

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 11, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 433 (HB 433), "AN ACT PROHIBITING TOWNS, CITIES, AND REGIONAL WATER AUTHORITIES FROM USING EMINENT DOMAIN TO CONDEMN WATER OR WATER RIGHTS USED PRIMARILY FOR AGRICULTURE; AND AMENDING SECTIONS 7-13-4405 AND 75-6-313, MCA."

Unlike some other states, Montana water law does not include a hierarchy of preferential beneficial uses or users. Rather, Montana water law provides for the appropriation of water for all beneficial uses and users alike. HB 433 violates that principle by elevating water rights "primarily used for agricultural purposes" to a higher level over other beneficial uses. By differentiating agricultural water rights from other beneficial uses, HB 433 prioritizes one beneficial use over all other uses.

Existing Montana law provides the authority for cities, town, and regional water authorities to use the process of eminent domain to procure a municipal and domestic water supply for citizens of this State. I am confident that important safeguards currently exist in Montana law to ensure the powers of eminent domain are exercised fairly. Limiting the exercise of eminent domain to acquire only certain types of water rights would result in an arbitrary distinction among uses and set Montana on a course of prioritizing beneficial water uses. That would fundamentally change our existing system.

For these reasons, I veto HB 433.

Sincerely,

A blue ink signature of Steve Bullock, consisting of a stylized first name and a long, sweeping horizontal line.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House