to more than 10,000 recipients at one time;

(5) use a broad range of existing communications methods and devices, including but not limited to voice, text, land-based telephone lines, cellular telephones, electronic mail, pagers, personal digital assistants, and land mobile radios;

(6) operate cooperatively with state-operated data and communications networks and provide appropriate redundancy;

(7) be a securely managed, internet-based system with a design structure that can ensure at least 99.99% reliability;

(8) be accessible by secure internet from anywhere in the world;

(9) use predefined, event-specific templates;

(10) allow for quick retrieval of information about who received the alert message, the time that the message was received, and the basic content of the message;

(11) allow authorized users to edit alert message content; and

(12) be configured in a manner that allows an individual subscriber to select services to meet the subscriber's needs.

Section 7. Section 10-3-106, MCA, is amended to read:

"10-3-106. Communications. (1) The division shall coordinate whatever means exist for rapid and efficient communications in time of emergency or disaster.

(2) The division shall, in cooperation with the department of administration, consider the desirability of supplementing communications resources or of integrating them into a comprehensive state or state-federal telecommunications or other communications system or network.

(3) The division shall, in cooperation with the department of administration and local political subdivisions, evaluate the possibility of multipurpose use of communications systems or networks for general state and local governmental purposes.

(4) The division shall assist political subdivisions in the orderly development of telecommunications systems complementary to the statewide telecommunications network.

(5) The division shall work with the department of administration and the chief information officer, established pursuant to 2-17-511, in the development and maintenance of the statewide automated emergency notification and messaging system provided for in [sections 1 through 6]."

NEW SECTION. Section 8. Implementation. (1) To implement the provisions of [sections 1 through 6], the department of administration, established in 2-15-1001, the chief information officer, established pursuant to 2-17-511, and the division of disaster and emergency services, established in 10-3-105, shall:

(a) assess the state's current capabilities for providing a statewide emergency notification system;
(b) develop and issue requests for proposals for consulting and technical assistance necessary to implement the provisions of [sections 1 through 6]; and

(c) award and administer contracts for services to implement the provisions of [sections 1 through 6].

(2) The system must be fully operational no later than June 30, 2008.

NEW SECTION. Section 9. Appropriation. There is appropriated to the department of administration the following money from the general fund for the purposes of implementing the provisions of [sections 1 through 6]:

Fiscal year 2008	\$925,000
Fiscal year 2009	925,000

NEW SECTION. Section 10. Codification instruction. [Sections 1 through 6] are intended to be

codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 6].

NEW SECTION. **Section 11. Effective date.** [This act] is effective July 1, 2007.

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