

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 14, 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 Senate Bill 278, "AN ACT GENERALLY REVISING LAWS RELATING TO LAWSUITS; CREATING LAWS RELATING TO ECONOMIC CONSUMPTION THAT IS DEDUCTED FROM DAMAGES IN A MALPRACTICE CLAIM; PROHIBITING A PERSON FROM INSTITUTING CERTAIN LAWSUITS IF THE PERSON WAS ENGAGED IN OR ENGAGING IN A FELONY OFFENSE; PROHIBITING CERTAIN GOVERNMENT LAWSUITS AGAINST FIREARM OR AMMUNITION MANUFACTURES; REVISING LAWS RELATED TO LEGAL FEES AND COSTS OF NONPROFIT CORPORATIONS CHALLENGING OR SUPPORTING CERTAIN GOVERNMENTAL ACTIONS; REVISING STATUTES OF LIMITATIONS FOR CERTAIN ACTIONS RELATING TO REAL PROPERTY AND CERTAIN LOCAL GOVERNMENT OFFICIALS; PROVIDING THAT COSTS MAY NOT BE ALLOWED TO AN OFFEREE IF THE OFFEROR HAS MADE AN OFFER OR JUDGMENT AND THE OFFEREE'S JUDGMENT IS NOT MORE FAVORABLE THAN THE OFFER OF JUDGMENT; REVISING THE DEFINITION OF "INSURER" FOR THE PURPOSES OF UNFAIR TRADE PRACTICES ACTIONS; REVISING CIVIL LIABILITY LAWS TO PROVIDE A DEADLINE FOR SERVICE OF PROCESS; AMENDING SECTIONS 15-31-102, 25-10-101, 27-2-208, 27-2-209, AND 33-18-242, MCA; AND PROVIDING AN APPLICABILITY DATE".

SB 278 has numerous tort reform provisions I support. For example, it properly balances money recovery for wrongful death to reflect the actual financial loss suffered by the family of the deceased. It prohibits money recovery for a criminal injured by a victim exercising his self-defense rights. And it prohibits money recovery from those who lawfully design, manufacture, market, or sell firearms or ammunition simply because the firearms or ammunition caused injury.

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But unfortunately, SB 278 also targets certain nonprofits for special tax rules and requiring public disclosure of their donors. Kamala Harris, as attorney general of California, similarly targeted nonprofits for donor disclosure. The practice is now before the United States Supreme Court because the First Amendment protects donors and prohibits targeting them. Montana's charities play an invaluable role in the betterment of Montanans and their communities. SB 278 undermines that role.

I invite the sponsor of SB 278 to renew his tort reform efforts next legislative session, as SB 278 contains important changes I support.

For these reasons, I veto SB 278.

Sincerely,



Greg Gianforte
Governor

cc: Legislative Services Division
Secretary Christi Jacobsen