

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

April 26, 2011

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear President Peterson:

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 Senate Bill No. 212 (SB 212), **"AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE WILD BUFFALO OR BISON; REQUIRING A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON MAY BE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

Senate Bill 212 requires the Department of Fish, Wildlife, and Parks (FWP) to develop a management plan before wild bison may be released or transplanted in Montana and describes multiple required components of such a plan. It also grants rule-making authority to address potential damage to persons or property.

FWP has initiated the development of a broad conservation and management plan that will evaluate potential sites for bison in Montana. The plan will take into consideration historical distribution, land ownership, compatibility with current land uses, forage needs, disease risk, measures to address movements, and fair-chase hunting opportunities for the public.

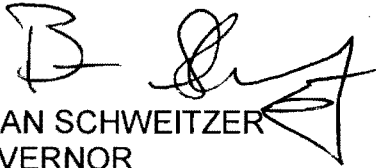
Many of the provisions of SB 212 belong in any sensible plan. However, one mandatory provision of the bill (subsection (5)(c) of § 87-1-216, MCA) would make translocation of bison virtually impossible on any state or federal lands currently managed to allow grazing. This subsection would have the effect of eliminating options before they can even be explored, including those associated with tribal lands. My amendments, therefore, propose to strike this provision from the bill. Likewise, containment measures as described in subsection 5(d)(i) of § 87-1-216, MCA, are unrealistic as written, since a guaranteed prevention of estray is impossible for almost any animal, including bison.

Finally, I believe it is important to clarify that FWP has the authority to promulgate rules to authorize the taking of bison when and where necessary to prevent the transmission of a contagious disease by any appropriate means, not just through hunting seasons. Therefore, I am including an amendment to clarify FWP's authority in this regard. The intent is to ensure that all necessary tools are available to FWP to address potential

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disease conflicts associated with bison, which is important to the long-term sustainability of both livestock and wildlife in Montana. These tools may include "shoot on sight" or similar provisions that may be necessary outside of designated zones.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Schweitzer". The signature is stylized and written over the printed name below.

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 212  
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts  
April 26, 2011 (10:43am)

1. Page 2, line 3.

**Following:** "87-2-730."

**Insert:** "The department may, following consultation with the department of livestock, adopt rules to authorize the taking of bison where and when necessary to prevent the transmission of a contagious disease."

2. Page 2, line 19.

**Strike:** "(5) (D)"

**Insert:** "(5) (c)"

3. Page 2, line 20 through line 21.

**Strike:** subsection (C) in its entirety

**Renumber:** subsequent subsections

4. Page 2, line 24 through line 25.

**Strike:** "to" on line 24 through "OWNER" on line 25

- END -