

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

Steve Benson  
Governor



Mike Cooney  
Lt. Governor

**TO:** Montanans, all officers and agencies of the State of Montana  
**FROM:** Governor Steve Benson  
**DATE:** March 30, 2020  
**RE:** Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures to limit businesses, activities, and businesses from service

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.

During a state of emergency, § 10-3-104(7)(c), MCA, 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." The Governor may "suspend the provisions of any . . . regulatory statute prescribing the procedures for conduct of state business . . . if the strict compliance with the provisions of any statute . . . would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster." Section 10-3-104(7)(c), MCA.

Montana's public health laws also authorize the Department of Public Health and Human Services (DPHHS or Department), acting under the Governor's direction, to "prevent and mitigate conditions of public health importance" through, among other things, "isolation and quarantine" measures. Section 50-1-282, MCA, see also § 50-1-293, MCA. Montana law provides that these authorities will be utilized to respond to an "outbreak of disease," § 10-3-103(4), MCA, and to "limit the transmission of the communicable disease." See, e.g., § 10-3-103(6), MCA.

Montana law expressly contemplates that the Governor may provide for the housing needs of Montanans during a disaster or emergency, which includes the outbreak of communicable disease. See § 10-3-313, MCA. Under § 10-3-103(2)(c), MCA, the Governor is authorized to temporarily suspend or modify for up to 90 days any public health or safety, zoning, or transportation laws when the Governor has declared their suspension or modification essential to meet temporary housing needs in an emergency or disaster. Further, Montana law authorizes the Governor to mobilize "the services and facilities of the existing officers and agencies of the state" and provides that "all officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request in the carrying out" the response to the emergency. Section 10-3-303(2), MCA.

In responding to the outbreak of COVID-19, I previously determined that it is essential to the health, safety, and welfare of the State of Montana during the ongoing state of emergency that, to the maximum extent possible, individuals stay at home or at their place of residence to prevent opportunities for the transmission of COVID-19. Effective March 28, 2020, I have directed Montanans to stay in their homes to the maximum extent possible, with exceptions for essential travel and essential work, among others.

To stay at home, Montanans must continue to have a home. The outbreak has already taken a significant toll on economic activity in Montana, forcing small business owners to close their doors and generating layoffs, furloughs, and large increases in unemployment claims. Many Montanans are