



MONTANA STATE LEGISLATURE

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SENATOR SCOTT SALES
PRESIDENT OF THE SENATE
REPRESENTATIVE GREG HERTZ
SPEAKER OF THE HOUSE

April 14, 2020

Governor Bullock:

RE: Montana State of Affairs/Coronavirus

Our government operates on a system of checks and balances. This system was put into place to ensure that all citizens' rights are protected at all times. During this ongoing "state of emergency," we believe it is paramount we work to ensure that the rights of our citizens and the Constitution are protected. The trickle-down effect of unilateral decisions from one branch of government can have grave consequences for us all – undermining our system of government and usurping the rights of Montanans. Now, more than ever, we must all work together.

Montana's economy is in a freefall. Small private sector businesses are closed - some forever - because of the choices you have made to arbitrarily determine what constitutes an "essential" business, in an effort to keep Montanans safe. Montanans who own, operate, or work at the small businesses that make up the Montana economy may never survive the conditions you have created by imposing self-identified "safety" measures. At the same time this is happening, you have shielded government agencies from virtually all the same sacrifices demanded of the private sector.

Few, if any, state agencies are closed, except for public access, and it appears that no employees have been furloughed, indicating to a reasonable citizen that you believe every state agency is "essential" to the sustenance of life. We do not concur with your assessment in this regard.

Your March 30th directive that stays evictions, along with foreclosures, and non-payment of some utilities during your pronouncement of a "shelter-in-place" requirement is without Constitutional or statutory basis. There are currently systems in place by landlords, banks and other businesses to assist and help those who have lost their jobs due to the government-imposed shutdown. The federal government has provided enhanced unemployment benefits and direct payments to all citizens that will allow those who lost their job to continue to make payments of rent, utilities, etc. Rather than issuing an edict, you could have reached out to rental management associations, bankers, utility owners and others to encourage them to work with Montanans and help them through short-term cash flow problems. Most are already working with their customers and tenants. Unfortunately, your directive may be encouraging non-payment of rent, mortgages and utility bills due to confusion and misinformation. We are requesting you work with stakeholders to find an alternative, citizen-driven solution which would allow you to rescind your directive.

The actions you have taken in response to this crisis have been a sobering reminder of the power of the executive branch. In order to protect the integrity of the office you temporarily hold, we believe it would be in the best interest of Montanans for you to use your authority to take a more focused approach to serving the people, such as making sure the unemployment insurance call center and website are adequately staffed and functioning at highest levels of efficiency to allow the unemployed to receive benefits in an expeditious manner; establishing satellite offices in the state to help those needing truly essential government assistance; making sure we don't have a budget crisis during the 2021 legislative session by reducing unnecessary expenses now, to further build

our cash reserves as revenues decline during the coming months; changing current and future bed tax expenditures that are being impacted now and most assuredly throughout this upcoming tourist season; grant local control to school districts - allowing schools to make the decision on when to re-open or not – as managing schools on two-week orders is difficult and disruptive. These are just a few of the recommendations proposed by the legislative branch.

If businesses remain closed, income and property taxes, fees and other collections will plummet, causing widespread and catastrophic results to people employed in both the public and private sectors.

Montanans are helping their neighbors and they don't need unconstitutional commands, just a simple ask from their Governor and they will respond.

It is past time to rethink your response to COVID-19 as it pertains to the citizens of Montana and implement more strategic measures in an effort to re-engage our economy once again. Getting Montana back to work will not be an instantaneous event. This can start with counties with no coronavirus cases and ones that have had no additional cases of late. In this interest of public health and safety, we can keep hot spots such as Gallatin County under a special order which includes more restrictions. Additionally, we should follow the lead of states such as Florida which have provided specific directives to at-risk populations such as seniors and those suffering from certain chronic health conditions.

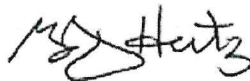
During this time, I think we all agree that all Montanans be advised to keep playing it safe with cleanliness, social distancing, and other recommended safeguards. The private sector has proven to be a great partner in this effort of putting people first and encouraging best practices when it comes to public health and safety.

It seems it will take several weeks to get us up and going, so let's get this process started. We invite you to work with us to discuss how we can all proceed with moving Montana forward.

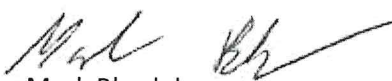
Sincerely,



Scott Sales
President of the Senate



Greg Hertz
Speaker of the House



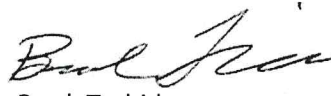
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