

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR

KRISTEN JURAS
LT. GOVERNOR



April 9, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear Speaker Galt and President Blasdel:

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 97, "AN ACT CLARIFYING ETHICS ENFORCEMENTS AND REQUIREMENTS AS THEY PERTAIN TO MEMBERS OF CERTAIN BOARDS AND COMMISSIONS, AND COMMITTEES; AND AMENDING SECTIONS 2-2-102, 2-2-103, 2-2-136, AND 2-2-144, MCA".

HB 97 expands the authority of the Commissioner of Political Practices (COPP) to adjudicate ethics violations of certain board, commission, and committee members. The bill was presented to the legislature as a clean-up bill. It is anything but.

The legislature has the obligation under Article XIII, Sec. 4 of the Montana Constitution to provide a code of ethics, which it has fulfilled in Title 2, Section 2, MCA. In deciding to grant COPP's enforcement authority of the code in 1995, the legislature carefully limited the scope of that authority to state officers, legislators, and employees.

The COPP nevertheless assumed broader authority over state boards, commissions, and committees and would still be unlawfully exerting that authority but for a recent lawsuit in which the Montana Supreme Court held that no such authority exists. The COPP's failure to operate within the scope of authority granted the agency suggests it is ill-suited for an increase of that authority.

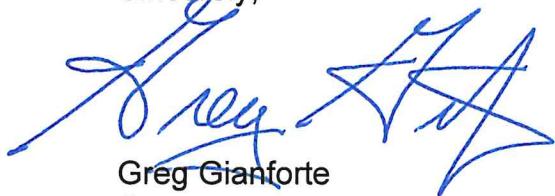
Nor is expanded authority necessary. Unlike other government entities, state boards, commissions, and committees are comprised largely of volunteers. Rather than subject

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these volunteers to the jurisdiction of COPP, their ethical conduct can be overseen by the boards, commissions, and committees themselves, which have internal ethics rules and review processes to ensure ethical behavior.

For these reasons, I veto HB 97.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte".

Greg Gianforte
Governor

cc: Legislative Services Division
Secretary Christi Jacobsen