

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on January 28, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Ethel Harding

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

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

Committee Business Summary:

Hearing: SB 156, SB 157, SB 230
Executive Action: SB 103

HEARING ON SB 230

Opening Statement by Sponsor:

Senator Delwyn Gage, Senate District 5, stated SB 230 has been presented in past sessions but has not received much support. He said SB 230 would make all local elections non-partisan like judicial races. Senator Gage said it does not matter to local folks whether their sheriff is a Democrat or Republican or their Clerk is a Democrat or Republican. He noted there are people in some counties who run under a certain party, regardless of their political affiliation, in order to get elected. Senator Gage added there currently exists an option for local county residents

to decide if their area should hold non-partisan local elections, however he did not think this option was widely used.

Proponents' Testimony:

None.

Opponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization's opposition to SB 230. He said there are many Montana cities and towns which hold partisan local elections. Mr. Hansen presented a letter of opposition to SB 230 from the Missoula City Clerk. (Exhibit #1) He added the option to hold non-partisan local elections already exists in current law through a voter review process every ten years. He said Butte-Silver Bow, a notoriously Democratic area holds non-partisan local elections. He added it was their decision to do so, not the government's. Mr. Hansen concluded local areas should have the authority to determine what kind of elections to hold in their community.

Mr. Gordon Morris, Montana Association of Counties, stated his Association's opposition to SB 230. He felt the decision should be left at the local level.

Ms. Nancy Harte, Executive Director, Montana Democratic Party, stated her organization's opposition to SB 230. She said SB 230 was a further restriction of the voters' choices. Ms. Harte said individuals may run as Independent candidates or as traditional party candidates. She concluded the decision should be left to the discretion of local voters.

Informational Testimony:

None.

Questions from Committee Members and Responses:

Senator Rye asked Ms. Harte if it would be easier for a County Commission candidate with a Democratic philosophy to win in Madison or Yellowstone County if he/she ran as a Republican candidate instead. Ms. Harte replied it would depend on the county since Democrats do better in some areas as do Republicans in others. She concluded the most important option is the ability for local residents to choose their local government representation.

Senator Rye asked Senator Gage how a non-partisan local official would be replaced if he/she died prior to the end of the term.

Senator Gage replied any non-partisan individual could be the replacement.

Closing by Sponsor:

Senator Gage stated the majority of Montanans are not aware they could hold non-partisan local elections, however they would support the idea overwhelmingly. He said it is unfortunate for qualified people to be passed up for local government positions simply because of their party affiliation.

HEARING ON SB 157

Opening Statement by Sponsor:

Senator Greg Jergeson, Senate District 8, stated SB 157 would provide equal treatment of cities and counties with regard to the acquisition of tax deed property. He said under current law, cities are required to pay delinquent taxes on properties assigned to them by counties, however, the delinquent tax provision does not apply to property acquired by counties. Senator Jergeson concluded SB 157 was drafted at the request of the Mayor of Chinook.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization unanimously passed a resolution to endorse SB 157 at their annual meeting. He said current law exempts counties from paying delinquent taxes on acquired property but does not exempt cities from paying delinquent taxes on property assigned to them. Mr. Hansen stated current law imposes a financial impediment to the acquisition of property by cities and believes cities and counties should be treated equally in this respect. He agreed with the fiscal note which states the financial impact of SB 157 would be negligible, and added representatives of Montana's larger cities agree with this statement. Mr. Hansen stated the majority of cities frequently take assignment of tax deed properties. He said there are instances when cities would be interested in acquiring some of these properties and transferring them to the local housing authority to increase the amount of available low-income housing.

Opponents' Testimony:

Mr. Stan Hughes, Gallatin County Treasurer and President, Montana County Treasurers Association, stated SB 157 would not equalize the treatment of tax-deed property assigned to the city. He added there are technical problems with SB 157 which violate the

principle that the debt follows the lien. It was his opinion the delinquent taxes and the lien are one and the same. Mr. Hughes said SB 157 would separate the lien from the delinquent taxes. Mr. Hughes then gave an example of what, in his opinion, would happen under SB 157. He said the county has a tax lien sale in July and the city can then come in and request an assignment on any properties with delinquent assessments. He added, at that point, the lien would go to the city while the delinquent taxes would stay with the county. Mr. Hughes said the lien and the taxes, which are one and the same, are now owned by separate entities. He said this situation creates many problems for the county. Mr. Hughes said once the city takes the assignment, the city has the option of going through the tax deed process and notifying the interested parties which would now include the county because the county still has the delinquent taxes. He said the county's ability to collect on its own debt, which was formerly the lien, is essentially wiped out. Mr. Hughes anticipates under SB 157, every city in every county would automatically request the liens be transferred to them on any properties with delinquent taxes. He said SB 157 does not specify how the city would request the liens be turned over. Mr. Hughes said the city has several options once it takes the assignment on properties. First, the city could do nothing. Second, the city could pursue the tax deed procedure. He stated the county would be at a disadvantage regardless of the city's course of action. Mr. Hughes said current law permits the county to notify any entity which takes assignment and does not pursue the tax deed procedure that they have a maximum period of 120 days in which to act or the lien will be cancelled. He said under SB 157, the lien is cancelled but the delinquent taxes remain on the county's books. Mr. Hughes said there is no possible way for the county to ever collect the delinquent taxes since the lien has been cancelled, so all the districts within the county do not receive the money owed to them. In the event the city does pursue the tax deed procedure, Mr. Hughes said, 15-17-319 provides for the distribution of proceeds. He said there is no provision in this existing statute to pay the county for the delinquent taxes still sitting on the books. Mr. Hughes also said SB 157 may be in conflict with 15-17-319. He stated the cities currently have the mechanism in place to protect themselves on their delinquent assessments. Mr. Hughes concluded existing statutes provide that cities receive their pro-rated share of money derived from the sale of tax deed land if the proceeds are less than the total of assessments and taxes due. He urged the Committee not to pass SB 157 in its existing form.

Mr. Cort Harrington, Montana County Treasurers Association, stated his Association opposes SB 157. He said under existing statutes, the municipality pays the county to take assignment on tax deed property. Mr. Harrington said SB 157 would allow municipalities to take an assignment and sell the property without having to pay the county first.

Mr. Morris stated MACo would work with anyone to resolve SB 157. He believed there was another bill yet to be introduced which would allow counties to turn over property to the city for the specific purpose of using it for low-income housing. He suggested the Committee delay executive action on SB 157 and wait for the other bill. Mr. Morris said it was his understanding the true purpose of SB 157 is to put the city, as a taxing entity, in the position of being able to take tax deeds without paying the delinquent taxes.

Senator Swift asked Mr. Hughes if the county was required to pay cities its share of revenue generated from the payment of delinquent taxes on properties. Mr. Hughes replied 7-8-2306 mandates the counties pay cities a pro-rated share on delinquent taxes. Mr. Hughes stated his Association would also work with proponents and opponents of SB 157 to resolve this problem.

Senator Bartlett asked Ms. Saisbury if the city received from the county a portion of the proceeds from the sale of the Placer Center. Ms. Saisbury replied no and stated, based on county attorney's opinion, the city has the option of picking up an assignment before tax deed is issued. She said if the city does not elect to do so, they may lose their right to the proceeds. Senator Bartlett asked Mr. Harrington if he knew of any similar situations in existence, to which Mr. Harrington replied he believed this situation was unique.

Senator Kennedy submitted to the Committee written testimony he had received from the Missoula County Treasurer. (Exhibit #3)

Closing by Sponsor:

Senator Jergeson stated in sponsoring SB 157, he has identified a problem with existing tax deed law. Senator Jergeson said he had no particular pride in authorship of SB 157 and stated he would be welcome to any suggestions for its improvement.

HEARING ON SB 156

Opening Statement by Sponsor:

Senator Greg Jergeson, Senate District 8, stated SB 156 was drafted in response to an incident in Chinook where a child was seriously injured by a neighbor's pitbull dog. He said while the child ended up in the hospital, nothing was done about the dog or its owner. Senator Jergeson said the father of the child eventually shot the pit bull and was promptly arrested and thrown in jail for malicious destruction of property. Senator Jergeson stated he sees this issue as parallel to noxious weed laws where certain weeds are outlawed. He concluded it was his intent in requesting SB 156 to try to avoid situations like these from

occurring again. Senator Jergeson submitted to the Committee a copy of a letter sent to Representative Mc Culloch regarding this matter. (Exhibit #4)

Proponents' Testimony:

Ms. Maryrose Beasley, Treasure State Working Dog Association, stated her organization supports the intent of SB 156 but would ask for consideration of major amendments. She said her organization primarily trains dogs in the sport of Shutzhund. She said the Shutzhund sport was established in Germany as a temperance test for the German Shepherd. Ms. Beasley said her Association does not condone animals with bad temperaments and never breeds ill-tempered dogs. She said the Association appreciates that SB 156 is not breed specific since it is impossible to determine on the whole which breeds of dogs are more potentially dangerous than others. Ms. Beasley stated there are very few individuals in Montana qualified to determine if a dog is vicious. She said by the standards of SB 156, all of the dogs in her organization would be considered "potentially dangerous". She said this categorization would require owners to insure their dogs at a rate which is cost prohibitive to even the most affluent dog trainer. Ms. Beasley also stated she did not believe Section 3, part 6 of SB 156 was realistic since no person in their right mind would get close enough to a vicious dog to read its identification tag. Ms. Beasley said the entire section on potentially dangerous dogs should be removed since any dog can be potentially dangerous. She said Section 5 of SB 156 was unrealistic as well. Ms. Beasley stated Section 6, part a, should be eliminated since very few owners will admit their dog is vicious or potentially dangerous. She said if SB 156 was implemented, it would be costly and difficult to enforce. Ms. Beasley added it is unfortunate SB 156 only pertains to dogs since many people keep other potentially dangerous animals like snakes and bobcats as pets. Ms. Beasley urged the Committee to adopt language to SB 156 which specifies pet owners are ultimately responsible for the actions of their pet and may be held criminally and civilly liable for any destructive action.

Mr. Roy Brock, operator of Hirschtal Kennels in Elliston, MT, and Protection Training Coordinator for the Treasure State Working Dog Association, stated he supports the intent of SB 156 but is concerned with its wording. Mr. Brock gave Committee members a brochure on the sport of Schutzhund. (Exhibit #5) He said the definition of "potentially dangerous dogs" in SB 156 is so vague it could pertain to any dog. Mr. Brock said there are very few people in Montana who could determine a dog's propensity to attack. He said Section 3, part b of SB 156 is a good idea, but added SB 156 does not specify a standard warning sign to identify dangerous dogs. He added this same concern would apply to the dog's identification tags. Mr. Brock said Section 3, part 4 of SB 156 should also exempt all dogs in training for Schutzhund. He said he would also recommend SB 156 exempt police service dogs from this Section, since many police service dogs are trained to

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be vicious to potentially anyone but its master. Mr. Brock stated Section 5 of SB 156 should be eliminated because there are very few people in Montana who have the expertise to determine any dog's behavior. Mr. Brock said Schutzhund is a legitimate sport and people in his business need to be protected from legislation like SB 156. He said the owners are responsible to train their dogs.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked Senator Jergeson if he had any more bills to present to the Committee.

Closing by Sponsor:

Senator Jergeson stated his intent in requesting SB 156 was to avoid any more attacks on children by dangerous dogs. He agreed there were problems with the definition of "potentially dangerous dogs" in SB 156 and thinks the wording problems can be worked out.

EXECUTIVE ACTION ON SB 103

Discussion:

Connie Erickson stated the amendment offered by the sponsor, Senator Fritz, to SB 103 would make the language consistent with the firefighter bill passed in the last session.

Motion/Vote:

Senator Waterman moved the amendment to SB 103. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved SB 103 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:40 p.m.



SENATOR JOHN "ED" KENNEDY, Jr., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 1-28-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding			✓
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

FC8

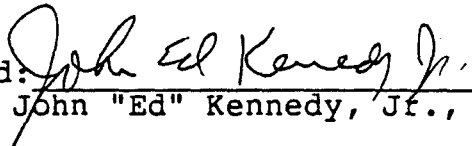
Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 29, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 103 (first reading copy -- white), respectfully report that Senate Bill No. 103 be amended as follows and as so amended do pass.

Signed: 
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Page 1, line 22.

Following: "salary"

Insert: ", following adjustments for income taxes and pension contributions,"

-END-



FINANCE/CITY CLERK OFFICE

435 RYMAN ST. • MISSOULA, MT 59802-4297 • (406) 523-4700
FAX (406) 728-6690

FINANCE AND DEBT MANAGEMENT
BUDGET AND ANALYSIS
ACCOUNTING
CITY CLERK
UTILITY BILLING
RISK MANAGEMENT
GRANT ADMINISTRATION

January 27, 1993
Letter #93-021

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1
DATE 1-28-93
BILL NO. SB 230

JAN 28 1993

The Honorable John "Ed" Kennedy, Jr.
Chairman - Local Gov. Committee
Montana State Senate
Montana State Capitol
Helena, Montana 59620

Dear Senator Kennedy:

At their meeting of January 25th, the Missoula City Council voted to oppose SB230, Senator Gage's bill to require local elections on a non-partisan basis. Their feeling was that this issue should be a decision and choice of the local voters rather than mandated by state government. The Montana Constitution requires that local electors vote every ten years to decide whether or not they want to review their form of local government. If the local voters choose to do local review, they could then consider the question of non-partisan elections. Furthermore, the choice for non-partisan elections can still be accomplished without going through local government review as provided in current law.

As one Council member stated, "If non-partisan elections are such a good idea, why doesn't the bill also require non-partisan elections for the Montana Legislature as well." We would encourage you to leave this important decision in the hands of local voters as it currently stands and oppose SB230. Thank you for considering our viewpoint.

Sincerely,

Chuck Stearns
Finance Officer/City Clerk

cc: Alec Hansen, Montana League of Cities and Towns
SB230 File



PLACER CENTER: UNDER THE PRESENT COUNTY CONTRACT

LOSS:

City of Helena:

Taxes	\$34,026.65
Assessments	\$55,596.17

Total Loss	\$89,622.82

WIN:

County Schools:

Taxes	\$37,189.05
Interest on Contract	\$7,525.88

Total Received	\$44,714.93

School District #1:

Taxes	\$70,653.11
Interest on Contract	\$11,109.63

Total Received	\$81,762.74

State of Montana:

Taxes	\$6,698.91
Interest on Contract	\$5,017.25

Total Received	\$11,716.16

County:

Taxes	\$28,356.55
Interest on Contract	\$12,184.76
Reimb. Costs (Est.)	\$150.00
Profit	\$56,952.38

Total Received	\$97,643.69

Total Contract Proceeds:	-----
	\$235,837.52

PLACER CENTER: UNDER SENATE BILL #157:

LOSS:

County Schools:	\$44,714.93
School District #1:	\$81,762.74
State of Montana:	\$11,716.16
County:	\$40,541.31

Total Loss	\$178,735.14

WIN:

City of Helena:

Taxes	\$34,026.65
Assessments	\$55,596.17
Interest on Contract	\$35,837.52
Reimb. Costs (Est.)	\$150.00
Profit	\$110,227.18

Total for City	\$235,837.52

Total Contract Proceeds:	\$235,837.52
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MISSOULA
COUNTYOFFICE OF COUNTY TREASURER
MISSOULA COUNTY COURTHOUSE
BOX 7249
MISSOULA, MONTANA 59807

(406) 721-5700

January 28, 1993

Local Government Committee
Senate
State Capitol
Helena, MT 59620

Re: SB 157

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3DATE 1-28-93BILL NO. SB 157

Dear Senators:

After reading the Fiscal Note for SB 157, I believe there may be some misunderstanding about the effects of the bill.

SB 157 would allow municipalities to acquire the county's tax lien on property located within the municipality without paying any delinquent taxes or costs. If the municipality then re-assigns the tax lien interest, delinquent taxes and costs must be paid to the county and appropriately distributed. If an interested party redeems from the assignment, the delinquent taxes and costs are also recovered for the eligible taxing authorities.

If, however, the municipality pursues a tax deed on the property, none of the tax delinquencies or costs may be recovered for the various taxing authorities who should receive such a distribution. Section 7-8-4201 M.C.A. allows municipalities to dispose of any property by a 2/3 vote of the members of the council. The statutes are silent on disposition of the proceeds in such a case. If the property is held in trust for a specific purpose, a majority vote of the electors of the municipality is necessary for disposal. The proceeds would then have to be paid to the designated special purpose. Section 15-17-317 M.C.A. does require that tax deed property acquired by a municipality must be "held in trust by the municipality for the improvement fund into which the delinquent special assessments are payable."

If municipalities are allowed to acquire the county's tax lien without paying delinquencies or costs, then municipalities should also meet the requirements of Section 7-8-2306 M.C.A., as do counties, and distribute the proceeds of the sale as they would have been had they been paid before becoming delinquent. The requirement that tax deed property be held in trust for special improvement funds should be eliminated. If these amendments to SB 157 are not made, then schools, counties, fire districts, and other taxing jurisdictions will be disadvantaged.

Sincerely,

Wendy Cromwell
Clerk & Recorder/Treasurer

WRC

To: Scott McCulloch
HD 96

I Jill Port 1339 Maurine St. Billings, MT do swear the following statement is true and on file with the Billings Police Dept.; Division of Animal Control.

On 5-7-91 at approximately 11:55 A.M. I was walking my 6 year old daughter to school. We were walking down the alley behind my house and she was about 15 feet in front of me. Two Chows from the duplex behind our house came out into the alley (through an open gate). They were barking as usual and pawing the ground. As I passed them they broke the chain off the fence and proceeded to attack me, one on each end of the chain. They bit both legs and arms. I tried to climb the neighbors fence but one dog grabbed my wrist and pulled me to the ground. They continued to attack. I was screaming for help. My neighbor apparently heard me and came out to help. He got the dogs away from me so I could run and they got tangled in a garbage can rack. Animal Control was called and the rest is on record. The dogs were destroyed as this was the second bite. They had a previous list of citations and the owner relinquished them to the officer to be destroyed.

I have multiple lacerations on my legs and arms. My daughter witnessed the whole scene and has had emotional problems resulting from this, and I have had numerous nightmares and a fear of dogs I never had before.

Something should be done to protect people from dangerous dogs. You shouldn't have to wait until someone is permanently maimed or killed.

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4

DATE 1-28-93

BILL NO. SB 156



The final area of development is that of drive encouragement. The natural behaviors that you want to encourage are playing with the ball, tug of war, hide and seek, pulling toys on a string, pursuing you rapidly when you run away, and finally defending itself, its family, and its home. The latter really only shows itself between the ages of nine and 18 months, as the pup begins to mature, by barking at strangers or intruders.

It is better to leave for later formal obedience training with a young dog. The character of the puppy is not sufficiently strong to withstand the corrections involved in obedience training. Acceptable manners at home and in the car and "play" training, like learning to sit for a food reward, with *no* corrections involved, is advisable. Real obedience work should begin only after the dog is well on its way in the protection training.

Do Dogs Enjoy Schutzhund Training?

If trained in the right manner, dogs enjoy working, as anyone who attends a Schutzhund competition can see. The joy of the dogs in working with their handlers is evident.

For thousands of years, dogs have adapted to serve humans in a mutually beneficial relationship. While dogs could move quickly, hunt prey, and protect flocks and their owner, the humans could provide food, shelter from the most severe elements, and protection from larger predators, besides tending to the dog's injuries. A dog's reason for being is to serve humans.

Schutzhund training helps develop the dog's natural instincts to a high level. Self-confident dogs, doing work for which they are well trained, are happy dogs. Wagging tails, sounds of excitement, and strong pulling on a leash all show an observer at a Schutzhund trial how much fulfillment dogs find in this work.

For More Information About Schutzhund

The United Schutzhund Clubs of America can be contacted at 3704 Lemay Ferry Road, St. Louis, MO 63125, or by telephone at (314) 894-3431.

Schutzhund clubs are organized by regions through the U.S., and there are numerous clubs in most areas of nearly all states. Regional Directors are also available for information and guidance in locating a Schutzhund club or starting a new one.

As of January 1988, there were more than 130 full member clubs and 14 affiliated clubs in the United Schutzhund Clubs of America. More than 3,500 individuals were members of those clubs.

The United Schutzhund Clubs of America (USA) is a member of the World Union of German Shepherd Dog Clubs, and sends a team to the World Championship each year.

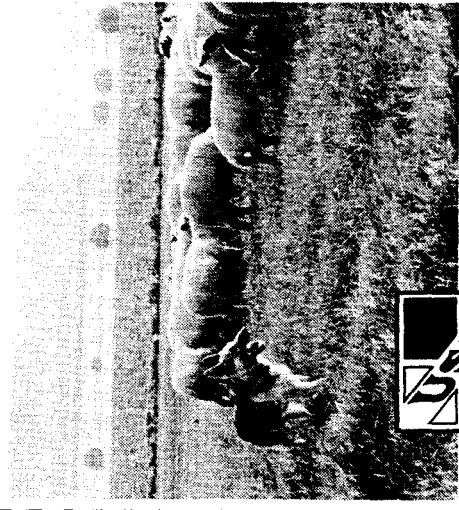
In addition, the USA sanctions regional championships and two major national championships. It also sanctions conformation shows and championships for the German Shepherd Dog.

USA is responsible for scheduling visits from foreign judges and administers its own judges program.

USA also maintains a Breed Registry for German Shepherd Dogs consisting of pedigrees for five generations.

USA adheres to the VDH rules for Schutzhund.

Schutzhund and the German Shepherd dog



SENATE LOCAL GOVERNMENT

EXHIBIT NO. 5

DATE 1-28-93

BILL NO. SB 156

What is Schutzhund?

Schutzhund is a German word meaning "protection dog." It refers to a sport that focuses on developing and evaluating those traits in dogs that make them more useful and happier companions to their owners.

Schutzhund work concentrates on three parts. Many familiar with the obedience work of the American Kennel Club's affiliates will recognize the first two parts, tracking and obedience. The Schutzhund standards for the third part, protection work, are similar to those for dogs in police work.

While dogs of other breeds are also admitted to Schutzhund trials, this breed evaluation test was developed specifically for the German Shepherd Dog. Schutzhund is intended to demonstrate the dog's intelligence and utility. As a working trial, Schutzhund measures the dog's mental stability, endurance, structural efficiencies, ability to scent, willingness to work, courage, and trainability.

This working dog sport offers an opportunity for dog owners to train their dog and compete with each other for recognition of both the handler's ability to train and the dog's ability to perform as required. It is a sport enjoyed by persons of varied professions, who join together in a camaraderie born of their common interest in working with their dogs. Persons of all ages and con-

ditions of life—even those with significant disabilities—enjoy

Schutzhund as a sport. Often, it is a family sport.



The Three Parts of a Schutzhund Trial

The tracking phase includes a temperament test by the overseeing judge to assure the dog's mental soundness. When approached closely on a loose leash, the dog should not act shyly or aggressively. The track is laid earlier by a person walking normally on a natural surface such as dirt or grass. The track includes a number of turns and a number of small, man-made objects left by this person on the track itself. At the end of a 30-foot leash, the handler follows the dog, which is expected to scent the track and indicate the location of the objects, usually by lying down with it between its front paws. The tracking phase is intended to test the dog's trainability and ability to scent, as well as its mental and physical endurance.

The obedience phase includes a series of heeling exercises, some of which are closely in and around a group of people. During the heeling, there is a gun shot test to assure that the dog does not openly react to such sharp noises. There is also a series of field exercises in which the dog is commanded to sit, lie down, and stand while the handler continues to move. From these various positions, the dog is recalled to the handler.

With dumbbells of various weights, the dog is required to retrieve on a flat surface, over a one-meter hurdle, and over a six-foot slanted wall. The dog is also asked to run in a straight direction from its handler on command and lie down on a second command.



Finally, each dog is expected to stay in a lying down position away from its handler, despite distractions, at the other end of the obedience field, while another dog completes the above exercises. All of the obedience exercises are tests of the dog's temperament, structural efficiencies, and, very importantly, its willingness to serve man or woman.

The protection phase tests the dog's courage, physical strength, and agility. The handler's control of the dog is absolutely essential. The exercises include a search of hiding places, finding a hidden person (acting as a human decoy), and guarding that decoy while the handler approaches. The dog is expected to pursue the decoy when an escape is attempted and to hold the grip firmly. The decoy is searched and transported to the judge with the handler and dog walking behind and later at the decoy's right side. When the decoy attempts to attack the handler, the dog is expected to stop the attack with a firm grip and no hesitation.

The final test of courage occurs when the decoy is asked to come out of a hiding place by the dog's handler from the opposite end of the trial field. The dog is sent after the decoy when he attempts

to run away. Just when the dog is about to catch the decoy, the judge signals the decoy to turn about and run directly at the dog, threatening the dog with a stick. All bites during the protection phase are expected to be firmly placed on the padded sleeve and stopped on command and/or when the decoy discontinues the fight. The protection tests are intended to assure that the dog is not a coward nor a criminal menace.



The Schutzhund-Trained Dog in the Home

Since Schutzhund is the demonstration of the German Shepherd dog's most desirable characteristics, dogs well trained in Schutzhund are usually excellent companions in the home. The German Shepherd Dog—like any other working dog that possesses mental stability—has trust and confidence in itself, allowing it to be at peace with its surroundings.

In addition to sound structural efficiencies for long, arduous work, the standard for the German Shepherd Dog calls for mental stability and a willingness to work. The dog should be approachable, quietly standing its ground, showing confidence and a willingness to meet overtures without itself necessarily making them. It should be generally calm, but eager and alert when the situation warrants. It should be fearless, but also good with children.

The German Shepherd Dog should not be timid or react nervously to unusual sounds or sights. A dog that is overly aggressive because of its overall fears of people and events can be extremely dangerous. The Schutzhund sport is designed to identify and eliminate such dogs from breeding stock. Because Schutzhund training gives the owner a great deal of control over the dog, the owner is able to let the dog have more fun. Not only is Schutzhund training itself enjoyable for the dog, but the Schutzhund-trained dog knows how to please its owners, creating a stronger bond between dog and owners.

The Schutzhund-Trained Dog for Police Work

A dog that performs well in Schutzhund work is obviously a very good candidate for police work. Police dogs, like other service dogs, must have temperaments with a good foundation of intelligence and utility. A minimal amount of additional training makes

many well-trained Schutzhund dogs ready for active police duty. Such fearless police dogs can also work around children and in crowds without worry on the part of their handlers.



Choosing a Puppy for Schutzhund

In every breed, the pedigree is the key to knowing the potential of the puppy. Schutzhund revolves around working lines—generations of dogs that have proven themselves and produced similar characteristics in their offspring. These characteristics include not only the physical structure of the dog, which is very important, but also its temperament.

Selecting the bloodlines from which you want your puppy may require advice. Information from breed surveys can help. Of course, it makes sense to discuss your objectives with reputable and experienced Schutzhund handlers or enthusiasts.

Once you have determined that the bloodlines of the potential dam and sire are of high quality, you should observe the parents, especially the mother, if that is at all possible. The dam will be the main influence on the young pup for the first six weeks of its life. If the dam is nervous or unsure, chances are this uncertainty will be transferred to the offspring.

If you are able to see the litter, watch the puppies together and also separately, to try to determine which is the best puppy. Obvious structural defects or health problems should be watched for.

It is important that the puppy have intense

instinct to stalk the prey—a ball, a toy, etc.—and also be the leader in the sense of bullying the other puppies. The puppy should not show fear when away from its litter mates. It should not need to stay with the mother. The puppy should be adventurous and active, playing with objects shown to it by someone in the enclosure, but it should be independent enough to take that object and go off on its own as well.

It is independence and confidence, combined with the positive contact with the pack leader (the dam, at this time) that will develop into the traits of trainability that you need.

Raising a Puppy for Schutzhund Work

Puppyhood is the most critical period for the development of the characteristics you want to encourage. Your local Schutzhund club can advise you about nurturing and socializing your growing puppy.

A puppy learns from its experiences, so you want to provide only positive ones. It should be provided with opportunity to explore and investigate new situations and new people, but always in a non-threatening way. Remember that your goal is to build confidence in the young animal. Your aim is *not* to dominate or oppress the young pup.

Exposure to different environments is crucial to the general education of the dog and also to assure it that the world is a safe place. If something appears to make the dog unsure, give it the opportunity to investigate it slowly, but do not force the issue.

It is imperative to avoid situations where your dog would be dominated by another, older or stronger dog, or by another puppy. You also want to avoid having to discipline or correct your puppy and thus dampen its spirit or damage its self-confidence. You can do this by never leaving the pup in a situation where it can cause damage to your valuables or find itself in a **dangerous** predicament.

Schutzhund Around the World

The first Schutzhund trial was held in Germany in 1901 to emphasize the correct working temperament and ability in the German Shepherd breed. Originally, these dogs were herding dogs, but the industrialization of Germany encouraged breeders to promote the use of their dogs as police and military dogs. The Verein für Deutsche Schäferhunde (SV), the parent club, became concerned that this would lead to careless breeding and undesirable traits such as mental instability, so it developed the Schutzhund test.

Since then, many other countries and working dog organizations have also adopted Schutzhund as a sport and a test of working performance in dogs. International rules have been established, and they are administered by the Verein für Deutsche Hundesport (VDH).

In 1970 the first Schutzhund trial in the U.S. was held in California. In 1987, the United Schutzhund Clubs of America alone sanctioned nearly 300 trials with a total entry of about 1,800 dog/handler teams. More than 17 countries sent teams of competitors to the World Championship for Schutzhund dogs from the World Union of German Shepherd Clubs.

The Schutzhund Titles

There are three levels of the Schutzhund test.

For **Schutzhund I** the dog must be at least 14 months old and pass an initial temperament test by the judge. The dog must heel on the leash and off, demonstrate the walking sit, the walking down, and the stay tests, as well as the send-out. It must retrieve on the flat and over a hurdle. In tracking, it must be able to follow a track laid by its handler at least 20 minutes later. There are also protection tests.

For **Schutzhund II** the dog must be at least 16 months old and must already have earned its Schutzhund I degree. It must again pass all of the obedience and protection tests required for the Schutzhund I degree, but those tests, for Schutzhund II, are made more difficult and require greater endurance, agility, and, above all, control. There is an additional retrieve required over the six foot slanted wall. In tracking, the Schutzhund II candidate must be able to follow a track laid by a stranger at least 30 minutes earlier.

For **Schutzhund III**, the master's degree, the dog must be at least 18 months old and must have earned both the Schutzhund I and the Schutzhund II titles. Again, the tests now are made far more difficult. All exercises in obedience and protection are demonstrated off leash. There is the addition of a walking and running stand. In tracking, the dog must follow a track that was laid by a stranger at least 50 minutes earlier. The track has four turns, compared with two turns for Schutzhund I and II, and there are three objects, rather than two, that must be found by the dog. The picture of obedience, strength, eagerness, and confidence presented by an excellent Schutzhund III team is a beautiful illustration of the partnership of human and dog.

In addition to the Schutzhund temperament tests, the United Schutzhund Clubs of America offer three training degrees: the FH, an advanced tracking degree; the B, a basic obedience degree for traffic-safe companion dogs; and the WH, or basic protection degree which includes basic obedience.

The Value to the Breed

Any registered German Shepherd that has earned a Schutzhund degree has demonstrated sufficient ability as a working dog to qualify for breed evaluation. The breed evaluation is every breed evaluation of the dog's structure, temperament, and pedigree.

and requires both a certification of good hip joints and sufficient performance on an endurance test (the AD). Dogs that do well in the breed evaluation receive a Koerklasse I or Koerklasse II. This is a recommendation and evaluation by a trained and recognized expert judge as to the worthiness of the dog for breeding. Dogs rated Koerklasse II are "suitable for breeding" and dogs rated Koerklasse I are "recommended for breeding." By thus screening dogs in order to select the suitable specimens for breeding, Schutzhund helps to maintain the quality of the breed at a very high level. Thus, there is a very high level of assurance that puppies born to Schutzhund dams and sired by Schutzhund dogs are more likely to be of reliable temperament, high intelligence, steady nerves, extreme endurance, great strength, and sound structure.

What Is the Judge Looking for in the Dog?

At all three stages — Schutzhund I, II, and III — each of the three phases: obedience, tracking, and protection, is worth 100 points, for a total of 300 points. If a dog does not receive a minimum of 70% of the points in tracking and obedience and 80% of the points in protection — or if the dog fails the pretrial temperament test — it is not awarded a degree that day and must repeat the entire test, passing all phases of the test at a later trial. In every event, the judge is looking for an eager, concentrating, accurate working dog. High ratings and scores are given to the animal that displays a strong will-

ingness and ability to work for its human handler.



DATE 28 Jan 1993

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 156 - Jerguson;
SB 157 - Jerguson; SB 230 - Gage

Name Representing Bill No. Check One
 Support Oppose

Maryann Beasley	Treasure State Working Dog Assoc TSWDA	SB 156	✓	✓
Anthony "				
Veronica "				
Cessica Klein				
Zachary Johnson				
Christy Hamilton				
Terri Kotas				
Roy C. Brock Jr.	TSWDA/Hirschel/Kennels	SB 156	✓	✓
Kevan Bryan	Montana Cfy Treas Assoc.	SB 157		✓
Steve Spurgeon	" " " "	" "		✓
STAN HUGHES	" " " "	SB 157		✓
Gordon Morris	MACO	230	✓	✓
Nancy Hark	Mont. Democratic Party	SB 230		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY