

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 1-87

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OF MONTANA

EXECUTIVE ORDER ESTABLISHING A HAZARDOUS MATERIALS EMERGENCY
RESPONSE COMMISSION IN MONTANA

WHEREAS, the federal Superfund Amendment Reauthorization Act of 1986 requires that the Governor of each state shall appoint a state emergency response commission; and

WHEREAS, the Governor may designate as the state emergency response commission one or more existing emergency response organizations that are state-sponsored or appointed; and

WHEREAS, in compliance with MCA 10-3-105, the Montana Disaster and Emergency Services Division in 1981 prepared a State of Montana Hazardous Materials Response Plan in cooperation with five other participating state agencies; and

WHEREAS, the agency members of the State of Montana Hazardous Materials Emergency Response Plan, along with the Montana Department of Commerce, and the State Fire Marshal, have been determined to possess the necessary expertise to serve as members of the Hazardous Materials Emergency Response Commission of Montana which must be established pursuant to the federal act;

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, by virtue of the authority vested in me by the Constitution and laws of the State of Montana, do hereby ORDER and DIRECT:

1. There is hereby created a Hazardous Materials Emergency Response Commission of Montana, hereinafter

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referred to as "the Commission."

2. The Commission shall consist of the existing agency participants on the State of Montana Hazardous Materials Response Plan which includes a representative from the Montana Departments of Military Affairs; Health and Environmental Sciences; Highways; Agriculture; Justice and Fish, Wildlife and Parks; with the addition of a representative of the Montana Department of Commerce and the State Fire Marshal.

3. The Commission may receive grants, donations or gifts of money, equipment, supplies and services from any public or private source to carry out its duties hereunder.

4. The representative from the Department of Health and Environmental Sciences and the representative from the Department of Military Affairs shall serve as co-chairpersons for the Commission. The Department of Health and Environmental Sciences and the Department of Military Affairs shall serve as lead agencies for the State of Montana and shall enter into a Memorandum of Understanding delineating each agency's responsibilities under the Act.

5. The duties of the Commission mandated by the federal act are to:

- a. Designate emergency planning districts to implement emergency plans;
- b. Appoint local emergency planning committees;
- c. Approve the local committee's emergency

response plans.

6. In addition to the duties mandated by the Act, the Commission shall:

- a. Develop and maintain policy and procedures for the Commission's operations;
- b. Develop and make recommendations concerning resources available and/or needed to implement the Act and relevant state laws;
- c. Develop and make policy recommendations regarding the implementation of the Act and related issues;
- d. Provide an annual report to the Governor of its work and recommendations.

7. The Commission may establish special task forces to accomplish specific tasks related to the duties of the Commission.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the state of Montana, this 17th day of April, in the year of our Lord, One Thousand Nine Hundred and Eighty-Seven


TED SCHWINDEN, Governor

ATTEST:


JIM WALTERMIRE, Secretary of State