

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



JOHN WALSH
LT. GOVERNOR

April 5, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Blasdel and President Essmann:

By the power vested in me as Governor by the Constitution and the Laws of the State of Montana, I hereby veto House Bill 50 (HB 50), entitled, "AN ACT PROHIBITING LOCAL GOVERNING BODIES FROM ENACTING, ADOPTING, IMPLEMENTING, ENFORCING, OR REFERRING TO THE ELECTORATE IMMIGRATION ANTICOOPERATION POLICIES; PROVIDING DEFINITIONS; ALLOWING FOR THE WITHHOLDING OF FUNDS TO LOCAL GOVERNING BODIES THAT DO NOT COMPLY; AMENDING SECTION 7-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HB 50 prohibits local governing bodies, including school districts, from enacting or implementing anticooperation policies with regard to a person's immigration status. It would allow for state withholding of funds to any local government that enacts such a policy, and encourages lawsuits against localities by anyone who believes a local government is out of compliance with HB 50.

There are several problems with HB 50. First, it has not been shown that there is a single city, county or other local government that has sought to enact anticooperation policies in Montana. To the contrary, testimony on this bill clearly indicated that no jurisdiction in Montana has enacted such a policy, nor is any jurisdiction close to enacting such a policy. HB 50 addresses a nonexistent problem.

Second, HB 50 could prevent victims of domestic violence, labor exploitation, unsafe working conditions, or human trafficking from coming forward or seeking help from law enforcement. Not only does this endanger the victims of these crimes, it undermines the ability of local law enforcement to set priorities according to the needs of their communities.

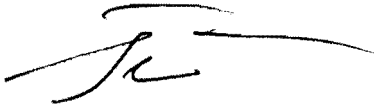
Speaker Blasdel
President Essmann
April 5, 2013
Page 2

Third, HB 50 includes school districts within its scope. The U.S. Supreme Court has held that denying children access to a public education based upon the immigration status of their parents is not constitutionally sound. Plyler v. Doe, 457 U.S. 202 (1982). The operation of HB 50 as applied to the public schools could well be challenged as a violation of the equal protection clause of the U.S. Constitution.

While any member of the citizenry is entitled to make political statements, we ought not clutter our state code with such statements.

For these reasons, I respectfully ask you to sustain my veto of HB 50.

Sincerely,

A handwritten signature in black ink, appearing to be 'S Bullock', with a long horizontal flourish extending to the right.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Secretary of State