

1 SENATE BILL NO. 402

2 INTRODUCED BY K. VAN DYK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING WILD HORSES OR BURROS; REQUIRING AN
5 IMPORT PERMIT AND ESTABLISHING A MINIMUM IMPORT FEE; REQUIRING PAYMENT OF A PER CAPITA
6 FEE; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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

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10 **NEW SECTION. Section 1. Importing of wild horses and burros -- findings -- permit and fee**
11 **required -- per capita fee.** (1) The legislature finds that herds of wild horses or burros:

12 (a) if improperly managed, may cause negative impacts to wildlife habitats, including trampling of
13 vegetation along streambanks, around springs, and in upland areas and contamination of water from feces and
14 urine;

15 (b) include dominant stud horses and burros that exclude other animals from native habitat;

16 (c) remove natural cover that allows predators to kill species that depend upon that cover to hide,
17 especially during the fawning and brooding seasons; and

18 (d) may carry diseases that threaten livestock and wildlife.

19 (2) (a) In addition to the requirements of 81-2-703, the department shall adopt criteria for issuance of a
20 permit to import wild horses or burros. The department may not issue a permit to import wild horses or burros
21 without reasonable assurance that the wild horses or burros will not cause damage to public or private land,
22 livestock, or native wildlife.

23 (b) The department shall set a fee for the permit at no less than \$100 per animal. The fee may be
24 increased to pay for the implementation of this section.

25 (c) Issuance of the permit is subject to the provisions of Title 75, chapter 1, parts 1 and 2.

26 (3) Prior to issuing a permit to import wild horses or burros from outside Montana, the department shall,
27 in consultation with the department of fish, wildlife, and parks, develop and adopt a management plan for the
28 release of wild horses or burros onto private or public land in Montana. A plan must include but is not limited to:

29 (a) measures to comply with any applicable animal health protocol required under Title 81 or by the state
30 veterinarian;

1 (b) any animal identification and tracking protocol required by the department to identify the origin and
2 track the movement of wild horses or burros;

3 (c) animal containment measures that ensure that any wild horse or burro transplanted or released on
4 private or public land will be contained in designated areas. Containment measures must include but are not
5 limited to:

6 (i) any fencing required;

7 (ii) contingency plans to expeditiously relocate wild horses or burros that enter private or public property
8 where the presence of the animals is not authorized by the private or public owner;

9 (iii) contingency plans to expeditiously fund and construct more effective containment measures in the
10 event of an escape; and

11 (iv) contingency plans to eliminate or decrease the size of designated areas, including the expeditious
12 relocation of wild horses or burros if the wild horses or burros are not effectively contained.

13 (d) a reasonable means of protecting public safety and the health of livestock or wildlife and emergency
14 measures to be implemented if there is a threat to public safety or the health of livestock or wildlife;

15 (e) a reasonable maximum carrying capacity for any proposed designated area using sound
16 management principles, including but not limited to forage-based carrying capacity, and methods for not
17 exceeding that carrying capacity; and

18 (f) identification of long-term, stable funding sources dedicated to implementing the provisions of the
19 management plan for each designated area.

20 (4) When developing a management plan, the department shall accept public comment and hold a public
21 hearing in the affected county or counties. Prior to making a decision to release or import wild horses or burros
22 onto private or public land in Montana, the department shall respond to all public comment received and publish
23 a full record of the proceedings at any public hearing.

24 (5) The transfer of wild horses or burros within Montana does not require the import permit, but the
25 provisions of subsections (3) and (4) apply.

26 (6) Wild horses and burros are subject to the per capita fee established pursuant to 15-24-921.

27 (7) For the purposes of this section, "wild horses or burros" means unbranded and unclaimed horses
28 or burros that are under the jurisdiction of the United States.

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30 NEW SECTION. **Section 2. Retroactive applicability.** [Section 1(3), (4), and (6)] applies retroactively,

1 within the meaning of 1-2-109, to wild horses or burros imported into Montana after January 1, 2013, and before
2 [the effective date of this act]. The department shall develop a management plan for those horses and burros,
3 accept public comment, reply to the comment, and hold a public meeting in the counties affected.

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5 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
6 integral part of Title 81, chapter 2, part 7, and the provisions of Title 81, chapter 2, part 7, apply to [section 1].

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