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**State of Montana
Office of the Governor**



Executive Order No. 10-94

STATE LAW LIBRARY
JUN 27 1994
OF MONTANA

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EXECUTIVE ORDER TRANSFERRING THE NATURAL RESOURCES DAMAGE
PROGRAM FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES TO THE DEPARTMENT OF JUSTICE

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WHEREAS, the Natural Resource Damage Program (NRD Program) was established to represent the State of Montana in litigation involving damages from the release of hazardous substances in the Upper Clark Fork River Basin; and

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WHEREAS, with respect to this litigation, State of Montana v. Atlantic Richfield Company, CV 83-317-HLN-CCL, the Governor of the State of Montana serves as "Trustee" for the State's natural resources in cooperation with Montana's natural resource agencies, the Departments of Health and Environmental Sciences, Fish Wildlife and Parks, and State Lands; and

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WHEREAS, the structure of the NRD Program has been developed and overseen by a "Policy Committee" appointed by the Governor in 1990 to include the Directors of the Departments of Health and Environmental Sciences, Fish, Wildlife and Parks, State Lands, and a representative of the

1 Governor's Office, with the Attorney General acting in an
2 advisory capacity to the Committee; and

3 WHEREAS, prior to this date the NRD Program was
4 administratively attached to the Department of Health and
5 Environmental Sciences; and

6 WHEREAS, the focus of the NRD Program has progressed from
7 the assessment of damages for the release of hazardous
8 substances to the upper Clark Fork Basin to the stage of
9 settlement negotiations and potential trial of the lawsuit
10 against Atlantic Richfield Company; and

11 WHEREAS, at this stage of the litigation, it is in the
12 interest of the State and NRD Program to be administratively
13 attached to the Department of Justice under the guidance of
14 the Attorney General.

15 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
16 Montana, by virtue of the authority vested in me by the
17 Constitution and laws of the State of Montana, do hereby
18 direct the following:

19 1. The NRD Program will cease being attached to the
20 Department of Health and Environmental Sciences for
21 administrative purposes;

22 2. The NRD Program will, upon execution of this order,
23 become administratively attached to the Department of Justice;

24 3. The assets and liabilities and expenses for the
25 current fiscal year of the NRD Program will be transferred to
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1 reflect this realignment, to apply retroactively to July 1,
2 1993;

3 4. The Governor will continue to serve as natural
4 resource "trustee" in the litigation involving the release of
5 hazardous substances in the Upper Clark Fork Basin;

6 5. The Governor will continue to exercise his
7 constitutional and statutory authority over the course of the
8 litigation generally, serving as "client" on behalf of the
9 State; and

10 6. The client role of the Governor will continue to be
11 executed through the Policy Committee as currently structured
12 according to its existing procedures and traditions.

13 This order is effective immediately.

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16 Given under my hand and the
17 GREAT SEAL of the State of
18 Montana, this 17th day of
June, 1994.

19 Marc Racicot
20 MARC RACICOT, Governor

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23 ATTEST:

24 Mike Cooney
25 MIKE COONEY, Secretary of State

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