OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Bullock
GOVERNOR

Mike Cooney
LT. GOVERNOR

TO: The People of the State of Montana; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 15, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and providing for measures to combat the spread of COVID-19 Novel Coronavirus

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective immediately:

1. School Closure

- All non-residential public schools in Montana are closed through March 27, 2020.
- All eligible schools will continue to receive all state payments under the school funding formula, including per person ANB funding, as budgeted and appropriated by the Montana legislature.
- During this time, schools will engage in planning to provide:
    - arrangements to provide free meals to students who need them, pursuant to a waiver obtained from the United States Department of Agriculture.
    - all other matters and services that students need in the event of future or ongoing closure.
- The state will work with schools during this period and evaluate and announce next steps.

Authorities: **Section 10-3-104, MCA; §§ 50-1-202, -203. -204, MCA; 37 A.G. Op. 132 (1978)**; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

2. Nursing Homes

- Visitation is suspended for all visitors and non-essential healthcare providers, except as for certain compassionate care situations (*e.g.*, end of life).
- The State of Montana adopts the guidance and procedures provided by the Centers for Medicare and Medicaid Services (CMS) in the March 13, 2020, memorandum entitled "Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in

Nursing Homes *(REVISED)*" accessible at https://www.cms.gov/files/document/qso-20-14-nh-revised.pdf and provided with this Directive. This specifically includes the "Additional Guidance" procedures provided on pages 3-4 (*e.g.*, cancellation of group activities and active screening of staff and residents).

- For essential visitation (*e.g.*, end of life) the following screening must occur:
    - Signs or symptoms of a respiratory infection, such as fever, cough, shortness of breath, or sore throat.
    - In the last 14 days, contact with someone with a confirmed diagnosis of COVID-19, under investigation for COVID-19, or ill with respiratory illness.
    - International travel within the last 14 days to countries with sustained community transmission.
    - Domestic travel in the last 14 days to areas with sustained community transmission.
    - Residing in a community where community-based spread of COVID-19 is occurring.

Authorities: **Section 10-3-104, MCA**; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; §§ 50-1-202, -203. -204, MCA; and all other applicable provisions of state and federal law.

3. Public Guidance Regarding Social Distancing

The Governor, in consultation with public health authorities, strongly recommends the following guidance:

- Limiting all gatherings, especially those gatherings of more than 50 people.
    - Organizers should refrain from planning new gatherings and cancel existing gatherings.
    - Individuals should refrain from attending.
- Persons age 60 or older should not participate in any gatherings, especially those gatherings of more than 20 people.
- Persons who are immunocompromised or with chronic health conditions should not participate in any gatherings, especially those over 20 people.
- Parents should avoid, if possible, placing children for childcare with grandparents, family members, friends, or providers over the age of 60 or immunocompromised persons.

4. Transportation

- The limited waivers on motor carriers provided in the Federal Motor Carrier Safety Administration's (FMCSA) Emergency Declaration No. 2020-002 are adopted and in effect in Montana and run concurrent to the federal declaration and its limitations, which increases the legal weight limits by 10 percent for commercial vehicles to provide supplies to help support response to the emergency.
- The FMCSA declaration is accessible at: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-03/FMCSA%20Emergency%20Declaration%203.13.20.pdf

Authorities: **Section 10-3-104, MCA**; § **61-10-111, MCA;** Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Section 4; and all other applicable provisions of state and federal law.

5. National Guard Resources

- As provided in the March 14, 2020, Directive implementing Executive Orders 2-2020 and 3-2020, the resources and operational capabilities of the Montana National Guard are available to respond as necessary and at the Governor's direction. The Adjutant General is authorized to place members of the Montana National Guard on State Active Duty status.

Authorities: **Sections 10-3-104 and -305, MCA**; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103 and -302, MCA; and all other applicable provisions of state and federal law.

6. Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.