SENATE FINANCE & CLAIMS
Exhibit No. 5
Date 2-16-09
Bill No. SB 217

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 37 - 2008

EXECUTIVE ORDER DECLARING AN EMERGENCY IN THE GREATER YELLOWSTONE REGION OF MONTANA

WHEREAS, pursuant to a voluntary testing plan, preliminary blood test results conducted on May 16, 2008, by the Department of Livestock on a ranch located in Park County determined that one cow tested "culture positive" for brucellosis; and

WHEREAS, brucellosis is an infectious, contagious, communicable, and dangerous disease that threatens the health of Montana's livestock industry; and

WHEREAS, on May 16, 2008, the Montana Department of Livestock placed the affected Park County herd under quarantine; and

WHEREAS, testing conducted by the United States Department of Agriculture's Animal Plant Health Inspection Service (USDA/APHIS) on June 9, 2008 determined that the single cow in Park County was infected and the herd was exposed to brucellosis; and

WHEREAS, an epidemiological investigation is currently being undertaken jointly by the Department of Livestock and USDA/APHIS to determine whether the brucellosis has spread from the affected herd; and

WHEREAS, it is likely the affected herd will be depopulated consistent with both federal and state authority and that such depopulation will occur at an approved facility for slaughter at some distance from the herd; and

WHEREAS, the USDA/APHIS likely will indemnify the owner of the cattle for the loss of the cattle; and

WHEREAS, the Department of Livestock has incurred and will continue to incur additional unforeseen costs to respond to this outbreak and perform its duties to protect the livestock industry in Montana as a result of this event; and

WHEREAS, the presence of the affected herd in Park County constitutes an "emergency" within the meaning of Mont. Code. Ann. § 10-3-103; and

WHEREAS, a declaration of an emergency, pursuant to Mont. Code Ann. § 10-3-302, authorizes the Governor under Mont. Code Ann. § 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the laws and the Constitution of the State of Montana do hereby declare an emergency to exist and authorize the expenditure of funds from the general fund for the purposes of transporting the affected herd to an authorized facility for slaughter, and to pay for or reimburse the Department of Livestock for extraordinary costs incurred by the Department in its performance of duties related to the epidemiological investigation of the herd.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 5th day of Aug 2008.

BRIAN SCHWEITZER, Governor

ATTEST:

Brad Johnson by Susan Ames, deputy

BRAD JOHNSON, Secretary of State