

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

May 17, 2023

The Honorable Jason Ellsworth  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Matt Regier  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

Last October, two radical anti-hunting groups filed suit against the State of Montana, requesting an immediate halt to the ongoing wolf hunting and trapping season. Soon after, the judge granted a temporary restraining order directing the Montana Department of Fish, Wildlife and Parks to return 2020 wolf regulations and restrictions. While the same judge eventually rejected the arguments brought by the plaintiffs a few weeks later, Montana hunters and trappers suffered significant harm while the temporary restraining order was in place. While I agree the issuance of the temporary restraining order in that case was improper, House Bill 419 fails to address the root cause of this problem and could face serious implementation challenges.

House Bill 419 would require any plaintiff seeking an injunction or restraining order that would diminish hunting or trapping opportunities to post a bond of "the greater of \$50,000 or a reasonable estimation of the aggregate losses to all persons whose opportunities are diminished by the injunction or restraining order." This would require the plaintiff to perform the almost impossible task of calculating these losses across the entire state. There is no consistent and objective methodology to measure these costs. Furthermore, the determination of what is a "reasonable estimation" of these potential losses would be left to the discretion of the judge and may not meet the expectations of supporters and the sponsor of the bill as provided during legislative hearings and debate. In short, House Bill 419 creates an uncertain process which could result in significant delays and may not ultimately serve its intended purpose.

In addition, House Bill 419 sets the precedent that only the well-financed can immediately or preliminarily stop the state to vindicate their constitutional rights. An overreaching state government is why most constitutional protections exist, and yet House Bill 419 suggests that the state cannot be stopped from violating such rights—even in the name of protecting other rights—

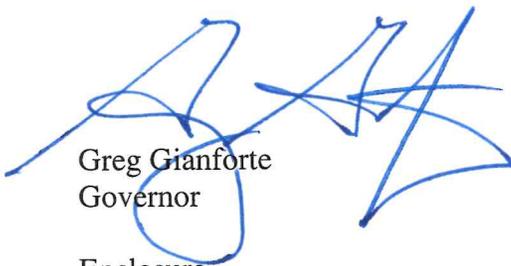
for less than \$50,000. If this is acceptable in the hunting context, why would it not be acceptable when vindicating religious liberty violations, free speech violations, or Second Amendment violations? House Bill 419 opens the door for future mandatory bond requirements, to the detriment of the freedom of Montanans.

I share the concerns of the bill sponsor regarding the litigious efforts of these anti-hunting groups. I applaud the bill sponsor for his commitment to defending Montana's hunting and trapping heritage. It is a commitment that I share. This shared commitment is reflected in my support of Senate Bill 191. This piece of legislation, also supported by the sponsor of House Bill 419, is directed at reining in the same excessive use of injunctions and temporary restraining orders as was suffered by the hunting and trapping community last year.

Senate Bill 191 provides a more comprehensive solution to the problem of unnecessary and arbitrary injunctions across all subject matter areas by addressing the root cause of this problem: excessive judicial discretion in issuing restraining orders and injunctions. House Bill 419, while well-intentioned, does not get at the root cause of this government-wide problem and could create additional procedural headaches if signed and implemented.

For these reasons, 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 419: "AN ACT REVISING LAWS RELATED TO SECURITY FOR DAMAGES WHEN AN INJUNCTION OR RESTRAINING ORDER IS GRANTED; REQUIRING A JUDGE TO COLLECT SECURITIES FOR INJUNCTIONS OR RESTRAINING ORDERS THAT DIMINISH THE PROTECTIONS PROVIDED IN ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION TO HARVEST WILD FISH AND WILD GAME ANIMALS; AMENDING SECTIONS 27-19-306 AND 87-1-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Sincerely,



Greg Gianforte  
Governor

Enclosure

cc: Legislative Services Division  
Christi Jacobsen, Secretary of State