

**HOUSE JOURNAL  
68TH LEGISLATURE  
ADDENDUM**

Helena, Montana  
Adjourned Sine Die

House Chambers  
State Capitol

**BILLS (C. Hinkle, Chair):**

05/04/2023

Signed by the Speaker at 2:00 p.m., May 4, 2023: **HB 7, HB 9, HB 11, HB 35, HB 62, HB 101, HB 95, HB 97, HB 118, HB 136, HB 140, HB 147, HB 164, HB 190, HB196, HB 198, HB 218, HB 225, HB 241, HB 256, HB 257, HB 312, HB 322, HB 333, HB 348, HB 352, HB 358, HB 364, HB 376, HB 393, HB 412, HB 447, HB 452, HB 455, HB 470, HB 477, HB 485, HB 486, HB 490, HB 491, HB 521, HB 544, HB 556, HB 561, HB 562, HB 580, HB 588, HB 590, HB 591, HB 597, HB 619, HB 622, HB 631, HB 641, HB 648, HB 668, HB 674, HB 676, HB 679, HB 689, HB 697, HB 707, HB 754, HB 764, HB 790 HB 791, HB 797, HB 833, HB 836, HB 840, HB 845, HB 862, HB 874, HB 880, HB 886, HB 889, HB 918, HB 928, HB 937, HB 938, HB 947, HB 968, HB 971, HR 6, HR 7, HR 8, HR 9.**

Signed by the Chief Clerk of the House at 2:45 p.m., May 4, 2023: **HB 7, HB 9, HB 11, HB 35, HB 62, HB 101, HB 95, HB 97, HB 118, HB 136, HB 140, HB 147, HB 164, HB 190, HB 196, HB 198, HB 218, HB 225, HB 241, HB 256, HB 257, HB 312, HB 322, HB 333, HB 348, HB 352, HB 358, HB 364, HB 376, HB 393, HB 412, HB 447, HB 452, HB 455, HB 470, HB 477, HB 485, HB 486, HB 490, HB 491, HB 521, HB 544, HB 556, HB 561, HB 562, HB 580, HB 588, HB 590, HB 591, HB 597, HB 619, HB 622, HB 631, HB 641, HB 648, HB 668, HB 674, HB 676, HB 679, HB 689, HB 697, HB 707, HB 754, HB 764, HB 790 HB 791, HB 797, HB 833, HB 836, HB 840, HB 845, HB 862, HB 874, HB 880, HB 886, HB 889, HB 918, HB 928, HB 937, HB 938, HB 947, HB 968, HB 971, HR 6, HR 7, HR 8, HR 9.**

Signed by the President at 12:00 p.m., May 4, 2023: **HB 19, HB 174, HB 189, HB 214, HB 244, HB 270, HB 283, HB 287, HB 297, HB 302, HB 305, HB 314, HB 346, HB 360, HB 365, HB 366, HB 377, HB 385, HB 396, HB 408, HB 419, HB 433, HB 435, HB 439, HB 460, HB 500, HB 534, HB 541, HB 567, HB 592, HB 612, HB 656, HB 685, HB 705, HB 706, HB 715, HB 729, HB 743, HB 761, HB 775, HB 802, HB 874, HB 880, HB 902, HB 918, HB 922, HB 971.**

Signed by the President at 5:00 p.m., May 4, 2023: **HB 7, HB 9, HB 11, HB 35, HB 62, HB 101, HB 95, HB 118, HB 136, HB 140, HB 147, HB 164, HB 190, HB196, HB 198, HB 218, HB 225, HB 241, HB 256, HB 257, HB 312, HB 322, HB 333, HB 348, HB 352, HB 358, HB 364, HB 376, HB 393, HB 412, HB 447, HB 452, HB 455, HB 470, HB 477, HB 485, HB 486, HB 490, HB 491, HB 521, HB 544, HB 556, HB 561, HB 562, HB 580, HB 588, HB 590, HB 591, HB 597, HB 619, HB 622, HB 631, HB 668, HB 674, HB 676, HB 679, HB 689, HB 697, HB 707, HB 754, HB 764, HB 790 HB 791, HB 797, HB 833, HB 836, HB 840, HB 845, HB 862, HB 874, HB 880, HB 886, HB 918, HB 928, HB 937, HB 938, HB 947, HB 968, HB 971.**

**BILLS (C. Hinkle, Chair):**

05/05/2023

Correctly enrolled: **HB 6, HB 55, HB 87, HB 91, HB 141, HB 163, HB 217, HB 185, HB 245, HB 325, HB 382, HB 397, HB 449, HB 482, HB 487, HB 549, HB 576, HB 742, HB 749 HB 852, HB 867, HB 881, HB 920, HJR 18.**

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

**BILLS** (C. Hinkle, Chair):

05/07/2023

Delivered to the Governor at 11:50 a.m., 5/7/2023: **HB 29, HB 37, HB 423, HB 635, HB 828.**

**BILLS** (C. Hinkle, Chair):

05/08/2023

Correctly enrolled: **HB 2, HB 4, HB 5, HB 8, HB 10, HB 128, HB 321, HB 332, HB 355, HB 362, HB 403, HB 424, HB 479, HB 569, HB 587, HB 652, HB 808, HB 817, HB 830, HB 835, HB 855, HB 864, HB 868, HB 883, HB 890, HB 892, HB 903, HB 904, HB 916, HB 917, HB 946, HB 948, HB 949.**

Delivered to the Governor for approval at 10:20 a.m., May 8, 2023: **HB 7, HB 9, HB 11, HB 19, HB 35, HB 62, HB 95, HB 101, HB 118, HB 136, HB 140, HB 147, HB 164, HB 174, HB 189, HB 190, HB 196, HB 198, HB 214, HB 218, HB 220, HB 225, HB 241, HB 244, HB 256, HB 257, HB 270, HB 283, HB 287, HB 297, HB 302, HB 305, HB 312, HB 314, HB 322, HB 333, HB 346, HB 348, HB 352, HB 358, HB 360, HB 364, HB 365, HB 366, HB 376, HB 377, HB 385, HB 393, HB 396, HB 408, HB 412, HB 419, HB 433, HB 435, HB 439, HB 447, HB 452, HB 455, HB 460, HB 470, HB 477, HB 485, HB 486, HB 490, HB 491, HB 500, HB 521, HB 534, HB 541, HB 544, HB 556, HB 561, HB 562, HB 567, HB 580, HB 588, HB 590, HB 591, HB 592, HB 597, HB 612, HB 619, HB 622, HB 631, HB 656, HB 668, HB 674, HB 676, HB 679, HB 685, HB 689, HB 697, HB 705, HB 706, HB 707, HB 715, HB 729, HB 743, HB 754, HB 761, HB 764, HB 775, HB 790, HB 791, HB 797, HB 802, HB 833, HB 836, HB 840, HB 845, HB 862, HB 874, HB 880, HB 886, HB 902, HB 918, HB 922, HB 928, HB 937, HB 938, HB 947, HB 968, HB 971.**

**BILLS** (C. Hinkle, Chair):

05/09/2023

Correctly enrolled: **HB 12, HB 16, HB 229, HB 282, HB 317, HB 338, HB 359, HB 520, HB 539, HB 596, HB 738, HB 783, HB 819, HB 821, HB 846, HB 856, HB 872, HB 952.**

**BILLS** (C. Hinkle, Chair):

05/10/2023

Signed by the President at 1:00 p.m., May 10, 2023: **HB 97, HB 641, HB 889.**

Delivered to the Governor for Signature at 3:30 p.m., May 10, 2023: **HB 97, HB 641, HB 889.**

**BILLS** (C. Hinkle, Chair):

05/11/2023

Correctly enrolled: **HB 137, HB 437, 458, HB 469, HB 499, HB 816, HB 941.**

Signed by the Speaker at 11:00 a.m., May 11, 2023: **HB 6, HB 55, HB 87, HB 91, HB 141, HB 163, HB 185, HB 217, HB 245, HB 325, HB 382, HB 397, HB 449, HB 482, HB 487, HB 549, HB 576, HB 721, HB 742, HB 749, HB 852, HB 867, HB 881, HB 920, HJR 18.**

Signed by the Chief Clerk of the House at 11:10 a.m., May 11, 2023: **HB 6, HB 55, HB 87, HB 91, HB 141, HB 163, HB 185, HB 217, HB 245, HB 325, HB 382, HB 397, HB 449, HB 482, HB 487, HB 549, HB 576, HB 721, HB 742, HB 749, HB 852, HB 867, HB 881, HB 920, HJR 18.**

Delivered to Secretary of State at: p.m., May 11, 2023: **HJR 18, HR 6, HR 7, HR 8, HR 9.**

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Signed by the Speaker at 12:00 p.m., May 11, 2023: **HB 4, HB 8, HB 10, HB 12, HB 16, HB 128, HB 137, HB 229, HB 282, HB 317, HB 321, HB 338, HB 359, HB 362, HB 403, HB 424, HB 437, HB 458, HB 469, HB 479, HB 499, HB 520, HB 539, HB 569, HB 596, HB 652, HB 738, HB 783, HB 808, HB 821, HB 830, HB 835, HB 846, HB 855, HB 856, HB 864, HB 868, HB 872, HB 883, HB 890, HB 892, HB 903, HB 904, HB 916, HB 917, HB 946, HB 948, HB 949, HB 952.**

Signed by the Chief Clerk of the House at 12:20 p.m., May 11, 2023: **HB 4, HB 8, HB 10, HB 12, HB 16, HB 128, HB 137, HB 229, HB 282, HB 317, HB 321, HB 338, HB 359, HB 362, HB 403, HB 424, HB 437, HB 458, HB 469, HB 479, HB 499, HB 520, HB 539, HB 569, HB 596, HB 652, HB 738, HB 783, HB 808, HB 821, HB 830, HB 835, HB 846, HB 855, HB 856, HB 864, HB 868, HB 872, HB 883, HB 890, HB 892, HB 903, HB 904, HB 916, HB 917, HB 946, HB 948, HB 949, HB 952.**

Signed by the President at 12:40 p.m. on May 11, 2023: **HB 6, HB 55, HB 87, HB 91, HB 141, HB 163, HB 185, HB 217, HB 245, HB 325, HB 382, HB 397, HB 449, HB 482, HB 487, HB 549, HB 576, HB 721, HB 742, HB 749, HB 852, HB 867, HB 881, HB 920, HJR 18.**

Delivered to the Governor for signature at 3:00 p.m., May 11, 2023: **HB 6, HB 55, HB 87, HB 91, HB 141, HB 163, HB 185, HB 217, HB 245, HB 325, HB 382, HB 397, HB 449, HB 482, HB 487, HB 549, HB 576, HB 721, HB 742, HB 749, HB 852, HB 867, HB 881, HB 920.**

Signed by the Speaker at 3:30 p.m., May 11, 2023: **HB 355, HB 817.**

Signed by the Speaker at 4:00 p.m., May 11, 2023: **HB 5, HB 332, HB 587, HB 819.**

Signed by the Chief Clerk of the House at 4:15 p.m., May 11, 2023: **HB 5, HB 332, HB 587, HB 819.**

Signed by the President at 5:00 p.m. on May 11, 2023: **HB 4, HB 5, HB 8, HB 10, HB 12, HB 16, HB 128, HB 137, HB 229, HB 282, HB 317, HB 321, HB 338, HB 359, HB 362, HB 403, HB 424, HB 437, HB 458, HB 469, HB 479, HB 499, HB 520, HB 539, HB 569, HB 596, HB 652, HB 738, HB 783, HB 808, HB 821, HB 830, HB 835, HB 846, HB 855, HB 856, HB 864, HB 868, HB 872, HB 883, HB 890, HB 892, HB 903, HB 904, HB 916, HB 917, HB 946, HB 948, HB 949, HB 952.**

**BILLS (C. Hinkle, Chair):**

05/12/2023

Signed by the Speaker at 10:00 a.m., May 12, 2023: **HB 2, HB 941.**

Signed by the Chief Clerk of the House at 10:20 a.m., May 12, 2023: **HB 2, HB 941.**

Delivered to the Governor for signature at 11:30 a.m., May 12, 2023: **HB 4, HB 8, HB 10, HB 12, HB16, HB 128, HB 317, HB 321, HB 338, HB 359, HB 362, HB 403, HB 424, HB 437, HB 458, HB 469, HB 479, HB 499, HB 520, HB 539, HB 569, HB 596, HB , HB 652, HB 738, HB 783, HB 808, HB 821, HB 830, HB 835, HB 846, HB 855 , HB 856, HB 864, HB 868, HB 8972, HB 883, HB 890, HB 892, HB 903, HB 904, HB 916, HB 917, HB 946, HB 949, HB 952.**

**BILLS (C. Hinkle, Chair):**

05/17/2023

Signed by the Chief Clerk of the House at 10:30 a.m., May 17, 2023: **HB 355, HB 817.**

Delivered to the Governor for signature at 12:30 p.m., May 17, 2023: **HB 5.**

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

**BILLS** (C. Hinkle, Chair): 05/18/2023

Signed by the Speaker at 9:20 a.m., May 18, 2023: **HB 816**.  
Signed by the Chief Clerk of the House at 9:30 a.m., May 18, 2023: **HB 816**.

**BILLS** (C. Hinkle, Chair): 05/23/2023

Signed by the President at 11:10 a.m., May 23, 2023: **HB 816, HB 817**.  
Signed by the President at 1:30 p.m., May 23, 2023: **HB 941**.

**BILLS** (C. Hinkle, Chair): 05/26/2023

Delivered to the Governor for signature 11:30 a.m., May 26, 2023: **HB 816, HB 817, HB 941**.

**BILLS** (C. Hinkle, Chair): 06/12/2023

Signed by the President at 10:30 a.m. on June 12, 2023: **HB 2, HB 332, HB 355, HB 587, HB 819**.

**BILLS** (C. Hinkle, Chair): 06/13/2023

Delivered to the Governor for signature 3:17 p.m. on June 13, 2023: **HB 2, HB 332, HB 355, HB 587, HB 648, HB 819**.

**MESSAGES FROM THE 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:

I share the Legislature's goal on ensuring mental health patients across Montana receive high-quality care in the most appropriate setting to meet their needs, including patients residing at the

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Montana State Hospital (MSH). I also applaud the Legislature's efforts to transition certain patients who are currently committed to MSH's care and reside there to community-based treatment services and facilities. However, as the Montana Department of Public Health and Human Services (DPHHS) has repeatedly warned during the past interim period and current legislative session, House Bill 29 fails to provide an effective, lawful mechanism to accomplish the intent of the legislation.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 29: "AN ACT GENERALLY REVISING LAWS REGARDING THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE, OTHER FORMS OF DEMENTIA, OR TRAUMATIC BRAIN INJURY; ENDING INVOLUNTARY COMMITMENT OF THE INDIVIDUALS AFTER JUNE 30, 2025, WHEN ONLY CERTAIN COMMITMENT CRITERIA ARE MET; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO TRANSITION MONTANA STATE HOSPITAL PATIENTS WITH THOSE DIAGNOSES TO COMMUNITY SERVICES; ESTABLISHING A TEMPORARY TRANSITION REVIEW COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-21-126, 53-21-127, 53-21-401, AND 53-21-402, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

As approved by the Legislature, House Bill 29 seeks to alter the current legal framework for the treatment of the seriously mentally ill by heavily restricting the circumstances under which a person suffering from both a neurocognitive disorder, such as Alzheimer's disease, dementia, and/or Traumatic Brain Injury (TBI), and another mental disorder, like schizophrenia or other 'prototypical' psychiatric disorders, may be subject to involuntary civil commitment. By design, it ignores the fact that neurocognitive disorders and other mental disorders, whether alone or in combination, may render a person substantially unable to provide for their basic needs of food, clothing, shelter, health, or safety, or could cause them to be a danger to themselves or others. It also fails to recognize that a person's substantial inability to provide for their basic needs often causes individuals so situated to, in fact, be a danger to themselves. In this, House Bill 29 either represents a deep misunderstanding of or a failure to acknowledge the fundamental concepts underpinning the need for involuntary commitments of individuals suffering from serious mental illness.

House Bill 29's proposed amendments to 53-21-126 and -127, combined with its failure to amend the legal definition of "mental disorder," will create a contradiction in law that does not currently exist. While House Bill 29 assumes that involuntary commitments to MSH will end for individuals suffering from Alzheimer's disease, dementia, or TBI, this legislation does nothing to ensure that result. On the one hand, it requires that the involuntary commitment of patients suffering from Alzheimer's, dementia, or TBI be dismissed. On the other hand, as Alzheimer's, dementia, and TBI can still be interpreted as "mental disorders," patients suffering from those disorders will still be subject to involuntary commitments. Further, House Bill 29 demands dismissal of these involuntary commitments and that discharges occur regardless of whether

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

that is truly in the best interests of these individuals, largely taking the courts and judicial discretion out of the equation.

Specifically, House Bill 29 demands that DPHHS transfer these individuals, whose commitment would have now been dismissed, to a community placement, which are either nonexistent or in very short supply throughout Montana. Also, once a commitment is dismissed, DPHHS has no authority over a previously involuntarily committed individual. Thus, as approved by the Legislature, DPHHS may not be authorized to transfer patients to community facilities, but rather be required to discharge patients without provision for their care. This framework, as proposed, could result in cyclical admissions to homeless shelters, hospital emergency rooms, MSH, or other state-run health care facilities, which is not in the best interest of the individuals contemplated by House Bill 29 and seems to run counter to the Legislature's intent.

Finally, House Bill 29 establishes an unnecessary and duplicative subcommittee tasked with reviewing efforts by DPHHS to transfer these patients to community-based treatment services and facilities, as well as with identifying and reviewing practices and efforts undertaken in other states to reduce the involuntary commitments of Alzheimer's, dementia, and TBI patients. The activities of DPHHS are already overseen by several legislative committees, both standing and interim, and the department is committed to keeping the Legislature apprised of its ongoing efforts to ensure that civilly committed patients are being served in the most clinically appropriate care settings through these existing forums.

Therefore, I offer an amendment that corrects the bill's improper focus on "primary diagnosis," ensures a patient's needs and best interests are the focus of involuntary commitment proceedings, removes the unworkable timelines to transition patients to community-based settings given the current health care provider landscape while also allowing for continued care for this patient population, and eliminates a costly new subcommittee while ensuring appropriate legislative oversight and transparency of DPHHS operations.

House Bill 29 can be improved with vulnerable Montanans in mind, and I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte  
Governor

May 2, 2023

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

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

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

Dear President Ellsworth and Speaker Regier:

The State of Montana is committed to ensuring the safety and well-being of Montana's children, including those who are most vulnerable and at risk of abuse, neglect, and abandonment. All children have the right to grow and develop in safe and permanent family environments, and I recognize the importance of helping families stay together or reunite, when possible.

While I appreciate the Legislature's intent in House Bill 37 to prevent the wrongful removal of a child and support family preservation, this legislation as proposed would unnecessarily prolong a child's exposure to unsafe circumstances and limit the ability of the Montana Department of Public Health and Human Services (DPHHS) to intervene when appropriate and keep children safe.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 37: "AN ACT GENERALLY REVISING CHILD ABUSE AND NEGLECT LAWS; REQUIRING A WARRANT TO REMOVE A CHILD FROM THE CHILD'S HOME EXCEPT IN EXIGENT CIRCUMSTANCES; REVISING THE DEFINITIONS OF "CHILD ABUSE OR NEGLECT" AND "REASONABLE EFFORTS"; REVISING THE TIMEFRAME IN WHICH AN ABUSE AND NEGLECT PETITION MUST BE FILED WHEN A CHILD IS REMOVED; REVISING THE TIMEFRAME IN WHICH AN EMERGENCY PROTECTIVE SERVICES HEARING MUST BE HELD; REVISING THE REQUIREMENTS FOR DISMISSING AN ABUSE AND NEGLECT PETITION; AMENDING SECTIONS 41-3-101, 41-3-102, 41-3-301, 41-3-306, 41-3-423, 41-3-424, 41-3-425, AND 41-3-427, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

As approved by the Legislature, House Bill 37 would impose a warrant requirement for DPHHS to remove a child from their parents, unless the child is being sexually or physically abused. These terms have very narrow definitions in statute, which do not account for all types of immediate harm to children. Requiring a warrant in all but the very narrow circumstances currently specified in House Bill 37 would delay the removal process of a child from their home when DPHHS determines it is appropriate, potentially placing our child protection specialists in impossible situations and subjecting the children we aim to protect to immediate harm. The removal of children from homes is a last-resort option for DPHHS and, despite the Legislature's good intent, I cannot support legislation that ties the department's hands when a child's life may be at risk. The practical implications of House Bill 37 as currently proposed could be catastrophic.



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Additionally, House Bill 37 provides for dismissal of an abuse and neglect petition when a child as been returned to his or her parents and the court finds, after a hearing, that the child is safe in the home. While I applaud the goal of seeking to reunify children and their parents, it is inappropriate to dismiss abuse and neglect petitions until it is determined that the children can be safe in the home without needed supports and/or safety services provided by DPHHS.

Therefore, I offer an amendment that will protect Montana's children by modifying the warrant requirement to account for other forms of immediate harm to children, such as physical neglect and the unavailability of parents to parent. My amendment will also ensure there is sufficient time for DPHHS to work with its partners in the courts and county attorney's offices to develop the policies, procedures, and practices needed to effectively implement the warrant requirement. My amendment also ensures the safety of Montana's children by preventing premature dismissals of abuse and neglect cases.

House Bill 37 can be improved with vulnerable Montana children in mind, and I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte  
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



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

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 road projects for local jurisdictions. Instead, local jurisdictions use their local resources for critical local infrastructure needs.

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

May 4, 2023

The Honorable Matt Regier  
Speaker of the House

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Wednesday, May 3, 2023, I signed the following bills:

House Bill 32 - Gist  
House Bill 45 - Keenan  
House Bill 47 - Dooling  
House Bill 115 - Mercer  
House Bill 186 - Buckley  
House Bill 203 - Bedey  
House Bill 215 - Bedey  
House Bill 231 - Ler  
House Bill 242 - Buttrey  
House Bill 255 - Oblander  
House Bill 262 - Schillinger  
House Bill 274 - Kerns  
House Bill 296 - Seekins-Crowe  
House Bill 303 - A. Regier  
House Bill 309 - Brockman  
House Bill 367 - Mercer  
House Bill 422 - Falk  
House Bill 440 - Gunderson  
House Bill 443 – Seekins-Crowe  
House Bill 461 – Sheldon-Galloway  
House Bill 488 - Galloway  
House Bill 513 - Carlson  
House Bill 523 - Yakawich  
House Bill 529 - Brockman  
House Bill 535 - Mitchell  
House Bill 543 - J. Hinkle  
House Bill 575 - Sheldon-Galloway  
House Bill 583 - Barker  
House Bill 601 - Fern  
House Bill 625 - Seekins- Crowe  
House Bill 691 - Oblander  
House Bill 702 - Harvey  
House Bill 712 - Wirth  
House Bill 724 - Barker  
House Bill 750 - Anderson  
House Bill 800 - Yakawich  
House Bill 823 - Loge

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 5, 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:

The constitutional obligation of government to follow open meeting laws is widely known. This obligation for government transparency extends to all boards, from statewide to local. House Bill 33 was intended to put in place a mechanism for holding unelected board members accountable where they fail to comply with this, and other obligations, by authorizing county commissioners to compel compliance in court.

House Bill 33, however, carves out most, if not all, board members from its scope. Instead, the measure subjects even elected officials-whom voters elected, who are beholden to the people, and who can be recalled by them-to removal from office by a judge should they fail to comply. While House Bill 33 is well-intended, I must veto it.

Therefore, 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 33:** "AN ACT AUTHORIZING COUNTY COMMISSIONERS TO INITIATE CIVIL PROCEEDINGS, HIRE OUTSIDE COUNSEL, AND RECOVER COSTS; PROVIDING FOR REMOVAL FROM OFFICE FOR VIOLATION OF A WRIT OF MANDAMUS; AND AMENDING SECTIONS 7-4-2110 AND 27-26-206, MCA."

Sincerely,

Greg Gianforte  
Governor

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

May 5, 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:

The constitutionally recognized Right to Know serves the critical function of ensuring transparency and accountability in government's official duties. And yet, like all constitutional rights, "the fundamental right to know is not absolute." *Nelson v. City of Billings*, 2018 MT 36, ¶ 31. In addition to the balance that must be necessarily struck between the Right to Know and other constitutional rights, such as the Right to Individual Privacy, *id.* at ¶ 19, the Montana Supreme Court has recognized key limitations to the application of the Right to Know, such as attorney-client privilege or work-product privilege. See *id.* at ¶ 20 (observing there are circumstances "in which the Right to Know does not apply: when 'necessary for the integrity of government.'"). Among them is when the Right to Know is used as a tool for private litigation interests. *Id.* at ¶ 31 ("the Right to Know is not a tool for private litigation interests") (citing *Friedel, LLC v. Lindeen*, 2017 MT 65).

Let's be clear: trial lawyers with well-funded clients are the only winners with House Bill 693, while Montanans, who can't afford big-money trial lawyers, lose. House Bill 693 encourages trial lawyers with deep pockets to abuse the Right to Know, giving them an unfair advantage.

House Bill 693 creates a new litigation tool for trial lawyers and their well-heeled clients - from large out-of-state corporations to well-funded, dark money special interest groups - to bombard the state and our courts with concurrent litigation, abusing Montanans' Right to Know guarantees for their singular advantage. With House Bill 693, trial lawyers have a taxpayer-funded incentive to seek the materials using two different tracks, all for their pocket-lining benefit. Ultimately, Montana taxpayers will foot the bill for trial lawyers' manipulation of our Right to Know with House Bill 693.

Let me present an example. A well-funded, out-of-state dark money special interest group files suit against a state agency, say the Montana Department of Natural Resources and Conservation (DNRC). Currently and appropriately, the special interest group would gather information through the discovery process, a well-established part of the litigation process managed through our courts.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

The discovery process is designed to be fair to both parties. In this example, the discovery process would help the special interest group's attorneys and the state's attorneys representing DNRC prepare for trial, getting the evidence they need and ensuring all parties have access to the same information before the case goes to trial.

If House Bill 693 were to become law, the discovery process would be undermined, and trial lawyers would misuse and abuse the Right to Know as a taxpayer-funded cudgel in litigation against the state, while also undermining and potentially circumventing the well-established discovery process.

Continuing the example from above, with House Bill 693, the special interest group's trial lawyers could go to discovery while also running a parallel, self-interested track by abusing the Right to Know. While going through the discovery process or even before they bring a case against DNRC, the trial lawyers could submit to DNRC a broad, sweeping public records request, wasting taxpayer resources and consuming staff time. The trial lawyers' abuse of our Right to Know provides them with a tool they don't currently have, a tool outside of the discovery process, to mine DNRC for extra information, likely outside the scope of the discovery process.

There may be a misconception that House Bill 693 protects and enhances the public's Right to Know. House Bill 693 is not about preserving our constitutionally guaranteed and protected Right to Know. Serving to benefit trial lawyers looking to maximize their payouts, House Bill 693 is about giving them a windfall and an unfair advantage, all at taxpayers' expense.

Ultimately, House Bill 693 is an abuse of the Right to Know, and it serves only as a boon for trial lawyers' private litigation interests, giving them two bites at the apple that most Montanans couldn't afford.

I therefore, 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 693: "AN ACT CLARIFYING REQUIREMENTS FOR PUBLIC AGENCIES REGARDING PUBLIC INFORMATION THAT IS OR MAY BE PART OF LITIGATION; PROHIBITING AN AGENCY FROM REFUSING TO DISCLOSE PUBLIC INFORMATION SOLELY BECAUSE THE INFORMATION IS OR MAY BE PART OF LITIGATION; AND AMENDING SECTION 2-6-1003, MCA."**

Sincerely,

Greg Gianforte  
Governor

May 5, 2023

The Honorable Jason Ellsworth  
President of the Senate

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

State Capitol  
Helena, MT 59620

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

Dear President Ellsworth and Speaker Regier:

Like you and members of the Legislature, I am committed to increasing Montanans' access to affordable, attainable housing, including through zoning reform. Zoning regulations constrict housing supply and make affordable housing less accessible for Montanans. I thank the Legislature for advancing several bills to my desk to remove these roadblocks to homeownership.

House Bill 748, however, inserts vagueness, uncertainty, and unpredictability into the land use planning regulatory process.

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 748**: "AN ACT REVISING LAWS FOR COUNTY AND MUNICIPAL ZONING PURPOSES TO ALLOW FOR SEPARATION OF INCOMPATIBLE USES OF PROPERTY; AND AMENDING SECTIONS 761-106, 76-2-201, 76-2-206, AND 76-2-301, MCA."

The legal foundation to regulate land use is based on the powers reserved to states under the Tenth Amendment of the U.S. Constitution. Most states, including Montana, have delegated authority to regulate land use to local governments.

In the landmark decision of *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), the U.S. Supreme Court famously ruled that land use laws enacted by local governments are a constitutional exercise of authority if such laws promote the "public health, safety, morals, or general welfare" of its citizens.

In 1934, the Montana Supreme Court adopted the *Euclid* analysis, ruling that a zoning ordinance enacted by a local government is constitutional if the regulation has a substantial bearing upon "the public health, safety, morals or general welfare of the community." *Freeman v. Board of Adjustment*, 97 Mont. 342.

The precept of "public health, safety, morals or general welfare" has been faithfully applied by Montana and federal courts for decades in determining the constitutionality of local land use regulations. An important body of case law has developed defining each of these terms and providing a predictable and consistent standard that local governments consider when adopting land use ordinances. Many cities throughout Montana have incorporated the "public health,

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

safety, morals or general welfare" standard in their land use regulations, such as Billings Code Sec. 27- 1623 and Great Falls Code 17.16.29.050.

House Bill 748 deviates from the long-standing and well-developed principles of "public health, safety, morals and general welfare" and replaces "morals" with the new standard of "separation of incompatible uses of property," inserting vagueness, uncertainty, and unpredictability into the land use planning regulatory process.

For these reasons, I veto House Bill 748.

Sincerely,

Greg Gianforte  
Governor

May 10, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Monday, May 8, 2023, I signed the following bills:

House Bill 234 - Phalen  
House Bill 971 - Kassmier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 11, 2023

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



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

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

Dear President Ellsworth and Speaker Regier:

We share a commitment to ensuring mental health patients across Montana receive high-quality care in the most clinically appropriate setting to meet their needs, including patients at the Montana State Hospital (MSH). I am proud to have worked alongside you and other members of the Legislature to improve and expand the options available to Montanans who need mental health services, including individuals suffering from Alzheimer's disease, dementia, and traumatic brain injury (TBI). The Department of Public Health and Human Services (DPHHS) has dedicated, and continues to dedicate, significant time and effort to realizing the intent of House Bill 29, to improve the care provided to this patient population, independent of the proposed legislation. However, as I emphasized to the Legislature in my amendatory veto letter, and as DPHHS has repeatedly warned over the course of the last 18 months, House Bill 29 fails to offer a realistic mechanism for compliance and to transition these patients who are currently committed to MSH's care to community-based treatment services and facilities.

I am disappointed that the Legislature failed to listen to DPHHS's continual warnings during the past interim period and the entire 68<sup>th</sup> legislative session that House Bill 29 does not provide a practical, legal framework for protecting the best interests of this patient population, some of Montana's most vulnerable individuals, while ensuring that they receive care in the most clinically appropriate care setting available to them. I'm also disappointed that the Legislature failed to consider my proposed amendments to House Bill 29, which would have preserved the legislation's intent and complemented ongoing work at DPHHS to ensure that civilly committed patients are being served in the most clinically appropriate care setting.

Without amendments, House Bill 29 is legally inadequate, charges those responsible for administering the civil commitment system with confusing and inconsistent obligations, and falls short of establishing an effective, lawful mechanism to ensure that such patients are served in the most clinically appropriate care setting in accordance with their best interests and best practice. Such flaws, including the near elimination of judicial discretion in related civil commitment cases, could require MSH to discharge some of the most vulnerable Montanans without guarantee that another available, clinically appropriate placement exists for them. This is irresponsible, inappropriate, and inhumane. To protect these patients and ensure DPHHS retains the authority to care for them when no one else will, I must veto House Bill 29.

Therefore, 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 29: "AN ACT GENERALLY REVISING LAWS REGARDING THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE, OTHER FORMS OF DEMENTIA, OR TRAUMATIC BRAIN INJURY;**

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

ENDING INVOLUNTARY COMMITMENT OF THE INDIVIDUALS AFTER JUNE 30, 2025, WHEN ONLY CERTAIN COMMITMENT CRITERIA ARE MET; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO TRANSITION MONTANA STATE HOSPITAL PATIENTS WITH THOSE DIAGNOSES TO COMMUNITY SERVICES; ESTABLISHING A TEMPORARY TRANSITION REVIEW COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-21-126, 53-21-127, 53-21- 401, AND 53-21-402, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

Sincerely,

Greg Gianforte  
Governor

May 11, 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:

The State of Montana is committed to ensuring the safety and well-being of Montana's children, including those who are most vulnerable and at risk of abuse, neglect, or abandonment.

Sadly, the largely untested warrant requirement in House Bill 37, with its far too narrow exceptions, fails to protect Montana children by delaying the removal of a child from their home when Department of Public Health and Human Services (DPHHS) officials determine it is necessary and appropriate, potentially subjecting the children we aim to protect to immediate harm. Other House Bill 37 reforms are included in legislation that my Administration has supported, has passed the Legislature, and does not contain provisions that interfere with DPHHS's ability to protect vulnerable children who are at risk in their homes. Let me be clear: while I am open to testing new and innovative public policy in Montana, we must not experiment with the well-being or lives of children in need of protection. House Bill 37 is undoubtedly a step too far.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

As I stated previously to the Legislature, the removal of children from homes should be, and is, a last-resort option for DPHHS. But I cannot support legislation that ties the department's hands in exigent circumstances when a child's life may be at risk and immediate removal is needed but not permitted under House Bill 37 without a warrant, such as situations of physical neglect or when no parent, guardian, or responsible adult designated by the parent or guardian is available to care for the child.

Put simply, House Bill 37, without the reasonable amendments that DPHHS and other child welfare stakeholders have sought for nearly two years over the course of its development, unconscionably places the lives of vulnerable children on the line. I am deeply disappointed that the Legislature failed to consider those amendments, which I also proposed and which would have preserved the intent of the bill while improving it by modifying the warrant require merit to ensure the safety of some of Montana's most vulnerable children, as well as providing DPHHS with sufficient time to work with its judicial and law enforcement partners to develop the policies and procedures necessary to implement the new warrant requirement. As evidenced by its countless interactions with the Legislature, including support of many other bills that reform the policies and procedures of its Child and Family Services Division, DPHHS is open to challenging the status quo and stands ready to improve Montana's child welfare system.

However, without amendments, the practical implications of House Bill 37 could be catastrophic and cause tremendous harm to Montana's children.

Therefore, 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 37: "AN ACT GENERALLY REVISING CHILD ABUSE AND NEGLECT LAWS; REQUIRING AW ARRANT TO REMOVE A CHILD FROM THE CHILD'S HOME EXCEPT IN EXIGENT CIRCUMSTANCES; REVISING THE DEFINITIONS OF "CHILD ABUSE OR NEGLECT" AND "REASONABLE EFFORTS"; REVISING THE TIMEFRAME IN WHICH AN ABUSE AND NEGLECT PETITION MUST BE FILED WHEN A CHILD IS REMOVED; REVISING THE TIMEFRAME IN WHICH AN EMERGENCY PROTECTIVE SERVICES HEARING MUST BE HELD; REVISING THE REQUIREMENTS FOR DISMISSING AN ABUSE AND NEGLECT PETITION; AMENDING SECTIONS 41-3-101, 41-3-102, 41-3-301, 41-3-306, 41-3-423, 41-3-424, 41-3-425, AND 41-3- 427, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

Sincerely,

Greg Gianforte  
Governor

May 11, 2023

The Honorable Jason Ellsworth

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

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:

We have a shared desire to ensure Montana's ambulance service providers are equipped to provide patients across the state with life-saving medical care. I understand the importance of the financial stability of our ambulance providers, but as I mentioned to the Legislature in my amendatory veto letter for House Bill 828, I have grave concerns that this legislation fails to provide a mechanism for determining whether a new tax on ambulance providers will have its intended effect as envisioned by the Legislature.

I appreciate that the House of Representatives approved my proposed amendments to House Bill 828 to ensure that the Department of Public Health and Human Services (DPHHS) would have sufficient time to gather the data and conduct a proper analysis to determine the impact of the bill's new tax on ambulance providers prior to implementation, especially considering that no covered ambulance provider could opt out of the program pursuant to U.S. Centers for Medicare & Medicaid Services (CMS) regulations. While the House agreed that House Bill 828 needed to be amended, I am disappointed the Senate did not consider or adopt my amendments.

Unfortunately, the bill has been returned to me without amendments, leaving House Bill 828 unworkable. House Bill 828 does not provide sufficient time for DPHHS to gather data and conduct a proper analysis to determine the impact of the bill's new tax on ambulance providers and whether the Medicaid supplemental payment program for ambulance providers will have the impact intended by the Legislature. Without consistent and meaningful data regarding the effects of the tax on all ambulance providers, which DPHHS has rightfully requested from involved parties since 2022 but not received, DPHHS cannot be certain that struggling providers will not be further harmed by the arrangement. Additional time beyond the deadline provided in House Bill 828 may also be needed to gather the data for and obtain CMS approval of the application for the needed State Plan Amendment.

Furthermore, the provision in House Bill 828 on the use of new federal revenues generated from the tax for administrative purposes is inconsistent with federal limitations on the use of such federal funds. Codifying this error is inappropriate and could prove problematic for DPHHS.

Finally, as DPHHS repeatedly advised the Legislature and stakeholders, the public assurances that a provider association or other entity(ies) will "make whole" any provider which would pay more tax than it would receive in supplemental payments is inconsistent with clear guidance from CMS on federal requirements that "hold harmless" provisions, whether direct or indirect and

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

explicit or implicit (including where a provider-affiliated organization provides the "hold harmless" payments), are impermissible and will not be allowed by CMS. See Health Care- Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments, CMS, CMCS Informational Bulletin, Feb. 17, 2023, available at Health Care related Taxes (medicaid.gov). Taking such assurances out of the equation, DPHHS has been left with no concrete information or data that would reasonably suggest all ambulance providers will benefit from the tax and associated supplemental payment program.

Therefore, 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 828:** "AN ACT ESTABLISHING AN AMBULANCE PROVIDER ASSESSMENT FEE; ESTABLISHING PROCEDURES FOR COLLECTING AND DISTRIBUTING THE FEE; ALLOWING AUDITING OF AMBULANCE PROVIDER REPORTS AND PAYMENTS; ALLOWING FOR PENALTIES AND INTEREST; REQUIRING REVENUES GENERATED BY THE FEE TO BE USED FOR SUPPLEMENTING AMBULANCE PROVIDER MEDICAID PAYMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A CONTINGENT TERMINATION DATE."

While I share the goal of maintaining and improving Montanans' access to critical life-saving services, it is not clear that House Bill 828 will achieve that goal, consistent with federal requirements, and may in fact have the opposite effect of putting the financial security of our rural providers in jeopardy.

During the interim, I encourage ambulance providers and other stakeholders to continue working with DPHHS to determine with certainty whether this provider tax and supplemental payment program are right for Montana.

Sincerely,

Greg Gianforte  
Governor

May 11, 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 59602

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Dear President Ellsworth and Speaker Regier:

We share a commitment to improving conditions and services at the Montana State Hospital (MSH) and to resolving the extraordinary problems at our state-run health care facilities caused by decades of past administrations sweeping issues under the rug and kicking cans down the road. Based on our ongoing, strenuous reform work, it should be clear that the neglect of our facilities and their patients that was tolerated by the previous administration and others is no longer acceptable to my team and me.

As evidenced by our candid interactions with the Legislature, my administration is willing to bring challenges to the forefront and have tough conversations about how our facilities can be improved for future generations. For that matter, we are also unwavering in our efforts to increase transparency and accountability at MSH. I am proud to have worked alongside you to propose and support historic investments that do just that, as well as improve conditions and services at MSH, to ensure that vulnerable Montanans receive the most clinically appropriate, safest, and highest quality care possible from the Department of Public Health and Human Services. And we appreciate the work of advocates who are dedicated to achieving the same goals. However, Senate Bill 4 is legally insufficient, deeply flawed, and fails to protect Montanans' constitutionally protected rights to privacy.

I am disappointed that the Legislature failed to consider my proposed amendments to Senate Bill 4, which would have strengthened the bill and improved the potential for compliance by inserting the correct federal citation, streamlining and enhancing reporting requirements, and protecting Montanans' privacy rights that are guaranteed by the Montana Constitution and federal law. I am convinced that my proposed amendments would have been the best way to resolve the problems presented by the version of Senate Bill 4 approved by the Legislature. Without such amendments, Senate Bill 4 is legally insufficient, promotes the sharing of inconsistent information, and fails to protect Montanans' constitutionally protected rights to privacy.

Therefore, 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 4: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE REPORTS OF ALLEGED ABUSE AND NEGLECT AT THE MONTANA STATE HOSPITAL TO THE STATE PROTECTION AND ADVOCACY PROGRAM; AMENDING SECTIONS 53-21-107, 53-21-166, AND 53-21-169, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

Sincerely,

Greg Gianforte  
Governor

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

May 11, 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 59602

Dear President Ellsworth and Speaker Regier:

It is the established policy of the State of Montana to protect the quality and potability of water and domestic uses. See MCA 76-4-101. Furthermore, a central purpose of subdivision review is to ensure that the development of individual lots does not negatively impact the development of others. Private property protections are found throughout the Montana Code as well as in the State Constitution. Montana takes private property rights seriously.

In furtherance of these policy goals, current law directs the Montana Department of Environmental Quality (DEQ) to ensure that well isolation zones and drainfield mixing zones do not interfere with the purposes of the other. Well isolation zones protect the quality of the water produced by wells, and drainfield mixing zones are identified and located for the same purpose. Placing a well in a drainfield mixing zone would unreasonably increase the risk of contamination.

Senate Bill 275 would allow previously approved drainfield mixing zones and well isolation zones to encroach on proposed neighboring subdivision lots without the knowledge or consent of the neighboring property owner. This is an unacceptable restriction on the development of private property.

I will always seek to remove unnecessary regulatory burdens from permitting processes. The Red Tape Relief Task Force, which I established and which Lieutenant Governor Juras leads, and its resulting efforts during the 2023 legislative session speak to my commitment to making government more customer friendly and effective.

In fact, during consideration of Senate Bill 275, DEQ proposed amendments to the bill that would have allowed additional flexibility regarding the location of well isolation and drainfield



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

mixing zones in the subdivision review process. Unfortunately, these proposed amendments were rejected.

As passed, Senate Bill 275 removes some essential protections for domestic water quality and the development of one's private property.

For these reasons, 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 275: "AN ACT REVISING THE SANITATION IN SUBDIVISIONS ACT; REVISING THE DEFINITIONS OF PROPOSED DRAINFIELD MIXING ZONE AND PROPOSED WELL ISOLATION ZONE; AND AMENDING SECTION 76-4-102, MCA."**

Sincerely,

Greg Gianforte  
Governor

May 11, 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 59602

Dear President Ellsworth and Speaker Regier:

Like you and members of the Legislature, I agree that local government land use regulations need to be predictably and consistently enforced, including regulations issued under the Lakeshore Protection Act. The interpretation of such regulations should not change with a personnel change and there should be a reasonable statute of limitations outside of which local governments may not challenge structures or other improvements built pursuant to a properly issued permit.

Senate Bill 301, however, does not effectively address these concerns. It creates one set of rules for "grandfathered" properties while creating an entirely different set of rules for

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

lakeshore structures built after January 1, 2023. Government should not create different sets of rules for different classes of landowners.

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 301: "AN ACT REVISING LAWS RELATING TO REAL PROPERTY AND REGULATIONS; PROVIDING THAT CERTAIN CONSTRUCTION IS GRANDFATHERED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RESTROACTIVE APPLICABILITY DATE."**

Senate Bill 301 generally prohibits local governments from initiating actions to ensure that docks, retaining walls, roads, and other lakeshore structures constructed prior to January 1, 2023, comply with lakeshore regulations and with any permits issued under the Lakeshore Protection Act. This is an arbitrary date that prohibits, for example, a local government from inspecting a structure built as recently as October 2022 - imposing an unreasonable time restriction on local governments. It is also arbitrary in that it protects structures built prior to January 1, 2023, but fails to provide any limitations on enforcement actions for new structures constructed after January 1, 2023.

Although Senate Bill 301 provides an exception allowing local governments to initiate enforcement actions relating to pre-January 1, 2023 structures "that were constructed illegally and cause material harm to lakeshore stability, water quality, or aquatic life," the exception is too narrow in that it fails to incorporate all of the factors required to be considered under 75-7-208, MCA in issuing a permit, including interference with navigation or lawful recreation, diminishment of fish or wildlife habitat, creation of public nuisances, and creation of discordant visual impacts with natural scenic values.

Finally, Senate Bill 301 exempts entirely from permitting "minor modifications" (defined as "less than \$10,000") to pre-January 1, 2023, structures. Again, this is arbitrary in that it provides exceptions to one class of landowners - those who built a lakeshore structure prior to January 1, 2023 - while denying the same exception to landowners who build a new lakeshore structure after January 1, 2023. It also creates a potential loophole through the construction of serial "minor modifications." And while activities that involve "significant excavation, dredging, or in-fill of material or otherwise significantly impacts water quality" may not be undertaken under the "minor modification" exception, activities that cause other negative impacts - such as diminishment of fish or wildlife habitat or interference with navigation or recreation - are not restricted.

For these reasons, I veto Senate Bill 301.

Sincerely,

Greg Gianforte

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Governor

May 11, 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:

Public service is a noble calling, and I thank you and members of the Legislature for your dedicated service to Montana. As has been the case since before our nation's founding, public service comes with personal sacrifice - long hours away from home, less time with family, and appropriately limited compensation. Those who enter public service, by design, are often motivated by a cause greater than themselves. As you and other members of the Legislature know, the sacrifice is real, but the work incredibly rewarding.

We are fortunate in the State of Montana to have a genuine citizen legislature. Montanans elect men and women to represent their communities at our State Capitol for 90 days every two years and to do legislative work as needed between sessions. Our part-time citizen legislature stands in contrast to those in other states like California where professional politicians are full-time legislators, at great cost to taxpayers. Our system keeps government close to the people, and it's part of what makes Montana special.

Public service is demanding, challenging, and rewarding, and I firmly believe a worker is due his or her wages. Periodically, public sector compensation should be appropriately adjusted to keep pace with the private sector, especially amid once-in-a-generation inflation. That's one reason I appreciate that the Legislature recognized the hard work of our dedicated state employees and passed House Bill 13. As you know, House Bill 13 provides state employees with a well-deserved pay increase - a \$1.50 per hour or 4% raise, whichever is greater - on July 1 each year of the upcoming biennium. This modest pay increase will help us retain highly qualified state employees and be more competitive with the private sector, where workers' wages have increased by 16.1% from 2020 to the third quarter of 2022.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

This brings me to what Senate Bill 485 proposes: a 74% pay increase for legislators. I firmly oppose legislators' efforts to use taxpayers' hard-earned dollars to fund themselves a 74% pay increase.

Estimated to cost Montana taxpayers nearly an additional \$2.6 million between 2025 and 2027, a 74% pay increase is inappropriate and excessive, and it would violate the trust Montanans place in us to be good stewards of their money. Furthermore, the Legislature increased legislators per diem compensation by nearly 30% in March through House Bill 28, at an increased cost to Montana taxpayers of nearly \$2.3 million through 2027.

As you may know, House Bill 13, which implemented the new state employee pay plan and which is detailed above, applies to legislators as well. Beginning the next regular session of the Montana Legislature in January 2025, legislators will earn an additional \$3 per hour, bringing their compensation for the regular legislative session to at least \$299.88 per day - \$128.88 for their salary and \$171 for their per diem compensation, which the Legislature increased this session from \$132.43 and which the Legislature could choose to adjust in 2025.

Therefore, 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 485: "AN ACT RAISING THE HOURLY RATE OF LEGISLATOR COMPENSATION; AMENDING SECTION 5-2-301, MCA; AND PROVIDING AN APPLICABILITY DATE."**

If legislators' pay is to be adjusted, it should be done prudently and in line with what Montanans, including our state employees, see with their paychecks. Better approaches exist than having legislators vote on their own pay, including ballot initiatives, by which legislators could take their pay raises to the people and let Montana voters approve or disapprove them.

Sincerely,

Greg Gianforte  
Governor

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

May 12, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Tuesday, May 9, 2023, I signed the following bills:

House Bill 567 - Caferro  
House Bill 635 - Kassmier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 12, 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:

When any Montanan is convicted and incarcerated for a crime he or she didn't commit, that individual deserves redress and compensation. The 2021 Legislature established an optional path for compensation through House Bill 92. The 2023 Legislature passed House Bill 423 continuing the optional wrongful conviction compensation program and clarifying several of its procedural aspects. On April 28, 2023, I submitted an amendatory veto to the Legislature to improve the bill. On May 5, 2023, the House approved my amendatory veto with 87 voting yes and 8 voting no. Unfortunately, the Senate motion to sine die passed on May 5 before the Senate had the opportunity to consider my amendatory veto, and for that reason the amendatory veto failed.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Historically, counties have been found liable for approximately 77% of the damages paid to persons wrongfully convicted, and the state has been found liable for approximately 23%. That is why current law allocates responsibility for 25% of the costs associated with the wrongful conviction compensation program to the state and 75% to counties. House Bill 423 eliminates the counties' responsibility for its share of costs under the program and places 100% of the responsibility on state taxpayers.

If a county's conduct leads to a wrongful conviction, it is appropriate for the county to accept responsibility for its actions and pay its share of damages. Shifting 100% of the responsibility of the cost of the optional wrongful conviction program to state taxpayers is a disincentive for counties to ensure proper training and implement other measures that prevent conduct leading to wrongful convictions.

Therefore, 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 423:** "AN ACT GENERALLY REVISING EXONEREE COMPENSATION LAWS; MAKING THE COMPENSATION PROCESS PERMANENT; REVISING WHAT INFORMATION MUST ACCOMPANY A CLAIM FOR COMPENSATION; REVISING WHEN A CLAIMANT CONVICTED PRIOR TO JULY 2021 MAY FILE A CLAIM; LIMITING WHEN A PROFFER OF ACTUAL INNOCENCE MAY BE REQUIRED; REMOVING A PARDON AS AN ACT THAT CAN BE USED TO ESTABLISH A CLAIM FOR COMPENSATION; REVISING WHEN A TRANSITION ASSISTANCE GRANT MUST BE PAID; ELIMINATING COUNTY OF CONVICTION AS A PARTY TO A CLAIM; PROVIDING FOR A TRANSFER OF FUNDS TO THE EXONEREE COMPENSATION FUND; MAKING THE STATUTORY APPROPRIATION OF THE EXONEREE COMPENSATION FUND PERMANENT; AMENDING SECTIONS 46-32-101, 46-32-102, 46-32-103, 46-32-104, AND 46-32-108, MCA; REPEALING SECTION 15, CHAPTER 574, LAWS OF 2021; AND PROVIDING EFFECTIVE DATES."

The 2021 Legislature has previously appropriated funds to cover any pending claims filed under the wrongful conviction program.

Sincerely,

Greg Gianforte  
Governor

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

May 15, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Monday, May 15, 2023, I signed the following bill:

House Bill 544 - Gillette

The bill has been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 16, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Tuesday, May 2, 2023, the following bills went into law without my signature:

House Bill 110 – Mercer  
House Bill 306 – Mitchell  
House Bill 400 - Mercer

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

May 16, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Tuesday, May 16, 2023, I signed the following bills:

House Bill 225 - Sprunger  
House Bill 721 - M. Regier  
House Bill 862 - Hopkins  
House Bill 937 - Sheldon-Galloway

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 16, 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:

House Bill 797 requires the Office of Budget and Program Planning (OBPP) to submit an annual report of the financial and non-cash assistance state agencies provide directly or indirectly to tribal governments, including federal funds provided through a state agency to carry out a program. The bill requires a level of reporting to tribal governments that goes far beyond reporting to, for example, local governments in Montana. This alone is reason enough to prevent the bill from

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

becoming law. But, more fundamentally, the bill relies upon imprecise, loosely defined terms that would make it exceedingly difficult for OBPP to properly fulfill the reporting mandate in the bill.

House Bill 797 provides an extremely broad definition of "financial assistance," in particular leaving what constitutes "noncash" assistance open to interpretation. Montana's state agencies interact and collaborate with tribal governments in various ways, including support services, technical assistance, and training. These interactions are an essential part of daily state government functions. Because the bill fails to precisely define noncash assistance, it is unclear whether these routine state agency interactions with tribal entities would trigger reporting under House Bill 797.

Moreover, the reporting deadline of August 15 is completely unrealistic -- final reports for the June 30 fiscal year are not completed or available until late July. The bill requires the tracking of state funds that go to third parties who implement services or projects to assist tribal entities.

With the tight deadline included in the bill, it will be very difficult to ascertain and report the required data accurately, including subrecipient information, noncash assistance, entitlement programs operated by a tribal entity to benefit individual members, and the distribution of agency administrative costs and other statewide costs per tribal entity.

This bill could potentially open the various tribes to vulnerability in terms of how their governments operate. As we conduct government-to-government relationships with the tribes, we respect their sovereignty, and House Bill 797 could put those relationships at risk.

The report also would be duplicative and unnecessary. The governor's office currently produces a comprehensive annual report of state-tribal activities that is due on September 15. This report more than adequately addresses the transparency requirements outlined in MCA§ 2-15-143. In addition, the tribes know, should they request additional information, the director of the Office of Indian Affairs would make every effort to fulfill any requests.

Lastly, House Bill 797's burdensome reporting requirement, which would require hundreds of hours of work in each agency, along with its imprecise guidance, is in direct opposition to our administration's Red Tape Relief Initiative (see Executive Order No. 1-2021), and it is unwise policy for the state.

For these reasons, and in accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, **I hereby veto House Bill 797:** "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, THE LEGISLATIVE FINANCE COMMITTEE, AND THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; REQUIRING THE REPORT COMPILED BY THE OFFICE OF

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

BUDGET AND PROGRAM PLANNING TO BE POSTED ON THE WEBSITE OF THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Sincerely,

Greg Gianforte  
Governor

May 16, 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:

Like you and members of the Legislature, I am committed to increasing Montanans' access to affordable, attainable housing, including measures that ensure the availability of mobile home rental lots for owners of mobile homes. House Bill 889, however, unduly increases regulation of mobile home parks, disincentivizes landlords from maintaining or increasing the inventory of mobile home rental lots, and, in general, compromises the property rights of mobile home park owners.

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 889**: "AN ACT GENERALLY REVISING THE MONTANA RESIDENTIAL MOBILE HOME LOT RENTAL ACT; PROVIDING ADDITIONAL RENTAL AGREEMENT TERMS; LIMITING A LANDLORD'S ABILITY TO INTERFERE WITH THE SALE OF A MOBILE HOME; PROVIDING ADDITIONAL PROTECTIONS TO A RESIDENT ASSOCIATION; PROVIDING ADDITIONAL ACTIONS DEEMED RETALIATORY BY A LANDLORD; REVISING REASONS FOR AND THE PROCESS OF A LAWFUL TERMINATION OF A RENTAL AGREEMENT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 70-33-103, 70-33-201, 70-33-305, 70-33-314, 70-33-431, AND 70-33-433, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

As currently enacted, the Montana Residential Mobile Home Lot Rental Act sets forth the responsibilities of landlords and mobile home tenants, providing a balance between responsibilities and duties of landlords and mobile home owners.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 889 alters that balance and imposes numerous additional regulations on landlords that will deter investment in new or expanded mobile home parks. For example, House Bill 889 prohibits landlords from the long-standing and currently lawful practice of considering the age of a mobile home in determining whether to allow a transfer of a lease to a new buyer to whom an existing tenant has sold the mobile home. If a landlord and tenant do not specifically agree upon a term of lease, House Bill 889 provides for a one-year lease instead of the current month-to-month lease and imposes extended notice periods before being able to terminate or modify longer leases without imposing similar notice requirements on tenants.

House Bill 889 unreasonably limits a landlord's ability to change the use of a mobile park by imposing a moratorium on termination of existing leases for a period of at least 12 months after receiving local government approval of a proposed change of use. This provision encumbers the property rights of the landlord and his or her ability to use the land as he or she sees fits within the rule of law.

And although the Montana Board of Housing has no oversight authority over mobile home parks, House Bill 889 unnecessarily inserts the Board by requiring landlords to notify the Board at least one year in advance of any proposed change of use. For these reasons, I veto House Bill 889.

Sincerely,

Greg Gianforte  
Governor

May 16, 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:

The family is the cornerstone of a free society. For this reason, the United States Supreme Court has long understood the United States Constitution to zealously protect the fundamental right to parent. When families are strong, our communities are strong, and there is less need for government.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Conversely, isolating individuals from their families weakens families and communities and diminishes freedom. Undermining families, including isolating children from their parents, is a tool of a totalitarian government to control its citizens and destroy trust in anything other than the totalitarian regime. The systemic and systematic effort to dismantle the family to advance the state was a central tenet of Mao Zedong's Cultural Revolution in 1960s and 1970s Communist China.

Parental rights are at their most critical when difficult decisions affecting the trajectory of the lives of their children are at issue. The decision to take the life of an unborn family member, to the extent deemed lawful by the Montana Supreme Court, should never be placed solely on the shoulders of a minor who is herself a child. This is the fundamental role of parents-to lend experience, love, support, and direction to their children so they arrive at adulthood armed for success with the tools to thrive. Montana law currently protects this role by requiring parental consent for a minor to secure an abortion.

House Bill 968 diminishes this vital role in two ways. First, it lowers the age of a minor from 18 to 16. House Bill 968 allows a 16-year-old adolescent to face the heavy decision of whether to end the life of her unborn baby alone, in isolation from her family, further fostering her perception that an abortion is necessary because no support exists.

Second, House Bill 968 reduces parents' involvement in the decision from that of consent to so-called "consultation." House Bill 968 allows an abortion specialist to be substituted for the parent, to speak with equal, if not greater influence, to a minor for her consent-the only consent required under House Bill 968. And it allows abortion specialists, who have no ongoing obligation to the lifelong welfare or success of their patients-indeed, they likely only came to know and will only know their patients because of her pregnancy-to interject themselves into a family decision and further isolate the minor from her parents.

But a medical professional, no matter how well intending, is no substitute for a parent. And as Montana Supreme Court learned in *Espinoza v. Dept of Revenue*, whatever state constitutional rights may or may not exist, they must and always will yield to individual constitutional rights established under the federal constitution. Parental rights supersede whatever abortion rights exist in this state.

And so, 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 968:** "AN ACT PROVIDING FOR PARENTAL CONSULTATION REGARDING A MINOR'S ABORTION; REVISING DEFINITIONS; REVISING CONSENT REQUIREMENTS; REVISING IDENTIFICATION REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 47-1-104, 50-20-501, 50-20-502, 50-20-503, 50-20-504, 50-20-505, AND 50-20-506, MCA; AND PROVIDING AN EFFECTIVE DATE."

Standing with you and other pro-life legislators, we have advanced the cause of life since 2021, through both administrative action and through legislative victories. We will continue to advance

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

the cause of life, but House Bill 968 runs directly counter to it. I look forward to building on our progress to protect and defend the most vulnerable among us: unborn babies.

Sincerely,

Greg Gianforte  
Governor

May 17, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Wednesday, May 17, 2023, I signed the following bill:

House Bill 218 – L. Smith

The bill has been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 17, 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:

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Last October, two radical anti-hunting groups filed suit against the State of Montana, requesting an immediate halt to the ongoing wolf hunting and trapping season. Soon after, the judge granted a temporary restraining order directing the Montana Department of Fish, Wildlife and Parks to return 2020 wolf regulations and restrictions. While the same judge eventually rejected the arguments brought by the plaintiffs a few weeks later, Montana hunters and trappers suffered significant harm while the temporary restraining order was in place. While I agree the issuance of the temporary restraining order in that case was improper, House Bill 419 fails to address the root cause of this problem and could face serious implementation challenges.

House Bill 419 would require any plaintiff seeking an injunction or restraining order that would diminish hunting or trapping opportunities to post a bond of "the greater of \$50,000 or a reasonable estimation of the aggregate losses to all persons whose opportunities are diminished by the injunction or restraining order." This would require the plaintiff to perform the almost impossible task of calculating these losses across the entire state. There is no consistent and objective methodology to measure these costs. Furthermore, the determination of what is a "reasonable estimation" of these potential losses would be left to the discretion of the judge and may not meet the expectations of supporters and the sponsor of the bill as provided during legislative hearings and debate. In short, House Bill 419 creates an uncertain process which could result in significant delays and may not ultimately serve its intended purpose.

In addition, House Bill 419 sets the precedent that only the well-financed can immediately or preliminarily stop the state to vindicate their constitutional rights. An overreaching state government is why most constitutional protections exist, and yet House Bill 419 suggests that the state cannot be stopped from violating such rights-even in the name of protecting other rights for less than \$50,000. If this is acceptable in the hunting context, why would it not be acceptable when vindicating religious liberty violations, free speech violations, or Second Amendment violations? House Bill 419 opens the door for future mandatory bond requirements, to the detriment of the freedom of Montanans.

I share the concerns of the bill sponsor regarding the litigious efforts of these anti-hunting groups. I applaud the bill sponsor for his commitment to defending Montana's hunting and trapping heritage. It is a commitment that I share. This shared commitment is reflected in my support of Senate Bill 191. This piece of legislation, also supported by the sponsor of House Bill 419, is directed at reining in the same excessive use of injunctions and temporary restraining orders as was suffered by the hunting and trapping community last year.

Senate Bill 191 provides a more comprehensive solution to the problem of unnecessary and arbitrary injunctions across all subject matter areas by addressing the root cause of this problem: excessive judicial discretion in issuing restraining orders and injunctions. House Bill 419, while well-intentioned, does not get at the root cause of this government-wide problem and could create additional procedural headaches if signed and implemented.

For these reasons, 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 419:** "AN ACT REVISING LAWS

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

RELATED TO SECURITY FOR DAMAGES WHEN AN INJUNCTION OR RESTRAINING ORDER IS GRANTED; REQUIRING A JUDGE TO COLLECT SECURITIES FOR INJUNCTIONS OR RESTRAINING ORDERS THAT DIMINISH THE PROTECTIONS PROVIDED IN ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION TO HARVEST WILD FISH AND WILD GAME ANIMALS; AMENDING SECTIONS 27-19-306 AND 87-1-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Sincerely,

Greg Gianforte  
Governor

May 17, 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:

Under federal law, Congress has historically exercised criminal jurisdiction within the boundaries of tribal reservations. In 1953, Congress enacted PL-280, which granted Montana and other states the option to exercise criminal jurisdiction within tribal reservations.

In 1963, at the request of the Confederated Salish and Kootenai Tribes (CSKT), the Montana Legislature adopted House Bill 55 setting forth procedures by which the state could assume criminal jurisdiction within Montana's tribal reservations. In 1964, CSKT -- joined by Lake, Flathead, Missoula and Sanders Counties -- consented to the extension of state criminal jurisdiction within the Flathead Reservation in an effort to reduce crime and improve law enforcement.

Pursuant to this request, on October 8, 1965, Governor Babcock issued a proclamation extending state criminal jurisdiction within the Flathead Reservation.

When the Montana Legislature adopted House Bill 55 in 1963 and when the 1965 proclamation was issued, it was clearly understood that the cost of exercising state criminal jurisdiction within a PL-280 reservation would be borne by the counties in the same manner as all counties bear



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

responsibility for exercising state criminal jurisdiction. When Lake County consented to the implementation of PL-280 in 1965, it agreed to bear the corresponding costs for the benefit of its residents, both tribal and non-tribal. For more than 50 years, Lake County never received or expected contributions from the state toward the PL-280 costs, other than the standard cost-sharing and services provided by the state to all counties for their enforcement of state laws.

In 1965, Lake County willingly took on the responsibility, and received the benefits, of implementing PL-280. On several occasions over the past 50 years Lake County adamantly opposed retroceding any criminal jurisdiction back to CSKT - without registering any complaints about the costs of enforcing PL-280. In 1991, Lake County successfully opposed House Bill 797 retroceding all criminal jurisdiction to CSKT. In 1993, Lake County unsuccessfully opposed Senate Bill 368 retroceding misdemeanor criminal jurisdiction to CSKT. Since the enactment of Senate Bill 368 in 1993, CSKT has exercised jurisdiction over misdemeanors while Lake County exercises jurisdiction over felonies.

By all accounts, the implementation of PL-280 on the Flathead Reservation has been a model of success. For more than 50 years, Lake County has advocated for and supported the jurisdiction granted to it under PL-280 to prosecute crimes committed by tribal members and has willingly accepted the corresponding financial responsibilities. In the past few years, Lake County has inexplicably changed course, asserting that the State should be responsible for all costs associated with the implementation of PL-280 - while the county retains full control. Lake County wants all the benefits of exercising jurisdiction under PL-280 while shifting all financial responsibility to the state.

In passing House Bill 479, the Legislature has failed to address the underlying issue of financial responsibility for the implementation of PL-280, stating instead empty aspirational hopes without a guarantee of a future resolution. House Bill 479 grants \$5 million to Lake County without any conditions or requirements - not even a requirement to apply the funds to PL-280 costs or to provide an accounting for the expenditure of the funds. House Bill 479 simply kicks the can down the road, creating a slippery slope at the end of which we can expect another request for funding in 2025 from Lake County - and any other counties experiencing financial pressures in enforcing state criminal jurisdiction within their boundaries.

For these reasons, 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 479:** "AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF JUSTICE TO PROVIDE MONEY TO LAKE COUNTY TO OFFSET COSTS IN THE BIENNIUM FOR LAW ENFORCEMENT ACTIVITIES ON THE FLATHEAD RESERVATION; CREATING A PUBLIC LAW 280 TASK FORCE TO PROVIDE RECOMMENDATIONS; PROHIBITING LAKE COUNTY FROM WITHDRAWING CONSENT TO BE SUBJECT TO CRIMINAL JURISDICTION OF THE STATE; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Sincerely,

Greg Gianforte  
Governor

May 17, 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:

I support the efforts of the Legislature to ensure that the bail bond industry operates in a manner that ensures public safety. To this end, I signed into law House Bill 62, which establishes minimum qualifications for bail bondsmen and requires bounty hunters to be licensed as surety insurance producers.

While House Bill 808 incorporates many of the protections enacted under House Bill 62, it inappropriately adds a provision inhibiting competition in the bail bond industry by fixing a minimum bail bond premium. We agree with the opinion expressed in the attached letter from Troy Downing, Commissioner of Securities and Insurance, that government should not impede the free market by mandating minimum insurance premiums.

For these reasons, 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 808:** "AN ACT GENERALLY REVISING LAWS RELATING TO SURETY BAIL BOND INSURANCE; PROVIDING QUALIFICATIONS FOR A SURETY BAIL BOND INSURANCE LICENSE; PROVIDING LICENSE REQUIREMENTS AND TRAINING; PROVIDING FOR THE ARREST AUTHORITY OF BAIL BOND SURETY INSURANCE PRODUCERS; REVISING SURPLUS LINES INSURANCE LAWS; REVISING RULEMAKING AUTHORITY BY THE COMMISSIONER OF INSURANCE; AMENDING SECTIONS 33-17-212, 33-26-106, 33- 26-108, 46-9-401, AND 46-9-510, MCA; AND PROVIDING EFFECTIVE DATES."

Sincerely,

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Greg Gianforte  
Governor

May 17, 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:

We share a commitment to investing in Montana's senior and long-term care continuum and ensuring that Medicaid members across the state have access to the services that best meet their needs. My administration was proud to propose historic Medicaid provider rate increases for Montana's nursing homes in my Budget for Montana Families, representing an important commitment of new resources for entities that serve one of Montana's most vulnerable populations. My proposed budget recognized the importance of stabilizing and supporting our nursing home industry.

As you know, the Legislature built off my proposed provider rate increases and elected to approve additional rate increases for senior and long-term care services in addition to creating a new funding mechanism for assisted living facilities under Senate Bill 296. While I look forward to signing into law an overdue increase in rates for all of Montana's Medicaid providers, I have significant concerns that Senate Bill 296 is misguided policy brought by a stakeholder organization that has highlighted potential short-term savings but neglected to understand the legislation's significant, long-term fiscal impact and burden on taxpayers.

Senate Bill 296 establishes a cumbersome process for setting room and board rates for assisted living facilities which would lead to a multitude of different room and board rates. It also unnecessarily directs the Department of Public Health and Human Services (DPHHS) to seek a state plan amendment to make assisted living facility services currently covered under Big Sky Waiver (BSW) a coverable service under Community First Choice (CFC). DPHHS already possesses authority to test this approach, which is an inefficient and obtuse way to solve for years of inadequate Medicaid provider rates, which the Legislature and I have now addressed. Not only is there no reliable method of estimating the cost associated

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

with making assisted living a CFC service, which could lead to major, unplanned financial obligations to the state, but also there is no provision enabling DPHHS to ensure that recipients have not exploited the eligibility system by transferring their assets. In addition to creating a new entitlement program, which DPHHS could not fully account for in its fiscal note, Senate Bill 296 would restrict DPHHS's ability to serve Medicaid patients choosing to live in a community setting instead of a nursing home.

While being mindful of the budget authority provided to us by the Legislature, my administration will continue to support Montana's skilled nursing and assisted living facilities as they modernize and adapt to changing demand and an ever-evolving senior and long-term care landscape. However, as more Montanans elect to age in their homes and outside of an institution, I cannot support fiscally unsound legislation that undermines and ignores that personal decision.

Therefore, 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 296: "AN ACT CREATING THE SENIOR CARE FACILITY ACCESS AND STABILIZATION ACT; ESTABLISHING PROCEDURES FOR CALCULATING ROOM AND BOARD COSTS FOR ASSISTED LIVING RESIDENTS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PURSUE THE COMMUNITY FIRST CHOICE FUNDING OPTION FOR ASSISTED LIVING; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING A DELAYED EFFECTIVE DATE."**

Sincerely,

Greg Gianforte  
Governor

May 17, 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:

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Ownership of property is an inalienable right protected by Article II, Section 3 of the Montana Constitution. It is the responsibility of government to protect, rather than diminish, this fundamental right cherished by our citizens.

Montana law recognizes that in rare circumstances a landowner may lose title to land under the doctrine of adverse possession. Adverse possession is most commonly used as a tool to cure defects in title arising from conveyancing errors and mistakes in legal descriptions. For more than 100 years, the standards to acquire title through adverse possession in Montana have been rigorous, requiring a claimant to openly and continuously possess and use the land without the owner's permission for a period of at least five years, during which time the occupant must also pay all property taxes. Due to these stringent requirements, very few adverse possession claims succeed, and rightfully so, since a successful claim results in depriving the lawful owner of his or her property.

**Senate Bill 499** introduces significant changes to Montana's long-standing adverse possession laws and dangerously weakens a landowner's constitutionally protected property rights by lessening, for a select group of claimants, the stringent adverse possession requirements described above. For example, under current law a tenant occupying a home with the landowner's permission will not prevail in an adverse possession suit against the landlord, because permissive use is not an "adverse" use. Senate Bill 499 abruptly changes course and would allow a tenant residing on

property with the landowner's permission to successfully assert an adverse possession claim against the landlord if the tenant makes certain improvements to the property.

Furthermore, Senate Bill 499 unfairly and irrationally targets a single set of landowners - corporations organized in states other than Montana - arbitrarily denying them the same level of protection enjoyed by all other classes of landowners. If enacted, Senate Bill 499 will serve as a disincentive for out-of-state corporations to establish or expand operations in Montana. Finally, Senate Bill 499 applies retroactively. If a rental or other property use agreement was consented to by the parties in reliance on the rules in existence at the time the agreement was made, Mont. Const. Art. II, Sec. 31 prohibits the State from impairing the enforcement or performance of those agreements. Retroactive application of Senate Bill 499 may also give rise to claims for the taking of property without just compensation under Mont. Const., Art. II, Sec. 29.

For these reasons, 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 499**: "AN ACT REVISING LAWS RELATED TO ADVERSE POSSESSION OF LAND, FIXTURES, AND OTHER IMPROVEMENTS ON LAND OWNED BY FOREIGN FOR-PROFIT CORPORATIONS BY A MONTANA RESIDENT; EXEMPTING REAL PROPERTY OWNED BY A TRIBAL MEMBER, A TRIBE, OR TRIBAL LAND WITHIN THE BOUNDARIES OF A

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

RESERVATION; PROVIDING REQUIREMENTS; PROVIDING A DEFINITION; AMENDING SECTION 70-18-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

Sincerely,

Greg Gianforte  
Governor

May 18, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Thursday, May 18, 2023, I signed the following bills:

House Bill 7 - Hopkins  
House Bill 9 - Hopkins  
House Bill 11 - Fitzpatrick  
House Bill 19 - Running Wolf  
House Bill 35 - Brewster  
House Bill 62 - Mercer  
House Bill 95 - Buttrey  
House Bill 101 - Gillette  
House Bill 118 - Bertoglio  
House Bill 136 - Bertoglio  
House Bill 140 - Jones  
House Bill 147 - Gillette  
House Bill 164 - Harvey  
House Bill 174 - Seekins-Crowe  
House Bill 189 - Nikolakakos  
House Bill 196 - Hellegaard  
House Bill 198 - Dooling  
House Bill 214 - Bertoglio  
House Bill 220 - Kassmier  
House Bill 241 - Kassmier  
House Bill 244 - Fern  
House Bill 245 - Vinton  
House Bill 256 - Sprunger

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 257 - Sprunger  
House Bill 270 - Kassmier  
House Bill 283 - Galloway  
House Bill 287 – Windy Boy  
House Bill 297 - Welch  
House Bill 302 - Buckley  
House Bill 305 - Buttrey  
House Bill 312 - Etchart  
House Bill 314 - Brockman  
House Bill 322 – C. Hinkle  
House Bill 333 - Oblander  
House Bill 346 – Windy Boy  
House Bill 348 - Walsh  
House Bill 352 - Barker  
House Bill 358 - Zolnikov  
House Bill 360 - Galloway  
House Bill 364 - Knudsen  
House Bill 365 - Kerns  
House Bill 366 - Hawk  
House Bill 376 - Gillette  
House Bill 377 - Reksten  
House Bill 385 - Carlson  
House Bill 393 - Vinton  
House Bill 396 - Hastings  
House Bill 408 - Vinton  
House Bill 412 - Bedey  
House Bill 433 - Welch  
House Bill 435 - Fitzpatrick  
House Bill 439 - Loge  
House Bill 447 - Thane  
House Bill 452 – Mercer  
House Bill 455 - Mitchell  
House Bill 460 - Gunderson  
House Bill 470 - Fitzgerald  
House Bill 477 - Peregoy  
House Bill 485 - Kassmier  
House Bill 486 - Green  
House Bill 490 - Gist  
House Bill 491 - Gunderson  
House Bill 500 - Seekins-Crowe  
House Bill 521 - Loge  
House Bill 534 - Yakawich  
House Bill 541 - Ler  
House Bill 549 - Anderson

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 556 - Carlson  
House Bill 561 - Malone  
House Bill 562 - Vinton  
House Bill 580 - Mercer  
House Bill 588 - Jones  
House Bill 590 - Buttrey  
House Bill 591 - Buttrey  
House Bill 592 - J. Hinkle  
House Bill 597 - Duram  
House Bill 612 - Bertoglio  
House Bill 619 - Keogh  
House Bill 622 - Loge  
House Bill 631 - J. Hinkle  
House Bill 656 - Parry  
House Bill 668 - Fitzgerald  
House Bill 674 - Seekins-Crowe  
House Bill 676 - Seekins-Crowe  
House Bill 679 - Loge  
House Bill 685 - Bertoglio  
House Bill 689 - Sheldon-Galloway  
House Bill 697 - Mercer  
House Bill 705 - Kerns  
House Bill 706 - Hastings  
House Bill 715 - Carlson  
House Bill 729 - Galloway  
House Bill 743 - L. Smith  
House Bill 749 - Jones  
House Bill 754 - Hellegaard  
House Bill 761 - Hopkins  
House Bill 764 - Loge  
House Bill 775 - Hopkins  
House Bill 790 - Sprunger  
House Bill 791 - Sprunger  
House Bill 802 - Kerns  
House Bill 833 - Barker  
House Bill 836 - Zolnikov  
House Bill 840 - Marshall  
House Bill 845 - Karlen  
House Bill 874 - Brewster  
House Bill 880 - Sheldon - Galloway  
House Bill 886 - Fitzgerald  
House Bill 902 - Fitzgerald  
House Bill 918 - Buckley  
House Bill 922 - Keenan



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 928 - Fitzpatrick  
House Bill 938 - Kassmier  
House Bill 947 - Nikolakakos

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 18, 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:

The State of Montana is committed to expanding education options for families and flexibility for local schools so that each student can achieve their full, outstanding potential in the setting that best serves their individual needs. Like you and other legislators, I support locally-driven efforts to expand education opportunities for families. Together, we made tremendous progress on this front during the 2023 legislative session.

Current law requires a 1,000-student threshold for a single elementary district to expand into a K-12 district, and allows elementary districts, with local community support, to coordinate in creating a combined K-12 district. Furthermore, current law charts a clear course for creating new K-12 districts.

House Bill 707 changes current law to allow multiple, independent elementary districts to coordinate to meet a 1,000-student threshold to initiate the creation of a new high school district. Unlike current law, House Bill 707 allows each of the elementary districts to remain independent and feed into a newly created high school district. This point was discussed in the hearing for House Bill 707 in the Senate Finance and Claims Committee.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

No matter how well intentioned, House Bill 707 will lead to the creation of unnecessary, uncoordinated districts which will effectively expand education bureaucracy, creates inefficiencies in education delivery, and increases the tax burden on state and local taxpayers.

Therefore, 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 707:** "AN ACT GENERALLY REVISING THE REQUIREMENTS FOR CREATION OF A NEW HIGH SCHOOL DISTRICT; AUTHORIZING MULTIPLE ADJACENT ELEMENTARY DISTRICTS WITH AT LEAST 1,000 COMBINED ANB TO CONTRACT FOR THE FORMATION OF A NEW HIGH SCHOOL DISTRICT ON APPROVAL OF THE ELECTORS OF EACH OF THE ELEMENTARY DISTRICTS; PROVIDING FOR THE PASSAGE OF A BOND TO BUILD OR OUTFIT A HIGH SCHOOL BUILDING; PROVIDING PROCEDURES TO ESTABLISH A BUDGET AND PROVIDE THE FUNDING OF THE NEW HIGH SCHOOL DISTRICT; DELAYING THE CONSTRUCTION OF APPROVED HIGH SCHOOL FACILITIES UNTIL JULY 1, 2025; REQUIRING THE FORMER HIGH SCHOOL DISTRICT TO PROVIDE INSTRUCTION FOR A TRANSITION PERIOD; CLARIFYING RESPONSIBILITIES AND REQUIREMENTS THROUGH THE PROCESS OF ESTABLISHING A NEW HIGH SCHOOL DISTRICT; AMENDING SECTIONS 20-6-104, 20-9-366, 20-9-439, AND 20-9-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

I remain confident current law addresses the needs of local communities and maintains efficient, locally-driven efforts to expand education opportunities, without imposing new costly burdens and bureaucratic inefficiencies on taxpayers.

Sincerely,

Greg Gianforte  
Governor

May 19, 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:

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

The Montana Constitution directs that I, as governor, "see that the laws are faithfully executed." While I, with the Legislature, fully support government transparency and the public's right to know, I must also ensure those interests are properly pursued in light of countervailing, constitutionally mandated obligations. **Senate Bill 73** fails to do so.

Senate Bill 73 revises a statute that addresses the interplay of two constitutional considerations: the authority of the Legislature to supervise post-audit duties, and the right of Montanans to have their individual privacy protected. This intersection is not unique to the audit context. All constitutional officers must protect privacy of Montanans where individual privacy interests are clearly paramount. Even the public's constitutional Right to Know expressly yields in such circumstances.

Montana courts agree. A Helena district court in April protected the privacy of Montanans over the Right to Know, holding in that case that "there should be no dispute that public employees possess privacy interests in relation to personnel matters." In reaching this holding, the court quoted the Montana Supreme Court to state that "the competing right to privacy and right to know interest 'must be balanced in the context of the facts of each case ... '" and that "it is the courts' duty to balance the competing rights at issue..."

Senate Bill 73 flies in the face of this settled approach. Senate Bill 73 concludes the balance is always in favor of an unelected bureaucrat, the legislative auditor. Senate Bill 73 gives the legislative auditor plenary review of any and all government documents, in any context, by any means, at any time, without notice or consent, leaving it up to the auditor to determine if and how to protect a state agency's confidential information.<sup>1</sup>

Employees that comply with Senate Bill 73 can run afoul of MCA§ 5-13-314 and lose their job or comply with MCA § 5-13-314 and run afoul of Senate Bill 73 and lose their job. Indeed, disclosing confidential information protected by the Montana Constitution, even to the auditor, could also be construed as official misconduct. See MCA§ 45-7-401(1)(b) (stating that a public servant commits the offense of official misconduct when he or she "knowingly performs an act in an official capacity that the public servant knows is forbidden by law.").

Giving an unelected bureaucrat such unfettered authority, especially without safeguards for Montanans' privacy interests, is unacceptable.

---

<sup>1</sup> During this very legislative session, the auditor attempted to secure electronic information held by a cabinet agency for another agency without the knowledge or consent of the unsuspecting agency. It is only because the cabinet agencies take their confidentiality obligations seriously that this did not occur.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

As the auditor's own counsel has acknowledged, state agency information belongs, and always belongs, to the agency. The legislative auditor is solely responsible to the Legislature. MCA§ 5-13-303. So the state agency, not the legislative auditor, must necessarily oversee and facilitate the handling of its own confidential information, as it is accountable for the well-keeping of its own information.<sup>2</sup>

Indeed, it must be so. To require, as Senate Bill 73 does, that state agencies turn over confidential information unquestioned to the auditor -- or subject the agency, including those that oversee the agency, to fines, jail, and unemployment<sup>3</sup>-- fails to take into account the state agency's obligation under the Montana Constitution to ensure that confidential information is adequately protected.<sup>4</sup> The legislative audit serves as an appropriate check on the other branches of government, but so does the ability of state agencies to ensure

---

<sup>2</sup> This is consistent with other statutes governing audits involving the private sector. See e.g., MCA § 50-16-529 (authorizing a health care provider to disclose patient information without patient authorization "to a person who obtains information for purposes of an audit" only "if that person agrees in writing to: (a) remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and (b) not disclose the information further, except to accomplish the audit or to report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient or other unlawful conduct by a health care provider; ...").

<sup>3</sup> Senate Bill 73 provides that a state agency "has a duty to aid" the legislative auditor, thereby expressly subjecting the entire agency to the official misconduct statute. See MCA § 47-7-401. This mandate is in tension with MCA§ 5-13-314, which protects a state employee "who provides information to the committee, the legislative auditor, or the legislative auditor's authorized designee" from "any penalties, sanctions, retaliation, or restrictions in connection with the employee's or contractor's employment as a result of the disclosure of information unless the employee or contractor disclosing the information has violated state law."

<sup>4</sup> See, e.g., MCA§ 2-6-1002(11) (defining "public information" to mean "information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.").

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

the information sought is both lawfully sought<sup>5</sup> and properly protected. And where there is an impasse as to which constitutional right wins the day, it is the judiciary, as the final arbiter of the meaning of the Constitution, that is the tie breaker, not an unelected bureaucrat.

Senate Bill 490, which I signed into law today, bears this out. In Senate Bill 490, even when duly elected legislators subpoena information from a person (including an agency), the subpoena must identify a legitimate legislative purpose, and the person subpoenaed may deny producing confidential information in the same way a records request could be denied under the Right to Know. Senate Bill 73, then, gives an unelected bureaucrat unfettered access to confidential information that neither the public under the constitutional Right to Know nor even the Legislature itself has access.

---

<sup>5</sup> The Legislative Audit Act, found in Title 5, Chapter 13, lays out the parameters of an audit. MCA § 5-13-101(2) generally states:

Because the legislature is responsible for authorizing the expenditure of public money, designating the sources from which money may be collected, and shaping the administration to perform the work of state government and is held finally accountable for fiscal policy, the legislature should also be responsible for the audit of books, accounts, activities, and records so that it may be assured that its directives have been carried out.

And MCA § 5-13-304 specifically states:

The legislative auditor shall:

- (1) conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law.
- (2) conduct an audit to meet the standards and accomplish the objectives required in 5-13-308 whenever the legislative auditor determines it necessary and shall advise the members of the legislative audit committee; ...
- (8) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency shall obtain the written consent of the grantee to the audit provided for in this subsection.

See MCA§ 5-13-308 (identifying "[t]he objectives of financial compliance, performance, and information system audits"); see *also* MCA§ 5-13-321 (authorizing the auditor to participate in joint audits).

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

In the attached letters, you will find what officials with the Departments of Administration, Labor and Industry (DLI), Natural Resources and Conservation, and Public Health and Human Services, as well as the Montana Federation of Public Employees, have identified as citizens' private information that Senate Bill 73 puts squarely in jeopardy. The disclosure of some of this private, confidential information could result in violations of federal law and regulation and could be very costly to Montana taxpayers. The following is a noncomprehensive list of what these officials provided my office so I could better understand what privacy interests and citizens' private, confidential information are at risk with Senate Bill 73:

- Protected health information, including medical conditions, medical histories and medical treatments;
- Tax information;
- Social Security information;
- Financial and banking information, including financial and bank statements;
- Confidential personnel files containing private information about personal health and family matters;
- Confidential litigation information, even amid pending or ongoing litigation; and
- Confidential information kept by DLI's Human Rights Bureau.

Furthermore, Senate Bill 73 substitutes the will of Montanans for that of an unelected legislative auditor by unprecedentedly allowing elected officials to be categorically removed from office for failing to produce constitutionally protected documents. Even in the face of outright election fraud, the removal of an elected official is only successful if the fraud proved in court is so prevalent as to render the outcome of the election uncertain. This is true across the country, and the rationale is clear: the will of the voters is paramount and, without compelling reason of the highest order, must be honored. If audit interference should rise to the level of removal, Montana law already provides adequate procedures, such as impeachment or recall, which reserve that ability squarely with the people and the people's elected representatives.

Finally, providing an auditor with sweeping, unchecked authority, as Senate Bill 73 does, runs counter to efforts in other states to rein in auditors' overreach and protect citizens' personal, private information. Most recently, in response to an elected state auditor accessing citizens' confidential, private information, including medical records, the Iowa Legislature passed a bill to limit the state auditor's access to personal information. Under the bill, the auditor would maintain access to de-identified, redacted information to protect citizens' privacy. In Iowa, the Legislature restricted overreach from an elected auditor and protected citizens' privacy; conversely in Montana, Senate Bill 73 expands the potential for overreach from an unelected auditor and undermines citizens' privacy.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

For these reasons, 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 73:** "AN ACT CLARIFYING AN AGENCY'S DUTY TO PERMIT INSPECTION, EXAMINATION, AND REPRODUCTION OF RECORDS FOR LEGISLATIVE AUDIT PURPOSES; PROVIDING THAT AUDIT MATERIALS ARE CONFIDENTIAL PRIOR TO PRESENTATION OF THE AUDIT REPORT TO THE LEGISLATIVE AUDIT COMMITTEE; PROVIDING THAT FAILURE TO COMPLY WITH DUTY CONSTITUTES OFFICIAL MISCONDUCT; AMENDING SECTIONS 2-18-816 AND 5-13-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Sincerely,

Greg Gianforte  
Governor

May 19, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Friday, May 19, 2023, I signed the following bills:

House Bill 6 – Hopkins  
House Bill 55 – Loge  
House Bill 87 – Mercer  
House Bill 91 – Sprunger  
House Bill 97 – Buttrey  
House Bill 141 – Jones  
House Bill 163 – Running Wolf  
House Bill 185 – Fitzgerald  
House Bill 217 – Parry  
House Bill 397 – Mercer  
House Bill 449 – Buckley  
House Bill 482 – Gillette  
House Bill 487 – Kassmier  
House Bill 576 – R. Knudsen  
House Bill 641 – Zolnikov  
House Bill 742 – L. Smith  
House Bill 852 – Cohenour

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 867 – Buttrey  
House Bill 881 – Buttrey  
House Bill 920 – Bedey

The bill has been delivered to the Secretary of State's Office.  
Sincerely,

Greg Gianforte  
Governor

May 22, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Friday, May 19, 2023, I signed the following bill:

House Bill 382 – Oblander

The bill has been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

May 22, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Monday, May 22, 2023, I signed the following bills:

House Bill 4 – Jones  
House Bill 8 – Hopkins



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 10 – Hopkins  
House Bill 12 – Hopkins  
House Bill 16 – Carlson  
House Bill 128 – Kassmier  
House Bill 137 – Olander  
House Bill 229 – Hopkins  
House Bill 282 – Galloway  
House Bill 317 – Windy Boy  
House Bill 321 – Reksten  
House Bill 338 – Windy Boy  
House Bill 359 – Mitchell  
House Bill 362 – Baum  
House Bill 403 – Bedey  
House Bill 424 – Jones  
House Bill 437 – Zolnikov  
House Bill 458 – Anderson  
House Bill 469 – Brewster  
House Bill 499 – Kerr-Carpenter  
House Bill 520 – Loge  
House Bill 539 – Zolnikov  
House Bill 569 – Moore  
House Bill 596 – Loge  
House Bill 652 – Galloway  
House Bill 738 – Fitzgerald  
House Bill 783 – Nave  
House Bill 830 – Nikolakakos  
House Bill 835 – Keenan  
House Bill 846 – France  
House Bill 855 – L. Smith  
House Bill 864 – Moore  
House Bill 872 – Keenan  
House Bill 883 – Jones  
House Bill 890 – Barker  
House Bill 892 – Hellegaard  
House Bill 903 – Hopkins  
House Bill 904 – C. Knudsen  
House Bill 946 – Bedey  
House Bill 948 – Galloway  
House Bill 949 – Bedey  
House Bill 952 - Sprunger

The bill has been delivered to the Secretary of State's Office.  
Sincerely,

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Greg Gianforte  
Governor

May 22, 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:

The individual provisions of House Bill 868 are either unnecessary or void for the following reasons:

First, Section 1 of House Bill 868 is a nominal and unnecessary transfer of \$100 to the Natural Resources Operations State Special Revenue Account from the State Treasurer.

Second, Section 2 requires certain personnel of related entities to present reports regarding the operations of the Petroleum Release Compensation Board to the Natural Resources and Transportation Budget Committee during the 2023-2024 Legislative Interim. Since interim committees have the authority to call witnesses and request information without a specific statutory authorization, this requirement is redundant and unneeded.

Third, Section 3 requires the Department of Fish, Wildlife, and Parks (FWP) to provide a report describing all initiated, but not completed, projects from 2015 to the present. **FWP** stands ready to provide such information without this statutory requirement, rendering this requirement unnecessary in statute.

Finally, Sections 4, 5, and 6 are void because Senate Bill 442 was not enacted into law. As these sections were conditional on the passage of that bill, these provisions would not have the effect of law even if signed.

For these reasons, and 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 868: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR REPORTING BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROVIDING COORDINATION

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

LANGUAGE; PROVIDING FOR A TRANSFER OF FUNDS; AND PROVIDING AN EFFECTIVE DATE."

Sincerely,

Greg Gianforte  
Governor

May 22, 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 House Bill 916: "AN ACT IMPLEMENTING PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF STATE PUBLIC DEFENDER; PROVIDING FOR REPORTING REQUIREMENTS FOR THE DEPARTMENT OF JUSTICE; PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR; PROVIDING FOR LEGISLATIVE INTENT; EXTENDING THE TERMINATION DATE OF PUBLIC SAFETY OFFICER STANDARDS AND TRAINING AND ITS REPORTING REQUIREMENTS; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 23, CHAPTER 456, LAWS OF 2019, AND SECTION 19, CHAPTER 566, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE."

Companion bills to implement House Bill 2 are intended to create a more efficient and effective state government. This bill does neither and instead creates inefficiencies that will negatively impact public safety in the state.

Among the Department of Justice (DOJ), the Department of Corrections (DOC), and the Officer of Public Defender (OPD), House Bill 916 requires the production of 178 separate reports in the 2025 biennium. Additionally, much of the data required in the reports is either not available or requires manual file review by two additional full-time

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

equivalent employees in the DOC alone. House Bill 916 will cost more than \$500,000 over the course of the biennium, which was not appropriated by the Legislature.

The DOJ, DOC, and OPD are the backbone of the criminal justice system in Montana, and their focus should be on their respective missions. House Bill 916 would require the DOC to generate 113 additional reports. The DOC already has a robust public-facing dashboard system with a plethora of relevant data related to its operations and population. It is a wasteful use of taxpayer dollars and jeopardizes public safety to take two front-line public safety positions and repurpose them into bureaucratic administrative positions in Helena simply to generate additional reports.

House Bill 916 makes government less efficient and less effective and is antithetical to the mission and goals of my Red Tape Relief Initiative (see Executive Order No. 1-2021).

For these reasons, I veto House Bill 916.

Sincerely,

Greg Gianforte  
Governor

May 22, 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:

We share a commitment to efficiency and transparency in government and working together to ensure that the programs operated by the Department of Public Health and Human Services (DPHHS) fulfill their intended purposes and objectives. We also share a commitment to operating those DPHHS programs to best serve the vulnerable Montanans who need them.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

At the same time, my administration is committed to reducing red tape and avoiding and eliminating unnecessary or redundant legal requirements. The objectives outlined in House Bill 917 are largely achieved through existing reporting, the requirements of federal law, other legislation, and existing DPHHS processes and practices. House Bill 917 is therefore unnecessary.

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 917: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; PROVIDING DIRECTION ON THE USE OF FEDERAL FUNDS; PROVIDING AUTHORIZATION ON POSTPARTUM CARE; ESTABLISHING INTERIM REPORTING REQUIREMENTS; AMENDING SECTION 53-4-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

Sincerely,

Greg Gianforte  
Governor

May 23, 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:

Working together, I'm proud of what we accomplished to provide long-range building appropriations for state facilities through House Bill 5, particularly for the Montana State Prison (MSP). As you know, after years of neglect, MSP has fallen into disrepair and does not have the capacity we require. With House Bill 5, we are making critical investments to repair MSP, expand capacity at MSP to hold convicted criminals accountable, and make our communities safer.

I appreciate the diligent, deliberative, and hard work of the House Appropriations Committee and the Senate Finance and Claims Committee. House Bill 5 largely makes prudent, necessary long-term investments in state facilities.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

House Bill 5, however, also includes projects that are unnecessary, expend taxpayer resources simply by failing to leverage federal funding, or do not involve state-owned facilities. For many of the deficiencies I will identify below, they did not follow the normal process for appropriations or, at worst, were snuck into House Bill 5 at the last minute without due debate and diligence.

I appreciate Senate Majority Leader Steve Fitzpatrick's recent message to me along those lines. Majority Leader Fitzpatrick provides sound, thoughtful recommendations to bring greater fiscal restraint and responsibility to House Bill 5, and I agree with his assessment that there are "several projects and areas of spending which are unnecessary and should be removed."

We must be good stewards of taxpayer resources, and the more than \$23 million in line-item vetoes I have made ensure we are.

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return to you, with line-item vetoes, House Bill 5: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; PROVIDING FOR AN EMERGENCY SHELTER FACILITY INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121 AND 17-7-201, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

First, because the Department of Military Affairs will not proceed with the following projects, I hereby veto the following, saving taxpayers more than \$3.8 million:

\$3,000,000	DMA FTH Collective Training Housing Facility (Section 3(4))
\$238,816	DMA FTH Facility LED Lighting Retrofit (Section 2(3))
\$564,250	DMA FTH Fort Harrison Lighting Upgrades (Section 2(3))
\$34,000	DMA FTH Collective Training Housing Facility (Section 3(5)(c))

Second, working with lawmakers, we proposed \$1 million in state funding for the Southwest Montana Veterans Home Sixth Cottage, with the intent that the federal

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

government would provide matching funds. The federal government provided 65 percent of the funding and the State of Montana 35 percent for the construction of previous cottages.

House Bill 5, however, appropriates \$6 million for the project, leaving Montana taxpayers crossing our fingers that the federal government might reimburse us once we've spent the money. That, however, is not a wise strategy, and I will not hold my breath that the federal government will repay the state any portion. A more fiscally responsible approach is to allocate the state's portion of the project and secure federal funds for the balance, as we have done in the past. Therefore, I hereby veto the following:

\$6,000,000 DPHHS Southwest Montana Veterans Home Sixth Cottage (Section 3(1))

I look forward to working with legislators to fund this very worthy project more prudently and responsibly in advance of the next regular legislative session.

Finally, Montanans count on us to be watchdogs of the hard-earned money they send to the state. House Bill 5 is intended to dedicate taxpayer resources to long-range building planning for state facilities. Unfortunately, projects were added into House Bill 5 at the last minute without being properly vetted, discussed, and debated. Therefore, I hereby veto the following, saving taxpayers \$13,250,000:

\$8,000,000	DNRC Yellowstone Conservation Area (Section 5(11))
\$2,000,000	Department of Commerce/local park facility improvement grants (Section 5(13))
\$1,000,000	Department of Commerce/City of Columbus water and sewer system upgrades and repairs (Section 5(12))
\$1,000,000	Chippewa Cree Cultural Ceremony Building Repair (Section 5(6))
\$1,000,000	Chippewa Cree Language Immersion School (Section 5(6))
\$250,000	City of Missoula Riverfront Trail Public Plaza (Section 5(8))

Regardless of the merits of these line-item appropriations, there are more transparent, fiscally responsible methods to appropriate taxpayer dollars than racing to add unrelated projects into the state government infrastructure appropriations bill as the legislative session ends.

While the federal appropriations process in Washington, D.C. is notorious for larding up appropriations with pork, Montana is different. As fiscal conservatives, we must avoid the temptation to recklessly spend taxpayers' dollars. We must avoid appropriating funds, which are supposed to be dedicated to long-range planning for state-owned facilities, toward projects that are dedicated for neither long-range building planning nor state-owned facilities.

HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

I look forward to working with you and other legislators in the interim to build upon the successes we achieved during the most recent legislative session, like investing in MSP, and prepare a budget that carefully guards taxpayer resources, includes thoroughly vetted projects, and makes prudent, responsible long-term investments for our state facilities.

Sincerely,

Greg Gianforte  
Governor

May 24, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Tuesday, May 23, 2023, the following bills went into law without my signature:

House Bill 821 – Malone  
House Bill 856 – M. Regier

On Friday May 19, 2023, the following bill went into law without my signature:

House Bill 190 – Mercer.

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

June 5, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601



HOUSE JOURNAL  
68<sup>th</sup> LEGISLATURE  
ADDENDUM

Dear Speaker Regier:

On Monday, June 5, 2023, I signed the following bills:

House Bill 816 – Kassmier  
House Bill 817 – Fitzpatrick  
House Bill 941 - Frazer

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

June 14, 2023

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59601

Dear Speaker Regier:

On Tuesday, June 13, 2023, I signed the following bills:

House Bill 332 - Bedey  
House Bill 355 - Fitzpatrick  
House Bill 587 – Jones  
House Bill 648 – Buckley  
House Bill 819 – Green

On Wednesday, June 14, 2023, I signed the following bill:

House Bill 2 - Jones

The bills have been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor