

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 10, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 482 (HB 482), "AN ACT REQUIRING DESIGNATED STATE AGENCIES TO SUBMIT REPORTS TO THE OFFICE OF BUDGET AND PROGRAM PLANNING ON INFORMATION RELATED TO FINANCIAL ASSISTANCE PROVIDED TO TRIBAL ENTITIES; REQUIRING THE OFFICE OF BUDGET AND PROGRAM PLANNING TO COMPILE A REPORT ON FINANCIAL ASSISTANCE PROVIDED BY DESIGNATED STATE AGENCIES DIRECTLY OR INDIRECTLY TO TRIBAL ENTITIES AND SUBMIT THE REPORT IN AN ELECTRONIC FORMAT TO THE STATE-TRIBAL RELATIONS COMMITTEE AND THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; REQUIRING THE REPORT COMPILED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING TO BE POSTED ON THE WEBSITE OF THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

House Bill 482 requires the Office of Budget and Program Planning to submit an annual report of state agencies' financial and non-cash assistance provided directly or indirectly to tribal governments. The bill singles out tribal governments for an unusual level of scrutiny. No local or county governments receive the same scrutiny for assistance they receive from the state or federal governments.

The way House Bill 482 singles out tribal governments is, on its own, disqualifying for this bill to become law. But to make matters worse, the bill itself turns on imprecise, ill-defined terms that would make its administration difficult—if not impossible.

House Bill 482 defines "financial assistance" extremely broadly, including "non-cash" assistance. Agencies interact and collaborate with tribal governments in a multitude of ways, including support services, technical assistance, training, and non-cash assistance. These interactions are an integral part of daily state government work. But it is unclear whether these routine interactions would trigger reporting under HB 482, because the bill does not adequately define non-cash assistance and provides no clear parameters indicating how to make such an assessment.

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The reporting deadline of August 1, just a week after fiscal year end closes on July 25, is unrealistic. The bill requires tracking of state funds that go to third parties and implement services or projects to benefit tribal entities. Given the tight timeline outlined in the bill, it will be difficult to assess and report certain required data accurately, such as tracking subrecipient information, non-cash assistance, entitlement programs operated through a tribal entity to benefit individual tribal members, and the distribution of agency administrative costs and other statewide costs per tribal entity.

My office already produces an annual report of state-tribal activities on September 15 of each year. This report adequately addresses the transparency requirements of current law, § 2-15-143, MCA. House Bill 482 creates an additional, imprecise layer of reporting and applies it only to tribal governments. It is unnecessary and poor policy for our state.

For these reasons, I veto HB 482.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Bullock", is written over a light blue rectangular background.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Greg Hertz, Speaker of the House
Scott Sales, President of the Senate