

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: September 30, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and providing for measures to allow Big Sky Economic Development grants to businesses

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.

Section 10-3-104(2)(a), MCA authorizes the Governor, during a state of emergency, 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.” Further, it authorizes the Governor to “control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area.” Section 10-3-104(2)(c), MCA. Montana’s public health laws also authorize the Department of Public Health and Human Services (DPHHS), acting under the Governor’s direction, to “issue written orders for correction” of “conditions of public health importance,” to “prevent and mitigate conditions of public health importance” through measures including “isolation and quarantine” and “abatement public health nuisances.” Section 50-1-202, MCA. The DPHHS, under the Governor’s direction, may also take action to correct public health deficiencies in “buildings or facilities where people congregate.” Section 50-1-203, MCA. *See also*, § 50-1-204, MCA (isolation and quarantine measures authorized).

As the lead in the state on economic development activity, the Montana Department of Commerce (DOC) is responsible for promoting, stimulating, and maintaining economic vitality in Montana. The DOC has been maintaining open communication with local governments and small businesses throughout Montana to understand the economic needs of communities during the COVID-19 health crisis. In Montana, small businesses need all the economic assistance they can get to survive and recover from this crisis.

Montana small businesses have experienced an immediate severe downside turn in the demand side of the economy. As a result, some businesses are unable to generate the revenue needed to pay salaries, rent, mortgages, utilities, inventory and other business expenses. The inability of businesses to generate revenue, creates a ripple effect that impacts Montana communities as a whole.

Montana small businesses need immediate economic assistance to get through and recover from the impacts of the COVID-19 pandemic. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed into law on March 27, 2020, provided some small businesses with much needed relief.

The DOC is prepared to provide immediate economic support through a new targeted and streamlined version of an existing program, the Big Sky Economic Development COVID-19 Impact Program. This new program will target businesses that laid off employees due to COVID-19 impacts and give many Montana small businesses a chance to remain viable, benefit their communities, and recover from this crisis. Additionally, it will put hard working Montanans back to work and money in their pockets to pay for essentials, including rent or mortgages, food, and healthcare costs. Due to the economic impacts on small businesses in Montana, the availability of funds through the DOC, and the urgent need for relief, I have determined that changes to the Big Sky Economic Development Trust Fund are necessary to respond to the emergency.

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 Department of Commerce is authorized to use up to \$3 million of Big Sky Economic Development Program funds for the Big Sky Economic Development COVID-19 Impact Program.

- The Montana Department of Commerce may establish a new application and guidelines to administer the Big Sky Economic Development COVID-19 Impact Program.
 - Strict compliance with the Big Sky Economic Development Program in Title 90, Chapter 1, part 2, is suspended for this purpose only.
 - Administrative Rules of Montana 8.99.917 and 8.99.918, are suspended for this purpose only.

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, and -204, MCA; 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.
- 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.