

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

March 18, 2024

The Honorable Christi Jacobsen  
Secretary of State  
Office of the Secretary of State  
P.O. Box 202801  
Helena, MT 59620-2801

Dear Secretary Jacobsen:

As directed by the district court on March 14, 2024, please find attached a copy of my veto message to the Legislature for Senate Bill 442, dated May 2, 2023.

In keeping with requirements of the Montana Constitution, I transmitted the attached veto message and the bill, which both the President of the Senate and Speaker of the House signed, to the Legislature while it was in session on May 2, 2023.

I have not possessed the original bill since I transmitted it to the Legislature on May 2, 2023. Rifling through legislators' desks, offices, and space in an effort to locate the actual original bill and veto message not only would be extremely poor form but also would be a grossly inappropriate violation of our constitutionally defined separation of powers.

Accordingly, I do not have custody of the original veto message or the actual original bill, and consequently I am unable to provide them. Instead, I provide a copy of my veto message in an attempt to comply with the court's order and while we await the Montana Supreme Court's ruling on the underlying constitutional question about whether the judiciary can manage rules, processes, and political questions that are solely the purview and authority of the Legislature.

Sincerely,

  
Greg Gianforte  
Governor

Enclosure

cc: Legislative Services Division

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

May 2, 2023

The Honorable Jason Ellsworth  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 442, "AN ACT GENERALLY REVISING THE DISTRIBUTION OF MARIJUANA TAXES; REVISING THE ALLOCATION OF THE MARIJUANA STATE SPECIAL REVENUE ACCOUNT; TRANSFERRING TAX REVENUE FROM MARIJUANA SALES TO THE DEPARTMENT OF TRANSPORTATION FOR THE FUNDING OF COUNTY ROAD CONSTRUCTION AND MAINTENANCE; PROVIDING A CALCULATION BASED ON THE ROAD MILES, STATE AND FEDERAL LAND AREA, AND BLOCK MANAGEMENT ACRES IN COUNTIES AND CONSOLIDATED CITY-COUNTIES; ESTABLISHING A HABITAT LEGACY ACCOUNT; REVISING THE MONTANA WILDLIFE HABITAT IMPROVEMENT ACT; AMENDING SECTIONS 15-70-101, AND 16-12-111, 87-5-801, 87-5-802, 87-5-803, 87-5-804, 87-5-806, 87-5-807, AND 87-5-808, MCA; AND PROVIDING AN EFFECTIVE DATE."

First, there is a substantial technical issue with Senate Bill 442. As written, the bill glaringly omits an appropriation, failing to fund itself. Without an appropriation, the bill does nothing.

Second, there is a substantial policy issue with Senate Bill 442. The bill is unprecedented in that it authorizes ongoing state resources from the General Fund to maintain county roads.

As you know, the state is responsible for constructing, reconstructing, maintaining, and repairing state highways and roads, and local jurisdictions for their local roads. In recent history, the state has never authorized ongoing state resources from the General Fund for such local roads projects for local jurisdictions. Instead, local jurisdictions use their local resources for critical local infrastructure needs.

President Ellsworth and Speaker Regier  
May 2, 2023  
Page 2

Adopting the approach of Senate Bill 442 creates a slippery slope, an incentive for local jurisdictions to reduce their services while keeping taxes higher on their citizens. Local jurisdictions will not have to dedicate as much of their local resources to their local roads as they have had to. But instead of cutting citizens' taxes proportionately, they can reallocate those dollars to capricious, unnecessary projects, resulting in a net increase of Montanans' tax burden.

Furthermore and more troubling, Senate Bill 442 creates the illusion that the state will accept increasing responsibility for matters that are strictly under the jurisdiction of local authorities.

Instead of establishing an ongoing authorization of state resources from the General Fund, a better, more responsible, more prudent approach is to provide one-time-only funding to local jurisdictions to address their infrastructure needs. Such an approach is more appropriate given the state's surplus and is provided for in Senate Bill 536.

For these reasons, I veto Senate Bill 442.

Sincerely,

  
Greg Gianforte  
Governor

cc: Legislative Services Division  
Secretary Christi Jacobsen