

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Greg Jergeson, on February 11, 1991,
at 3:00 P.M.

ROLL CALL

Members Present:

Greg Jergeson, Chairman (D)
Francis Koehnke, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Gerry Devlin (R)
Jack Rea (D)
Bernie Swift (R)
Bob Williams (D)

Members Excused:

Betty Bruski (D)

Staff Present: Doug Sternberg (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

Chairman Jergeson announced that he would turn the Chair
over to Vice Chairman Koehnke in order that Senator Jergeson
might present a bill in another committee.

HEARING ON HOUSE JOINT RESOLUTION 6

Presentation and Opening Statement by Sponsor:

Representative Howard Toole, District 60, stated he is
presenting HJR 6 which is a resolution that is directed at the
Department of Natural Resources urging the Department to solicit
applications for the water development and renewable resource
development grants for the demonstration of environmentally sound
agricultural practices and projects that are intended to improve
and increase environmentally sound agricultural chemical
practices. It also directs Montana State University to pursue
funding for programs and projects both for research and
demonstration in this area. He advised that House Bill 240 will
also come before this committee. It is a bill that authorizes
grants from the Water Development Special Revenue Account for

these kinds of projects. HB 240 opens up that account to these kinds of projects.

Proponents' Testimony:

AL KURKI, Director of the Alternative Energy Resources Organization (AERO), stated his organization is comprised of 500 members, most of whom are in Montana and half of whom are Montana farmers and ranchers. He pointed out that the resolution calls for both research and demonstration components. They are particularly supportive of its emphasis on demonstration projects because it can test particular practices on a certain farm or community. He read and presented his written testimony to the Committee, and urged support and passage of this resolution (Exhibit #1).

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing By Sponsor:

Representative Toole stated in view of no opposition, he would close without further comment.

HEARING ON HOUSE BILL 120

Presentation and Opening Statement by Sponsor:

Representative Harriet Hayne, House District 10, stated she is presenting HB 120 which bill creates the Farm Animal and Research Facility Protection Act. She stated quite often the newspapers tell of certain groups and individuals in our society that have committed individual and group acts including vandalism against livestock operators and against scientific facilities because they say they are concerned about the amount of cruelty that they believe is involved in raising animals in confinement. She stated that most people agree that animals should not be mistreated, but by the same token animals cannot be treated as if they are human beings. According to Ms. Hayne, no element in our society is more compassionate to livestock, poultry and fur bearing animals than are the producers and individuals who work with animals that are in confinement. The medical advances which the medical and veterinary professions have made are due in part to using animals for research. This bill also applies to research facilities used in the medical and veterinary fields. HB 120 is patterned after HR 3270 introduced by the U. S. Representative from Texas, in the 101st Congress, and was co-

signed by 240 other Congressmen. With the budget crunch in the last session of Congress, the bill was put on hold but will be re-introduced this session. This and similar legislation has been passed in Arizona, Georgia, Kansas, Idaho and several other states. She believes Montana should join with other states and the federal government to prevent and penalize crimes against farmers, ranchers and the agricultural and bio-medical research facilities. She informed an amendment on page 6 changes the imprisonment term from 20 to 10 years. She introduced Les Graham, Department of Livestock, who presented a video presentation.

Proponents' Testimony:

LES GRAHAM, Department of Livestock, stated their Department is interested in HB 120 because they have a diagnostic laboratory; they are in charge of predator control; they have an animal health section; and meat, milk and egg inspection. All of these programs are suspect in the eyes of some animal activist groups around the country. The Department of Livestock has been concerned, and for the past six years Mr. Graham has been active in doing research as to what is going on nationally. He stated they have copies in their office of printed materials put out by various organizations such as how to shoot livestock grazing on public land, and a bulletin in the form of a training bulletin on how to conduct a surveillance and eventually bomb a research lab. He stated they do not believe any piece of legislation should hinder a law-abiding group. He stated they are state law officers, and they work with humane societies around the state. Their intent of support of HB 120 is not to restrict or inhibit their activities. He believes that the trend of what is going on nationally makes this piece of legislation well in order. He explained that the film is not done by actors, but is actual footage and illustrates the activities of the Animal Liberation Front, an activist group. He presented the film for the committee's information.

LORNA FRANK, representing the Montana Farm Bureau, stated she would like to go through the various sections of HB 120 in order to explain some of the reasons they are in support of this bill. Page 1, Section 2, line 17 - She stated the new wording was added to better cover rodeos, horse shows, 4-H fairs, and other agriculture related activities; Section 2 also identifies "animal facilities" which would include vehicle, building, research facility or premise where an animal is kept housed, exhibited, bred or offered for sale. This would include livestock auctions. Section 3, page 3, mentions unlawful acts to an animal facility. This would include taking pictures with a camera or a video camera, the reason being that pictures can be altered and changed to depict whatever someone wants you to believe. Section 3, lines 23-25 exempts lawful activities or government agencies carrying out their duties. She believes this would also exempt the humane society and would not hamper them from investigating any cruelty to animal cases. Section 4, page

5, says that a person can bring action in District Court to recover three times the amount of actual and consequential damages plus court costs and attorney fees. This applies when a person is found guilty of doing damage to any facility. Section 5 is the penalty section wherein it says that a person convicted of entering a facility without consent and remaining on the premises even though they had notice that entry was forbidden or were told to leave but did not, could receive a fine of not less than \$50 or more than \$500, or be imprisoned in the county jail for up to three months. This follows the criminal mischief and the criminal trespass language currently in statutes 46-6-101 and 45-6-203, MCA, and is considered a misdemeanor. Section 5, subsection 2, says that if a person is convicted of entering a facility without consent after closing time and remains concealed with intent to remove an animal, do damage, take pictures, or destroy a facility that results in damage or destruction of \$500 or less, they shall be fined not more than \$500 or imprisoned in the county jail no longer than 6 months. This also follows the current language in Montana codes. Section 5, subsection 3, page 5, says that if a person is convicted of entering a facility during closing time, remains concealed with intent to remove an animal, do damage, take pictures, or does damage of \$500 or more, that individual shall be fined not more than \$50,000 or imprisoned in state prison for not more than 10 years. This follows the current language in 45-6301, MCA. She also stated that she wished to call attention to the criminal mischief sections in which there is mention of commonly domesticated hooved animals. She informed this is in the bill because of the rustling that has occurred in Montana. There is no mention in the current codes of research facility or facility animals or where they are housed. Her group feels that by passing HB 120 the state of Montana will be sending a message to animal terrorist groups that they are not welcome in the state, and if they are caught breaking the laws, they will be prosecuted. It is their belief the bill will give prosecutors more definitive language and another option in prosecuting such cases. She furnished copies of the criminal codes which she referred to in her testimony (Exhibit #2).

KEITH BALES, representing the Montana Stock Growers Association, Montana Wool Growers Association and Montana Association of State Grazing Districts, stated these three organizations represent livestock producers across Montana. He read and presented written testimony to members of the Committee (Exhibit #3). He asked for concurrence on HB 120.

CAROL MOSHER, Montana Cattle Women, advised that she is also representing Ted Doney for the Montana Dairymen, and they support HB 120. She passed out copies of her testimony (Exhibit #4), and stated she would defer her testimony time to two young people who had traveled a good distance to testify.

JODI JONES, 4-H member, stated she is in support of HB 120, and urged a do pass recommendation by the committee. She read

and presented her written testimony describing an incident at a county fair where 4-H members were confronted by an animal rights activist (Exhibit #5).

CINDY BENSON, 4-H member, also told of her experience of being confronted by animal rights activists at the Beaverhead County Fair. She submitted her written testimony to the committee (Exhibit #6).

KAY NORENBURG, representing Wives Involved in Farm Economics, stated they wished to go on record in support of HB 120.

ROGER TIPPY, lobbyist for the Montana Veterinary Medicine Association, advised that the MVMA reviewed this bill at their mid-winter convention in January and found that although they had some questions of the operation and effect of the language of this bill, they were comfortable with it and in support of the objectives of it. This bill does not duplicate what is in the criminal code because it provides treble damages in civil actions in addition to supplementing the criminal code, and the definition of "value" in the criminal code 45-2-101 is what drives the criminal mischief and the criminal trespass in terms of crime. "Value" under that code reference is defined as the replacement cost or the market value of the property. This bill adds the loss of "data" in addition to what current law provides.

DR. WARREN FROST, Director of Animal Resources at Montana State University, supplied written testimony which he wished to be included in the hearing in support of HB 120. Lorna Frank presented copies of his testimony to the committee members (Exhibit #7).

CHARLES BROOKS, Montana Hardware Implement Association, stated that group is deeply concerned about this issue as it affects their industry. He stated his son is a medical researcher, and they believe it is necessary to use animals rather than humans for research in order to address the many diseases that we are faced with today. It is his opinion the state of Montana needs the protection this bill affords.

Since no further proponents expressed a desire to testify, Chairman Jergeson asked those in favor of HB 120 to stand and be recognized. A large group responded.

Opponents' Testimony:

TIM SWEENEY, President of the Lewis and Clark Humane Society and a licensed member of the State Bar of Montana, stated he is also a horseman, and wished to express the opposition of the L & C Humane Society to HB 120. He read and presented his written testimony to members of the committee (Exhibit #8).

BARBARA DAHLGREN, President of the Federated Humane

Societies of Montana, advised that their Federation consists of a conglomerate of eleven Montana humane organizations. Montana laws governing the care of animals provide that animals must be provided with proper food, water and shelter. She believes when violations of any of these laws are reported to the humane societies, those allegations should be investigated. Since their organizations are legal, and not tax-supported corporations, their interest lies in the proper humane treatment of animals. She does not believe that any of their organizations poses a threat to an animal facility, vehicle, building, etc. They realize there must be experimentation on animals, but they also feel that those animals being used deserve the most humane treatment that can be administered. She stated the most frustrating case she has ever been involved with was the beaver farm situation at Stevensville. She provided written testimony which was a chronology of the happenings in that incident (Exhibit #9).

ROBERT MICKEN, Supervisor of the Missoula City/County Animal Control, expressed his concerns with HB 120 through a letter which he asked Ms. Dahlgren to distribute to the committee (Exhibit #10).

MICHELLE FRODEY-HUTCHINS, Education Coordinator for the Missoula Humane Society, advised that in addition to reading a statement, she also wished to point out that Section 3, page 4, lines 2-3, defines activities as ones that would "damage the enterprise" conducted at the animal facility. She said this indicates not damage to a physical structure, but rather damaging an enterprise, which may or may not be legal. She believes the wording opens the door to problems that would largely affect organizations such as humane societies. She also believes the intent of the bill is to send a message to animal rights terrorists. She did not believe anyone in the room would condone activities as shown in the video. It is her opinion that the way the bill is written will impede the activities of community animal welfare organizations. She believes there is a dichotomy between what the proponents say they want to accomplish and what the bill actually says. Her prepared testimony, which she read to the committee, expressed the views of the Missoula Humane Society (Exhibit #11).

KATHY JONES, stated she is a livestock owner, and added she is not an animal rights activist. She voiced her opposition to HB 120 and read a prepared statement to the committee (Exhibit #12).

CAROL REITER, Vice-President of the Lewis and Clark Humane Society Board of Directors, advised that she believes the public expects the Humane Society to act on animal cruelty cases. She stated this is being done successfully, and believes that HB 120 could impede legitimate animal cruelty investigation. She read and submitted her written testimony (Exhibit #13).

JUDITH FENTON, Secretary/Treasurer of the Federated Humane Societies of Montana, stated she is opposed to HB 120 for many reasons, which she set forth in written testimony and read to the committee (Exhibit #14). She concluded by requesting that if the committee did give a favorable recommendation to the bill, an amendment be considered that would exempt legitimate humane societies from the provisions of this bill

Chairman Jergeson advised that the allotted time had run out, and he requested additional opponents to stand to show their opposition to HB 120. A large number responded.

In addition to those testifying, the following opponents submitted written testimony in opposition to HB 120:

DR. JULIE A. KAPPES, Helena Veterinary Service, Helena
(Exhibit #15)
JENIFER WISE, Basin (Exhibit #16)
NELL HOLTZCLAW, Butte (Exhibit #17)
MARC PASSMANN, Missoula (Exhibit #18)
MOLLY BAER KRAMER, Missoula (Exhibit #19)

Questions From Committee Members:

Senator Williams asked if the members of the humane societies who spoke in opposition were speaking for the organizations or themselves. Tim Sweeney advised that he spoke on behalf of the Lewis & Clark Humane Society, and communication had been made with all the directors and they all oppose HB 120.

Sen Devlin asked if the humane society representative needed a law enforcement person present before they entered private property. Mr. Sweeney said the courts hold them to the standards of a government agency or search and seizure rule. They do get warrants before they go on properties, and sometimes they get permission from the owners. He added they are a Montana corporation and do not hold any kind of government status, and the bill would not protect their representatives. He believes it would pose a threat to their organizations.

Senator Williams asked what would be the requirements or what groups would one go through to start up a humane society. Mr. Sweeney responded there is no license requirement; however, their society gets funding from various government entities. All their workers are volunteers, but are not specifically sanctioned under law.

Senator Beck asked if the societies are not sanctioned under law, are they violating the law at the present time. Mr. Sweeney stated they are not violating it at the present time, but would be under HB 120. Senator Beck asked is not the county attorney, or other government representative, taking the full legal

responsibility for their actions. He believes there is nothing in HB 120 that would not allow them to continue. Mr. Sweeney disagreed, stating that what if it is not a government official that brings them the animal as in the case of an individual finding an animal on the roadway and bringing it into the shelter. There is no government connection there. There is a good possibility they could be liable for holding that animal. He added that maybe some clarification is needed, and they are not against the intent of the bill as much as the form. It is his opinion the law is ambiguous as to where the humane societies stand.

In response to a question by Senator Williams, Representative Hayne stated that there was no opposition to the bill at the House hearing other than the penalty being lowered to 10 years.

Senator Jergeson stated in regard to the penalty on page 6, he noted the original language stated 5 years. He asked how the 10 year penalty was decided upon. She said she understood it was facetiously put in at 20 years, and later reduced to 10 years. Senator Jergeson asked if he was correct in the assumption that this bill was not directed at the activities of organizations such as the humane society. She stated that was correct, and added that if the humane societies do not agree with this, they should put in their own bill correcting their situation.

Senator Jergeson provided two examples of taking pictures of animals that might be in violation of this bill. Les Graham advised that as law enforcement officers for the State Livestock Department they investigate hundreds of similar cases each year, and they have also been involved in satanic cult investigations. It was his belief that most photographs that are used come from investigative files of law enforcement officers. It is their position that if a citizen is driving down the road and observes a violation, it would be his duty to turn it over to law enforcement officers and let them take the legal means of entering via a search warrant and/or permission from the owner.

Senator Aklestad asked why there is no statute number referred to in the whole bill. Doug Sternberg, legal counsel, informed that this implements a set of penalty provisions that is beyond the present scope of the trespass laws. There is a codification suggestion as to where it would be placed.

Mr. Graham stated he wished to add that the most difficult cases to get prosecution on are cruelty to animal cases.

Senator Koehnke asked Mr. Graham if he felt this bill would solve the problem. Mr. Graham stated he believed it would help.

Senator Beck said it is his observation that the humane societies have a little problem with their authority. He requested if Doug Sternberg could do some research in order to

help that problem, but he would also like to see HB 120 go out in order to address the other problems. Mr. Sternberg indicated that would be possible.

Senator Williams asked whether the Missoula Humane Society was associated with any government agency or under the jurisdiction of the county. Michelle Frodey-Hutchins advised the Missoula County Animal Control is a government agency. The Missoula Humane Society is not a government agency and is not funded by, nor do they have any connection with, the government.

Tim Sweeney indicated that they would be willing to help sort the problems out, and keep the character of the bill the same.

Senator Jergeson pointed out that the discussion seems to be working around the idea the humane society is a legitimate organization and their efforts should be continued. He asked if there is anything in this bill that would prevent the terrorist groups from continuing to publish their philosophy of doing these things that are objected to. Lorna Frank stated she believed they could not be stopped.

Senator Aklestad stated that through the discussion it seemed there is the possibility of helping the humane society and still not encompass the terrorist organizations. Senator Beck requested Doug Sternberg to study the bill further to see if the bill actually covers the concerns and intent.

ADJOURNMENT

Adjournment At: 4:55 P.M.



GREG JERGESON, Chairman



DOROTHY QUINN, Secretary

GJ/dq

ROLL CALL
AGRICULTURE COMMITTEE

DATE 2/11/91

52nd
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SEN. JERGESON	X		
SEN. KOEHNKE	X		
SEN. AKLESTAD	X		
SEN. BECK	X		
SEN. BRUSKI			X
SEN. DEVLIN	X		
SEN. REA	X		
SEN. SWIFT	X		
SEN. WILLIAMS	X		

Each day attach to minutes.

TESTIMONY OF AL KURKI
FOR THE ALTERNATIVE ENERGY RESOURCES ORGANIZATION
ON HJR 6 BEFORE THE SENATE AGRICULTURE COMMITTEE
FEBRUARY 11, 1991

My name is Al Kurki. I'm the executive director of the Alternative Energy Resources Organization, a membership organization of farmers and ranchers in Montana who are committed to enhancing the productive capacity of their farms and ranches, and necessarily, to resource conservation and community and family economic vitality. I'm here on behalf of AERO to testify in favor of HJR 6.

Small research and demonstration projects in sustainable agriculture are a proven approach to helping farmers and ranchers expand their management options. Having more options means relying less on a narrow choice of non-renewable, expensive and potentially contaminating inputs.

Iowa State University just completed an evaluation of its three-year-old farm demonstration program to protect groundwater. They looked at whether the cooperating farmers, and their neighbors, have changed their farming practices and attitudes related to groundwater protection as a result of the farm demonstration program. What they found is that the program IS effective and they intend to expand the program as a result.

The University of California has a four-year-old, \$1.35 million program of sustainable agricultural research and demonstration that has already yielded results useful enough for participating and other interested farmers to change their farming practices.

Probably the most well-know example of effective sustainable agricultural research and demonstration, which has involved 1,860 farmers and ranchers in cooperation with university and other researchers over the last three years, is the federal Low-Input Sustainable Agriculture program. More Montana farmers and ranchers have participated in this program with MSU, research centers, extension agents, and AERO than have farmers from any other state, including places like California and Iowa. In just three years, 244 Montana producers have participated in federal LISA projects. THE INTEREST IN AND NEED FOR SUSTAINABLE AGRICULTURE RESEARCH AND DEMONSTRATION IS HERE!

You might wonder what small, on-farm demonstration projects can accomplish when compared to university experiment station work. They are a very necessary companion to the long-term, statistical research that universities do:

First, demonstration projects can test practices on a particular farm or group of farms, and in a particular community. They enable us to begin to understand the interactions between the physical, chemical, biological and human resources of a given place we're interested in.

Second, they test in realistic settings—where management, economic and weather variables are real—a broad set of agronomic variables that are key to ensuring the permanence of agriculture in Montana: pest resistance, tillage methods and machinery, crop rotations, alternative crops, pest-predator relationships, weed, disease and insect pest control, and nutrient cycling—ALL AT THE SAME TIME.

Third, demonstration projects build relationships among producers, researchers, extension agents, and soil conservationists that enhance the knowledge of everyone involved. Most of what is known about implementing sustainable agricultural practices—practices that protect soil, surface and groundwater quality—is known by farmers and ranchers. The fact that the DNRC programs can accomodate the active participation of farmers and ranchers is one of their greatest strengths, because at this point, learning and knowledge need to flow in many directions.

Fourth, demonstrations can yield immediate results—results that are visible. Experiment station research in sustainable agriculture is critical in the long run, but on-the-ground testing is critical for right now.

The 1990 Montana Farm and Ranch survey confirmed what AERO has learned over the years working directly with Montana farmers and ranchers: They are looking for ways to expand their management options, while protecting the resources on which they depend. These DNRC programs can help in demonstrating ways to do that.

But, only two organizations that I know of have participated in sustainable agriculture projects through the DNRC programs. The agriculture community generally is not aware of these programs for testing and demonstrating resource-conserving production practices. The

interest is out there—let's not let a lack of information and awareness about program availability continue to be a barrier to Montana agriculture's meeting its changing needs.

I urge this committee to support this resolution. Thank you.

- 45-6-309. Failure to return rented or leased personal property.
45-6-310. Definition — computer use.
45-6-311. Unlawful use of a computer.
45-6-312. Unauthorized acquisition or transfer of food stamps.
45-6-313 reserved.
45-6-314. Theft by disposal of stolen property.
45-6-315. Defrauding creditors.
45-6-316. Issuing a bad check.
45-6-317. Deceptive practices.
45-6-318. Deceptive business practices.
45-6-319. Chain distributor schemes.
45-6-320 through 45-6-324 reserved.
45-6-325. Forgery.
45-6-326. Obscuring the identity of a machine.
45-6-327. Illegal branding or altering or obscuring a brand.

Part 1

Criminal Mischief and Arson

45-6-101. Criminal mischief. (1) A person commits the offense of criminal mischief if he knowingly or purposely:

(a) injures, damages, or destroys any property of another or public property without consent;

(b) without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use;

(c) damages or destroys property with the purpose to defraud an insurer; or

(d) fails to close a gate previously unopened which he has opened, leading in or out of any enclosed premises. This does not apply to gates located in cities or towns.

(2) A person convicted of criminal mischief shall be ordered to make restitution in an amount and manner to be set by the court. The court shall determine the manner and amount of restitution after full consideration of the convicted person's ability to pay the same. Upon good cause shown by the convicted person, the court may modify any previous order specifying the amount and manner of restitution. Full payment of the amount of restitution ordered shall be made prior to the release of state jurisdiction over the person convicted.

(3) A person convicted of the offense of criminal mischief shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the offender commits the offense of criminal mischief and causes pecuniary loss in excess of \$300, injures or kills a commonly domesticated hoofed animal, or causes a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public services, he shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

(4) Amounts involved in criminal mischiefs committed pursuant to a common scheme or the same transaction, whether against the public or the same person or several persons, may be aggregated in determining pecuniary loss.

History: En. 94-6-102 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 1, Ch. 88, L. 1975; R.C.M. 1947, 94-6-102; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 3, Ch. 560, L. 1981; amd. Sec. 1, Ch. 581, L. 1983; amd. Sec. 1, Ch. 98, L. 1989.

Compiler's Comments

1989 Amendment: Inserted (4) relating to aggregation of amounts in determining pecuniary loss.

Cross-References

Injury to election equipment, materials, and records, 13-35-206.

Injury to property associated with funeral or interment, 35-21-704.

Definition of "knowingly", 45-2-101.

Definition of "property", 45-2-101.

Definition of "property of another", 45-2-101.

Definition of "purposely", 45-2-101.

Definition of "tamper", 45-2-101.

Definition of "value", 45-2-101.

Injury to water distribution system in irrigation district, 85-7-1924.

Duty of state conservation officers to enforce — where, 87-1-504.

Disturbance or theft of traps or trapped animals, 87-3-507.

45-6-102. Negligent arson. (1) A person commits the offense of negligent arson if he purposely or knowingly starts a fire or causes an explosion, whether on his own property or property of another, and thereby negligently:

(a) places another person in danger of death or bodily injury, including a firefighter responding to or at the scene of a fire or explosion; or

(b) places property of another in danger of damage or destruction.

(2) A person convicted of the offense of negligent arson shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the offender places another person in danger of death or bodily injury, he shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

History: En. 94-6-103 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-103; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1, Ch. 590, L. 1985.

Cross-References

Definition of "bodily injury", 45-2-101.

Definition of "knowingly", 45-2-101.

Definition of "property", 45-2-101.

Definition of "property of another", 45-2-101.

Definition of "purposely", 45-2-101.

Penalty for setting or leaving fire causing damage, 50-63-102.

Failure to extinguish campfire, 76-13-123.

45-6-103. Arson. (1) A person commits the offense of arson when, by means of fire or explosives, he knowingly or purposely:

(a) damages or destroys an occupied structure which is property of another without consent; or

(b) places another person in danger of death or bodily injury, including a firefighter responding to or at the scene of a fire or explosion.

(2) A person convicted of the offense of arson shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-6-104 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 1, Ch. 261, L. 1975; R.C.M. 1947, 94-6-104; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 2, Ch. 590, L. 1985.

Cross-References

Definition of "bodily injury", 45-2-101.

Definition of "knowingly", 45-2-101.

Definition of "occupied structure", 45-2-101.

Definition of "purposely", 45-2-101.

Causal relationship between conduct and result, 45-2-201.

Definition of "without consent", 45-5-501.

Release of arsonist — notification of Department of Justice, 53-1-104.

Part 2**Criminal Trespass and Burglary**

45-6-201. Definition of "enter or remain unlawfully". (1) A person enters or remains unlawfully in or upon any vehicle, occupied structure, or premises when he is not licensed, invited, or otherwise privileged to do so. Privilege to enter or remain upon land is extended either by the explicit permission of the landowner or other authorized person or by the failure of the landowner or other authorized person to post notice denying entry onto private land. Such privilege may be revoked at any time by personal communication of notice by the landowner or other authorized person to the entering person.

(2) To be effective under this section, the notice provided for in subsection (1) must satisfy the following requirements:

(a) notice must be placed on a post, structure, or natural object by marking it with written notice or with not less than 50 square inches of fluorescent orange paint, except that when metal fenceposts are used, the entire post must be painted; and

(b) the notice described in subsection (2)(a) must be placed at each outer gate and normal point of access to the property, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line.

(3) If property has been posted in substantial compliance with subsection (2), it is considered closed to public access unless explicit permission to enter is given by the landowner or his authorized agent.

(4) The department of fish, wildlife, and parks shall attempt to educate and inform all persons holding hunting, fishing, or trapping licenses or permits by including on any publication concerning such licenses or permits, in condensed form, the provisions of this section concerning entry on private land. The department shall use public media, as well as its own publications, in attempting to educate and inform other recreational users of the provisions of this section.

(5) For purposes of this section, "land" means land as defined in 70-15-102.

(6) In no event shall civil liability be imposed upon the owner or occupier of premises by reason of any privilege created by this section.

History: En. 94-6-201 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 21, Ch. 359, L. 1977; R.C.M. 1947, 94-6-201; amd. Sec. 1, Ch. 599, L. 1985.

Cross-References

Definition of "knowingly", 45-2-101.

Definition of "occupied structure", 45-2-101.

Definition of "premises", 45-2-101.

Definition of "purposely", 45-2-101.

Definition of "vehicle", 45-2-101.

45-6-202. Criminal trespass to vehicles. (1) A person commits the offense of criminal trespass to vehicles when he purposely or knowingly and without authority enters any vehicle or any part thereof.

(2) A person convicted of the offense of criminal trespass to vehicles shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-6-202 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-202.

Cross-References

Definition of "knowingly", 45-2-101.
 Definition of "purposely", 45-2-101.
 Definition of "vehicle", 45-2-101.

Criminal mischief, 45-6-101.

Theft, 45-6-301.

Unauthorized use of motor vehicles, 45-6-308.

45-6-203. Criminal trespass to property. (1) A person commits the offense of criminal trespass to property if he knowingly:

- (a) enters or remains unlawfully in an occupied structure; or
- (b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-6-203 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-203.

Cross-References

Definition of "knowingly", 45-2-101.
 Definition of "occupied structure", 45-2-101.
 Definition of "premises", 45-2-101.

Definition of "enter or remain unlawfully", 45-6-201.

State conservation officers to enforce — where, 87-1-504.

45-6-204. Burglary. (1) A person commits the offense of burglary if he knowingly enters or remains unlawfully in an occupied structure with the purpose to commit an offense therein.

(2) A person commits the offense of aggravated burglary if he knowingly enters or remains unlawfully in an occupied structure with the purpose to commit an offense therein and:

(a) in effecting entry or in the course of committing the offense or in immediate flight thereafter, he or another participant in the offense is armed with explosives or a weapon; or

(b) in effecting entry or in the course of committing the offense or in immediate flight thereafter, he purposely, knowingly, or negligently inflicts or attempts to inflict bodily injury upon anyone.

(3) A person convicted of the offense of burglary shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both. A person convicted of the offense of aggravated burglary shall be imprisoned in the state prison for any term not to exceed 40 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-6-204 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 1, Ch. 260, L. 1975; R.C.M. 1947, 94-6-204; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1, Ch. 357, L. 1987.

Cross-References

Definition of "bodily injury", 45-2-101.
 Definition of "felony", 45-2-101.
 Definition of "knowingly", 45-2-101.
 Definition of "negligently", 45-2-101.
 Definition of "occupied structure", 45-2-101.

Definition of "offense", 45-2-101.

Definition of "purpose", 45-2-101.

Definition of "weapon", 45-2-101.

Definition of "enter or remain unlawfully", 45-6-201.

45-6-205. Possession of burglary tools. (1) A person commits the offense of possession of burglary tools when he knowingly possesses any key, tool, instrument, device, or explosive suitable for breaking into an occupied structure or vehicle or any depository designed for the safekeeping of property or any part thereof with the purpose to commit an offense therewith.

(2) A person convicted of possession of burglary tools shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-6-205 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-205.

Cross-References

Definition of "knowingly", 45-2-101.

Definition of "occupied structure", 45-2-101.

Definition of "offense", 45-2-101.

Definition of "possession", 45-2-101.

Definition of "purpose", 45-2-101.

Definition of "vehicle", 45-2-101.

Part 3**Theft and Related Offenses**

45-6-301. Theft. (1) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
- (c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when he purposely or knowingly obtains by threat or deception control over property of the owner and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
- (c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when he purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
- (c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 53 by a state or county agency, regardless of the original source of assistance, by means of:

- (a) a knowingly false statement, representation, or impersonation; or
- (b) a fraudulent scheme or device.

(5) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over any part of any benefits provided under Title 39, chapter 71 or 72, by means of:

- (a) a knowingly false statement, representation, or impersonation; or
- (b) deception or other fraudulent action.

(6) A person convicted of the offense of theft of property not exceeding \$300 in value shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of the offense of theft of property exceeding \$300 in value or theft of any commonly domesticated hooved animal shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

(7) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property.

History: En. 94-6-302 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 22, Ch. 359, L. 1977; R.C.M. 1947, 94-6-302; amd. Sec. 1, Ch. 374, L. 1979; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 2, Ch. 581, L. 1983; amd. Sec. 21, Ch. 670, L. 1985; amd. Sec. 65, Ch. 464, L. 1987.

Cross-References

Civil penalty for shoplifting, 27-1-718.
Fraudulent obtaining of unemployment benefits, 39-51-3203.

Definition of "deception", 45-2-101.
Definition of "deprive", 45-2-101.
Definition of "knowingly", 45-2-101.
Definition of "obtains or exerts control", 45-2-101.

Definition of "owner", 45-2-101.
Definition of "property", 45-2-101.

Definition of "purposely", 45-2-101.

Definition of "stolen property", 45-2-101.

Definition of "threat", 45-2-101.

Definition of "value", 45-2-101.

Theft by disposal of stolen property, 45-6-314.

Fraudulent obtaining of public assistance, 53-2-107.

Unlawful transportation of trees, 76-13-601.

Disturbance or theft of traps or trapped animals, 87-3-507.

45-6-302. Theft of lost or mislaid property. (1) A person who obtains control over lost or mislaid property commits the offense of theft when he:

(a) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(b) fails to take reasonable measures to restore the property to the owner; and

(c) has the purpose of depriving the owner permanently of the use or benefit of the property.

(2) A person convicted of theft of lost or mislaid property shall be fined not to exceed \$500 or be imprisoned in the county jail for a period not to exceed 6 months.

History: En. 94-6-303 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-303.

Cross-References

Definition of "knowledge", 45-2-101.
Definition of "obtains or exerts control", 45-2-101.

Definition of "owner", 45-2-101.

Definition of "property", 45-2-101.

Definition of "purposely", 45-2-101.

45-6-303. Offender's interest in the property. (1) It is no defense to a charge of theft of property that the offender has an interest therein when the owner also has an interest to which the offender is not entitled.

(2) It is no defense that theft was from the offender's spouse, except that misappropriation of household and personal effects or other property normally accessible to both spouses is theft only if it occurs after the parties have ceased living together.

History: En. 94-6-306 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-306.

Cross-References

Definition of "owner", 45-2-101.

Definition of "property", 45-2-101.

Theft, 45-6-301.

45-6-304. Effect of possession of stolen property. Possession of stolen property shall not constitute proof of the commission of the offense of theft. Such fact shall place a burden on the possessor to remove the effect of such fact as a circumstance to be considered with all other evidence pointing to his guilt.

History: En. 94-6-314 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-6-314.

TESTIMONY

HOUSE BILL 120

AN ACT CREATING THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

MONDAY, FEBRUARY 11, 1991

SENATE AG COMMITTEE

afternoon
GOOD ~~MORNING~~ MR. CHAIRMAN AND COMMITTEE MEMBERS. FOR THE RECORD, MY NAME IS KEITH BALES. I AM REPRESENTING THE MONTANA STOCKGROWERS ASSOCIATION, MONTANA WOOLGROWERS ASSOCIATION, AND THE MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS. THESE THREE ORGANIZATIONS REPRESENT LIVESTOCK PRODUCERS ACROSS MONTANA.

ANIMAL WELFARE HAS ALWAYS BEEN IMPORTANT TO LIVESTOCK PRODUCERS AND ORGANIZATIONS THAT REPRESENT THEM. HOWEVER, SOME RADICAL ACTIVISTS ACCUSE LIVESTOCK PRODUCERS OF MISTREATING THEIR ANIMALS UPON WHICH THEY DEPEND FOR THEIR LIVELIHOOD. A SURVEY CONDUCTED BY THE WIRTHLIN GROUP, A LEADING ATTITUDE RESEARCH FIRM, OF 1000 AMERICAN ADULTS SHOWED THAT 68% OF AMERICAN CONSUMERS BELIEVE THAT CATTLE ARE TREATED HUMANELY BECAUSE IT IS IN THE LIVESTOCK INDUSTRY'S BEST INTEREST TO HAVE HEALTHY WELL CARED FOR ANIMALS AND BECAUSE THE LIVESTOCK PRODUCERS DEPEND ON THEIR ANIMALS TO MAKE A LIVING.

YET, THERE ARE CASES OF VANDALISM AND ILLEGAL ACTIVITIES OCCURRING WHERE RESEARCH FACILITIES AND ANIMALS ARE HARMED OR DESTROYED.

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FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

THERE HAVE ALSO BEEN INCIDENTS WHICH HAVE AFFECTED LIVESTOCK PRODUCERS DIRECTLY. THREE EXAMPLE ARE:

- 1) THE DEFACING OF THE OFFICE OF THE CALIFORNIA CATTLEMEN'S ASSOCIATION,
- 2) THE BURNING OF THE LIVESTOCK AUCTION MARKET IN CALIFORNIA, AND
- 3) AN ATTACHMENT TO MY TESTIMONY WHICH IS A SPECIAL BULLETIN FROM THE COCONINO COUNTY SHERIFF'S DEPARTMENT IN ARIZONA WARNING CATTLEMEN OF EARTH FIRST'S RECOMMENDATION TO START HUNTING CATTLE AND SHEEP AS A MEANS TO ELIMINATE LIVESTOCK FROM PUBLIC LANDS.

WHILE THESE EXAMPLES ARE FROM STATES OTHER THAN MONTANA, THERE IS NOTHING TO GUARANTEE THIS TYPE OF ACTIVITY COULD NOT HAPPEN HERE.

I WOULD ALSO LIKE TO BRING TO YOUR ATTENTION A BOOK ENTITLED "ECODEFENSE - A FIELD GUIDE TO MONKEY WRENCHING". THIS IS A MANUAL ON HOW TO SPIKE TREES, CUT FENCES, CLOSE ROADS, ETC. ALL DESTRUCTIVE TECHNIQUES WHICH WHEN USED, CAN DESTROY NOT ONLY BUILDINGS, BUT HARM PEOPLE AS WELL.

THE LIVESTOCK INDUSTRY CARES FOR THE WELFARE OF THEIR ANIMALS. WE HAVE TO OR ELSE WE WILL NOT SURVIVE. THERE IS RESEARCH GOING

PAGE 3

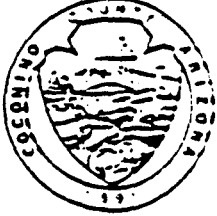
FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

ON USING ANIMALS THAT BENEFITS THE HUMAN RACE. THERE IS RESEARCH THAT ALSO HELPS THE ANIMALS THEMSELVES. WE DO NOT NEED ONE MORE ISSUE TO WORRY ABOUT.

HOUSE BILL 120 IS A BILL WHICH MAY GIVE AN INDIVIDUAL SOME STRONG THOUGHT ABOUT DESTROYING PROPERTY IF THEY KNOW THEY WILL BE PUNISHED IF CAUGHT.

I WOULD ASK FOR A DO CONCUR ON HOUSE BILL 120.

THANK YOU.



Joe Richards
SHERIFF

THE COCONINO COUNTY SHERIFF'S DEPARTMENT

Post Office Box 39 • Flagstaff, Arizona 86002 • (602) 774-4523

SPECIAL BULLETIN

Attention Cattlemen:

Recent publications from the Earth First newsletter advocate cattle hunting as a means of eliminating cattle grazing on public lands.

In the August 1, 1990 issue of the Earth First newsletter there were articles published recommending hunting cattle and sheep as a means to eliminate livestock from public lands. They indicated that shooting cows and sheep will bring a controversy bringing public attention to the problem. Secondly its one of those things individuals can do to make the world a better place to live.

They recommend using a bow and arrow mainly because it is silent, shotguns can also be use because it is difficult to determine which gun buckshot is fired from. Their choice of weapons however, is a bolt action 30-06 caliber rifle with telescopic site using 130 grain cartridges. They suggest the weapon be purchased second hand thus eliminating records of the purchase.

It is recommend that hunting season is a good time to cow hunt because there are a lot of hunters in the woods, however one should be careful and not get caught. They further recommend that the cow hunter always have a reason to be out in the field wither during hunting season or other times. They also gave tips on the use of camouflage.

The hunter is told not to worry about the meat going to waste because there are plenty of predators that will care for it. Further the cattle should be thought of as one more exotic game animal introduced into the environment. The cattle are easy to hunt, the success rate should be high, and it is a good animal to get your kids or spouse started on.

If you witness this type of activity, call the Sheriff's Department at 774-4523 or toll free 1-800-338-7388.

SEN. AG. COMM.

FEB 11, 1991

SUPPORT

Carol Mosher



P. O. Box 1679
Helena, Montana 59624
(406) 442-3420

SENATE AGRICULTURE
EXHIBIT NO. #4
DATE 2/11/91
BILL NO. HB 120

Information Sheet on Animal Welfare

Animal Rights vs. Animal Welfare

There is a difference between animal welfare and animal rights. Animal welfare is the reasonable care of animals; animal rights is the position taken by those who believe that animals have legal rights and "human feelings" and the equality of treatment among species.

To believe that man and all other animals exist with the same rights is "anthropomorphism" or the "humanizing" of animals. This belief is not accepted by the general population. We may think that cattle confined in a feedlot are unhappy and therefore their rights are being violated. On the other hand, perhaps if we had existed on the range where feed was scarce, water was several miles away and the weather was rather severe at times, being in a feedlot where the sound of the feed truck each day bringing fresh, palatable, nutritionally balanced feed to a bunk just a short distance away with shades and sprinklers to keep me cool might seem like a much better place to be.

Animal Agriculture Meets Consumer Demand

The consuming public today is generally unaware of farmer's relationship to their animals and how meat, milk, and eggs are produced on modern farms. Today U.S. animal agriculture is a dynamic, specialized endeavor, the envy of the rest of the world. Only in America can 2% feed 100% of the population as efficiently as we do. American consumers spend just over sixteen percent of their disposable income on food. It is this very clear consumer demand for reasonably priced food of uniform quality in ample supply to which the farmer has responded. Farmers developed new way to raise animals to produce what the consumer wants in a cost efficient way. The key to this efficiency? The best cared-for livestock in the world.

Modern farm animal production is no accident. Improved animal housing, handling practices, and healthy, nutritious feeds are the result of billions of dollars of private and government research into how to raise healthy animals. As American agriculture grows and changes, farmers remain committed to the welfare of their livestock and to providing the highest quality, safest food in the world.

One of the main reasons someone goes into farming or ranching is a desire to work with animals. Agriculture is a very competitive business which pays the farmer a slim profit on the animals he cares for. It is in the farmer's own best interest to see the animals are treated humanely, guaranteeing him a healthy, high quality animal, a greater return on his investment and a wholesome food product. Farmers are always looking for ways to improve their farms to ensure animal welfare and the economics of production. We must also understand the difference between what a human may think an animal wants and what the animal needs. Untended animals may overeat to the point of sickness or death, or drink until they are bloated. An animal may eat poisonous plants if in the open.

Organization	Founded	Officers	Activities	Budget	Donations	Membership	Affiliation	Notes
Action for Animals Box 20184, Oakland, CA 95620, 415/852-5503	Unavail.	Eric Mills, coordinator	Prepopulation, factory farming, research animals	Unavail.	Unavail.	Unavail.	Unavail.	Participates in educational programs, raikes for animals and promotes pro-animal legislation
American Anti-Vivisection Society Suite 204, Noble Plaza, 801 Old York Rd., Jenkintown, PA 19046 215/887-0816	1883	James Clark, executive vice-president	Unavail.	Unavail.	\$10/year	11,000	Unavail.	Works to abolish vivisection, combats use of pound animals in research and funds research that doesn't use animals
American Humane Association 9725 E. Hampden, Denver, CO 80231	1877	Larry Brown, executive director	Humane treatment of animals, and education	\$3.2 million	\$10/year \$25/year (volunt.)	22,500	Animal Welfare Institute	Expanded from concern for pets to humane treatment of farm animals; first national group in the U.S.
American Society for the Prevention of Cruelty to Animals 441 E. 92nd St., New York, NY 10128, 212/676-7700	1866	John Kullberg, president	Prevention of cruelty to animals	\$14.5 million	\$20/year	170,000	—	First private humane society in the U.S.; has lobbied against veal farming and rodeo cruelty
Animal Legal Defense Fund 1363 Lincoln Ave. #7, San Rafael, CA 94901, 415/459-0885	1978	Joyce Tischler, executive director	Attorneys and law students dedicated to the protection and extension of animal rights	\$400,000	\$15/year	250 attorneys, 7 local groups	American Bar Association	Working to stop veal farming, hot-iron face-branding of cattle and patenting of genetically altered farm animals
Animal Liberation Front (ALF) Box 3623, 1543 North E. St., Suite 44, San Bernardino, CA 92405, 714/881-8888	1979	Margo Tannenbaum, support group spokesperson	Farm industry and animal research	Unavail.	—	Coalition of 100 animal activists	People for the Ethical Treatment of Animals	Main underground group practicing terrorism; one of the 10 most dangerous groups, according to FBI
Animal Protection Institute 2831 Fruitridge Rd., Box 22505, Sacramento, CA 95822, 916/731-5521	1968	Duf Fischer, executive director	To eliminate fear, pain and suffering for all animals everywhere	\$2.6 million	\$12-\$100	200,000	—	Conducts public education on pet care, homeless pets, laboratory animals, factory farming
Animal Rights Coalition Box 20315, Minneapolis, MN 55420, 612/866-6604	Unavail.	Robbie Zanto, president	To bring about aware- ness for the feelings and rights of animals	Unavail.	\$15-single \$25-family	Unavail.	—	Plans national conferences on animal concerns
Animal Rights International Box 214, Planetarium Station, New York, NY 10024, 212/873-3674	Unavail.	Henry Spira, coordinator	To phase out use of laboratory animals, promote "nonviolent" foods	Unavail.	Unavail.	Millions	—	Coalition of over 400 groups acting as an umbrella group for various coalitions
Animal Welfare Institute Box 3650, Washington, DC 20007, 202/337-2332	1951	Christine Stevens, pres. and dir.	Humane treatment of laboratory animals, farm animals	\$400,000	\$15/year	8,000	Society for Animal Protection Legislation	Recently published "Factory Farming: The Experiment That Failed," maintains extensive publishing program
Defenders of Wildlife 1244 19th St. NW, Washington, DC 20036, 202/658-9510	1947	M. Rupert Cutler, president	Preservation of key habitats of wildlife and outlawing pesticides that kill wildlife	\$4.5 million	Unavail.	80,000	—	Active in lobbying for changes in public land wildlife policies

*List compiled from selected agricultural and research groups.

Organization	Founded	Officers	Concerns	Budget	Dues	Membership	Affiliation	Notes
Farm Animal Reform Movement Box 70123, Washington, DC 20088, 301/530-1737	1983	Dr. Alex Hershaft, president	Eliminate abuses to farm animals and other adverse impacts of animal agriculture	\$100,000	\$20/year	5,000	—	Sponsors the Great American Meatout using celebrities; pickets fast-food restaurants
Food Animal Concerns Trust Box 14599, Chicago, IL 60614, 312/525-4852	1982	Robert Brown, president	End abuse of farm animals in confinement systems	\$700,000	Unavail.	Unavail.	—	Promotes new methods of raising livestock, elimination of factory farming and reduction of drug use in animals
Friends of Animals, Inc. Box 1244, Norwalk, CT 06856, 203/866-5223	1957	Priscilla Fera, president	Reduce and eliminate suffering inflicted by humans upon non-human animals	\$3.5 million	\$20/year	100,000	—	Boycotts furs and laboratory animal experimentation and promotes protection of sea animals
Fund for Animals 200 W. 57th St., New York, NY 10019, 212/246-2096	1957	Cleveland Amory, president	Eliminating animal cruelty, protecting wildlife, saving endangered species, protecting lab animals	\$1.6 million	\$15-adults, \$25-family	200,000	New England Anti-Vivisection Society	Caused decline in wearing fur and decision by tuna processors to market only tuna caught by fishermen who don't destroy dolphins
Humane Farming Association 1550 California St., San Francisco, CA 94109, 415/485-1495	Unavail.	Bradley Miller, executive director	Opposes factory farming	\$117,000	Unavail.	55,000	Buddhists Concerned for Animals	Sponsors national veal boycott and campaign against factory farming
Humane Society of the United States 2100 L St. NW, Washington, DC 20037, 202/452-1100	1954	John Hoyt, president	Prevention of cruelty to all animals	\$10 million	\$10-ind. \$16-family	400,000	World Society for the Protection of Animals	One of few traditional groups not opposed to use of animals in service of man
In Defense of Animals 21 Tamal Vista Blvd. Corte Madera, CA 94925, (415) 924-4454	1983	Elliot Katz, president	Focuses on animal cruelty in research, animal drug addition and the ivory trade	\$350,000	\$10/yr.	50,000	—	Primary focus is research and anti-vivisection
Massachusetts Society for the Prevention of Cruelty to Animals 350 S. Huntington Ave., Boston, MA 02130, 617/522-7400	1868	Gus Thornton, president	Preventing cruelty and services to animals through education, lobbying, rescue and animal hospitals	\$30-ind., \$35-family	50,000	American Humane Education Society	Operates eight animal shelters and three animal hospitals	
National Anti-Vivisection Society 53 W. Jackson Blvd. Suite 1550, Chicago IL 60604, 312/427-6065	1929	Mrs. Mary Margaret Cumliff, executive director	Teaching the evils of animal experimentation	\$2 million	\$10-ind., \$15-family	50,000	International Foundation for Ethical Research	Supports the International Foundation for Ethical Research
People for the Ethical Treatment of Animals (PETA) Box 42516, Washington DC 20015, 301/770-8980	1980	Alex Pacheco, founder; Ingrid Newkirk, national director	Opposes all types of animal experimentation and exploitation, crusades against eating meat	\$8.5 million	\$20/year	280,000	New England Anti- Vivisection Society	Among the most radical of groups; sponsors consumer boycotts and has frequent media appearances
Physicians Committee for Responsible Medicine Box 6322, Washington DC 20015	—	Neal Barnard, MD, director	Uses medical training to lambsert eating meat and its impact on the environment	Approx. \$170,000	\$20/year	26,000	People for the Ethical Treatment of Animals	Message: Vegetarianism is the only way to be healthy and live a long life; fewer than 8% are actually physicians
United Animal Nations-USA 5892A S. Land Park Dr., Sacramento, CA 95818	1985	Belton Mouras, secretary- general	Goal: To unite all groups dedicated to humane treatment of animals	Approx. \$450,000	\$25/year	Unavail.	United Animal Nations	U.S. branch of the Geneva-based United Animal Nations, which provides a forum and court for animal issues
World Society for the Protection of Animals 29 Perkins St., Box 190, Boston, MA 02130, 617/522-7000	1959	John Hoyt, president	International effort to end animal suffering	Unavail.	Donations	Unavail.	Humane Society of the United States	Conducts animal rescue operations around the world; claims to be only animal group granted consultative status by the U.N.

Earth First issues first journal published, edited in Missoula

MISSOULA (AP) — The environmental organization Earth First resurrected its suspended publication this week with a 40-page issue edited in Missoula.

"The paper remains committed to the priority of the earth first," the five-member editorial collective said in its inaugural "Howdy from the Big Sky Country."

"We will not subjugate or compromise our position to accommodate social agendas, nor to avoid conflict with the tenets of the dominant paradigm, such as the sanctity of right of private property."

The Journal was published in Tucson, Ariz., until its staff resigned in December, complaining of FBI harassment and a workload that strained the four-person office. The publication claims a nationwide paid circulation of 15,000.

The Tucson activists have since devoted their time to the legal defense of group co-founder Dave Foreman of Tucson and three Prescott, Ariz., members charged with conspiring to sabotage nuclear power and arms plants.

In their introductory letter, the Missoula editors promised to "give a voice to all parts of radical environmentalism, as we affirm the

value of all parts of the natural world."

Earth First and its journal raised eyebrows in the decade past by advocating pot shots at cattle grazing on public land and the demolition of hydroelectric dams, fur warehouses, paper mills and oil refineries.

The first Missoula edition continues the tradition, celebrating the "apparent self-immolation" of a \$700,000 Okefenokee fellerbuncher, "the Pinto of logging equipment, last seen ripping out baby redwoods near Daughtery Creek" in northern California.

The fellerbuncher, the Journal reported, "went up in flames in December, apparently of its own volition."

The paper also included a story on Earth First's "Corporate Fall" protest, where environmentalists took their complaints "right to the posh offices and lavish homes of the people who are actually responsible for the slaughter of the planet."

An accompanying photograph showed Earth Firsters soaking in a hot tub at the home of Harry Merlo, president of Louisiana-Pacific.

"Harry's digs were modest," the Journal reported, "with tennis

courts, stables and a private lake.

After an hour of "merrymaking," the protesters were rousted by the Mendocino County, Calif. sheriff. A few were arrested, jailed for 24 hours and let go on "time served." When Merlo returned home, he found "Death to Corporate Greed" spray-painted on his driveway, the Journal reported.

"The paper will be geared toward prompting action to save the wilds, and will include conservation biology as a means of supplying the depth of background that makes defense of particular issues so much stronger," the editors said.

"It will," they continued, "have discussions of various wilderness defense tactics, both legal and illegal, ranging from outrageous actions to the equally important mundane daily work of protecting wild things."

"It will include other discussions relevant to activists, concerning such topics as police surveillance and harassment, general organizing and low-impact living."

The editorial collective for the first Missoula issue identified itself as Billy Bob Bodeen Jr., Carla Neasel, Gaby Barrett, Timothy Bechtold and David Varmint.

SENATE AGRICULTURE

EXHIBIT NO. #5

DATE 2/11/91

BILL NO. HB 120

TESTIMONY ON H.B. 120

FEBRUARY 11, 1991

SENATE AGRICULTURE COMMITTEE

BY

JODI JONES

4-H MEMBER

GOOD AFTERNOON CHAIRMAN JERGELSON AND MEMBERS OF THE SENATE AG COMMITTEE. THANK YOU FOR GIVING ME THE OPPURTUNITY TO PRESENT MY TESTIMONY IN SUPPORT OF H.B. 120. MY NAME IS JODI JONES AND I AM CURRENTLY AN ELEVEN YEAR MEMBER AND HAVE TAKEN BEEF AND SHEEP AS MY ANIMAL PROJECTS.

I WOULD ASK THE MEMBERS OF THIS COMMITTEE TO PASS THIS BILL AS I FEEL IT IS RELEVANT TO THE BENEFIT OF OUR AGRICULTURAL COMMUNITY. FOR THE PAST COUPLE OF YEARS AT OUR LOCAL COUNTY FAIR MANY OF THE 4-H MEMBERS WERE CONFRONTED BY CERTAIN ANIMAL RIGHT INDIVIDUALS. THEY DID NOT CONFRONT THE OLDER 4-H MEMBERS BUT THE NINE AND TEN YEAR OLDS WHO DO NOT KNOW HOW TO DEFEND THEMSELVES. THESE ANIMAL RIGHTS INDIVIDUALS WOULD TELL THIS HELPLESS CHILD HORROR STORIES ABOUT WHAT HAPPENS TO THEIR ANIMALS AFTER THEY WERE KILLED, MOST OF WHICH IS NOT EVEN TRUE. IT IS TOUGH ENOUGH FOR A LITTLE GIRL OR BOY TO SELL AN ANIMAL THAT THEY HAVE RAISED ALL YEAR WITHOUT HAVING TO BE TOLD BY A TOTAL STRANGER THAT IT IS WRONG TO KILL ANIMALS AND KEEP THEM CONFINED AND TIED TO A SMALL AREA. IT IS REALLY SAD TO SEE THE EMOTIONAL EFFECT THESE PEOPLE PUT UPON AN INNOCENT CHILD.

I REMEMBER DISTINCTLY ON SALE NIGHT, THERE WAS A BIG GATHERING OF 4-H MEMBERS OUTSIDE. I WAS BECKONED TO COME JOIN THE GROUP. IN THE MIDDLE OF THAT GROUP WAS A LONG HAired MAN TELLING THE KIDS THAT 4-H MEMBERS WERE BEING UNPATRIOTIC BY SELLING OUR ANIMALS BECAUSE MOST OF THESE ANIMALS WERE BOUGHT BY FOREIGN COUNTRIES.

HE ALSO TOLD US WE WERE BEING INHUMAN TO THE ANIMALS BY SELLING THEM AS WELL AS THE PEOPLE WHO BOUGHT THESE ANIMALS. THE THING HE WAS SADLY MISTAKEN BY WAS THAT MOST OF THOSE ANIMALS ARE BOUGHT BY LOCAL BUSINESSMEN AND INDIVIDUALS.

I LISTENED TO THIS MAN FOR JUST A MOMENT AND THEN TOLD MY FRIENDS TO JUST GET AWAY FROM HIM. I DID THE RIGHT THING BY SIMPLY WALKING AWAY BUT MANY OTHERS DIDN'T.

YOUNG 4-H MEMBERS WHO HAD LAMBS WERE IN TEARS BECAUSE THIS SAME MAN WAS PRACTICALLY NOT LETTING THEM IN THE BARN TO SELL THEIR ANIMALS. NOW YOU CAN JUST IMAGINE, IT IS LIKE BEDLAM ON SALE NIGHT ANYWAY WITHOUT HAVING SOME STRANGER TRYING TO STOP THE ORDER OF BUSINESS.

AS A YOUNG CITIZEN AND A 4-H MEMBER OF THIS COUNTRY WHO IS CONCERNED FOR THE FUTURE OF THE AGRICULTURAL COMMUNITY AND OUR CONDUCT OF BUSINESS I ENCOURAGE A DO PASS ON H.B.120.

Testimony HB 120
2-11-91
Senate Agricultural Committee
By: Cindy Benson, 4-H member

Good afternoon Chairman Jergeson and members of the Senate Agricultural Committee.

Thank you for the opportunity to present my testimony in support of House Bill 120.

My name is Cindy Benson. I have been a 4-H member of Beaverhead County for 8 years. This past summer I raised a 4-H Market Hog.

During the 1990 Beaverhead County Fair Sale Night, many Animal Rights Activitists approached 4-H members selling their Market Animals. I was one of these members approached by an Animal Rights Activitist.

This individual proceeded to ask me if all the Market Animals were to die. When I answered, "Yes," she began crying and tried to make me feel guilty.

Moreover, while I was selling my animal, Activitists in the stands above the Buyers heckled the Buyers by stating, "Murder, murder."

I had the maturity to handle these situations and not give lengthy replies and walk off. However, I know the younger 4-H members became very disturbed by these people.

For these reasons Mr. Chairman, as a 4-H member I ask for do pass on House Bill 120.

TESTIMONY ON HOUSE BILL 120

"An Act Creating the Farm Animal and Research Facilities Protection Act"

EXHIBIT NO. AGRICULTURE #7
DATE 2/11/91
BILL NO. HB 120

Mr. Chairman and members of the Committee. My name is Warren Frost. I am a veterinarian board-certified in the specialty of laboratory animal medicine and Director of Animal Resources at Montana State University.

For the past several years, dedicated and conscientious researchers in the biomedical and agricultural sciences have endured unjustified personal threats, theft, harassment, vandalism and destruction of state and federally supported laboratory equipment, "trashing" or defacement of research data and loss of research productivity through the use of terrorism by the more extreme elements of the "animal rights" movement. The costs of these illegal acts are being borne by the taxpayer since the research is often federally supported and the facilities are usually at state-supported Universities. Because of the threat of this terrorism, both Montana State University and the University of Montana have expended substantial funds to strengthen security systems in animal housing and use areas.

As a veterinarian, I support the humane and judicious use of animals in research when such use is likely to benefit man and/or animals. It is ironic, however, that many of the acts of animal rights extremists have directly impeded progress in the eradication of diseases of domestic animals, the species the extremists claim to be saving. "Torching" of the Animal Diagnostic Laboratory at the University of California-Davis during the construction phase caused \$3.5 million in damages and is perhaps the most blatant example of these senseless acts.

The advocates of animal rights will not be satisfied to halt the use of animals in biomedical research since their credo also declares the use of animals for food or clothing to be immoral and they have already begun to target the livestock industry with irrational acts of terrorism.

While I strongly disagree with the premise of the animal liberationist, I support their right to responsible and legal dissent. I cannot, however, support their so-called "direct action" which has translated into theft, arson, burglary, threats of violence and even personal assaults at many research institutions and farm facilities around the nation during the last few years.

Rather than wait until one of the Montana institutions or the farm community fall prey to this form of terrorism, Montana should join the growing numbers of states including Arizona, Georgia, Illinois, Kansas, Kentucky, Idaho, Indiana, Louisiana, Maryland, Massachusetts, Minnesota and Utah which have enacted laws to protect research facilities and/or farm animal facilities. While research facilities in this state have not yet experienced substantial problems in this area, the legislation proposed here will hopefully serve as a deterrent to such wanton acts and I therefore urge that you give this proposed legislation your very careful consideration. Thank you for the opportunity to testify on behalf of this legislation.



Department of Biology
College of Letters and Science
Montana State University
Bozeman, MT 59717-0001
Telephone 406-994-4548

February 6, 1991

The Hon. Jack Rea
Box 103
Capitol Station
Helena, MT 59620

Dear Sen. Rea,

I am writing in strong support of HB 120 (Farm Animal and Research Facilities Protection Act). I am a Professor of Physiology in the WAMI Regional Medical Education Program at Montana State University. I am a member of the Research Allocations Committee of the Montana Heart Association and I am also the Montana representative of the nearly 7000 member strong American Physiological Society's Public Advisory Committee. Officers of both groups have authorized me to speak on their behalf with respect to the bill.

HB 120 is designed to curb the growing menace of violence perpetrated on members of the biomedical community who conduct responsible research on live animals. This violence has taken two forms. The first is physical violence directed to individual scientists. I have several personal friends who have received death threats to themselves and their families because of their involvement in research. One British friend and colleague almost lost his life last summer when a car bomb, attached to the chassis of his car, exploded. While such violence is not addressed in this bill, it clearly illustrates the extent to which the terrorists will go to try to achieve their social agenda.

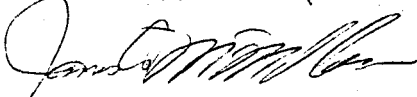
The second form of violence, which is addressed in this bill, is that perpetrated on facilities in which such research is conducted. There have been scores of incidents in the United States in the past few years in which research facilities were attacked. These attacks have included defacing facilities, stealing laboratory animals in the name of "liberation," destruction of equipment and data, and arson and bombing. Such attacks have cost millions of tax dollars and have seriously delayed some very important research programs.

While biomedical research in Montana has been relatively unimpacted directly by terrorist activities to date, there is evidence that we are being targeted for organized disruption. An attempt was made last year to organize a student group at Montana State University whose publicly-stated goal was to stop research which utilizes laboratory animals. This group was clearly associated with People for the Ethical Treatment of Animals (PETA), one of the most vocal and well-funded groups at the national level trying to abolish the

use of animals for any reason. There were at least two incidents this past year in which slogans condemning animal research at Montana State University were scrawled on university facilities. PETA has, based on unfounded complaints from unnamed people, impugned the care and use of animals at Montana State University on two occasions. Last June PETA sponsored a "basic skills seminar for the beginning animal rights activist" in Great Falls. Much of the emphasis of this program was placed on disruption of biomedical research. Montana State University was identified as a major target of the group in the state. All of these incidents point out that we will almost certainly face more efforts to stop the use of animals for research in Montana.

Enactment of HB 120 will make Montana one of a growing number of states to acknowledge that the impact of attacks on a research facility can extend well beyond the actual physical damages. Such attacks not only damage property and equipment, but they can disrupt very long-term research programs at a great unseen cost to everyone involved. That is why we feel it necessary to enact legislation which goes beyond the scope of the laws now in effect. I urge you to support the bill both in committee and on the floor.

Sincerely,

A handwritten signature in dark ink, appearing to read "James A. McMillan", written in a cursive style.

James A. McMillan
Professor of Physiology

SENATE AGRICULTURE
EXHIBIT NO. #8
DATE 2/11/91
BILL NO. HB 120

WITNESS STATEMENT
Tim Sweeney -- House Bill 120

Chairman Jergeson and Senators, my name is Tim Sweeney. I am the President of the Lewis & Clark Humane Society and a licensed member of the State Bar of Montana.

I wish to express the opposition of the Lewis & Clark Humane Society to House Bill 120.

The Lewis & Clark Humane Society is a non-profit corporation. Though we are not a government agency, we conduct cruelty investigations for various local and county governments. And while we conduct these investigations in compliance with the search and seizure provisions of Section 11 of the Montana Constitution and the 4th Amendment of the U.S. Constitution, the various sections of House Bill 120 would make us criminally liable for previously legitimate investigations.

The Lewis & Clark Humane Society also provides shelter services to local and county governments, as well as the public at large. This bill would attach criminal liability for any animal we took in, even if brought to us by a government agency, if that animal were determined to have come from an animal facility as defined in House Bill 120.

These are but two examples of the adverse impact House Bill 120 would have on our organization and similar organizations. In fact, if this bill were to pass I would have to advise our board of directors to cease or seriously curtail our shelter operations.

Finally, beyond these practical concerns is a much larger policy question. Why is this Legislature attempting to assign such severe and unusual penalties to that segment of the public which supports animal rights? This is not to say that persons supporting animal rights who criminally trespass and engage in criminal mischief should not be punished to the full extent of the law. They, like anyone else who commits criminal trespass and mischief, should be prosecuted under Sections 45-6-101 and 45-6-203 of Montana's criminal code. They should also be liable for court costs and restitution as provided for in Section 46-18-201, like anyone else.

However, under House Bill 120, persons who commit such acts in support of animal rights are to be accorded harsher penalties than those who commit such acts in furtherance of other causes, for example, in support of the right-to-life movement or in opposition to the war. This bill represents special-interest legislation and is more a political statement than it is an attempt to improve Montana's criminal code. And, I would submit to you that this kind of political discrimination is wrong.

Unless you are certain that you yourself will never be in the political minority, I would urge you to consider the serious political and policy ramifications of House Bill 120.

I thank you for this opportunity and would request that you oppose House Bill 120 for all the aforementioned reasons.

SENATE RESOLUTION
EXHIBIT NO. H 9
DATE 2/11/91
BILL Montana HB 120

Federated Humane Societies of Montana

I am Barbara Dahlgren, 834 Marshall Street, Missoula, Montana.

This is a breif chronology of the happenings at the Stevensville beaver farm, as I know them and worked with them. During November & December of 1985 our Humane Society received reports that there were dead and dying animals at the beaver farm, we were told that the problem would be taken care of, and in checking back, were told that it had been taken care of, 1100 animals had died. We also learned that more than 200 animals had died at a fur farm near Orem Utah, owned by the same Corporation as the Stevensville farm.

Feb. 6, 1986 another report of starvation & cruelty, assured that it would be corrected.

November, 1986, Dennis Crum, pres. of International Furs applied for economic development bonds for 4 million dollars, with which to put in place 5000 new pens and refurbish 850 more in Missoula and Ravalli Counties. That plan went all the way to the State Economic Development Board with an OK, until they learned of the applicant's track record, and thier decision was overturned.

Dec., 1986 I received more reports that there were many dead animals.

Jan. '87 a man helping at the farm reported that there were 27 dead, and that the living were eating each other. He was helping burn the dead. The care taker had left because he was not being paid, and he called the police to tell them.

All of this time the Humane Society could not get permission to go on the premises of the farm, and one could not see a thing from the road, there was no phone, or person in charge to contact.

I called the County attorney's office, and immediatley after that the Sheriff's office visited the farm, and called me to say that "things were really bad at the farm". On that day I ask the Fish Wildlife & Parks about what to do and how to care for the animals since we were all novices. To my knowledge they did not respond. On Oct. 7th we received a court order to to help feed, and check on the animals. The Sheriff Jim Baily asked for our help, to help clean and feed the animals, since the situation was critical. Several more died and were sick.

I again ask for assistance from FW&P, for we were at a loss as to what and how much to feed the animals, since there were no instructions or regulations at the farm. There were no tools with which to work, so brought our own.

We were doing the best we could, with out having any real knowledge of what to do or how to do it. We were willing to do the work, if we only knew what to do, thus we relied on the FW&P for guidance but.....we

Federated Humane Societies of Montana

received none, tho' I did see one of them at the farm briefly after that.

Oct 11,"87 The October 7th Court order from the Ravalli County Attorney's office enabled us to feed and care for the animals. We hired some people, and organized some volunteers to help with the huge task before us with feeding, cleaning, cutting wood, and disposing of the dead. At this time another care taker was hired by the Corporation, he was Scott Heeps, it seemed to us that things might go better now, however we continued to check on the farm every few days. Scott quit on Dec. 31st because he was not being paid, and at that time another caretaker was on the scene, he was Doug Volene, who seemed to resent the authority that the Humane Society had via the Court order. We continued to haul wood and help clean and feed. Doug's attitude did not improve, and the care of the beavers diminished.

Early January the Corporation issued orders to pair the animals for breeding.

January 10th 1988 the gate between the residence which was not lived in and the area where the pens were, was locked.

On a visit to the Farm on Mar. 13th I again found some dead animals.

On March 14th a trial was held in Ravalli County Charging Dennis Crum with cruelty to animals, he did not show up for the trial, but was found guilty and ordered to pay a \$2000.00 judgment issued by the Court. Neither of those conditions have been met. We were informed that Dennis Crum had declared bankruptcy.

Conditions at the farm were much less than satisfactory, until we came to early June when more were dying.

On June 5th a representative from a National organization arrived, on June 6th we assisted with the feeding and cleaning of the animals, also transferred our court order over to the PETA representative, and we were relieved of any more responsibility.

I believe it is important to know that a lengthy prospectus of the Corporation boasts that they intend to have the entire beaver industry of the world, they allow that the Russians could have a corner on the Sable. There was no security at the farm, their corporation was not on file in Montana, nor did they have a permit to operate a fur farm, as required by law. A complicated Corporation made up this group, Great Western Equities, Contract Feeders, Domestic Furs Ltd. (Canadian) and International Furs.

I strongly suggest that this bill be passed to prevent such cruelty and waste of living creatures from ever happening again.



CITY-COUNTY HEALTH DEPARTMENT
301 W. ALDER
MISSOULA, MONTANA 59802

SENATE AGRICULTURE (406) 721-5700

EXHIBIT NO. # 10

DATE 2/11/91

BILL NO. HB 120

To: The Senate Agricultural Committee

From: Robert Micken, Supervisor, Missoula City/County Animal Control
725 Polk St.
Missoula, MT 59802

Dear Committee Members;

I would like to express some concerns that I have with House Bill 120, and I have asked that Barbara Dahlgren relay my comments to the Committee.

My concerns lie primarily in Section 3, subsection 2-E, which reads:

"A person who does not have the effective consent of the owner and who intends to damage the enterprise conducted at an animal facility may not enter an animal facility to take pictures by photograph, video camera, or other means..."

I strongly agree that all "persons", as defined in Section 2, should be able to enjoy freedom from physical damage inflicted upon their facilities and/or property. There are a great number of people in the state who are involved in legal, humane, animal-oriented enterprises, who should be protected. However, it is impossible to deny that there are also those that are involved in enterprises where animals are kept in conditions, and for reasons, that are not suitable for any living creature. These are the people that I fear may benefit from the wording of this section.

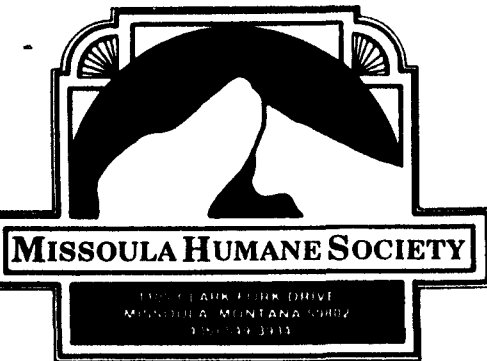
These inhumane enterprises may benefit because there are many areas in Montana that do not have government agencies designed specifically to deal with animal concerns, therefore the burden of such investigations falls upon non-government agencies, such as the local Humane Society. Therefore, I feel that it is imperative that humane organizations, regardless of their affiliation, retain this ability to document the atrocious conditions that can, and do, exist in some facilities. I am concerned that the wording of this section would seriously inhibit the ability of these organizations to carry out this much needed function in the protection of animal rights.

I urge the Committee to re-examine Section 3, subsection 2-E and the ramifications that it could have.

Thank you for your time and attention.

Sincerely,

Robert Micken, Supervisor
Missoula City/County Animal Control



SENATE AGRICULTURE

EXHIBIT NO. # 11

DATE 2/11/91

February 8, 1991 BILL NO. HB 120

The Honorable Greg Jergeson
Chairman, Senate Agriculture Committee
Capitol Station
Helena, Montana 59620

Dear Senator Jergeson:

As an animal welfare organization, incorporated under the state laws of Montana for the purpose of preventing cruelty to animals, the Missoula Humane Society opposes HB 120, the "Farm Animal and Research Facilities Protection Act".

The Missoula Humane Society does not condone or engage in illegal activities. We acknowledge the right of individuals, businesses and government agencies to be protected against illegal trespass, harassment, theft, and damage to property. Since state law already prohibits, and provides substantial penalties for these offenses, HB 120 serves only to target and intimidate law abiding individuals who wish to help correct animal abuse.

HB 120, as written, would have far reaching and, we believe, unintended consequences for organizations such as ours. Animal welfare organizations would be unable to take any action regarding complaints of neglect or abuse. This bill would not only impede legitimate organizations from investigating and documenting animal abuse and neglect complaints, it would potentially make it a criminal offense to do so!

Though law enforcement personnel would have access to such sites, in our experience, animal abuse is not a law enforcement priority. Law enforcement officials have little or no training in animal care, handling or animal cruelty investigation. Though our role is not enforcement, humane societies often assist law enforcement by documenting and gathering evidence.


Because the definitions incorporated into this bill are so broadly and vaguely defined, it protects virtually all animal-related enterprises, even those which involve illegal activities. It would be ludicrous for the legislature to pass a bill which effectively protects from public scrutiny, activities which are prohibited under other state laws.

There are many opinions regarding the role of animals in society, and regarding their appropriate care. Given this diversity, our organization would request that any legislation considered, first provide minimal standards for the care and treatment of animals kept in these facilities. Consideration of any measures protecting these facilities from public involvement is inappropriate until these basic issues have been addressed.

In conclusion, HB 120 duplicates protection already provided under state laws and would infringe upon the rights of Montana citizens and organizations. It would protect from public scrutiny, potentially illegal activities and enterprises, and it would impede the legitimate investigation and documentation of cruelty complaints undertaken by community animal welfare organizations. The Missoula Humane Society urges you to speak out against, and vote against, HB 120.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Constance F. Carson".

Constance F. Carson
Director, Missoula Humane Society

cc: Frances Koehnke
Gary Akhestad
Tom Beck
Betty Bruski
Jerry Devlon
Jack Rea
Berny Swift
Bob Williams

February 11, 1991

Senators of the Agriculture Committee:

SENATE AGRICULTURE

EXHIBIT NO. #12

DATE 2/11/91

FILE NO. HB 120

My name is Kathy Jones. I live in a rural community of the great state of Montana. I own livestock and companion animals that I feel greatly enrich my life. The ranchers with whom I associate do not favor a bill that facilitates animal abuse as HB120 does. I am not an animal rights activist. One does not have to be an animal rights activist to oppose HB120 as it is now written. I expect that many of you here today own livestock and pets that you care about. If you were witness to extreme animal cruelty you yourselves might feel compelled to correct a bad situation. HB120 severely restricts you, animal welfare agencies, and law enforcement from doing so. This document endorses an anything-goes policy behind closed doors with no allowance for scrutiny. The scope of HB120 will have unintended and far-ranging consequences negatively affecting even the most well-meaning citizen.

The Montana Farm Bureau proposed this bill expecting it to be a deterrent to organizations accusing livestock producers and research institutes of mistreating animals. In reality the opposite of their objective may occur. If the intent of this bill is to curtail fanatic animal rights activists then simple logic indicates that this bill does not accomplish that goal. Breaking laws already in place, which HB120 only duplicates, has not stopped them before and won't stop them now if they suspect extreme cruelty or atrocities are being committed towards animals. Few can deny that their tactics are effective. HB120 gives them even more ammunition by adding fuel to the fire.

If you want to suppress the suspicions of animal-rights advocates, I suggest you go back to the drawing boards and create legislation that will set minimum standards of care including authorized inspections to monitor and scrutinize the compliance of those standards. In addition, you will demonstrate to the public that our legislators do have scruples after all. If you don't re-draft HB120 with the inclusion of measures that will benefit all, including the animals, then you're going to have to answer the question--if not, why not?

If indeed the facilities in question have nothing to hide, there should be no objections from them. They should welcome standards of care subject to scrutiny, as other states have in place, to assure the public that atrocities are not being committed. For if they are, and HB120 passes, our legislators will be indentified as endorsing unlawful acts.

I propose that you table HB120 for now since it does not accomplish its intent. Initiate a committee to study alternatives as other states have done. Include representatives from research facilities, animal welfare agencies, the U.S. Departments of both Agriculture and Health, law enforcement officials, and legislators who, working together, would draft a much more comprehensive bill that will address each agencies concerns and will not jeopardize the welfare of animals or facilitate their mistreatment.

I am not familiar with any reason why a hasty passage of this bill is necessary. The decision of how you will vote will affect every citizen of this state. I strongly urge you and your constituents to vote against HB120. Thank you.

February 11, 1991

In Montana the law states that the county sheriff is the humane officer in each county. The Lewis and Clark Humane Society is one of approximately 12 in our state. Most people report possible animal cruelty to the humane society before contacting the sheriff. County sheriffs appreciate this assistance in receiving these complaints. The follow-up is often corrected by educating the owners about proper care of their animals. If this is not the case, then the county sheriff becomes involved. When legal action is required and the case is presented to the county attorney, the better the preliminary investigation, obviously the quicker the case can be prosecuted.

Our humane society adheres to their cruelty investigation handbook which includes current Montana statutes on animal cruelty as well as the city of Helena ordinances on animal control. A few key points in our handbook are: No one except those specifically authorized and trained investigates any cruelty complaints. Never is an unauthorized search of the premises made. Written permission or a search warrant is required before photographs are taken.

Most county sheriffs and county attorneys appreciate the involvement of a humane society which saves them valuable time in a case which may be easily handled. The public expects the humane society to act on animal cruelty cases. I feel this is being done successfully without the need for House Bill 120 which could impede legitimate animal cruelty investigation.

Submitted by Carol Reiter, Vice-President of the L & C Humane Society Board
of Directors

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11 day of February, 1991.

Name: Carol Renter

Address: 120 Wedgewood Lane
Helena, MT 59601

Telephone Number: 449-2021

Representing whom?

Lewis & Clark Humane Society

Appearing on which proposal?

HB 120

Do you: Support? Amend? Oppose? ✓

Comments:

See attached.

1000

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

February 11, 1991
Senate Agriculture Committee
Testimony opposed to HB120

SENATE AGRICULTURE
EXHIBIT NO. # 14
DATE 2/11/91
BILL NO. HB 120

By: Judith Fenton, Secretary/Treasurer
Federated Humane Societies of Montana
Blue Sky Heights #26
Clancy, MT 59634

I am opposed to HB120 for four reasons.

1. The general public acknowledges that animal cruelty will not be tolerated by civilized people. This attitude is growing and will not go away. This bill will color the work done by animal welfare people in the eyes of Judges and County Attornys. If future cruelty investigations are more difficult we may more often have to resort to publicity to correct a situation and ensure that animals are being properly cared for. The public perception of animal cruelty is a powerful tool. If local publicity attracts national attention, then radical groups may become involved. To guard against any more adverse national public opinion of Montana, we need to strengthen our laws concerning animal cruelty, not weaken them.

During discussion on this at second reading in the House, one member admitted that he had worked in a reasearch facility in another State. He said animals were being mistreated but the local ASPCA was legally prohibited from any investigation at that facility.
2. This bill is unnecessary. Our laws already make it illegal to tresspass, steal or vandalize. Why are animal welfare people pinpointed by this bill and the testimony of its proponents. Our constitution doesn't allow an individual or group to be singled out for special treatment under the law. Some adults and teenagers are involved in various acts of vandalism often for no apparent reason. I wonder which law would be applied if a group of young people vandalized a fence or some other part of a property where some animals were held. Would this law apply to them with its triple penalty, or since these were just ordinary youngsters and not animal welfare people, I suppose the original law against damage to private property would apply.
3. For 13 years I have worked for animal welfare in Montana. Even now a lot of time is taken away from the small business I operate. Like most of the other people who work with me, we have never asked for any payment or even recognition for our efforts. What we don't deserve is a slap in the face like this. The problem with this bill is that Montana's animal welfare people are not radical activists. We have always emphasized that all actions taken in a cruelty situation be completely legal. To prove that our intentions are proper, Montana animal welfare and animal control people are presently taking cruelty investigation workshops at the Montana Law Enforcement Academy in Bozeman. Our next session is scheduled in April of this year. We want to learn not only legal but effective investigation techniques.

Page 2
Testimony by Judith Fenton
Opposed to HB120

In Montana we have always felt that illegal behavior focuses attention on the people or group involved and away from the actual animal cruelty.

4. Lastly I can't help but wonder that, if someone feels a bill like this is necessary, then perhaps someone is trying to hide something. Where are there animals being mistreated right now that we are being kept unaware of?

Thank you for your consideration of my viewpoint on HB120.

STATE OF MONTANA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ACADEMY DIVISION

Marc Racicot
Attorney General



620 South 16th Avenue
Bozeman, MT 59715-4198

COURSE ANNOUNCEMENT

ANIMAL CONTROL WORKSHOP: CRUELTY INVESTIGATION

CO-SPONSORED BY THE
MONTANA LAW ENFORCEMENT ACADEMY
AND THE
MONTANA ANIMAL CONTROL ASSOCIATION

APRIL 19 - 21, 1991

COURSE PURPOSE

The purpose of this course is to enhance and upgrade the basic skills of city/county animal control officers and other enforcement personnel assigned to investigate and manage animal cruelty complaints and incidents in Montana.

REGISTRATION

Registration and check-in will be held Friday, April 19, 1991 from 1800 - 1900 hours. Class will begin Friday at 1900 - 2100 hour on Animal Cruelty Laws in Montana.

COURSE SUMMARY

This course will be held at the Montana Law Enforcement Academy and the MSU Stock Pavilion.

Saturday will be spent at the MSU Livestock Pavilion and live animal will be examined. Topics will include judging, "hollowbelly vs. jellybelly", foot conditions and other issues. Curt Ransom will present and discuss investigative techniques, samples, pictures and other details necessary for convictions in cruelty cases.

Saturday, April 20 Classes

0800 - 1200	Judging Body Condition of Domestic Pets and Livestock
1300 - 1700	Judging Body Condition (continued)
1700 - 1830	Business Meeting: MACA and Federation of Humane Societies

Sunday, April 21 Classes

0800 - 1200	Investigating Cruelty Complaints
1300 - 1500	Investigative Philosophy and Legal Summary

Page 2 of 2 pages

February 6, 1991

*Course Announcement for Animal Control Workshop:
Cruelty Investigation*

COURSE INSTRUCTORS

The instructors for this program will be Rob Brown of the MLEA Legal Section, Dr. Jack Catlin, DVM, Montana State University, and Curt Ransom, American Humane Field Staff Associate, Denver, Colorado.

COURSE FEE

A \$ 35.00 course fee made payable to MACA will be collected upon registration. This will include lodging at MLEA on Friday, 4/19 and Saturday 4/20. Breakfast and lunch on Saturday and Sunday will also be provided by the Academy and the Department of Justice.

FUTURE WORKSHOPS

Dates for future MACA workshops at the Montana Law Enforcement Academy are scheduled as follows: 1991 Fall Conference, October 18, 19, 20, 1991, 1992 Spring Conference, March 6, 7, 8, 1992, First Animal Control Officer's Basic Course, October 18 - 24, 1992.

JP
HELENA VETERINARY SERVICE
2930 N. MONTANA AVENUE
HELENA, MONTANA 59601
TELEPHONE (406) 442-6450

SENATE AGRICULTURE

EXHIBIT NO. #15

DATE 2/11/91

BILL NO. HB 120

Concerning House Bill No. 120:

My name is Dr. Julie A. Kappes. I have been a small animal practitioner in Helena for the past 7 years and a board member of the Lewis and Clark Humane Society for the past 6 years. I am apposed to House Bill No. 120 due to proposed penalties which are not only unreasonable, but are outrageous.

As a preveterinary student, I was involved in a spinal cord trauma research project through the Colorado State University Research and Diagnostic Laboratory. Over 100 mixed breed dogs had their spinal cords surgically severed to simulate a trauma induced spinal cord injury. The dogs were maintained in small cages for periods up to 12 months. Due to hindlimb paralysis, the dogs were constantly soiled by their own urine and fecal matter; and suffered numerous decubital ulcers over the body. If one believes in animal moral-it was poor. Staff researchers rarely inquired about the condition of the animals and daily neurological exams for research became increasingly less frequent. At the termination of the research period the dogs were euthanized and lay workers dissected spinal cords from all animals for subsequent sectioning and examination.

Ten years later I revisted the laboratory. The original research team was gone and 100 spinal cords were untouched in formalin filled jars in the same cooler.

I am not antiresearch if it be conducted in a humane fashion and the results utilized in some manner. Neither do I advocate violent or illegal actions to disrupt research or research facilities. I know firsthand, however, that not all research is valid; nor is all research conducted in a humane fashion.

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Laws that regulate animal and research facilities are vague and difficult to enforce. A protection act, as proposed by House Bill No. 120, would remove, no doubt, any fear of public scrutiny which may at present help police those facilities. And to impose penalties stiffer than for many felonies on individuals outraged by alleged inhumane treatment of animals seems in itself unjust.

Sincerely,


Julie A. Kappes, D.V.M.

STATE AGRICULTURE

SENATE NO. #16

DATE 2/11/91

BILL NO. HB 120

P.O. Box 62
Basin, Mt. 59631
February 7, 1991

Senator Greg Jergeson, Chairman
Agriculture Committee
Montana State Legislature
Capitol Station
Helena, Montana 59620

SUBJECT: H.B. 120

Dear Mr. Chairman:

Please recieve this as a request to vote NO on HB 120.

Even though, I do not condone criminal activity to
properties of others, THIS BILL TAKES AWAY THE
ASSURANCE OF HUMANE TREATMENT FOR ALL ANIMALS.

Thank you for your consideration for your consideration
to my request.

Sincerely,

Jenifer Wise

Jenifer Wise

cc: Agrilculture Committee Members
Agrilculture Committee Secretary

Dorothy Quinn, Secretary
Agricultural Committee
Capital Station
Helena, MT 59620

February 7, 1991

SENATE AGRICULTURE

EXHIBIT NO. 47

DATE 2/11/91

BILL NO. HB 120

Subject: House Bill 120

Dear Ms Quinn:

I am writing to you concerning Rep. Hayne's House Bill 120. The possibility of passage of this bill in any form is very distressing to me. Having worked for years for the advancement of animal welfare I see this bill as a step in regression.

As an advocate for animal rights I feel that all animals deserve to be treated humanely. Since they cannot speak for themselves their humane management must be guaranteed by us. This means we, the public, must be able to physically inspect the conditions under which they are kept at any time.


Rep. Hayne's House Bill 120 would virtually eliminate any access to inspection by animal welfare organizations and other concerned people. Why does this bill oppose taking pictures of conditions under which animals are kept? One possible reason could be that a business would not want public exposure of inhumane treatment of their confined animals. House Bill 120 states that no pictures be taken for the purpose of closing the business. If pictures display animals in such a poor state that the business should be closed, then so be it. Being able to inspect and, if necessary, to take pictures will help insure the acceptable treatment of animals in the care of any business using them for profit.

All living creatures have a right to humane treatment, health care, and proper nutrition. I feel that we, as humane people, cannot allow mistreatment of any animal because of profit. Any business that subjugates animals can afford proper care of them. Ethically, it cannot be otherwise.

I do not, in any way, advocate terrorism for any reason. But does that mean we must go to the opposite extreme to create an atmosphere free of controls for unscrupulous business people? Please do NOT pass House Bill 120.

Thank you for your time and consideration of this matter.

Sincerely,


Nell Holtzclaw
203 South Crystal
Butte, MT 59701

cc: Agriculture Committee members and secretary

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11 day of February, 1991.

Name: Marc Passmann

Address: 325 E. Front #1
Missoula, MT 59802

Telephone Number: (406) 549-2664

Representing whom?

Myself

Appearing on which proposal?

HB120

Do you: Support? Amend? Oppose? ✓

Comments:

In my view, this bill attempts to protect animal rights
abusers by shutting down all means of bringing these abuses
to light. Specifically, I am concerned with the provisions
mentioning photography. In the past, many animal rights
abuses have been brought to light through photographs
taken in labs, on farms, etc. Many of the photos were
taken by researchers working in the labs and on the
farms who witness these abuses. This law would
effectively shut this activity down and rely solely on
legal entry into a facility. Under these conditions,
the labs and farms are forewarned and can clean up
their act before the inspection. This act would therefore
make it more difficult to bring these abusers to justice.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

I feel the act not only attempts to stop illegal destructive
action, but also protects the abusers by making it more
difficult to uncover it.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11 day of February, 1991.

Name: Molly Baer Kramer

Address: 101 E Broadway Rm 602 Missoula 59801

Telephone Number: 406-728-5733

Representing whom?

Self

Appearing on which proposal?

HB 120

Do you: Support? Amend? Oppose? X

Comments:

There are experiments that happen daily which
are inhumane, unnecessary, and cruel to the
animals which serve as the subjects. HB 120
would allow these experiments to continue, as
it would penalize non-gov't organizations or
individuals who attempt to film ~~exper~~ research
methods and farming practices that violate
animal protection acts and health codes.

DATE

3/11/91

COMMITTEE ON

Senate Agriculture

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Walter Jones	self	HB 120		X
James Melaney	self	HB 120	X	
James Steindorff	self	HB 120	X	
Judith Lammner	Self	HB 120		X
Nichelle Froberg-Hutchins	Missouri Humane Soc.	HB 120		X
Barbara Kallgren	Fed Humane Soc. Int.	HB 120		X
Judith Fenton	Federated Humane Societies of Mo	HB 120		✓
Wes Graham	State Dept of L&K	"	✓	
Carol Ketter	L & C Humane Society	HB 120		✓
Donna Mosher	self	HB 120	✓	✓
Bobbie Lammner	self	HB 120	✓	
Tim Maden	self	HB 120	✓	
Julie Luatke	self	HB 120	✓	
Jim Davidson	self	HB 120	✓	
Jack Warner	self	HB 120	✓	
Carol Mosher	MT. Battle Warner	HB 120	✓	
IM SWEENEY	LEWIS & CLARK HUMANE SOC	HB 120		✓
Marvin Barber	A.P. Co.	HB 120	✓	
JACK HAYNE	Self	HB 120	✓	
JERRIE DAWNING			✓	
Jodi Jones	4-H	HB 120	✓	
Cindy Benson	4-H	HB 120	✓	
Liz Jones	4-H	HB 120	✓	
Lorna Frank	Farm Bureau	HB 120	✓	
Paul McElmer	Farm Bureau	HB 120	✓	
Al Kurki	AERO	HUR 6	✓	

(Please leave prepared statement with Secretary)

DATE 2/11/91

COMMITTEE ON Agriculture

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)