

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

April 19, 2019

The Honorable Greg Hertz  
Speaker of the House  
State Capitol  
Helena, MT 59601

The Honorable Scott Sales  
President of the Senate  
State Capitol  
Helena, MT 59601

Dear Speaker Hertz and President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 132 (HB 132), "AN ACT CLARIFYING THE DEFINITION OF 'WILD BUFFALO' OR 'WILD BISON'; CLARIFYING THAT THE PER CAPITA FEE DOES NOT APPLY TO CERTAIN DOMESTIC BISON; AMENDING SECTIONS 15-24-921, 81-1-101, 87-2-101, AND 87-6-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

As originally drafted, House Bill 132 attempted to clarify definitions related to bison. However, with amendments added during the legislative process, the bill no longer provides clarity and presents unintended consequences.

The existing definition of a wild bison is one that "has not been reduced to captivity and is not owned by a person." This definition has a history of legislative debate, and is one that both the Department of Fish, Wildlife, and Parks and the Department of Livestock have had no difficulty in interpreting as they administer state laws related to bison management.

Under HB 132 wild bison means a bison that meets all of the following conditions: "it has not been reduced to captivity;" "it has never been subject to the per capita fee under 15-24-921;" and "it has never been owned by a person." It is unclear whether these conditions would apply to a herd, a single animal, or to an animal's offspring. Bison widely considered to be wild, such as those in Yellowstone National Park, are often captured, handled, collared or banded, tested and quarantined for health monitoring, biological sampling, transplant and relocation, and other research and management purposes. They are also descendants of animals once owned and reduced to captivity. Under the conditions established in HB132, these bison, and others around the state, could be inappropriately deemed domestic, threatening the preservation of their genetics and their

conservation both within and beyond the Park's boundaries. Inappropriate reclassification of wild bison as domestic could further jeopardize state and tribal treaty hunting for bison.

The addition of the tense-specific "*never* subject to the per capita fee" and "*never* owned by a person" would unintentionally introduce a confusing time element to determine whether a bison is domestic or wild. This change would bring with it a past tense and historical time element that only causes confusion, raising more questions than it answers. For example: Does it apply to the history of a whole herd, or to an animal that is in front of the agencies today? To the history of a single animal? To that animal's offspring?

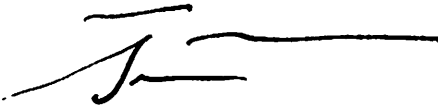
For these reasons I submit amendments to the definition of "wild buffalo" or "wild bison," as follows:

"Wild buffalo" or "wild bison" means a bison that:

- a. Is not reduced to captivity;
- b. Is not subject to the per capita fee under 15-24-921; and
- c. Is not owned by a person.

These amendments would make clear the difference between a wild and domestic/feral bison. I respectfully ask for your support.

Sincerely,



STEVE BULLOCK  
Governor

Enclosure

cc: Legislative Services Division  
Corey Stapleton, Secretary of State

Amendments to House Bill No. 132  
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Susan Byorth Fox  
April 19, 2019 (1:07pm)

1. Page 2, line 7.

Following: "that"

Insert: ":"

2. Page 2, line 8.

Strike: "MEETS ALL FOLLOWING CONDITIONS:"

3. Page 2, line 9.

Following: "(A)"

Strike: "IT HAS" through "NOT BEEN"

Insert: "is not"

4. Page 2, line 10.

Following: "(B)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

5. Page 2, line 11.

Following: "(C)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

6. Page 3, line 25.

Following: "that"

Insert: ":"

7. Page 3, line 26.

Strike: "MEETS ALL OF THE FOLLOWING CONDITIONS:"

8. Page 3, line 27.

Following: "(A)"

Strike: "IT HAS" through "NOT BEEN"

Insert: "is not"

9. Page 3, line 28.

Following: "(B)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

10. Page 3, line 29.

Following: "(C)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

11. Page 7, line 8.

Following: "that"

Insert: ":"

12. Page 7, line 9.

Strike: "MEETS ALL OF THE FOLLOWING CONDITIONS:"

13. Page 7, line 10.

Following: "(A)"

Strike: "IT HAS" through "NOT BEEN"

Insert: "is not"

14. Page 7, line 11.

Following: "(B)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

15. Page 7, line 12.

Following: "(C)"

Strike: "IT HAS NEVER BEEN"

Insert: "is not"

- END -