

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 9-2017**

**EXECUTIVE ORDER DECLARING A SEVERE DROUGHT DISASTER TO EXIST
WITHIN CERTAIN COUNTIES AND INDIAN RESERVATIONS IN THE STATE OF
MONTANA**

WHEREAS, since on or about April 1, 2017, a widespread drought in eastern and central Montana has caused significant and widespread injury to agricultural crops, including livestock forage, imposing economic hardships on Montana's farmers and ranchers;

WHEREAS, conditions have worsened as more Montana counties and Indian reservations experience extreme and persistent drought conditions;

WHEREAS, fourteen Montana Counties and the Fort Peck and Fort Belknap Indian reservations, are classified as suffering from exceptional drought as reported from the Governor's Drought and Water Supply Committee; with all or portions of an additional seventeen counties and the Northern Cheyenne, Crow, Rocky Boy's, and Flathead Indian reservations classified as in severe or extreme drought status;

WHEREAS, pursuant to Mont. Code Ann. §§ 10-3-104 and 10-3-303, the Governor has authority to declare a disaster when there is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property requiring emergency action to avert danger or damage including drought, and may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

WHEREAS, the availability and use of all necessary state government services, equipment, and supplies under this declaration will further the ability to protect natural and agricultural resources and economic interests of the People of the State of Montana; and

WHEREAS, relieving certain requirements for commercial motor carrier vehicles in Montana will assist Montanans by reducing restrictions on the transport of forage, water, and agricultural implements, including those requirements provided in Mont. Code Ann. §§ 61-10-154, 61-10-121, 61-10-211, 15-70-456 and A.R.M. § 18.8.1502.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, Title 10, Chapter 3, Mont. Code Ann., and under other applicable statutes, do hereby declare a drought disaster as defined in Mont. Code Ann. § 10-3-104 and 10-3-303, to exist within Blaine, Big Horn, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Hill, Judith Basin, Lake, Lincoln, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie,

Richland, Roosevelt, Rosebud, Sanders, Sheridan, Treasure, Valley, Yellowstone, Wheatland, Wibaux Counties, and the Fort Peck Indian Reservation, Fort Belknap Indian Reservation, Rocky Boy's Indian Reservation, Crow Indian Reservation, Northern Cheyenne Indian Reservation, and the Flathead Indian Reservation and order as follows:

- 1) The Director of the Montana Department of Transportation shall temporarily suspend "hours of service" regulations, as provided in A.R.M. § 18.8.1502 (incorporating by reference 49 C.F.R. part 395), as they apply to drivers of commercial vehicles while transporting forage, water, and agricultural implements.

The Director of the Montana Department of Transportation shall allow baled livestock feed with a destination within the thirty-seven drought-affected counties or Indian reservations listed in this Order to exceed the statutory limits of weight by 20 percent, provided that the manufactures' rated capacity for the vehicle, axle or tires is not exceeded, on all highways in the state except those that are part of the Federal aid interstate system. In addition, the Director of the Montana Department of Transportation shall waive temporary registration, temporary fuel permits, and over-dimensional permits requirements.

Commercial vehicle carriers, while under this Order, may not require or allow fatigued drivers to operate a motor vehicle; and

- 2) The Director of the Montana Department of Livestock shall suspend:

The brand inspection permit fee requirement in Mont. Code Ann. § 81-3-205;
The brand inspection permit fee requirement in Mont. Code Ann. § 81-3-211(7);
The brand inspection requirement prior to removal in Mont. Code Ann. § 81-3-211(2), but requiring a transportation permit prior to removal and a brand inspection at the point of destination.


The Director of the Montana Department of Livestock shall further direct the Department to issue transportation permits by telephone when necessary to cope with the disaster;

- 3) The Directors of other Departments of the State of Montana shall fully cooperate with these efforts;
- 4) The Governor's Drought and Water Supply Committee shall continue to assess drought conditions and impacts and make recommendations regarding further actions that would protect the welfare of the citizens of the State of Montana; and
- 5) The Directors of the Montana Departments of Agriculture, Livestock, and Natural Resources and Conservation shall compel maximum employee assistance and cooperation with any agent of the United States Departments' of Agriculture and Commerce engaged in collecting information related to drought impacts to include soil conditions, loss of crops and forage, loss of income, and impacts to livestock producers, for the purpose of securing timely economic assistance.

This Order is effective immediately.



GIVEN under my hand and the GREAT SEAL of
the State of Montana this 15th day of
August, 2017.



STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State
deputy