

STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NO. 26-2006

EXECUTIVE ORDER AUTHORIZING INCIDENT RESPONSE  
AUTHORITY IN THE STATE OF MONTANA

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WHEREAS, on January 11, 2006, a prisoner escape from a prison transport vehicle occurred north of Helena and within Lewis & Clark County, involving a convicted felon who escaped immediate apprehension; and

WHEREAS, the escaped felon had been incarcerated by the Department of Corrections for theft, robbery, and probation violations and is a suspect in a homicide case in Cascade County and is considered very dangerous; and

WHEREAS, the public safety is at risk as long as the felon evades capture; and

WHEREAS, Lewis & Clark County has exhausted its resources and has requested assistance from the State of Montana in the location and apprehension of the escapee; and

WHEREAS, the City of Helena, Lewis & Clark County and the Department of Corrections have requested the Disaster and Emergency Services Division, Montana National Guard, and Montana Highway Patrol to assist with this incident; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this Executive Order will further the efforts to protect health and safety and preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, under § 10-3-310, MCA, a governor's executive order pertaining to "incident" response, as that term is defined in § 10-3-103(7), MCA, requires action by


Disaster and Emergency Services personnel, and § 10-3-310, MCA, authorizes the Governor to expend funds from the general fund to prevent or minimize loss of life or damage to property; and

WHEREAS, under § 10-3-305, MCA, during an incident, the governor is commander-in-chief of the militia and all other forces available for incident.

NOW, THEREFORE, I, Brian Schweitzer, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes do hereby declare that an "incident" exists within the City of Helena and Lewis & Clark County and, furthermore order the use of the services of the Disaster and Emergency Services and the Montana National Guard to respond to the incident.

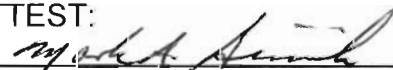
This Order is effective January 11, 2006.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 11<sup>th</sup> day of January, 2006.



Brian Schweitzer, Governor

ATTEST:

*for*   
Brad Johnson, Secretary of State