



AN ACT CLARIFYING THE AUTHORITY OF THE PRESIDING OFFICER OF A BOARD OF COUNTY COMMISSIONERS TO CLOSE AREAS TO ACCESS UPON A DECLARATION OF AN EMERGENCY OR DISASTER; AMENDING SECTION 10-3-406, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Activity restrictions in high fire hazard areas.** (1) A board of county commissioners may designate areas on private land or on land that is not under the jurisdiction of a municipality or a state or federal agency as high fire hazard areas.

(2) Except as provided in 87-3-106(2), in designated high fire hazard areas, the board may require all persons, firms, or corporations present or engaged in any activity in those areas to cease operations or activities or to adjust working hours to less critical periods of the day.

(3) The presiding officer of the board may control ingress and egress into a high fire hazard area if an emergency or disaster is declared under the provisions of Title 10, chapter 3, part 4.

(4) (a) An entity that is conducting official business, an entity having actual residence as a permanent or principal place of abode in the designated area, or an entity engaged in employment that does not present a fire hazard must be allowed ingress and egress unless there is a significant risk to human health or safety.

(b) For the purposes of this section, "official business" includes but is not limited to the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public.

**Section 2.** Section 10-3-406, MCA, is amended to read:

**"10-3-406. Authority of principal executive officer.** (1) Upon the declaration of an emergency or disaster under 10-3-402 or 10-3-403 and the issuance of an order as required by 10-3-404, the principal executive officer may:

(+) (a) direct and compel the evacuation of all or part of the population from an incident or emergency or disaster area within that political subdivision when necessary for the preservation of life or other disaster mitigation, response, or recovery; and

~~(2)(b)~~ control the ingress and egress to and from an incident or emergency or disaster area; and the movement of persons within the area; ~~and the occupancy of premises therein.~~

(2) Subject to [section 1(4)(a)], the authority to control ingress and egress, as provided in subsection (1)(b), includes the authority to close wildland areas to access during periods of extreme fire danger."

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 33, part 22, and the provisions of Title 7, chapter 33, part 22, apply to [section 1].

**Section 4. Effective date.** [This act] is effective June 1, 2007.

- END -

I hereby certify that the within bill,  
SB 0147, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

SENATE BILL NO. 147  
INTRODUCED BY J. SHOCKLEY  
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

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