

HOUSE BILL NO. 142

INTRODUCED BY H. JACOBSON

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ORDER TO DUTY OF THE MILITIA BY THE GOVERNOR FOR THE PURPOSES OF TRAINING OR OTHER DUTIES CONCERNING RESPONSE TO A FUTURE INCIDENT, EMERGENCY, OR DISASTER; AND AMENDING SECTION 10-3-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-3-104, MCA, is amended to read:

"10-3-104. General authority of governor. (1) The governor is responsible for carrying out parts 1 through 4 of this chapter.

(2) In addition to any other powers conferred upon the governor by law, the governor may:

(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of ~~any a~~ statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

(b) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(c) control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area; and

(d) order the militia or any part of it to duty, without an order, declaration, or proclamation regarding an incident, emergency, or disaster, for the purposes of planning, administrative duties, or training, in this state or in a state that is a party to an interstate agreement with this state, concerning response to a future incident, emergency, or disaster.

(3) Under this section, the governor may issue executive orders, proclamations, and regulations and amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency or disaster must indicate the nature of the emergency or disaster, the area threatened, and the conditions that have brought about the declaration or that make possible termination of the state of emergency or disaster."

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