

WHO YOU GONNA CALL?

(Disaster Preparation)

# How Did This Come About?

- ▣ Planning for the emergency we all hope never happens
  
- ▣ Reviewed current law and available programs
  - Montana Code (10-3-204, MCA) provides for an interstate aid compact with other states that also participate in the compact
    - ▣ The code provides that the Governor may enter into a compact with any state if that joint action is desirable in meeting common intergovernmental problems of emergency or disaster planning, prevention, response, and recovery

# The Compact

- ▣ Montana Code (10-3-207, MCA) is the Interstate Mutual Aid Compact, covering the:
  - Authorization to request or receive assistance in emergency situations when other resources are not available
  - Form in which the request must be made
  - Control of personnel and equipment
  - Reimbursement for costs associated with the assistance
  - Privileges, immunities, hold harmless clauses
  - Names of officials with authority to make requests and review provisions

# Further Review

- ▣ The department was developing a Continuity of Operations Plan (COOP) to address emergency situations – wasn't that enough?
  - Some of the questions were:
    - ▣ Where in Montana would we continue the operations of the department if the disaster hit Helena
    - ▣ What if the disaster were state-wide
    - ▣ What services would be the most critical to stand-up immediately

# Additional Considerations

- ▣ Life and safety issues are always the first thing to consider in an emergency
- ▣ Revenue collection to pay for those life and safety issues would certainly be next
- ▣ Getting the money in the bank was what was important
  
- ▣ So, should we consider conducting services in another state in order to accomplish this

# Another State?

- ▣ What services would be critical for Montana
- ▣ Would the other state need specific authority
- ▣ Would it matter what computer system they used
- ▣ What about staffing, unions, and personnel laws
- ▣ Should Montana staff be sent to the other state
- ▣ How would expenses be reimbursed
- ▣ Would it matter where the work was performed
- ▣ Would the state have to be a member of the Compact state agreement (EMAC)

# Specific Agreement Benefits

- ▣ Emergencies cause multi-level needs
- ▣ Resources are driven by the most critical need for the community, state, or region
- ▣ Standing up the Department of Revenue would probably not be at the top of an emergency list
- ▣ Processing the money to help aid with those needs would be critical
- ▣ A specific agreement designates the resources and the means of getting the money in the bank sooner

# Where Did We Start?

- ▣ Established a review and development team
  - Process staff
  - Technical staff
  - Legal
- ▣ Identified critical functions that could impair the state's ability to operate in the case of an emergency or disaster
  - Money (tax payments)
  - Mail
  - Returns



# What Did We Do Next?

- ▣ Identified the closest neighbors who might have similar needs
- ▣ Opened lines of communication with those neighbors
- ▣ Discussed:
  - **Space and staffing issues**
    - ▣ Do both agencies have the capacity to handle additional workload duties and people
  - **Legal concerns**
    - ▣ Statutory authority and possible restrictions
    - ▣ Signatory authority

# Drafting Begins

- ▣ **Pub 1075 compliance** - Required a reference addressing the safeguard provisions for tax information
- ▣ **Mail processing** – Identified the critical operating functions (manual and technical)
- ▣ **Money** – Specified the processing requirements
- ▣ **Work space** – Determined spacing needs and the potential period of time
- ▣ **Staffing needs** – Stated staff numbers to be provided by the hosting state and the potential for temporary staff

# Processing and Revisions

- ▣ The terms were drafted and a proposed Memorandum of Understanding (MOU) was presented to each state's legal counsel for review and consideration
- ▣ Potential legal restrictions or authorities were considered
- ▣ Other state agencies were consulted as needed (Homeland Security)

# Signed MOU – Now What?

- ▣ Review the MOU periodically to determine if amendments are necessary due to statutory, operational, or technical changes
- ▣ Develop a “Plan” and provide a copy to the other state
- ▣ Educate the appropriate staff regarding the specifics of the agreement

# Developing a Plan

- ▣ Assign an Operations Coordinator
- ▣ Determine internal players
- ▣ Acquire contact information for:
  - Directing the mail
  - Contracted services
  - Transmitting funds (Garda Security or other approved)
- ▣ Determine space location
- ▣ Identify equipment needs

# Other Plan Considerations

- ▣ Time of year will dictate certain needs and limitations
- ▣ Staffing availability
- ▣ Transportation for agency staff
- ▣ Communications
- ▣ Coordination of private, state, and federal entities needs and practicing with these entities would be a challenge

# Safety Needs in Plan

- ▣ Establish secure storage location for documents when not being processed
- ▣ Provide copies of operational procedures and policies to prevent unauthorized disclosure of confidential information
- ▣ Establish notification protocol if there is an unauthorized disclosure
- ▣ Provide a copy of the state's records retention schedules and public records laws to the hosting agency

# Training and Exercising

- ▣ Train staff using the Plan
- ▣ Conduct “table top” exercises (different segments of the Plan) using a simulated disaster for:
  - Disaster occurred in Montana
    - ▣ During tax season
    - ▣ During non-tax season
  - Disaster occurred in Idaho (same as above)
- ▣ Review the results of the exercise
- ▣ Modify the Plan or training, as appropriate



# What Else is Possible?

- ▣ **Liquor** – Currently, we have two liquor MOU's pending with two neighboring states
- ▣ **Tax processing** – Montana and Idaho use the same technology vendor so the MOU could be expanded for other purposes like filing tax returns
- ▣ **Other areas of operation** – consider areas that may be the same as a neighboring state

# Questions

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## Contact Information

- QUESTIONS?????
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