

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

May 7, 2019

The Honorable Corey Stapleton  
Secretary of State  
State Capitol  
Helena, MT 59601

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 332 (HB 332), "AN ACT REQUIRING AUTHORIZATION OF THE BOARD OF COUNTY COMMISSIONERS BEFORE WILD BUFFALO OR WILD BISON ARE RELEASED INTO A COUNTY; REQUIRING RELEASE OF WILD BUFFALO OR WILD BISON TO MEET CERTAIN CONDITIONS; AMENDING SECTIONS 7-1-111, 76-1-605, 81-2-120, AND 87-1-216, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

House Bill 332 would set the dangerous precedent of supplanting the state's management of its fish and wildlife with county regulation. The bill runs counter to existing statute, § 7-1-111, MCA, that prohibits counties from exercising "any power that applies to or affects . . . Title 87," the fish and wildlife title of the Montana Code.

Montana's wildlife is held in trust for all citizens of the state, not just those of a county. State authority over wildlife is a long-established principle in states across the entire nation, and for good reason. This authority is the province of the state because wildlife is held in trust for the benefit of all, and because wildlife moves so freely across various jurisdictions, including county lines. It is simply poor public policy to create the potential for 56 different competing authorities, objectives, and policies for wildlife management. When it comes to both management and disease risk in either wildlife or domestic livestock, it only makes sense that decisions consistently consider and reflect widely acknowledged biological, commercial, and epidemiological expertise and risk criteria. This speaks clearly in favor of the long-standing and successful roles of the state's livestock and wildlife agencies, operating within an appropriately larger statewide perspective.

For purposes of wildlife relocation, the Department of Fish, Wildlife and Parks (FWP) is governed by a commission that provides for extensive public oversight and transparency, with numerous opportunities for public input. Additionally, any such proposal must adhere to the current body of law—including but not limited to Montana Environmental Policy Act (MEPA) and disease laws administered by the Montana Department of Livestock (MDOL)—that require a full public airing

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and consideration of agricultural, wildlife, and human and animal health interests. House Bill 332 seeks to grant counties new wildlife regulatory authority without the same required adherence to existing statutory guidance and requirements for broad and stringent public review.

The state's approach to wildlife relocation, and in particular bison management, has been a thoughtful and conservative one. For bison, these matters were ironed out and settled in very specific statute created in 2011 (§ 87-1-216, MCA). Per this statute, any such relocation must include a management plan that contains provisions for animal health protocols, animal identification and tracking protocols, containment measures, and a number of contingency measures. Also included are requirements for protecting public safety, not exceeding range carrying capacity, and identification of long-term funding sources for management activities. In meeting all of these plan elements, the FWP is further required to consult and cooperate with the MDOL. Finally, this statute also requires the FWP to provide the opportunity for public comment and hold a public hearing in any affected county or counties, and prior to making a decision, respond to all public comment and publish a full record of the proceedings. After all of this, and after MEPA requirements are met, any relocation must additionally receive the approval of the Fish and Wildlife Commission.

These laws and processes provide ample opportunity for public input from all parties, and especially from county government. FWP's longstanding practice has been to welcome input from county governments on all wildlife management issues, and it will continue to do so, in the interest of providing for a meaningful dialogue among widely divergent values and interests.

For these reasons, I veto HB 332.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Bullock", with a long horizontal flourish extending to the right.

STEVE BULLOCK

Governor

cc: Legislative Services Division  
Greg Hertz, Speaker of the House  
Scott Sales, President of the Senate