

UNDERSTANDING FEDERAL DISASTER DECLARATIONS

Not all disaster declarations are the same. The scope of assistance and the triggering conditions determine the type of declaration request. A **Presidential Emergency Declaration** (often initiated under Section 501 of the Stafford Act) provides more limited, immediate aid to save lives and protect property, while a **Major Disaster Declaration** authorizes a wider range of long-term recovery programs and greater funding for permanent infrastructure repair.



Emergency Declaration (Stafford Act, Section 501)

- ▶ **Purpose:** To supplement state and local efforts to save lives, protect property and public health/safety, or lessen the threat of a catastrophe. Emergency declarations can precede an event to avert a potential crisis.
- ▶ **Scope:** Generally provides more limited forms of assistance, primarily focused on emergency protective measures (like debris removal and emergency services).
- ▶ **Trigger:** Usually initiated by a governor's request, but the President can declare an emergency without a state request if the primary responsibility is a federal one (e.g., related to federal property or a nationwide health crisis).
- ▶ **Funding:** Assistance is typically time-limited, often for an initial 90-day period, and is a subset of the aid available under a major disaster declaration.



Major Disaster Declaration (Stafford Act, Section 401)

- ▶ **Purpose:** Declared for any natural catastrophe or fire/flood/explosion that causes damage of such severity and magnitude that it is beyond the combined capabilities of state and local governments to respond.
- ▶ **Scope:** Activates a full suite of federal recovery programs, encompassing both short-term emergency aid and long-term recovery assistance, including individual and household assistance (e.g., temporary housing, personal property replacement) and public assistance for permanent work on infrastructure rebuilding.
- ▶ **Trigger:** Requires a formal request from the state's governor or tribal executive, based on a comprehensive damage assessment to demonstrate that the event is beyond local and state capacity.
- ▶ **Funding:** Triggers substantial funding from the Disaster Relief Fund and often involves higher federal cost-share percentages (typically a minimum of 75% federal share).



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UNDERSTANDING STATE EXECUTIVE ORDERS & EMERGENCY DECLARATIONS

Executive orders and emergency declarations are both acts of the governor and have legal effects. An emergency (or disaster) declaration is a specific type of executive order that formally declares legal “emergency” or “disaster” conditions exist, thereby activating special emergency powers and plans. In practice, both general executive orders and emergency declarations instruct state agencies and authorize the use of state personnel, funds, and equipment to achieve stated objectives.



Executive Orders

- ▶ An executive order is a directive issued by the governor that has the force of law within the executive branch and can be used for many purposes, including but not limited to emergencies.
- ▶ Executive orders may establish policies, direct state agencies, create task forces, or carry out regulatory authority.
- ▶ During emergencies, the governor can use special orders to start or end a state of emergency or disaster and to make, change, or cancel other rules as needed.



State Emergency Declarations

- ▶ Under Montana law, a “state of emergency” or “state of disaster” is officially declared when the governor issues an executive order or directive stating that an “emergency” or “disaster” exists as defined in 10-3-103, MCA.
- ▶ The declaration must describe the type of emergency or disaster, the area at risk, and the circumstances that led to the declaration or support ending it.
- ▶ Once the governor declares an emergency or disaster, it activates the parts of the state’s emergency and disaster plans that apply, allows the use and deployment of resources, and puts into effect the specific emergency powers and restrictions listed in Title 10, chapter 3, MCA.



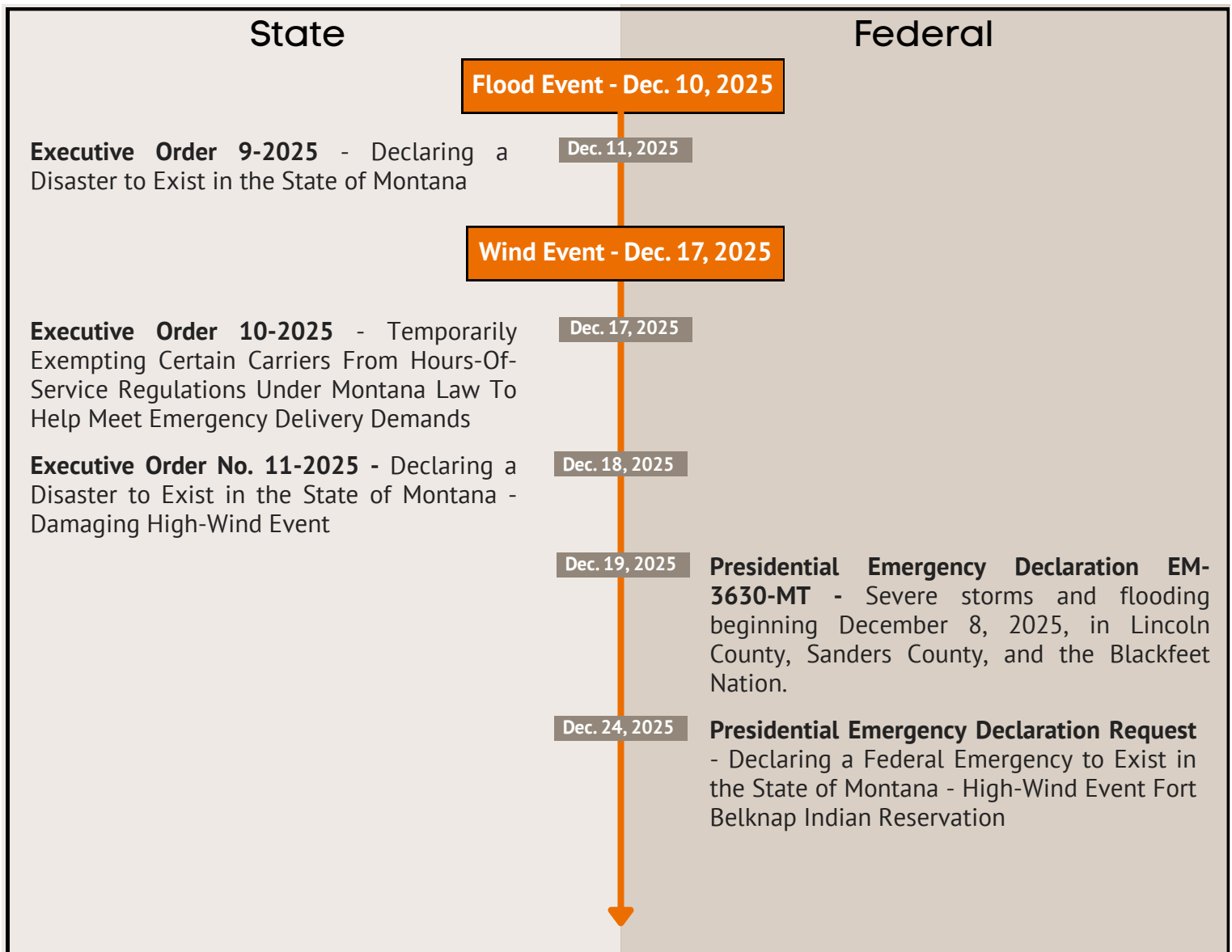
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DECEMBER 2025 FLOOD AND WIND DISASTER DECLARATION TIMELINE

Following are Executive Orders and Declarations related to the December 2025 Flood and Wind events in Montana.



To view all of the Governor Gianforte's executive orders, visit
<https://gov.mt.gov/Documents/GovernorsOffice/executiveorders/>



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