

1 SENATE BILL NO. 185

2 INTRODUCED BY D. HOWARD, B. GILLESPIE, J. SMALL, P. FIELDER, T. MOORE, V. RICCI, S. VINTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE POWERS OF THE GOVERNOR TO
5 SUSPEND CERTAIN STATUTES DURING AN EMERGENCY; PROHIBITING A GOVERNOR FROM
6 SUSPENDING A STATUTE THAT AFFECTS THE EXERCISE OF AN INDIVIDUAL'S CONSTITUTIONAL
7 RIGHTS; AND AMENDING SECTION 10-3-104, MCA."8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1011 **Section 1.** Section 10-3-104, MCA, is amended to read:12 **"10-3-104. General authority of governor.** (1) The governor is responsible for carrying out parts 1
13 through 4 of this chapter.

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

15 (a) except as provided in subsection (4), suspend the provisions of ~~any a~~ regulatory statute
16 prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict
17 compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay
18 necessary action in coping with the emergency or disaster;19 (b) direct and compel the evacuation of all or part of the population from an emergency or disaster
20 area within the state if the governor considers this action necessary for the preservation of life or other disaster
21 mitigation, response, or recovery;22 (c) control ingress and egress to and from an incident or emergency or disaster area, the movement
23 of persons within the area, and the occupancy of premises within the area.24 (3) Under this section, the governor may issue executive orders, proclamations, and regulations and
25 amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency
26 or disaster must indicate the nature of the emergency or disaster, the area threatened, and the conditions that
27 have brought about the declaration or that make possible termination of the state of emergency or ~~disaster-~~28 disaster.

