

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 355

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1
2 RELATING TO THE IDAHO OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION
3 21-104, IDAHO CODE, TO REPLACE A REFERENCE TO THE BUREAU OF HOMELAND
4 SECURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT AND TO MAKE TECH-
5 NICAL CORRECTIONS; AMENDING SECTION 31-2229, IDAHO CODE, TO REPLACE
6 REFERENCES TO THE BUREAU OF HOMELAND SECURITY WITH THE IDAHO OFFICE
7 OF EMERGENCY MANAGEMENT; AMENDING SECTION 39-7103, IDAHO CODE, TO RE-
8 VISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
9 39-7104, IDAHO CODE, TO REPLACE A REFERENCE TO THE BUREAU OF HOMELAND
10 SECURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT AND TO REPLACE
11 A REFERENCE TO THE BUREAU WITH A REFERENCE TO THE OFFICE; AMENDING
12 SECTION 39-7114A, IDAHO CODE, TO REPLACE A REFERENCE TO THE BUREAU OF
13 HOMELAND SECURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT AND TO
14 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1002, IDAHO CODE, TO
15 REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
16 46-1003, IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU OF HOMELAND SE-
17 CURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION
18 46-1004, IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU OF HOMELAND SE-
19 CURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION
20 46-1005, IDAHO CODE, TO PROVIDE FOR A COORDINATING OFFICER, TO PROVIDE
21 FOR THE HEAD OF THE OFFICE AND TO PROVIDE THAT IF THE ADJUTANT GENERAL
22 SERVES AS THE CHIEF OF THE OFFICE HE SHALL RECEIVE NO ADDITIONAL COMPEN-
23 SATION; AMENDING SECTION 46-1006, IDAHO CODE, TO REPLACE REFERENCES TO
24 THE BUREAU WITH REFERENCES TO THE OFFICE AND TO MAKE TECHNICAL CORREC-
25 TIONS; AMENDING SECTION 46-1008, IDAHO CODE, TO REPLACE A REFERENCE TO
26 THE BUREAU OF HOMELAND SECURITY WITH THE IDAHO OFFICE OF EMERGENCY MAN-
27 AGEMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-1009,
28 IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU WITH REFERENCES TO THE
29 OFFICE; AMENDING SECTION 46-1012, IDAHO CODE, TO REPLACE REFERENCES
30 TO THE BUREAU WITH REFERENCES TO THE OFFICE; AMENDING SECTION 46-1013,
31 IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU WITH REFERENCES TO THE
32 OFFICE; AMENDING SECTION 46-1014, IDAHO CODE, TO REPLACE REFERENCES
33 TO THE BUREAU WITH REFERENCES TO THE OFFICE; AMENDING SECTION 46-1015,
34 IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU WITH REFERENCES TO
35 THE OFFICE; AMENDING SECTION 46-1017, IDAHO CODE, TO REPLACE A REF-
36ERENCE TO THE BUREAU WITH A REFERENCE TO THE OFFICE; AMENDING SECTION
37 46-1025, IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU OF HOMELAND SE-
38 CURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION
39 46-1027, IDAHO CODE, TO REPLACE REFERENCES TO THE BUREAU OF HOMELAND
40 SECURITY WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT AND TO MAKE TECH-
41 NICAL CORRECTIONS; AMENDING SECTION 46-1211, IDAHO CODE, TO REPLACE A
42 REFERENCE TO THE BUREAU OF HOMELAND SECURITY WITH THE IDAHO OFFICE OF
43 EMERGENCY MANAGEMENT; AMENDING SECTION 67-5806, IDAHO CODE, TO PROVIDE
44 CORRECT CODE REFERENCES; AND PROVIDING A SUNSET DATE.

1 Be It Enacted by the Legislature of the State of Idaho:

2 SECTION 1. That Section 21-104, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 21-104. DEVELOPMENT OF AERONAUTICS. (a) General supervision. The de-
5 partment shall have general supervision over aeronautics within this state.
6 It is empowered and directed to encourage, foster, and assist in the develop-
7 ment of aeronautics in this state and to encourage the establishment of air-
8 ports and air navigation facilities. It shall cooperate with and assist the
9 federal government, the municipalities of this state, and other persons in
10 the development of aeronautics, and shall seek to coordinate the aeronauti-
11 cal activities of these bodies and persons. Municipalities are authorized
12 to cooperate with the department in the development of aeronautics and aero-
13 nautics facilities in this state.

14 (b) Aerial search. Aerial search operations for lost aircraft and air-
15 men shall be coordinated by the department, division of aeronautics, under
16 the direction and supervision of the chief of the ~~bureau of homeland security~~
17 Idaho office of emergency management within the military division.

18 SECTION 2. That Section 31-2229, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 31-2229. SEARCH AND RESCUE. (1) For the purpose of this section:

21 (a) "Aerial search" means a response by the ~~bureau of homeland security~~
22 Idaho office of emergency management and the Idaho transportation de-
23 partment's division of aeronautics to a missing or overdue aircraft or
24 airman.

25 (b) "Rescue" means a response by the sheriff to recover lost, missing,
26 injured, impaired or incapacitated persons in imminent danger of injury
27 or death.

28 (c) "Search" means a response by the sheriff to locate an overdue, miss-
29 ing or lost person.

30 (2) The sheriff of each county shall:

31 (a) Be the official responsible for command of all search and rescue op-
32 erations within the county;

33 (b) Prepare and keep current a plan to command the search and rescue ca-
34 pabilities and resources available within the county.

35 (3) All aerial search assets shall be under the coordination of the
36 Idaho transportation department's division of aeronautics. The ground as-
37 pects of the search and rescue of lost aircraft and airmen shall be under
38 the supervision of the county sheriff, in coordination with the chief of the
39 ~~bureau of homeland security~~ Idaho office of emergency management and the
40 administrator of the division of aeronautics.

41 (4) Nothing in subsection (2) of this section shall apply to search and
42 rescue operations within the incorporated limits of any city when the city
43 performs such service.

44 (5) Nothing in subsection (2) of this section shall apply to the rescue
45 of entrapped or injured persons where their location is known to be within a
46 fire district where the fire district performs such service.

1 (6) Nothing contained in subsection (2) of this section shall apply to
 2 the removal of entrapped or injured persons where the person's location is
 3 known to a local EMS agency licensed by the state of Idaho.

4 SECTION 3. That Section 39-7103, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 39-7103. DEFINITIONS. As used in this chapter:

7 (1) ~~"Bureau" means the bureau of homeland security within the military~~
 8 ~~division.~~

9 ~~(2)~~ "Emergency" means a release or threat of release ~~which~~ that, in the
 10 reasonable judgment of the local emergency response authority in consulta-
 11 tion with the ~~bureau~~ office, threatens immediate harm to the environment or
 12 the health and safety of any individual and ~~which~~ that requires immediate ac-
 13 tion for the containment or control of a hazardous or potentially hazardous
 14 substance to prevent, minimize or mitigate harm to the public health, safety
 15 or the environment which may result if action is not taken.

16 ~~(3)~~ "Hazardous substance incident" means an emergency circumstance
 17 requiring a response by the state emergency response team or the local emer-
 18 gency response authority to monitor, assess and evaluate a release or threat
 19 of a release of a hazardous or potentially hazardous substance. A hazardous
 20 substance incident may require containment or confinement or both, but does
 21 not include site cleanup or remediation efforts after the incident commander
 22 has determined the emergency has ended.

23 ~~(4)~~ "Hazardous substance" means:

24 (a) Any "hazardous substance" within the scope of section 101(14) of
 25 the federal comprehensive environmental response, compensation and li-
 26 ability act (CERCLA), 42 U.S.C. 9601(14);

27 (b) Any hazardous substance within the scope of section 104 of the fed-
 28 eral hazardous materials transportation act, 49 U.S.C. 1803, and the
 29 federal department of transportation regulations promulgated pursuant
 30 thereto;

31 (c) Any extremely hazardous substance within the scope of section 302
 32 of the federal emergency planning and community right-to-know act, 42
 33 U.S.C. 11002; and

34 (d) Any explosive or weapon of mass destruction utilized or threatened
 35 to be utilized in an act of terrorism, crime or other threat to public
 36 safety.

37 ~~(5)~~ "Incident commander" is the person in charge of all responders to
 38 a hazardous substance incident and who is identified in the Idaho hazardous
 39 materials emergency incident command and response plan or the private emer-
 40 gency response plan.

41 ~~(6)~~ "Local emergency response authority" means those persons desig-
 42 nated under section 39-7105, Idaho Code, by the city, county, or the military
 43 division to be first responders to hazardous substance incidents.

44 ~~(7)~~ "Military division" means the military division of the office of
 45 the governor.

46 (7) "Office" means the Idaho office of emergency management within the
 47 military division.

48 (8) "Person" means any individual, public or private corporation,
 49 partnership, joint venture, association, firm, trust, estate, the United

1 States or any department, institution, or agency thereof, the state or any
 2 department, institution, or agency thereof, any municipal corporation,
 3 county, city, or other political subdivision of the state, or any other legal
 4 entity whatsoever which is recognized by law as the subject of rights and
 5 duties.

6 (9) "Potentially hazardous substance" means any substance which in the
 7 reasonable judgment of the local emergency response authority in consulta-
 8 tion with the bureau office is likely a hazardous substance.

9 (10) "Private emergency response plan" means a plan designed to respond
 10 to emergency releases of hazardous or potentially hazardous substances at a
 11 specific facility or under a specific set of conditions.

12 (11) "Release" means any spilling, leaking, pumping, pouring, emit-
 13 ting, emptying, discharging, escaping, dumping or disposing of a hazardous
 14 or potentially hazardous substance, or the threat of the same, into the
 15 environment. "Release" does not include any discharge of a hazardous sub-
 16 stance into the environment which is authorized by limits and conditions in
 17 a federal or state permit relating to the protection of public health or the
 18 environment so long as the permitted activity from which the release occurs
 19 is in compliance with applicable limits and conditions of the permit.

20 (12) "State emergency response team" means one (1) of the state emer-
 21 gency response teams authorized by the military division to respond to haz-
 22 ardous substance incidents.

23 (13) "Threat of release" means the release of a hazardous or potentially
 24 hazardous substance is likely.

25 SECTION 4. That Section 39-7104, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 39-7104. MILITARY DIVISION -- POWERS AND DUTIES. (1) The military
 28 division through the ~~bureau of homeland security~~ Idaho office of emergency
 29 management shall implement the provisions of this chapter and direct the
 30 activities of its staff and, in so doing, the military division may:

31 (a) Through the bureau office, in accordance with the laws of the state,
 32 hire, fix the compensation, and prescribe the powers and duties of such
 33 other individuals, including consultants, emergency teams and commit-
 34 tees, as may be necessary to carry out the provisions of this chapter.

35 (b) Create and implement state emergency response teams that have ap-
 36 propriately trained personnel and necessary equipment to respond to
 37 hazardous substance incidents. The military division shall enter into
 38 a written agreement with each entity or person providing equipment
 39 or services to a designated emergency response team. The teams shall
 40 be available and may respond to hazardous substance incidents at the
 41 direction of the military division or its designee or local incident
 42 commander.

43 (c) Contract with persons to meet state emergency response needs for
 44 the teams and response authorities.

45 (d) Advise, consult and cooperate with agencies of the state and fed-
 46 eral government, other states and their state agencies, cities, coun-
 47 ties, tribal governments and other persons concerned with emergency re-
 48 sponse and matters relating to and arising out of hazardous substance
 49 incidents.

1 (e) Encourage, participate in, or conduct studies, investigations,
 2 training, research, and demonstrations for and with state emergency
 3 response teams, local emergency response authorities and other inter-
 4 ested persons.

5 (f) Collect and disseminate information relating to emergency response
 6 to hazardous substance incidents.

7 (g) Accept and administer loans, grants, or other funds or gifts, con-
 8 ditional or otherwise, made to the state for emergency response activi-
 9 ties provided for in this chapter.

10 (h) Submit an annual report prior to February 1 to the governor and to
 11 the legislature concerning emergency response to hazardous substance
 12 incidents.

13 (i) Prepare, coordinate, implement and update a statewide hazardous
 14 materials incident command and response plan that coordinates state and
 15 local emergency response authorities to respond to hazardous substance
 16 incidents within the state for approval by the legislature. The plan
 17 shall address radiation, explosive and weapons of mass destruction in-
 18 cidents. The Idaho hazardous materials incident command and response
 19 plan shall be consistent with and a part of the Idaho state disaster plan
 20 provided in section 46-1006, Idaho Code, after legislative approval.

21 (2) The military division shall have the powers and duties of a state
 22 emergency response commission under the federal emergency planning and com-
 23 munity right-to-know act, 42 U.S.C. section 11001 et seq.

24 (3) The military division may promulgate rules and procedures to govern
 25 reimbursement of claims pursuant to this chapter.

26 (4) All state agencies and institutions will cooperate and provide
 27 staff assistance to the military division in carrying out its duties under
 28 this chapter.

29 SECTION 5. That Section 39-7114A, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 39-7114A. CIVIL AIR PATROL. (1) There is hereby established within
 32 the military division and the ~~bureau of homeland security~~ Idaho office of
 33 emergency management the Idaho directorate of civil air patrol. The mission
 34 of the directorate shall be to provide support for and facilitate the opera-
 35 tion of the civil air patrol, Idaho wing, which shall be under the command and
 36 control of the duly appointed commanding officer of such wing.

37 (2) In consideration for services rendered to the state of Idaho by the
 38 directorate of civil air patrol, Idaho wing, the military division shall
 39 provide in-kind services to the directorate in the form of land use, ~~hanger~~
 40 hangar facilities, mess and billeting facilities, office space and other
 41 entities when deemed necessary and when such facilities are available.

42 SECTION 6. That Section 46-1002, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 46-1002. DEFINITIONS. As used in this act:

45 (1) ~~"Bureau" means the bureau of homeland security, military division~~
 46 ~~of the office of the governor.~~

1 ~~(2)~~ "Adjutant general" means the administrative head of the military
2 division of the office of the governor.

3 ~~(3)~~ "Disaster" means occurrence or imminent threat of widespread or
4 severe damage, injury, or loss of life or property resulting from any natu-
5 ral or man-made cause, including but not limited to fire, flood, earthquake,
6 windstorm, wave action, volcanic activity, explosion, riot, or hostile mil-
7 itary or paramilitary action and including acts of terrorism.

8 ~~(4)~~ "Emergency" means occurrence or imminent threat of a disaster or
9 condition threatening life or property ~~which that~~ requires state emergency
10 assistance to supplement local efforts to save lives and protect property or
11 to avert or lessen the threat of a disaster.

12 ~~(5)~~ "Political subdivision" means any county, city, district, or
13 other unit of state or local government.

14 ~~(6)~~ "Militia" means all members of the Idaho army and air national
15 guard in the service of the state.

16 ~~(7)~~ "Office" means the Idaho office of emergency management within the
17 military division.

18 ~~(8)~~ "Search and rescue" means the employment, coordination, and uti-
19 lization of available resources and personnel in locating, relieving dis-
20 tress and preserving life of, and removing survivors from the site of a dis-
21 aster, emergency or hazard to a place of safety in case of lost, stranded, en-
22 trapped, or injured persons.

23 ~~(9)~~ "Disaster emergency account" means the account created under this
24 act for the purpose of paying obligations and expenses incurred by the state
25 of Idaho during a declared state of disaster emergency.

26 ~~(10)~~ "Bureau of hazardous materials" means the former bureau of haz-
27 arduous materials, which is now a part of the ~~bureau of homeland security~~
28 Idaho office of emergency management in the military division of the office
29 of the governor.

30 SECTION 7. That Section 46-1003, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 46-1003. POLICY AND PURPOSES. It is the policy of this state to plan
33 and prepare for disasters and emergencies resulting from natural or man-made
34 causes, enemy attack, terrorism, sabotage or other hostile action, and to
35 implement this policy, it is found necessary:

36 (1) To create a ~~bureau of homeland security~~ an Idaho office of emergency
37 management, to authorize the creation of local organizations for disaster
38 preparedness in the political subdivisions of the state, and to authorize
39 the state and political subdivisions to execute agreements and to cooperate
40 with the federal government and the governments of other states.

41 (2) To prevent and reduce damage, injury, and loss of life and property
42 resulting from natural or man-made catastrophes, riots, or hostile military
43 or paramilitary action.

44 (3) To prepare assistance for prompt and efficient search, rescue,
45 care, and treatment of persons injured, victimized or threatened by disas-
46 ter.

47 (4) To provide for rapid and orderly restoration and rehabilitation of
48 persons and property affected by disasters.

1 (5) To prescribe the roles of the governor, state agencies, and local
2 governments in prevention of, preparation for, response to and recovery from
3 disasters.

4 (6) To authorize and encourage cooperation in disaster prevention,
5 preparedness, response and recovery.

6 (7) To provide for coordination of activities relating to disaster pre-
7 vention, preparedness, response, and recovery by all state agencies, polit-
8 ical subdivisions, and interstate, federal-state and Canadian activities in
9 which the state and its political subdivisions may participate.

10 (8) To provide a disaster management system embodying all aspects of
11 predisaster preparedness and postdisaster response.

12 (9) To provide for the payment of obligations and expenses incurred by
13 the state of Idaho through the ~~bureau of homeland security~~ Idaho office of
14 emergency management during a declared state of disaster emergency.

15 SECTION 8. That Section 46-1004, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 46-1004. ~~BUREAU OF HOMELAND SECURITY~~ IDAHO OFFICE OF EMERGENCY MAN-
18 AGEMENT CREATED. Within the military division of the office of governor, a
19 ~~bureau of homeland security~~ an Idaho office of emergency management is es-
20 tablished.

21 SECTION 9. That Section 46-1005, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 46-1005. ~~CHIEF OF BUREAU COORDINATING OFFICER -- APPOINTMENT -- COM-~~
24 PENSATION SELECTION. The ~~bureau office~~ may be headed by a the adjutant gen-
25 eral as chief appointed of the military division, or by a coordinating offi-
26 cer selected by the adjutant general with the concurrence of the governor ~~or~~
27 ~~the governor may appoint the adjutant general to serve as chief. The chief~~
28 ~~shall hold office at the pleasure of the governor and his compensation shall~~
29 ~~be fixed by the governor.~~ If the adjutant general is serves as chief of the
30 office, he or she shall receive no additional compensation ~~for serving as~~
31 ~~chief.~~

32 SECTION 10. That Section 46-1006, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 46-1006. POWERS AND DUTIES OF CHIEF AND BUREAU OFFICE. (1) In all mat-
35 ters of disaster services, the adjutant general shall represent the governor
36 and shall, on behalf of the governor, coordinate the activities of all of the
37 state agencies in disaster services. The ~~bureau office~~ shall have a coordi-
38 nating officer and other professional, technical, secretarial and clerical
39 employees necessary for the performance of its functions.

40 (2) The ~~bureau office~~ shall prepare, maintain and update a state disas-
41 ter plan based on the principle of self-help at each level of government. The
42 plan may provide for:

43 (a) Prevention and minimization of injury and damage caused by disas-
44 ter;

45 (b) Prompt and effective response to disaster;

- 1 (c) Emergency relief;
2 (d) Identification of areas particularly vulnerable to disasters;
3 (e) Assistance to local officials in designing local emergency action
4 plans;
5 (f) Authorization and procedures for the erection or other construc-
6 tion of temporary works designed to protect against or mitigate danger,
7 damage, or loss from disaster;
8 (g) Preparation and distribution to the appropriate state and local of-
9 ficials of catalogs of federal, state and private assistance programs;
10 (h) Assistance to local officials in designing plans for search, res-
11 cue, and recovery of persons lost, entrapped, victimized, or threatened
12 by disaster;
13 (i) Organization of manpower and chains of command;
14 (j) Coordination of federal, state, and local disaster activities;
15 (k) Coordination of the state disaster plan with the disaster plans of
16 the federal government.

17 (3) The bureau office shall participate in the development and revision
18 of local and intergovernmental disaster plans. To this end, it may employ
19 or otherwise secure the services of professional and technical personnel to
20 provide expert assistance to political subdivisions, their disaster agen-
21 cies, and intergovernmental planning and disaster agencies. This personnel
22 shall consult with subdivisions and agencies and shall make field examina-
23 tions of the areas, circumstances, and conditions to which particular local
24 and intergovernmental disaster plans are intended to apply.

25 (4) In preparing and maintaining the state disaster plan, the bureau
26 office shall seek the advice and assistance of local government, business,
27 labor, industry, agriculture, civic, and volunteer organizations and commu-
28 nity leaders. In advising local and intergovernmental agencies, the bureau
29 office shall encourage them also to seek advice from these sources.

30 (5) The state disaster plan or any part thereof may be incorporated in
31 rules of the bureau office promulgated subject to chapter 52, title 67, Idaho
32 Code.

33 (6) The bureau office shall:

- 34 (a) Promulgate standards and criteria for local and intergovernmental
35 disaster plans;
36 (b) Periodically review local and intergovernmental disaster plans;
37 (c) Assist political subdivisions, their disaster agencies, and inter-
38 governmental disaster agencies to establish and operate training pro-
39 grams and programs of public information;
40 (d) Plan and make arrangements for the availability and use of any
41 private facilities, services, and property and, if necessary and if in
42 fact used, provide for payment for use under terms and conditions agreed
43 upon;
44 (e) Prepare executive orders and proclamations for issuance by the gov-
45 ernor, as necessary or appropriate in coping with disasters;
46 (f) Cooperate with the federal government and any public or private
47 agency or entity in achieving any purpose of this act and in imple-
48 menting programs for disaster prevention, preparation, response, and
49 recovery;

- 1 (g) Maintain a register of search and rescue organizations, units,
2 teams, or individuals operating within the state;
- 3 (h) Assist search and rescue units to accomplish standards for equip-
4 ment, training and proficiency;
- 5 (i) Coordinate search and rescue of lost aircraft and airmen pursuant
6 to section 21-114, Idaho Code, with aerial search operations coordi-
7 nated by the Idaho transportation department, division of aeronautics;
- 8 (j) In addition to disaster prevention measures as included in the
9 state, local, and intergovernmental disaster plans, the ~~bureau office~~
10 shall consider on a continuing basis steps that could be taken to pre-
11 vent or reduce the harmful consequences of disasters. The governor
12 from time to time may make recommendations to the legislature, local
13 governments and other appropriate public and private entities as may
14 facilitate measures for prevention or reduction of the harmful conse-
15 quences of disasters; and
- 16 (k) Not limit the powers and duties of the department of transporta-
17 tion, division of aeronautics, as provided by sections 21-114 and
18 21-118, Idaho Code.

19 SECTION 11. That Section 46-1008, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act,
22 the governor may issue executive orders, proclamations and amend or rescind
23 them. Executive orders and proclamations have the force and effect of law.

24 (2) A disaster emergency shall be declared by executive order or
25 proclamation of the governor if he finds a disaster has occurred or that the
26 occurrence or the threat thereof is imminent. The state of disaster emer-
27 gency shall continue until the governor finds that the threat or danger has
28 passed, or the disaster has been dealt with to the extent that emergency con-
29 ditions no longer exist, and when either or both of these events occur, the
30 governor shall terminate the state of disaster emergency by executive order
31 or proclamation; provided, however, that no state of disaster emergency may
32 continue for longer than thirty (30) days unless the governor finds that it
33 should be continued for another thirty (30) days or any part thereof. The
34 legislature by concurrent resolution may terminate a state of disaster emer-
35 gency at any time. Thereupon, the governor shall issue an executive order or
36 proclamation ending the state of disaster emergency. All executive orders
37 or proclamations issued under this subsection shall indicate the nature of
38 the disaster, the area or areas threatened, the area subject to the proclama-
39 tion, and the conditions which are causing the disaster. An executive order
40 or proclamation shall be disseminated promptly by means calculated to bring
41 its contents to the attention of the general public and unless the circum-
42 stances attendant upon the disaster prevent or impede, be promptly filed
43 with the ~~bureau of homeland security~~ Idaho office of emergency management,
44 the office of the secretary of state and the office of the recorder of each
45 county where the state of disaster emergency applies.

46 (3) An executive order or proclamation of a state of disaster emergency
47 shall activate the disaster response and recovery aspects of the state, lo-
48 cal and intergovernmental disaster emergency plans applicable to the polit-
49 ical subdivision or area in question and be authority for the deployment and

1 use of any forces to which the plan or plans apply and for use or distribution
2 of any supplies, equipment, and materials and facilities assembled, stock-
3 piled, or arranged to be made available pursuant to this act or any other pro-
4 vision of law relating to disaster emergencies.

5 (4) During the continuance of any state of disaster emergency, the
6 governor is commander-in-chief of the militia and may assume command of all
7 other forces available for emergency duty. To the greatest extent prac-
8 ticable, the governor shall delegate or assign command authority by prior
9 arrangement embodied in appropriate executive orders or regulations, but
10 nothing herein restricts his authority to do so by orders issued at the time
11 of the disaster emergency.

12 (5) In addition to any other powers conferred upon the governor by law,
13 he may:

14 (a) Suspend the provisions of any regulations prescribing the proce-
15 dures for conduct of public business that would in any way prevent, hin-
16 der, or delay necessary action in coping with the emergency;

17 (b) Utilize all resources of the state, including, but not limited to,
18 those sums in the disaster emergency account as he shall deem necessary
19 to pay obligations and expenses incurred during a declared state of dis-
20 aster emergency;

21 (c) Transfer the direction, personnel, or functions of state depart-
22 ments and agencies or units thereof for the purpose of performing or fa-
23 cilitating emergency services;

24 (d) Subject to any applicable requirements for compensation under sec-
25 tion 46-1012, Idaho Code, commandeer or utilize any private property,
26 real or personal, if he finds this necessary to cope with the disaster
27 emergency;

28 (e) Direct and compel the evacuation of all or part of the population
29 from any stricken or threatened area within the state if he deems this
30 action necessary for the preservation of life or other disaster mitiga-
31 tion, response, or recovery;

32 (f) Prescribe routes, modes of transportation, and destinations in
33 connection with evacuation;

34 (g) Control ingress and egress to and from a disaster area, the movement
35 of persons within the area, and the occupancy of premises therein;

36 (h) Suspend or limit the sale, dispensing or transportation of alco-
37 holic beverages, explosives, and combustibles;

38 (i) Make provision for the availability and use of temporary emergency
39 housing.

40 (6) Whenever an emergency or a disaster has been declared to exist in
41 Idaho by the president under the provisions of the disaster relief act of
42 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the governor may:

43 (a) Enter into agreements with the federal government for the sharing
44 of disaster recovery expenses involving public facilities;

45 (b) Require as a condition of state assistance that a local taxing dis-
46 trict be responsible for paying forty percent (40%) of the nonfederal
47 share of costs incurred by the local taxing district ~~which~~ that have
48 been determined to be eligible for reimbursement by the federal govern-
49 ment, provided that the total local share of eligible costs for a taxing

1 district shall not exceed ten percent (10%) of the taxing district's tax
2 charges authorized by section 63-802, Idaho Code;

3 (c) Obligate the state to pay the balance of the nonfederal share of el-
4 igible costs within local taxing entities qualifying for federal assis-
5 tance; and

6 (d) Enter into agreements with the federal government for the sharing
7 of disaster assistance expenses to include individual and family grant
8 programs.

9 (7) During the continuance of any state of disaster emergency, neither
10 the governor nor any agency of any governmental entity or political subdivi-
11 sion of the state shall impose restrictions on the lawful possession, trans-
12 fer, sale, transport, storage, display or use of firearms or ammunition.

13 SECTION 12. That Section 46-1009, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 46-1009. LOCAL AND INTERGOVERNMENTAL DISASTER AGENCIES AND SER-
16 VICES. (1) Each county within this state shall be within the jurisdiction of
17 and served by the bureau office and by a county or intergovernmental agency
18 responsible for disaster preparedness and coordination of response.

19 (2) Each county shall maintain a disaster agency or participate in an
20 intergovernmental disaster agency which, except as otherwise provided under
21 this act, has jurisdiction over and serves the entire county, or shall have a
22 liaison officer appointed by the county commissioners designated to facili-
23 tate the cooperation and protection of that subdivision in the work of disas-
24 ter prevention, preparedness, response and recovery.

25 (3) The chairman of the board of county commissioners of each county in
26 the state shall notify the bureau office of the manner in which the county is
27 providing or securing disaster planning and emergency services. The chair-
28 man shall identify the person who heads the agency or acts in the capacity of
29 liaison from which the service is obtained, and furnish additional informa-
30 tion relating thereto as the bureau office requires.

31 (4) Each county and/or intergovernmental agency shall prepare and keep
32 current a local or intergovernmental disaster emergency plan for its area.

33 (5) The county or intergovernmental disaster agency, as the case may
34 be, shall prepare and distribute to all appropriate officials in written
35 form a clear and complete statement of the emergency responsibilities of all
36 local agencies and officials and of the disaster chain of command.

37 SECTION 13. That Section 46-1012, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 46-1012. COMPENSATION. (1) Each person within this state shall con-
40 duct himself and keep and manage his affairs and property in ways that will
41 reasonably assist and will not unreasonably detract from the ability of
42 the state, other political subdivisions, and the public to successfully
43 meet disaster emergencies. This obligation includes appropriate personal
44 service and use or restriction on the use of property in time of disaster
45 emergency. This act neither increases nor decreases these obligations
46 but recognizes their existence under the constitution and statutes of this
47 state. Compensation for services or for the taking or use of property shall

1 be only to the extent that obligations recognized herein are exceeded in
2 a particular case and then only to the extent that the claimant may not be
3 deemed to have volunteered his services or property without compensation.

4 (2) No personal services may be compensated by the state or any subdivi-
5 sion or agency thereof, except pursuant to statute or local law or ordinance.

6 (3) Compensation for property shall be only if the property was comman-
7 deered or otherwise used in coping with a disaster emergency and its use or
8 destruction was ordered by the governor or his representative.

9 (4) Any person claiming compensation for the use, damage, loss, or de-
10 struction of property under this act shall file a claim therefor with the
11 bureau office in the form and manner the bureau office provides.

12 (5) Unless the amount of compensation on account of property damaged,
13 lost, or destroyed is agreed upon between the claimant and the bureau office,
14 the amount of compensation shall be calculated in the same manner as compen-
15 sation due for taking of property pursuant to the condemnation laws of this
16 state.

17 SECTION 14. That Section 46-1013, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 46-1013. COMMUNICATIONS. The bureau office shall ascertain what means
20 exist for rapid and efficient communications in times of disaster emergen-
21 cies. The bureau office shall consider the desirability of supplementing
22 these communication resources or of integrating them into a comprehensive
23 state or state-federal telecommunications or other communication system or
24 network. The bureau office shall make recommendations to the governor as ap-
25 propriate.

26 SECTION 15. That Section 46-1014, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 46-1014. MUTUAL AID. (1) Political subdivisions not participating in
29 the intergovernmental arrangements pursuant to this act nevertheless shall
30 be encouraged and assisted by the bureau office to conclude suitable ar-
31 rangement for furnishing mutual aid in coping with disasters. The arrange-
32 ments shall include provisions of aid by persons and units in public employ.

33 (2) In passing upon local disaster plans, the bureau office shall con-
34 sider whether they contain adequate provisions for the rendering and receipt
35 of mutual aid.

36 SECTION 16. That Section 46-1015, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 46-1015. WEATHER MODIFICATION. The bureau office shall keep contin-
39 uously appraised of weather conditions which present danger of precipita-
40 tion or other climatic activity severe enough to constitute a disaster. If
41 the bureau office determines that precipitation that may result from weather
42 modification operations, either by itself or in conjunction with other pre-
43 cipitation or climatic conditions or activity, would create or contribute to
44 the severity of a disaster, it shall direct the officer or agency empowered
45 to issue permits for weather modification operations to suspend the issuance

1 of the permits. Thereupon, no permits may be issued until the bureau office
2 informs the officer or agency that the danger has passed.

3 SECTION 17. That Section 46-1017, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 46-1017. IMMUNITY. Neither the state, nor the bureau office, nor any
6 political subdivision thereof nor other agencies, nor, except in cases of
7 willful misconduct, the agents, employees or representatives of any of them
8 engaged in any civil defense, disaster or emergency and the planning or
9 preparation for the same, or disaster or emergency relief activities, acting
10 under proper authority, nor, except in cases of willful misconduct or gross
11 negligence, any person, firm, corporation or entity under contract with them
12 to provide equipment or work to be used in civil defense, disaster or emer-
13 gency planning, preparation or relief, while complying with or attempting
14 to comply with this act or any rule or regulation promulgated pursuant to
15 the provisions of the act, shall be liable for the death of or any injury to
16 persons or damage to property as a result of such activity. The provisions
17 of this section shall not affect the right of any person to receive benefits
18 to which he would otherwise be entitled under this act or under the worker's
19 compensation law or under any pension law, nor the right of any such person to
20 receive any benefits or compensation under any act of congress.

21 SECTION 18. That Section 46-1025, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 46-1025. FEDERAL FUNDS TO POLITICAL SUBDIVISIONS. (1) Annually, the
24 chief of the Idaho bureau of homeland security office of emergency manage-
25 ment shall prepare a written summary of all grants received from the federal
26 emergency management agency to be distributed to the forty-four (44) county
27 commission chairmen. The summary shall list those federal funds that are el-
28 igible for direct assistance to local disaster agencies in accordance with
29 section 46-1009(2), Idaho Code, and those funds that are limited to use by
30 the state and not eligible for direct assistance to local disaster agencies.

31 (2) Not less than thirty-four percent (34%) of the eligible direct as-
32 sistance funds shall be subgranted by the Idaho bureau of homeland security
33 office of emergency management to the local disaster agencies. Funds shall
34 be distributed to the local disaster agencies subject to the provisions and
35 rules of the Idaho bureau of homeland security office of emergency manage-
36 ment, the federal emergency management agency through the Robert T. Stafford
37 Act, title 44 of the code of federal regulations, and pertinent circulars
38 published by the United States office of management and budget.

39 (3) Direct financial assistance to the local disaster agencies is not
40 an entitlement. Subgrants are awarded through the Idaho bureau of homeland
41 security office of emergency management for the purpose of assisting coun-
42 ties to achieve goals and objectives outlined in an approved county grant
43 proposal.

44 SECTION 19. That Section 46-1027, Idaho Code, be, and the same is hereby
45 amended to read as follows:

1 46-1027. MILITARY DIVISION -- BUREAU OF HOMELAND SECURITY IDAHO OF-
2 FICE OF EMERGENCY MANAGEMENT -- ADDITIONAL POWERS AND DUTIES. (1) The mil-
3 itary division through the bureau of homeland security Idaho office of emer-
4 gency management shall implement the provisions of this section and section
5 46-1026, Idaho Code, and in so doing, the military division may:

6 (a) Through the bureau of homeland security Idaho office of emergency
7 management, in accordance with the laws of the state, hire, fix the com-
8 pensation and prescribe the powers and duties of such other individuals
9 including consultants, emergency teams and committees as may be neces-
10 sary to carry out the provisions of this section and section 46-1026,
11 Idaho Code.

12 (b) Identify and implement ITR and specialty rescue teams that have
13 appropriately trained personnel and necessary equipment to respond to
14 technical rescue incidents and emergency disaster events. The military
15 division shall enter into a written joint exercise of powers agreement
16 with each entity or person providing equipment or services to a desig-
17 nated ITR or specialty rescue team. The teams shall be available and may
18 respond to technical rescue incidents at the direction of the military
19 division or its designee. When responding solely at the direction of
20 the local incident commander, no cost recovery from the state of Idaho
21 shall be available to ITR teams.

22 (c) Identify and implement an Idaho incident management and support
23 team (IIMAST) that has appropriately trained personnel to the type 3
24 level and necessary equipment to respond to all hazard incidents. The
25 military division shall enter into a joint exercise of powers agreement
26 with each entity or person providing equipment or services to a desig-
27 nated IIMAST member. The teams shall be available and may respond to
28 all hazard incidents at the direction of the military division or its
29 designee. When responding solely at the direction of the local incident
30 commander, no cost recovery from the state of Idaho shall be available
31 to IIMAST teams.

32 (d) Contract with persons to meet state emergency response needs for
33 the teams and response authorities.

34 (e) Advise, consult and cooperate with agencies of the state and fed-
35 eral government, other states and their state agencies, cities, coun-
36 ties, tribal governments and other persons concerned with technical,
37 rescue and all hazard incident disasters.

38 (f) Encourage, participate in or conduct studies, investigations,
39 training, research and demonstrations for and with Idaho technical res-
40 cue (ITR) teams, specialty rescue teams (SRT), Idaho incident manage-
41 ment and support teams (IIMAST), local emergency response authorities
42 and other interested persons.

43 (g) Collect and disseminate information relating to emergency response
44 to technical rescue related events and all hazards incident disasters.

45 (h) Accept and administer loans, grants or other funds or gifts, con-
46 ditional or otherwise, made to the state for emergency response activi-
47 ties provided for in this section and section 46-1026, Idaho Code.

48 (i) Submit an annual report prior to February 1 to the governor and to
49 the legislature concerning emergency response to technical rescue re-
50 lated events and disasters.

1 (2) The military division through the ~~bureau of homeland security~~ Idaho
2 office of emergency management shall have authority to promulgate rules and
3 provide procedures to:

4 (a) Govern reimbursement of claims pursuant to this section when a dis-
5 aster has been declared pursuant to chapter 10, title 46, Idaho Code.

6 (b) Provide for credentialing of Idaho technical rescue (ITR) teams,
7 specialty rescue teams (SRT), and Idaho incident management and support
8 teams (IIMAST) and for the identification and operation of all teams
9 established pursuant to this section and section 46-1026, Idaho Code,
10 and in accordance with the national incident management system, the
11 national response ~~plan~~ framework and nationally recognized standards.

12 (c) Establish a credentialing program to review and evaluate new and
13 existing local and regional technical rescue capabilities and pro-
14 vide recommendations for capability enhancement in accordance with
15 the national incident management system, the national response ~~plan~~
16 framework and nationally recognized standards.

17 (3) Consistent with the provisions of subsections (4) and (5) of this
18 section, the state of Idaho shall be liable for the acts or omissions of the
19 Idaho technical rescue (ITR), specialty rescue teams (SRT) and Idaho inci-
20 dent management and support (IIMAST) teams responding to a technical rescue
21 or all hazard incidents as a management team and the designating or request-
22 ing city or county shall be liable for the acts or omissions of a local emer-
23 gency response authority responding to a technical rescue incident within
24 its jurisdiction.

25 (4) Notwithstanding any other provision of law to the contrary, any
26 Idaho technical rescue (ITR) team, speciality rescue team (SRT), Idaho
27 incident management and support team (IIMAST), local emergency response au-
28 thority or other person or group of persons who respond to a technical rescue
29 incident or all hazard incidents as a management team at the request of an
30 incident commander shall not be subject to civil liability for assistance or
31 advice, except as provided in subsection (5) of this section.

32 (5) The exemption from civil liability provided in this section shall
33 not apply to an act or omission that caused, in whole or in part, such tech-
34 nical rescue or all hazard incident management response to a person who may
35 otherwise be liable therefor or any person who has acted in a grossly negli-
36 gent, reckless or intentional manner.

37 (6) Nothing in this section shall be construed to abrogate the immunity
38 granted to governmental entities pursuant to chapter 9, title 6, Idaho Code.

39 SECTION 20. That Section 46-1211, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 46-1211. COUNCIL MEMBERS. (1) The council members shall be appointed
42 by the governor and shall include at a minimum the representatives of the
43 following organizations:

44 (a) One (1) representative from the Idaho transportation department;

45 (b) One (1) representative from the Idaho sheriffs' association;

46 (c) One (1) representative from the Idaho chiefs of police association;

47 (d) One (1) representative from the Idaho fire chiefs association;

48 (e) One (1) representative from the association of Idaho cities;

49 (f) One (1) representative from the Idaho association of counties;

- 1 (g) One (1) representative from the ~~bureau of homeland security~~ Idaho
 2 office of emergency management;
- 3 (h) One (1) representative from the Idaho department of correction;
- 4 (i) One (1) representative from the Idaho state police;
- 5 (j) One (1) representative from the Idaho department of lands;
- 6 (k) One (1) representative from the Idaho department of fish and game;
- 7 (l) One (1) representative from the Idaho department of health and wel-
 8 fare;
- 9 (m) One (1) representative from Idaho tribal government;
- 10 (n) Two (2) members at large; and
- 11 (o) One (1) representative from each of the six (6) district interoper-
 12 able governance boards (DIGBs).
- 13 (2) Additional voting members will be invited in the following capaci-
 14 ties:
- 15 (a) One (1) liaison from federal law enforcement;
- 16 (b) One (1) liaison from the United States department of the interior.

17 SECTION 21. That Section 67-5806, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 67-5806. DECLARATION OF EMERGENCY. A disaster emergency, as defined
 20 in section 46-1002(~~32~~) and (43), Idaho Code, is in existence as a result of
 21 the introduction of Canadian gray wolves, which have caused and continue to
 22 threaten vast devastation of Idaho's social culture, economy and natural re-
 23 sources. The geographical extent of this emergency shall include any part of
 24 the state of Idaho where gray wolves have been sighted and whose sighting has
 25 been documented or otherwise confirmed by the office of species conservation
 26 or the department of fish and game.

27 SECTION 22. The provisions of Section 20 of this act shall be null, void
 28 and of no force and effect on and after December 31, 2018.