

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 14 - 2007

EXECUTIVE ORDER DECLARING AN EMERGENCY

WHEREAS, under federal law, administered by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), Montana is designated a Class Free brucellosis status; and

WHEREAS, federal regulations promulgated by USDA/APHIS provide that if a single herd in a Class Free state is found to be affected with brucellosis, the state may retain its Class Free status only if the herd is immediately quarantined, tested for brucellosis, and depopulated and an epidemiological investigation has been performed and confirmed that brucellosis has not spread from the affected herd; and

WHEREAS, testing conducted by the USDA/APHIS on May 18, 2007 determined that a herd of cattle in Montana was infected with and/or exposed to brucellosis, an infectious, contagious, communicable, and dangerous disease; and

WHEREAS, on June 6, 2007, the Montana Department of Livestock placed this affected herd under quarantine; and

WHEREAS, an epidemiological investigation has been performed and the investigation has confirmed that brucellosis has not spread from the affected herd; and

WHEREAS, on May 4, 2007, prior to the identification of the infection and exposure, some of the cattle from the affected herd were sold and transported to Iowa, where they are currently located; and

WHEREAS, Iowa's Acting State Veterinarian placed that portion of the affected herd located in Iowa under quarantine; and

WHEREAS, the USDA/APHIS deems that part of the herd sold and transported to Iowa to be part of the single affected herd in Montana; and

WHEREAS, in order for Montana to retain its Class Free status, the affected herd located in both Montana and Iowa must be depopulated; and

WHEREAS, the USDA/APHIS has reached agreement with all owners of the affected herd (including those parts of the herd located in both Montana and Iowa) for the indemnification of the cattle by the federal government, and the affected herd now located in both Montana and Iowa will be slaughtered in an approved facility; and

WHEREAS, the presence of the affected herd in Montana and in Iowa and the risk to Montana of the loss of its Class Free status constitutes an "emergency" within the meaning of Mont. Code. Ann. § 10-3-103, and it is in the best interests of the State of Montana and the livestock interests of the State that the affected herd located in Montana and in Iowa be transported to a facility for slaughter; and

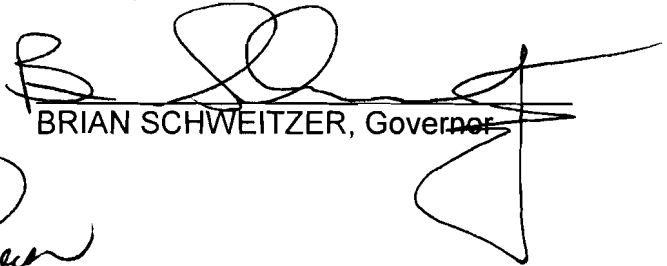
WHEREAS, the USDA/APHIS will not indemnify the owners of the affected herd for the costs of transportation of the herd to the slaughter facility; and

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, including that part of the herd presently located in Iowa, to an authorized facility for slaughter, and to pay for or reimburse the Department of Livestock for any ancillary costs incurred by the Department in its performance of duties related to the epidemiological investigation of the herd.

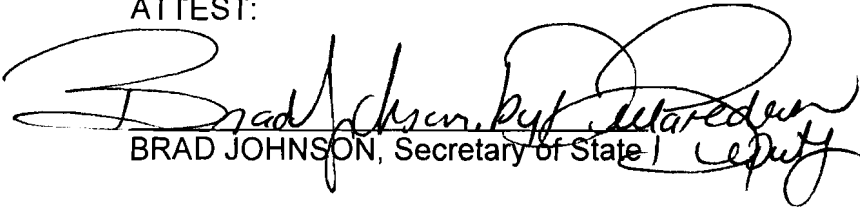
This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 12th day of July, 2007.



BRIAN SCHWEITZER, Governor

ATTEST:



BRAD JOHNSON, Secretary of State