

Amendment - 1st Reading/2nd House-blue - Requested by: Denise Hayman - (S) State Administration

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

HB0107.002.001

HOUSE BILL NO. 107

INTRODUCED BY B. BARKER

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EMERGENCY PREPAREDNESS AND RESPONSE; ALIGNING THE RESPONSIBILITIES OF THE STATE EMERGENCY RESPONSE COMMISSION WITH FEDERAL LAW; ASSIGNING CERTAIN RESPONSIBILITIES TO THE DIVISION OF DISASTER AND EMERGENCY SERVICES OF THE DEPARTMENT OF MILITARY AFFAIRS; REVISING THE FUNDING PRIORITIES OF THE STATE EMERGENCY RESPONSE COMMISSION; REVISING THE REQUIREMENTS OF THE STATE DISASTER AND EMERGENCY PLAN; AMENDING REFERENCES TO HAZARDOUS MATERIAL INCIDENT RESPONSE TEAMS; REVISING DEFINITIONS; EXTENDING RULEMAKING AUTHORITY; PROVIDING FOR AN ADVISORY COMMITTEE; AND AMENDING SECTIONS 10-3-103, 10-3-105, 10-3-301, 10-3-310, 10-3-401, 10-3-904, 10-3-1202, 10-3-1203, 10-3-1204, 10-3-1207, 10-3-1208, 10-3-1209, 10-3-1210, 10-3-1214, 10-3-1216, AND 10-3-1217, 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) "All-hazard incident management assistance team" means a team that includes any combination of personnel representing local, state, or tribal entities that has been established by the ~~state~~ emergency response commission provided for in 10-3-1204 division for the purpose of local incident management intended to mitigate the impacts of an incident prior to a disaster or emergency declaration.

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

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

(4) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or

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4 of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery;

and

(n) assume any additional authority, duties, and responsibilities authorized by parts 1 through 4 of this chapter as may be prescribed by the governor;

(o) establish all-hazard incident management assistance teams; and

(p) appoint the members of the Montana intrastate mutual aid committee provided for in 10-3-904."

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

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

(a) prevention and minimization of injury and damage caused by disaster;

(b) prompt and efficient response to an incident, emergency, or disaster;

(c) emergency relief;

(d) identification of areas particularly vulnerable to disasters;

(e) recommendations for preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) organization of personnel and chains of command;

(g) coordination of federal, state, and local disaster and emergency activities; and

(h) other necessary matters.

~~(2) The state disaster and emergency plan and program may not:~~

~~(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services; or~~

~~(b) deny a customer of a private business the ability to access goods or services provided by the private business.~~

~~(3) The prohibition provided for in subsection (2)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public quarantine order.~~

(2) THE STATE DISASTER AND EMERGENCY PLAN AND PROGRAM MAY NOT:

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(A) COMPEL A PRIVATE BUSINESS TO DENY A CUSTOMER OF THE PRIVATE BUSINESS ACCESS TO THE PREMISES OR ACCESS TO GOODS OR SERVICES; OR

(B) DENY A CUSTOMER OF A PRIVATE BUSINESS THE ABILITY TO ACCESS GOODS OR SERVICES PROVIDED BY THE PRIVATE BUSINESS.

(3) THE PROHIBITION PROVIDED FOR IN SUBSECTION (2)(B) DOES NOT APPLY TO PERSONS CONFIRMED TO HAVE A COMMUNICABLE DISEASE AND WHO ARE CURRENTLY UNDER A PUBLIC QUARANTINE ORDER.

~~(4)(2)(4)~~ In preparing and maintaining the state disaster and emergency plan and program, the division ~~may~~ SHALL seek the advice and assistance of state and local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders through the establishment of a committee. The committee shall serve to promote a collaborative all-hazards approach to mitigation preparedness, response, and recovery activities across all levels of government in Montana. In advising local and interjurisdictional agencies, the division may encourage them to seek advice from ~~these sources~~ the committee.

~~(5) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company.~~

(5) AS USED IN THIS SECTION, "PRIVATE BUSINESS" MEANS AN INDIVIDUAL OR ENTITY THAT IS NOT PRINCIPALLY A PART OF OR ASSOCIATED WITH A GOVERNMENT UNIT. THE TERM INCLUDES BUT IS NOT LIMITED TO A NONPROFIT OR FOR-PROFIT ENTITY, A CORPORATION, A SOLE PROPRIETORSHIP, OR A LIMITED LIABILITY COMPANY."

Section 4. Section 10-3-310, MCA, is amended to read:

"10-3-310. Incident response -- authority -- appropriation -- expenditures -- recovery -- rules. (1)

The governor may by executive order upon request of the local governing body, its authorized agent, or a tribal government activate that part of the state disaster and emergency plan pertaining to incident response. The order may be issued for any year, for any part of a year, or upon occurrence of an incident.

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

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