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Montana Code Annotated 2017

TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 1. General Provisions and Administration

Division Of Disaster And Emergency Services -- Duties

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

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

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

(4) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

(m) maintain liaison with and cooperate with disaster and emergency services agencies and organizations of the federal government, other states, and Canada in achieving any purpose of parts 1 through 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.

History: (1), (3), (4)En. Sec. 7, Ch. 335, L. 1977; Sec. 77-2305.1, R.C.M. 1947; (2)En. Sec. 4, Ch. 218, L. 1951; amd. Sec. 3, Ch. 220, L. 1953; amd. Sec. 7, Ch. 237, L. 1967; Sec. 77-1304, R.C.M. 1947; amd. and redes. 77-2303 by Sec. 10, Ch. 94, L. 1974; amd. Sec. 5, Ch. 335, L. 1977; Sec. 77-2303, R.C.M. 1947; R.C.M. 1947, 77-2303, 77-2305.1(part); amd. Sec. 5, Ch. 430, L. 1983; amd. Sec. 3, Ch. 176, L. 1995; amd. Sec. 3, Ch. 228, L. 2011.

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CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 12. Response to Hazardous Material Incidents

State Emergency Response Commission -- Members -- Duties -- Establishment Of Incident Response And Incident Management Teams

10-3-1204. State emergency response commission -- members -- duties -- establishment of incident response and incident management teams. (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of 29 members appointed by the governor. The commission must include representatives of the national guard, the air force, the department of environmental quality, the division, the department of transportation, the department of justice, the department of natural resources and conservation, the department of public health and human services, a fire service association, the fire services training school, the emergency medical services and trauma systems section of the public health and safety division in the department of public health and human services, the department of fish, wildlife, and parks, the department of agriculture, 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, Montana's petroleum industry, Montana's insurance industry, the university system, a tribal emergency response commission, the national weather service, the Montana association of counties, the Montana league of cities and towns, and the office of the governor. At least one representative must be a member of a local emergency planning committee. Members of the commission serve terms 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. The commission may create and implement a state hazardous material incident response team to respond to hazardous material 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 hazardous material 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 that 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 hazardous material incident response team members and all-hazard incident management assistance team members, and deployment of the state hazardous material incident response team and all-hazard incident management assistance teams, 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;

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

(c) establishing all-hazard incident management assistance teams.

(14) The commission shall appoint the members of the Montana intrastate mutual aid committee provided for in **10-3-904**.

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

History: En. Sec. 4, Ch. 270, L. 1995; amd. Sec. 1, Ch. 45, L. 1999; amd. Sec. 1, Ch. 37, L. 2003; amd. Sec. 13, Ch. 354, L. 2005; amd. Sec. 7, Ch. 44, L. 2007; amd. Sec. 1, Ch. 67, L. 2007; amd. Sec. 3, Ch. 18, L. 2015.

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CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 12. Response to Hazardous Material Incidents

Local Emergency Response Authorities -- Designation

10-3-1208. Local emergency response authorities -- designation. (1) The governing body of each incorporated city and county shall designate the local emergency response authority for incidents that occur within its jurisdiction.

(2) Local emergency response authority members must be trained in hazardous material incident response in compliance with 29 CFR 1910.120(q), as amended.

(3) An incorporated city may, with the mutual consent of the county, designate the county as its local emergency response authority and participate in the local emergency operations plan for incident response.

(4) If an incident occurs in an area in which local emergency response authority has not been designated, the presiding officer of the board of county commissioners must be the local emergency response authority for the incident for the purposes of this part.

History: En. Sec. 6, Ch. 270, L. 1995.

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TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 12. Response to Hazardous Material Incidents

Local Emergency Response Authorities -- Powers And Duties

10-3-1209. Local emergency response authorities -- powers and duties. (1) Every local emergency response authority designated pursuant to this part shall respond to incidents occurring within its jurisdiction according to the local emergency operations plan. The local emergency response authority shall also respond to an incident that initially occurs within its jurisdiction but spreads to another jurisdiction. If an incident occurs on a boundary between two jurisdictions or in an area where the jurisdiction is not readily ascertainable, the first local emergency response authority to arrive at the scene of the incident shall perform the initial emergency response duties.

(2) Each local emergency response authority shall define in writing its incident management system and specifically define the agency that will be the incident commander.

(3) The incident commander shall declare that the emergency situation associated with an incident has ended when the acute threat to public health and safety or to the environment has been sufficiently addressed.

History: En. Sec. 7, Ch. 270, L. 1995.

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SERC AND REPORTING COMMITTEES

State Emergency Response Commission

The State Emergency Response Commission (SERC) was created through the Emergency Planning and Community Right-to-Know Act (EPCRA) as well as the Montana Code Annotated (MCA). EPCRA was passed in 1986 due to concerns that arose from the 1984 disaster in Bhopal, India where an accidental release of a deadly chemical killed or injured over 2,000 people.

MCA 10-3-1204 identifies the members of the SERC their roles in Hazardous Material Incident Response including acting as an all-hazards advisory board to the Montana Disaster and Emergency Services (MT DES). The overall mission of the SERC is to ensure that Montana is a secure, disaster resilient state, able to effectively prepare for, respond to, and recover from all emergencies and disasters. The SERC meets twice a year. There are several committees which have been established to increase emergency preparedness in the state. Some committees are responsible to the SERC; other committees assist the SERC to fulfill its all-hazards advisory board responsibilities.

Steering Committee

The Steering Committee is comprised of members that have volunteered to help develop the strategic direction of the SERC. The Steering Committee meets on a monthly basis.

Hazardous Materials Committee

The Hazardous Materials Committee is a permanent standing component of the SERC, established to provide relevant information and recommendations concerning chemicals and other hazardous materials. The Committee meets twice a year and on an ad-hoc basis.

All-Hazards Response Committee

In statute, the All-Hazard Response Committee is referred to as the Montana Intrastate Mutual Aid Committee. The All-Hazards Response Committee is a permanent standing component of the SERC established to share information; recommend coordinated direction; review and endorse procedures; draft and/or develop, evaluate, and recommend policy relating to response to and management of all hazard incidents that exceed the capability of the responsible agency. The All-Hazards Response Committee meets on a quarterly and ad-hoc basis.

Senior Advisory Committee

The Senior Advisory Committee (SAC) is required through the federal Department of Homeland Security Grant program. The SAC meets on a quarterly and ad-hoc basis to recommend funding priorities and projects that will be paid for through the State Homeland Security Grant Program. The SAC responsible to MT Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role.

Montana Emergency Response Framework & Emergency Support Function Committee

The Montana Emergency Response Framework & Emergency Support Function (MERF/ESF) Committee that state agencies work together to coordinate their roles during an emergency or disaster. The MERF/ESF Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The MERF/ESF Committee meets on a quarterly basis.

Emergency Alert System Committee

The Emergency Alert System (EAS) Committee coordinates the EAS and the Integrated Public Alert & Warning System efforts between partners, including broadcasters, cable companies, National Weather Service, FEMA, FCC, other states and other present and future EAS participants. The EAS Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The EAS committee meets twice a year.

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