OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: April 7, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and suspending certain requirements related to local receipt of emergency relief funds

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.

For the duration of the emergency, § 10-3-104(2)(a), MCA, provides authority to the Governor to "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."

Numerous local and municipal governments in the state have declared a state of emergency in response to the COVID-19 pandemic. These governments play an important role in combatting the spread of COVID-19, but that assistance comes with a financial cost. These governments are expected to incur substantial costs and expenses to address the ongoing emergency.

Section 10-3-311, MCA, permits the Governor to authorize the state to pay costs incurred by local and municipal governments in connection with emergency relief. Accessing these state funds requires local governments to first demonstrate that they have "exhausted all available emergency levies." Section 10-3-311(1)(a), MCA. Local governments do this by levying 2 emergency mils. Section 10-3-405, MCA. COVID-19's economic harm to local property taxpayers will be substantial, and it is not appropriate to subject individual Montanans to additional tax burdens for their local governments to access federal and state relief aid.

Based on the foregoing considerations, I find that strict compliance with §§ 10-3-311(1)(a) and -405, MCA, would prevent, hinder, or delay necessary action in coping with the emergency caused by the global COVID-19 pandemic.

Therefore, 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:

- The provisions of §§ 10-3-311(a) and -405, MCA, are suspended for the duration of the emergency, but only to the extent that political jurisdictions need not demonstrate that they have exhausted all available emergency levies to apply for federal or state relief related to COVID-19 by assessing 2 mils.

- This Directive does not affect the State's authority to decide how to disburse state and federal emergency relief funds in a manner consistent with state and federal law. The Office of Budget and Program Planning, under my direction, will have discretion to determine how any federal emergency relief related to COVID-19 will be disbursed in a manner provided by law. This Directive does not entitle any particular person, agency, or political jurisdiction to the receipt of funds, including funds received under the CARES Act or other federal disaster or emergency relief.

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

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.
- Nothing in this Directive shall be construed to limit, modify, or otherwise affect the authority granted by law to the Governor, any department, agency, political subdivision, officer, agent, or employee of the State of Montana except as expressly provided in this Directive or other Directives now in effect implementing Executive Orders 2-2020 and 3-2020.
- 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.