

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

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 No. 317 (HB 317), **"AN ACT PROVIDING TERMINATION DATES FOR STATUTORY APPROPRIATIONS; PROVIDING AN ALTERNATIVE MEANS OF FINANCING MANDATED DUTIES OF LOCAL GOVERNMENTS AND SCHOOL DISTRICTS; AMENDING SECTIONS 2-17-105, 5-11-120, 5-11-407, 10-1-108, 10-1-1202, 10-1-1303, 10-2-603, 10-3-312, 15-65-121, 15-70-369, 15-70-601, 16-11-509, 17-3-112, 17-7-502, 20-8-107, 20-9-534, 20-9-622, 22-3-1004, 23-4-105, 23-5-306, 23-5-409, 23-5-612, 23-7-301, 23-7-402, 37-43-204, 37-51-501, 39-71-503, 41-5-2011, 42-2-105, 44-4-1101, 44-12-206, 44-13-102, 53-1-109, 53-24-108, 53-24-206, 61-3-415, 69-3-870, 75-5-1108, 75-6-214, 75-11-313, 80-11-518, 81-10-103, 82-11-161, 90-1-115, 90-1-203, 90-1-205, 90-1-504, 90-3-1003, 90-9-301, AND 90-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Over an eight-year period, effective in the 2015 biennium, HB 317 takes a machete-type approach to 47 of 92 existing statutory appropriations by sunseting them on a serial basis dependent on the order in which they appear in the Montana Code Annotated. On June 30, 2014, 12 statutory appropriations, codified in Titles 2 through 16 of the Montana Code, would be eliminated, on June 30, 2016, 11 statutory appropriations, codified in Titles 17 through 23, would be eliminated, and so forth.

While it is possible some existing statutory appropriations have out-lived their usefulness, this blind, axe-swinging approach to "sunseting" theses appropriations is unacceptable. The bill does not even provide a cyclical review of its effects to measure its efficacy. I already envision the constituencies affected by the sunsets appealing to successive legislative bodies, requesting repeal of the sunsets, forcing each new legislative body to reconsider the actions taken through enactment of HB 317 by the 2011 Legislature. In anticipation of the inevitable unwinding of this bill, and because I believe a more chiseled, approach to the review of individual statutory appropriations would have been the approach to use, I have chosen to veto this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Schweitzer", written over a horizontal line.

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division