

**Unofficial Draft Copy**

As of: May 23, 2006 (2:31pm)

LC2004

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

**HJR 10 PROPOSED BILL #5**

A Bill for an Act entitled: "An Act revising laws governing mutual aid agreements for protection against natural disasters and other incidents and emergencies; including governing bodies of political subdivisions in other states as entities that may participate in certain mutual aid agreements and from which assistance may be requested; requiring the governor to allow political subdivisions to directly negotiate mutual aid agreements; requiring the governor to designate political subdivisions as officials authorized to request and receive mutual aid assistance; and amending sections 7-33-2108, 7-33-2202, 7-33-2405, 7-33-4112, 10-3-202, and 10-3-205, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 7-33-2108, MCA, is amended to read:

**"7-33-2108. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual aid agreement is an agreement for protection against natural disasters, incidents, or emergencies or disasters, incidents, or emergencies caused by persons.

(2) Fire district trustees may enter mutual aid agreements

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with the proper authority of:

- (a) other fire districts;
- (b) unincorporated municipalities;
- (c) incorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;
- (g) fire service areas; and
- (h) governing bodies of other political subdivisions in

Montana; and

(i) governing bodies of political subdivisions in any state that has entered into an interstate mutual aid compact with the state of Montana.

(3) If the fire district trustees have not concluded a mutual aid agreement, then the trustees, a representative of the trustees, or an incident commander may request assistance pursuant to 10-3-209 from any of the entities listed in subsection (2).

(4) As used in this section, "incidents", "disasters", or "emergencies" has the meaning ascribed to the term in 10-3-103."

{*Internal References to 7-33-2108:*  
7-3-1345 }

**Section 2.** Section 7-33-2202, MCA, is amended to read:

**"7-33-2202. Functions of county governing body.** The county governing body, with respect to rural fire control, shall carry out the specific authorities and duties imposed in this section:

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(1) The governing body shall:

(a) provide for the organization of volunteer rural fire control crews; and

(b) provide for the formation of county volunteer fire companies.

(2) The governing body shall appoint a county rural fire chief and such district rural fire chiefs, subject to the direction and supervision of the county rural fire chief, as it considers necessary.

(3) The county governing body shall, within the limitations of 7-33-2205 through 7-33-2209, protect the range, farm, and forest lands within the county from fire.

(4) The county governing body may enter into mutual aid agreements for itself and for county volunteer fire companies with:

(a) other fire districts;

(b) unincorporated municipalities;

(c) incorporated municipalities;

(d) state agencies;

(e) private fire prevention agencies;

(f) federal agencies;

(g) fire service areas; ~~or~~

(h) governing bodies of other political subdivisions in

Montana; or

(i) governing bodies of political subdivisions in any state that has entered into an interstate mutual aid compact with the state of Montana.

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(5) If the county governing body has not concluded a mutual aid agreement, the county governing body, a representative of the county governing body, or an incident commander may request assistance pursuant to 10-3-209 from any of the entities listed in subsection (2)."

{Internal References to 7-33-2202: None.}

**Section 3.** Section 7-33-2405, MCA, is amended to read:

**"7-33-2405. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual aid agreement is an agreement for protection against natural disasters, incidents, or emergencies or disasters, incidents, or emergencies caused by persons.

(2) The governing body of a fire service area may enter mutual aid agreements with the proper authority of:

- (a) other fire service areas;
- (b) unincorporated municipalities;
- (c) incorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;
- (g) fire districts; and
- (h) governing bodies of other political subdivisions in

Montana; and

(i) governing bodies of political subdivisions in any state that has entered into an interstate mutual aid compact with the state of Montana.

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(3) If the governing body of a fire service area has not concluded a mutual aid agreement, the governing body, a representative of the governing body, or an incident commander may request assistance pursuant to 10-3-209 from any of the entities listed in subsection (2).

(4) As used in this section, "incidents", "disasters", or "emergencies" has the meaning ascribed to the term in 10-3-103."

{*Internal References to 7-33-2405: None.*}

**Section 4.** Section 7-33-4112, MCA, is amended to read:

**"7-33-4112. Mutual aid agreements -- request if no agreement exists -- definitions.** (1) A mutual aid agreement is an agreement for protection against natural disasters, incidents, or emergencies or disasters, incidents, or emergencies caused by persons.

(2) Councils or commissions of incorporated municipalities may enter mutual aid agreements with the proper authority of:

- (a) other incorporated municipalities;
- (b) fire districts;
- (c) unincorporated municipalities;
- (d) state agencies;
- (e) private fire prevention agencies;
- (f) federal agencies;
- (g) fire service areas; ~~or~~

(h) the governing body of other political subdivisions in Montana; or

(i) governing bodies of political subdivisions in any state

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that has entered into an interstate mutual aid compact with the state of Montana.

(3) If the council or commission has not concluded a mutual aid agreement, the council or commission, a representative of the council or commission, or an incident commander may request assistance pursuant to 10-3-209 from any of the entities listed in subsection (2).

(4) As used in this section, "incidents", "disasters", or "emergencies" has the meaning ascribed to the term in 10-3-103."

{ *Internal References to 7-33-4112:*  
7-33-4110 }

**Section 5.** Section 10-3-202, MCA, is amended to read:

**"10-3-202. Mutual aid -- cooperation.** (1) Political subdivisions, ~~fire districts, fire service areas, and fire companies in unincorporated places~~ and governmental fire agencies organized under Title 7, chapter 33 must be encouraged and assisted by the division to conclude mutual aid arrangements with other public and private agencies within this state or in any state that has entered into an interstate mutual aid compact with the state of Montana for reciprocal aid and assistance in coping with incidents, emergencies, and disasters.

(2) In reviewing disaster and emergency plans and programs of political subdivisions, the division shall consider whether they contain adequate provisions for the reciprocal mutual aid.

(3) Local and interjurisdictional disaster and emergency agencies may assist in negotiation of reciprocal mutual aid

agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions of adjoining states or may directly negotiate and execute supplemental mutual aid agreements in accordance with 10-3-205(2)(a) and shall carry out arrangements of any of the agreements relating to the local and political subdivision.

(4) In providing assistance under parts 1 through 4 of this chapter, state departments and agencies shall cooperate to the fullest extent possible with each other and with local governments and relief agencies such as the American national red cross. Parts 1 through 4 of this chapter do not list or in any way affect the responsibilities of the American national red cross under the act approved January 5, 1905 (33 Stat. 559), as amended."

{ *Internal References to 10-3-202:*  
10-3-209 }

**Section 6.** Section 10-3-205, MCA, is amended to read:

**"10-3-205. Authority to join interstate mutual aid compact -- supplemental agreements.** (1) The governor of the state of Montana is hereby authorized for and in the name of the state of Montana to join with other states in the interstate mutual aid compact.

(2) The governor of the state of Montana is hereby authorized to negotiate and execute such supplemental agreements as may be necessary and proper to fully carry into effect the terms and provisions of the interstate mutual aid compact as set

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forth in 10-3-207.

(3) The governor of the state of Montana shall take all necessary action to delegate authority to political subdivisions to directly negotiate and execute supplemental mutual aid agreements so political subdivisions may enter into mutual aid agreements in accordance with 7-33-2109(2)(i), 7-33-2405(2)(i), and 7-33-4112(2)(i).

(4) The governor of the state of Montana shall take all necessary action to designate any political subdivision of the state of Montana as officials authorized to request or receive assistance in accordance with Article III and the remaining terms and provisions of the interstate mutual aid compact provided in 10-3-207."

{ Internal References to 10-3-205:  
10-3-207 }

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