



AN ACT CREATING THE HORSE OWNER AMNESTY ACT; ALLOWING CERTAIN HORSE OWNERS TO SURRENDER A HORSE TO THE DEPARTMENT OF LIVESTOCK AT A LICENSED LIVESTOCK MARKET UPON PAYMENT OF A FEE; PROVIDING FOR THE DISPOSAL OF THE HORSE BY PUBLIC AUCTION OR ADOPTION; PROHIBITING THE HORSE OWNER FROM BEING CHARGED WITH ANIMAL CRUELTY; CREATING A HORSE OWNER AMNESTY SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION TO THE DEPARTMENT; GRANTING THE DEPARTMENT RULEMAKING AUTHORITY AND AUTHORITY TO SET CERTAIN FEES; AND AMENDING SECTION 17-7-502, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 4] may be referred to as the "Horse Owner Amnesty Act".

Section 2. Horse owner amnesty for horse transferred to department at licensed livestock market

-- **fees.** (1) A horse owner may surrender ownership of a horse to the department at a licensed livestock market, as defined in 81-8-213, if the owner is unable to provide food and water of sufficient quantity and quality to sustain the animal's normal health.

(2) The owner shall pay to the department a fee to be set by rule by the department.

(3) Except as provided in subsections (4) and (5), the department shall sell the horse at a public auction.

(4) A licensed veterinarian may euthanize a horse if the veterinarian determines it to be medically necessary after an inspection of the horse.

(5) The department may allow a surrendered horse to be adopted if a suitable placement can be made and after payment of:

(a) a fee to be set by the department by rule; and

(b) the costs incurred by the department or the public livestock market to maintain the horse.

(6) The fees imposed and the proceeds collected under subsections (2), (3), and (5) must be deposited in the special revenue account provided for in [section 3].

(7) A person surrendering a horse to the department under the provisions of this section may not be charged with or prosecuted for cruelty towards animals pursuant to 45-8-211 or 45-8-217.

Section 3. Horse owner amnesty special revenue account. (1) There is a horse owner amnesty account in the state special revenue fund. Money must be deposited in the account pursuant to [section 1(6)] and subsection (2) of this section.

(2) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any source to be used for the purposes of defraying the costs of [sections 1 through 4] must be deposited in the account.

(3) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of livestock, which shall use the funds to defray the costs of [sections 1 through 4].

Section 4. Rulemaking. The department may adopt rules to administer [sections 1 through 4], including but not limited to rules to:

- (1) set fees for horse surrender and adoption;
 - (2) determine what, if any, proof of financial hardship may be required before an owner may surrender a horse;
 - (3) create procedures for the adoption of surrendered horses;
 - (4) reimburse licensed livestock markets for expenses incurred in the upkeep of surrendered horses;
- and
- (5) allow a person who has surrendered a horse to buy the horse back if the person's financial circumstances change and the horse has not been sold or adopted.

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; section 3; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral

part of Title 81, and the provisions of Title 81 apply to [sections 1 through 3].

- END -

I hereby certify that the within bill,
HB 0655, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 655

INTRODUCED BY BELCOURT, HAMLETT, ZINKE, JOPEK, BRANAE, RIPLEY, STEINBEISSER, GETZ,
ROUNDSTONE, MEHLHOFF, MCCLAFFERTY, ANKNEY, FLEMING, VINCENT, WAGNER, BOLAND,
COHENOUR, BENNETT, LARSEN, T. BROWN

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