

SENATE BILL NO. 1

INTRODUCED BY D. WANZENRIED

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REMOVING~~ EXTENDING THE DURATIONAL LIMIT ON AN EMERGENCY RELATING TO A FIRE THAT IS DECLARED DURING THE MONTHS OF JULY THROUGH OCTOBER; AMENDING SECTION 10-3-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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 ~~he~~ the governor determines that an emergency as defined in 10-3-103 exists.

(2) An executive order or proclamation of a state of emergency ~~shall activate~~ 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 ~~be~~ 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.

(3) ~~A~~ Except as provided in subsection (4), a state of emergency may not continue for longer than 20 days unless continuing conditions of the state of emergency exist, which ~~shall~~ 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.

(4) A state of emergency that has been declared during the months of July through October and that relates to a fire is not subject to the 20-day time limitation contained in subsection (3) BUT MAY NOT EXTEND BEYOND NOVEMBER 20 OF THE YEAR IN WHICH THE EMERGENCY IS DECLARED."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.



