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STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 12-88

STATE LAW LIBRARY
SEP 8 1988
OF MONTANA

EXECUTIVE ORDER CLOSING
ALL LANDS IN THE STATE OF MONTANA
TO TRESPASS DUE TO EXTREME FIRE DANGER

WHEREAS, major fires have recently occurred in many areas of the State of Montana; and

WHEREAS, unprecedented extreme fire danger exists in Montana and that danger is projected to significantly increase today and over the next few days because of adverse conditions;

WHEREAS, A.R.M. 26.6.220 and 87-3-106, MCA, authorize the Governor to close forest lands and all other areas within the state to trespass because of extreme fire danger; and


WHEREAS, trespass means the following for purposes of this order: the conducting of non-essential activities including, but not limited to, sightseeing, picnicking, camping, hiking, fishing, hunting, other recreational activities and woodcutting;

WHEREAS, a person commits trespass under this Order if he or she conducts any non-essential activity within the borders of the State of Montana, excluding lands within the boundaries of incorporated cities and towns and Glacier and Yellowstone National Parks.

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and laws of the State of Montana, specifically A.R.M. 26.6.220 and 87-3-106, MCA, do hereby close to trespass all federal, state and private lands within the State of Montana, with the exception of lands within incorporated cities and towns and lands within Glacier and Yellowstone Parks.

This order is effective immediately and remains in effect until terminated by subsequent executive order.

GIVEN under my hand and GREAT SEAL OF THE STATE OF MONTANA, THIS 6th day of September, in the year of our LORD, One Thousand Nine Hundred and Eighty-eight.


TED SCHWINDEN, Governor

ATTEST:


VERNER BERTELSEN, Secretary of State

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 12-88
(Amendment #1)

EXECUTIVE ORDER EXEMPTING
THE CUSTER BATTLEFIELD NATIONAL MONUMENT,
BIG HOLE NATIONAL BATTLEFIELD, AND
BIG HORN CANYON NATIONAL RECREATION AREA
FROM EXECUTIVE ORDER 12-88

The provisions of Executive Order No. 12-88, by this reference, are incorporated herein and amended as follows:

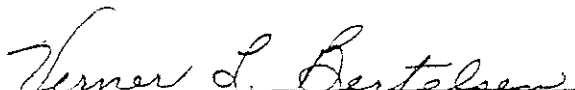
All lands within the Custer Battlefield National Monument, Big Hole National Battlefield, and Big Horn Canyon National Recreation Area are excluded from Executive Order No. 12-88.

This order is effective immediately.

GIVEN under my hand and GREAT
SEAL OF THE STATE OF MONTANA,
THIS 7th day of September, in the
year of our LORD, One Thousand
Nine Hundred and Eighty-eight.


TED SCHWINDEN, Governor

ATTEST:


VERNER BERTELSEN, Secretary of State

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 12-88
(AMENDMENT #2)


EXECUTIVE ORDER AMENDING
THE DEFINITION OF THE TERM "TRESPASS"

The provisions of Executive Order No. 12-88 by this reference are amended by adding to the fifth paragraph the following underlined language:

WHEREAS, a person commits trespass under this Order if he or she conducts any non-essential activity within the borders of the State of Montana, excluding lands within the boundaries of incorporated cities and towns and Glacier and Yellowstone National Parks; provided, however, that community and organized group activities on private and local government property are allowed and do not constitute trespass if conducted pursuant to a permit issued by the county sheriff or his designated representative in consultation with the county disaster coordinator and county commissioners if such activities are conducted in compliance with any conditions imposed pursuant to that permit; provided, further, that group activities on federal or state land are allowed and do not constitute trespass if conducted pursuant to a permit issued by the appropriate land management agency and if such activities are conducted in accordance with any conditions imposed by that land management agency. Nothing herein authorizes entry of any land or water for purposes of hunting or fishing.

This order is effective at 10:00 a.m. on September 10, 1988, and remains in effect until terminated by subsequent executive order.

GIVEN under my hand and GREAT SEAL OF THE STATE OF MONTANA, THIS 9th day of September, in the year of our LORD, One Thousand Nine Hundred and Eighty-eight.


TED SCHWINDEN, Governor

ATTEST:


VERNER L. BERTELSEN, Secretary of State