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# Montana Association of Counties

*Serving Montana Counties Since 1909*

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[www.mtcounties.org](http://www.mtcounties.org)

## A LETTER TO THE CITIZENS OF MONTANA

County Commissioners from across Montana appreciate the widespread support that Senate Bill 442 enjoyed throughout its legislative process. Marijuana revenues are new to Montana, and the bill's thoughtful distribution of this higher-than-expected new revenue stream included some funding for county roads.

Bipartisan and impactful legislation backed by such a wide variety of Montanans is a rarity, and we commend Senator Lang and the bill's many proponents for their efforts. Even after Governor Gianforte exercised his right to veto, we were confident the Legislature would overturn it.

The Governor's veto letter made clear his belief that State revenues should solely fund State projects. No Governor in the history of Montana has ever taken such a State-centric position that blatantly disregards the needs of Montanans.

Public infrastructure benefits Montana's economy, the State's revenue, and Montana's citizens and visitors alike. The veto letter stated that SB 442 would create a "slippery slope" by utilizing State funds for local infrastructure. However, Montanans have always benefited from State resources provided to local governments for assisting with bridges, the secondary road system, and access roads to recreational sites, to name a few.

Given that the State relies almost exclusively on federal funding and gas taxes to maintain the State jurisdictional road system, the Governor's position that "what's ours is ours" is ill-informed and inaccurate. It is not how our state has operated in the past and doesn't recognize the fact that ALL Montanans benefit from infrastructure investments, no matter where the money comes from, even the State's General Fund. SB 442 doesn't create a "slippery slope." It provides new dollars to help meet longstanding infrastructure needs.

Governor Gianforte didn't just veto the bill. He tried to invent a new "pocket veto," which was specifically rejected by the framers of our constitution. There is no scenario where a governor's veto cannot be checked by the Legislature, and that check is an important part of Montana's "separation of powers doctrine." If a governor vetoes a bill while the Legislature is in session, the Legislature can override that veto. If the veto comes when the Legislature isn't able to review that action, it is sent to the Secretary of State to poll members of the Legislature. The procedural framework is simple and straightforward. Every governor in Montana has followed this constitutional process. Yet when asked to submit the bill to the Secretary of State for polling, this Governor refused.

The litigation surrounding SB 442 sought to protect the Legislature's authority under the Montana Constitution, a right that was violated by the Executive Branch, which in turn required the Judicial Branch to intervene and mandate the Executive Branch into compliance. Any twisting or spinning of the case is pure political gamesmanship.

The Court Order is clear. Judge Menahan stated, "At the time the Senate voted to adjourn, few if any legislators were aware of the governor's veto. Following adjournment and a request from the bill sponsor, Jacobsen refused to initiate the post session override procedure, claiming she had not received a copy of the governor's veto and a

statement explaining his reasons for doing so. The legislature was thus deprived of an opportunity to override the veto of Senate Bill 442 and draft the policy contained therein into law.”

We respect the right of the Governor to veto legislation. We respect the rules established by the Legislature on how they conduct their business. We respect any legislator’s vote on the poll being conducted on the veto of SB 442. But we do not respect the political spin that when a governor fails to allow the Legislature the opportunity to review his veto action—and the Court is required to compel him to allow the Legislature their constitutional duty—that it somehow justifies a legislator refusing to participate in the poll.

As local elected officials, we take our oaths seriously. We have jobs to do, serving our constituents and our communities. State Senators and Representatives take the same oath and serve the same constituents.

SB 442 was good policy when it passed by a supermajority in both the House and Senate. It was good policy when the Executive exercised his veto authority. It was good policy when the Court ordered the Secretary of State to poll the legislators. And if those legislators evaluate the merits of the bill and vote according to their constituent needs, it will become good policy for the State of Montana.

If legislators decide to play politics and cite claims about “separation of powers” as an excuse to sabotage SB 442, then it is clear that those legislators are more concerned with engaging in political games than they are working to represent you.

The Court ordered the Governor to abide by the separation of powers and respect the role of the Legislature by issuing the veto poll. And as legislators return their ballots on this critical issue, we would urge you to watch carefully to see how your local legislator votes—because a vote to support SB 442 is a vote in the best interests of Montanans, and a vote to let the Governor’s veto stand is proof your local legislator is ignoring you, and just playing politics.

Respectfully Submitted by the Board of Directors of the Montana Association of Counties (MACo).

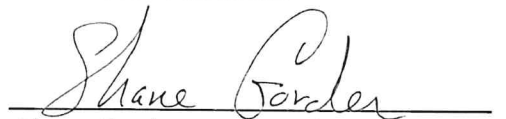
**MACO EXECUTIVE COMMITTEE**


  
Ross Butcher, President  
Fergus County Commissioner

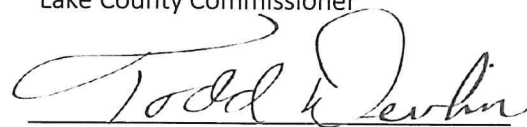
  
Joette Woods, 1st Vice President  
Liberty County Commissioner

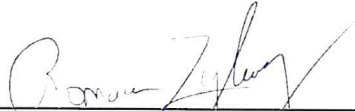
  
Gordon Oelkers, 2nd Vice President  
Roosevelt County Commissioner

**MACO PAST PRESIDENTS**

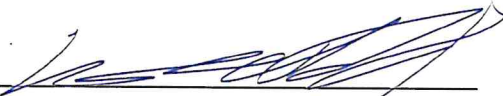
  
Shane Gorder, Past President, 2019-2020  
Richland County Commissioner

  
Bill Barron, Past President, 2017-2018  
Lake County Commissioner

  
Todd Devlin, Past President, 2016-2017  
Prairie County Commissioner

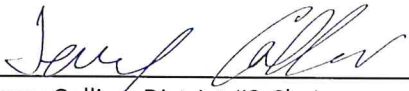
  
Roman Zylawy, Immediate Past President  
Mineral County Commissioner

  
Jason Strouf, Fiscal Officer  
Custer County Commissioner

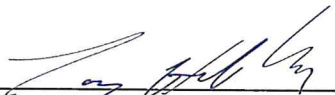
  
Randy Brodehl, Urban Co. Representative,  
Flathead County Commissioner

**MACO DISTRICT CHAIRS**

  
Gary Macdonald, District #1 Chair  
Roosevelt County Commissioner

  
Jerry Collins, District #2 Chair  
Garfield County Commissioner


  
Kevin Krausz, District #3 Chair (and Health Care Trust Chair)  
Custer County Commissioner

  
Larry Hendrickson, District #4 Chair  
Liberty County Commissioner

  
Jim Morren, District #5 Chair  
Pondera County Commissioner

  
Adam Jones, District #6 Chair  
Wheatland County Commissioner

  
Joe Briggs, Past President, 2013-2014  
Cascade County Commissioner

  
Greg Chilcott, Past President, 2012-2013  
Ravalli County Commissioner

  
John Ostlund, Past President, 2010-2011  
Yellowstone County Commissioner

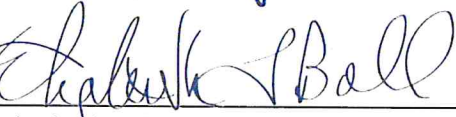
  
Carl Seilstad, Past President, 2009-2010  
Fergus County Commissioner

  
Mike McGinley, Past President, 2008-2009  
Beaverhead County Commissioner

  
Bob Mullen, Past President, 1985-1986  
Jefferson County Commissioner

**MACO ASSOCIATION REPRESENTATIVES**

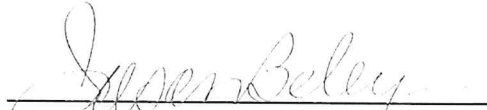
  
Maritza Reddington, Clerk & Recorders  
Park County Clerk & Recorder

  
Elizabeth Ball, Clerks of Court (East)  
Rosebud County Clerk of Court

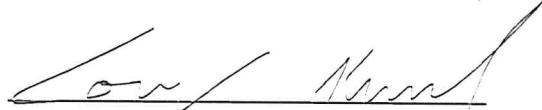
  
Carly Anderson, Clerks of Court (West)  
Beaverhead County Clerk of Court



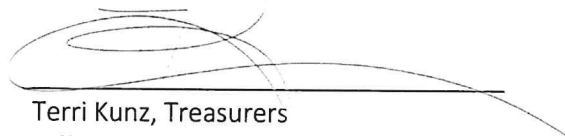
Bill Wallace, District #7 Chair  
Sweet Grass County Commissioner



Susan Beley, School Superintendents  
Wheatland County, Superintendent of Schools



Cory Kirsch, District #8 Chair  
Jefferson County Commissioner



Terri Kunz, Treasurers  
Jefferson County Treasurer



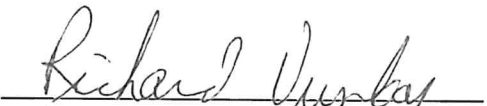
Scott MacFarlane, District #9 Chair  
Gallatin County Commissioner

**MACO TRUST CHAIRS**

(Who aren't already signed elsewhere in this document.)



Pam Holmquist, District #10 Chair  
Flathead County Commissioner



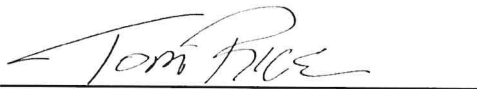
Richard Dunbar, Property & Casualty Trust Chair  
Phillips County Commissioner



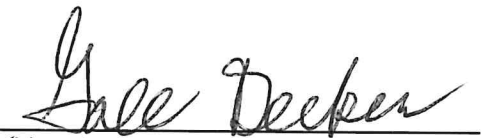
Dave Strohmaier, District #11 Chair  
Missoula County Commissioner

**ADDITIONAL COUNTY SIGNATURE**

(signature line added for specific county support)



Tom Rice, District #12 Chair  
Beaverhead County Commissioner



Gace Decker  
Chairman  
Lake County Commissioner