

SENATE BILL NO. 90

INTRODUCED BY N. MCCONNELL

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DURATION OF STATES OF EMERGENCY AND STATES OF DISASTER; AND AMENDING SECTIONS 10-3-302 AND 10-3-303, MCA."

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

Section 1. Section 10-3-302, MCA, is amended to read:

"10-3-302. Declaration of emergency -- effect and termination. (1) A state of emergency may be declared by the governor when the governor determines that an emergency as defined in 10-3-103 exists.

(2) An executive order or proclamation of a state of emergency activates the emergency response and disaster preparation aspects of the state disaster and emergency plan and program applicable to the political subdivision or area and is authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disasters and disaster-related emergencies. An executive order or proclamation may authorize the practice of disaster medicine. The provisions of 10-3-110 do not apply to the state of emergency unless the order or proclamation includes a provision authorizing the practice of disaster medicine.

(3) A state of emergency may not continue for longer than ~~20~~ 30 days unless continuing conditions of the state of emergency exist, which must be determined by a declaration of an emergency by the president of the United States or by a declaration of the legislature by joint resolution of continuing conditions of the state of emergency."

Section 2. Section 10-3-303, MCA, is amended to read:

"10-3-303. Declaration of disaster -- effect and termination. (1) A state of disaster may be declared by the governor when the governor determines that a disaster has occurred.

(2) An executive order or proclamation of a state of disaster activates the disaster response and recovery aspects of the state disaster and emergency plan and program applicable to the political subdivision or area and is authority for the deployment and use of any forces to which the plans apply and for the distribution and use of

1 any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available
2 pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disaster and
3 disaster-related emergencies. The executive order or proclamation may authorize the practice of disaster
4 medicine. The provisions of 10-3-110 do not apply to the state of disaster unless the order or proclamation
5 includes a provision authorizing the practice of disaster medicine.

6 (3) A state of disaster may not continue for longer than ~~30~~ 45 days unless continuing conditions of the
7 state of disaster exist, which must be determined by a declaration of a major disaster by the president of the
8 United States or by the declaration of the legislature by joint resolution of continuing conditions of the state of
9 disaster.

10 (4) The governor shall terminate a state of emergency or disaster when:

11 (a) the emergency or disaster has passed;

12 (b) the emergency or disaster has been dealt with to the extent that emergency or disaster conditions
13 no longer exist; or

14 (c) at any time the legislature terminates the state of emergency or disaster by joint resolution. However,
15 after termination of the state of emergency or disaster, disaster and emergency services required as a result of
16 the emergency or disaster may continue."

17 - END -