

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

FEBRUARY 3, 1979

The meeting of the Local Government Committee was called to order by Chairman, George McCallum, on February 3, 1979, at 12:35 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Conover, who was excused.

Dennis Taylor, staff researcher, was also present.

Several visitors were in attendance. (See attachment.)

CONSIDERATION OF SENATE BILL 263: Senator Tom Rasmussen, chief sponsor of the Senate Bill 263, of Senate District 16, gave a brief resume of the bill. This bill is an act to revise the cost limits on underground placement of utilities.

Bob Hansen, representing the city of Helena, stated his support of the bill. Mr. Hansen stated that he felt the original bill was a mistake in the first place and this would rectify the situation.

Al Thenlen, city manager of Helena, stood in support of the bill, as he felt this would clarify the issues.

Senator McCallum then called on the opponents, hearing none he called on Senator Rasmussen to make the closing statements. Senator Rasmussen stated that this bill does nothing more than clarify.

Senator McCallum opened the meeting to a question and answer period from the Committee. Discussion was held, however, no action was taken at the time on the bill.

CONSIDERATION OF SENATE BILL 264: Senator Paul Boylan co-sponsor of the bill, gave a brief resume of the bill. This bill is act to authorize the county governing body authority to control and license dogs through adoption of an ordinance. Senator Brown stated that he himself has had experience with this problem. Dogs are getting to be a problem. Dogs are becoming a threat to young people and livestock. This is as great a problem as any, as it is hard to control dogs now.

Senator Hager, the other co-sponsor of this bill of Senate District 30, also spoke briefly on the bill. Senator Hager showed an article from the Billings Gazette of January 31, 1979 regarding the dog problem and showed some petitions signed by people in the Glendive and Billings Heights area.

Ellen Engstedt, of Helena, spoke in favor of the bill. Her testimony was given on behalf of those Lewis and Clark County residents who face everyday the misery of living with packs of roaming dogs. Mrs. Engstedt offered written testimony. (See attachment.)

Mr. L. W. Fasbender, commissioner from Cascade County felt this is a "dog gone" good bill. Mr. Fasbender stated there are several developments in the Great Falls area and cited examples of some of the problems they have had. He supported this bill 100% and feels sure there are other towns who also need this bill.

Dee Dee Jacoby, of Helena, stated that she felt this is a great bill as it will allow ordinances in areas where they are needed.

Dick Schaffer, sheriff of Yellowstone County, commented that this bill is much needed, as something needs to be done.

Joe Gonzalez, of the sheriff's department in Yellowstone County, stated that people have a tendency to drop dogs off they no longer want and they are not controlled, perhaps people should be cited for this.

Bob Decker, Lewis and Clark County Commissioner, felt that the sheriff department cannot handle this situation. This bill will give the commissioners the authority to correct the problems.

Dave Gorton, Deputy County Attorney of Yellowstone County, offered an amended version of the bill. He stood in support of the bill. (See attachment.)

Jim Nixon, Animal Control Officer from Billings, stated he was delighted to see a bill which could address some of the problems he faces.

Dave Conklin, representing the Montana Mountain Mushers which is a sled dog organization, stated his support of the bill. Mr. Conklin agreed that it should be a permissive law and that the county should have the authority. He asked, that regarding the license section, the Committee amend the bill to read "may" instead of "provide".

Senator Lockrem stated he had been contacted by a large sub division from Billings which supports the bill.

Senator McCallum stated he also had been contacted by a large sub division from Billings supporting SB 264.

With no further proponents, Senator McCallum called for the opponents, hearing none Senator Boylan made the closing remarks. Senator Boylan stated that he loves dogs but they need to be controlled. He stated that he feels sorry for dogs, it is inhuman to treat them as they have been treated. He told the Committee to amend the bill so they would be able to live with it if they felt it was necessary.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF SENATE BILL 269: In the absence of Senator William Lowe, Tom Harrison, representing the D. A. Davidson Company, gave a brief resume of the bill. This bill is an act to clarify the procedure for issuance of certain bonds.

Mr. Harrison introduced Bruce MacKenize, legal counsel for the firm of D. A. Davidson. Mr. MacKenize stated that this bill applies only to general issues bonds. The people must approve of the bond still. This is only an attempt to simplify the bond procedure. No group of county commissioners is going to incur a debt which is not necessary.

There were no further proponents or opponents, so the meeting was opened to a question and answer period from the Committee. Discussion followed, however, no action was taken.

DISPOSITION OF SENATE BILL 263: A motion was made by Senator Thomas that Senate Bill 263 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 264: A motion was made by Senator Watt that the amendments offered during the meeting be given a "DO PASS" recommendation from the Committee. Motion carried.

A motion was made by Senator Thomas that an immediate effective date be included in the bill. After some discussion, Senator Thomas withdrew his motion.

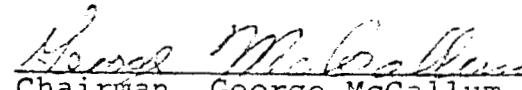
A motion was made by Senator Thomas that Senate Bill 264 be given a "DO PASS, as amended" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 106: A motion was made by Senator Lockrem that Senate Bill 106 receive a "DO PASS" recommendation from the Committee.

Senator McCallum asked Dennis Taylor, staff researcher, to check into this bill, perhaps a minimum salary could be set and also apply the workload in arriving at the salary.

CODE COMMISSIONER BILLS: The secretary was instructed to post the 16 Code Commissioner Bill for hearing on Wednesday February 8, 1979 at 7 p.m. in Room 405.

ADJOURN: With no further business the meeting was adjourned at 2 p.m. The next meeting will be held on Tuesday, February 6, for the consideration Senate Bills 257 and 267.

  
Chairman, George McCallum

Mon Feb 3 1979

## ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE

COMMITTEE

## BILL

**VISITORS' REGISTER**

DATE

Please note bill no.

# STANDING COMMITTEE REPORT

February 3

1979

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 264...

Respectfully report as follows: That Senate Bill No. 264, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "which"

Strike: "provides"

Insert: "may provide"

2. Page 1, line 23.

Following: line 23

Insert: "Section 3. THERE IS A NEW MCA SECTION THAT READS:

"Vicious dog control. (1) The county governing body may regulate, restrain, control, kill, or quarantine any vicious, unruly, or ferocious dog, whether such dog is licensed or unlicensed, by the adoption of an ordinance which substantially complies with the provisions of 7-5-103 through 7-5-107.

(2) A violation of any ordinance established as provided in subsection (1) is a misdemeanor."

~~DO PASS~~ Renumber: all subsequent sections

And, as so amended, DO PASS

# STANDING COMMITTEE REPORT

.....February 3..... 19.79.....

MR. President:

We, your committee on Local Government.....

having had under consideration Senate..... Bill No. ....263.

Respectfully report as follows: That Senate..... Bill No. ....263.....

DO PASS

NAME: C.R. Harrison DATE: 2/3/79.

DATE: 2/3/79

ADDRESS: Civic Center

PHONE: 442-9920

REPRESENTING WHOM? City of Helena.

APPEARING ON WHICH PROPOSAL: **SB 263**

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Senator Tom Hagan DATE: Feb 3, 1979

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: *SB 264*

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Richard D. Shaffer DATE: 2/13/79

ADDRESS: Billing Street

PHONE: 2596938

REPRESENTING WHOM? President Yellowstone Park

APPEARING ON WHICH PROPOSAL: Bill 264

DO YOU: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: C. DAVID GORTON DATE: 2-3-79

ADDRESS: 403 COURTHOUSE- BILLINGS, MT 59101

PHONE: 252-5181- EXT. 350

REPRESENTING WHOM? YELLOWSTONE COUNTY ATTORNEY

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: Jim Nixon DATE: 2-3-79

ADDRESS: 455 Beach Blvd Blys

PHONE: 2596964

REPRESENTING WHOM? Yellowstone Co. #

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Joe Gonzalez DATE: 2/3/79

ADDRESS: Box 281 Weyson, MI

PHONE: 967-3081 252-0888

REPRESENTING WHOM? Yellowstone Co S/o

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dean Fennicker DATE: 2-3-79

ADDRESS: Helena

PHONE: 442-5209

REPRESENTING WHOM? Mt. Assn of Counties

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Ali F. S. BENDER DATE: Feb. 3, 1972

ADDRESS: 777 N. Law. Mkt.

PHONE: 264-2425

REPRESENTING WHOM? Gazardo, Inc.

APPEARING ON WHICH PROPOSAL: SB - 264

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Strongly support bill

NAME: Dave Criblin DATE: 2-3-79

ADDRESS: 1919 Grizzly Lake, Glendale

PHONE: 443-5187

REPRESENTING WHOM? Portola Mountain Ranch

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT? \_\_\_\_\_ AMEND?  OPPOSE? \_\_\_\_\_

COMMENTS: Have positive in regard to  
land, and the right and demands  
to land usage.

NAME: Bruce A. MacKenzie DATE: 2/3/79

ADDRESS: 16 3<sup>rd</sup> STREET MURRAY Gt. Falls.

PHONE: 727 - 4200

REPRESENTING WHOM? DA Davidson

APPEARING ON WHICH PROPOSAL: SB 269

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John T. Johnson DATE: 10/10/11

PHONE: 703-435-23

REPRESENTING WHOM? DA Dan Tread

APPEARING ON WHICH PROPOSAL: 269

COMMENTS: \_\_\_\_\_

RE: SENATE BILL 264

My testimony is given on behalf of those Lewis and Clark County residents who face every day the misery of living with packs of roaming dogs. It presents a daily aggravation not to mention health hazard to human lives in the areas that were once, but are no longer, completely rural in nature. Through little planning, no planning, or even with planning housing developments are located outside city limits in many areas of Montana such as the Helena Valley in Lewis and Clark County. This means people in large numbers and that means dogs in large numbers. Many folks move to the "country" so their dogs can run at random. But when many people do that very same thing, it means many dogs roaming at random.

I have on many occasions been forced to pick up garbage dumped by packs of dogs; but more importantly, my children and many other children - and adults as well - have been harrassed and terrified by large dogs wandering through our residential area. We live one block from a local elementary school and dogs are a constant threat to the children on the playground both by their very presence and by the mess they leave behind.

I firmly believe local County Commissioners should have the authority to not just license or leach but confine animals i.e. dogs in designated areas within a given county.

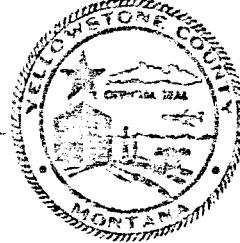
I urge your support of Senate Bill 264.

Thank you.

Ellen Engstedt  
6171 Goodwin Drive  
Helena, MT 59601

# County of Yellowstone

BILLINGS, MONTANA 59101



COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 508

Criminal Division - 252-5181, ext. 230

Deferred Prosecution - 252-5181, ext. 230

Victim/Witness Assistance - 252-5181, ext. 230

Civil Division - 252-5181, ext. 352

Criminal Investigation Division - 245-6625

Child Support Enforcement Division - 259-2239

1537 Avenue D, Suite 135

Billings, Montana 59102

January 29, 1979

Mr. Dave Goss  
c/o Montana League of Cities and Towns  
P.O. Box 1704  
Helena, Montana 59601

RE: Dog Control Bill

Dear Dave:

I am enclosing an amended version of the dog control bill which you sent at Senator Hager's request.

The new section is Section 2, for the control of vicious dogs. I simply re-designated the repealer section as Section 3.

Jim Nixon was in recently to express his continuing interest in passage of such a bill. Please keep me informed of any progress. Thanks, again, for all your help.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dave".

C. DAVID GORTON  
DEPUTY COUNTY ATTORNEY

CDG:rdl  
Enclosures

BILL NO. \_\_\_\_\_

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE COUNTY GOVERNING BODY AUTHORITY TO CONTROL AND LICENSE DOGS THROUGH ADOPTION OF AN ORDINANCE; REPEALING SECTIONS 7-23-2101 THROUGH 7-23-2107 AND 7-23-2111 THROUGH 7-23-2117, MCA."

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

Section 1. County control of dogs. (1) The governing body of the county has power to regulate, restrain, or prohibit the running at large of dogs by the adoption of an ordinance which substantially complies with the provisions of 7-5-103 through 7-5-107 and which provides for the wearing of a license tag upon the collar of the dog and the keeping of a record which will establish the identity of the person who owns, keeps, or harbors the dog.

(2) The county governing body is authorized to impound, sell, kill, or otherwise destroy dogs found at large contrary to ordinances.

(3) Nothing in this section restricts the governing body from enacting dog control in a portion of the county only.

Section 2. The governing body of the county has the power to regulate, restrain, control, impound, kill, or quarantine any vicious, unruly, or ferocious dog, whether such dog is licensed or unlicensed, by the adoption of an ordinance which substantially

complies with the provisions of 7-5-103 through 7-5-107.  
Violation of any ordinance so established shall constitute a  
misdemeanor.

Section 3. Repealer. Sections 7-23-2101 through 7-23-2107 and 7-23-2111 through 7-23-2117, MCA, are repealed.

-End-