

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **NORM WALLIN, CHAIRMAN**, on February 16, 1993,
at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Dave Brown (D)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Ed McCaffree (D)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

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

Committee Business Summary:

Hearing: HB 463, HB 438, HB 584, HB 426, HB 510,
HB 550, HB 440, HB 589, HB 536, HB 528
Executive Action: HB 426, HB 364, HB 438, HB 584, HB 510,
HB 550, HB 440, HB 589, HB 536, HB 528

HEARING ON HOUSE BILL 463

Opening Statement by Sponsor:

REP. BILL BOHARSKI, HD 4, Kalispell, introduced HB 463 saying the bill resulted from conversations with boating people. The problem has been that the fees collected from boats have been inadequate for the counties to accomplish all that is needed. Counties would like to put some of this money into boat ramps,

etc. Referring to the fiscal note, REP. BOHARSKI said that though it looks like a "state versus county bill," it is actually pro-county legislation. The intent is to take 25% of the boat fee in lieu of tax paid at registration and designate the money to one of the eight regions on the map. EXHIBIT 1 He also distributed a vehicle registration chart. EXHIBIT 2 The difference between putting the money in Fish, Wildlife and Parks rather than counties, is that Fish, Wildlife and Parks has access to a tremendous amount of federal matching money. REP. BOHARSKI said it was his intent that all costs associated with the legislative council be stricken and that no funding for this is to come out of the general fund.

Proponents' Testimony:

Ken Hoovestal, Montana Boating Association, testified in support of HB 463. He said according to the State Park Report, every dollar spent on parks results in a \$10 return to the local economy. Mr. Hoovestal called the Committee's attention to the proposed amendment. EXHIBIT 3

Dave Seyfert, Montana Boating Association, testified in support of HB 463. EXHIBIT 4

Opponents' Testimony:

Gordon Morris, Executive Director, Montana Association of Counties, (MACo), opposed HB 463, and stated he had not received any direction from the Flathead County Commissioners. The Association opposes the bill from the perspective that it is an effort to take money away from counties that would otherwise be used for roads.

Cort Harrington, Montana County Treasurers' Association, testified in opposition to HB 463, saying that the Treasurers are concerned about the increase in paper work, as well as the erosion of their collection to local government.

Questions From Committee Members and Responses:

REP. EWER asked REP. BOHARSKI if there was any firm knowledge or commitment from Fish, Wildlife and Parks that matching money is indeed available. REP. BOHARSKI deferred the question to Doug Monger of Fish, Wildlife and Parks.

Doug Monger, Assistant Administrator of the Parks Division, Department of Fish, Wildlife and Parks, (DFWP), said the department does match several different funding sources with federal dollars. At the present time the department is on the edge for not being able to match all the federal funds that are available. During the past fiscal year the federal Dingell-Johnson tax dollars increased 10% with no associated state increase. He stated that the department does have the capability of matching these funds three to one.

REP. SMITH, referring to her bed tax bill, explained that the bill calls for increases in the bed tax of which a portion is allocated to Fish, Wildlife and Parks. She asked REP. BOHARSKI if HB 463 is amended to allow the funding source to come from the increased bed tax, would he be agreeable to that. REP. BOHARSKI said the bed tax is an important area which has been closely protected by the Department of Commerce for tourism and promotion and that he has also held that position. He also stated that he would leave it for the department to decide how to convert the bed tax money.

REP. SAYLES asked Mr. Monger why he did not testify on a bill that would benefit his agency. Mr. Monger replied that there was no question that the Department of Fish, Wildlife and Parks could use the money to support the boating public, however, the department did not want to be in a position to propose legislation that would allocate funds away from the county.

Bart Campbell asked REP. BOHARSKI for a clarification with regard to the amendment not to reimburse costs to members of the council. REP. BOHARSKI said the people who are behind drafting the bill have agreed to do this without being reimbursed for any of the costs incurred. Referring to the fiscal note, REP. BOHARSKI said the expenditures for per diem travel should reflect a zero.

Closing by Sponsor:

REP. BOHARSKI informed the Committee that he had visited with the three Flathead County Commissioners and at the time they were only concerned with the percentage. Initially, the percentage was at 50% and the commissioners had requested it be lowered to 25%. He stated that it is not his intent to take money from the county but rather, use this money as leverage for more money from the federal government.

HEARING ON HOUSE BILL 438

Opening Statement by Sponsor:

REP. VIVIAN BROOKE, HB 56, Missoula, introduced HB 438 which is a bill to allow local governments to adopt an ordinance prohibiting minors from entering or remaining in bars after a time set by the ordinance. There has been a problem in Missoula with enforcing a curfew. REP. BROOKE said Jim Nugent, Missoula City Attorney, was not able to appear before the Committee, but submitted a letter favoring this legislation. EXHIBIT 5 Mr. Nugent also requested the bill be amended to include the definition of a minor as defined in Section 41-1-101. EXHIBIT 6 She also distributed a letter from Pamela Anderson of the DUI Task Force. EXHIBIT 7

Proponents' Testimony:

Mayor Dan Kemmis, Missoula, stated there is a problem in Missoula with minors staying in bars beyond curfew. The Missoula police chief wanted to be present to testify because the police department feels strongly that this legislation is needed, however, he was unable to attend. The police chief and the city attorney have both asked for the Committee's support of this bill.

Referring to rural areas, Mr. Kemmis stated he did not feel it would affect those children who use bars to wait for school buses and this was not the intent of the bill. The intent of the bill is for the cities who have a curfew, that after the curfew is when this legislation would go into effect. This would not have an impact on children waiting for school buses.

Opponents' Testimony:

REP. DAVE BROWN, HB 72, Butte, presented testimony for Rose and Chester Bullock. EXHIBIT 8 He directed the Committee's attention to Section 7-32-2302, which allows the establishment of a curfew and contains a fine and a misdemeanor violation. He suggested that the Committee would be better served if it were to amend that section of the Montana Code Annotated rather than addressing a problem specific to Missoula through this broad application of general law.

Mark Staples, Montana Tavern Association, testified against HB 438. He suggested that if there is a problem in one community, then address that problem through the curfew law that is already on the books. Referring to the city attorney's letter, EXHIBIT 5, Mr. Staples questioned who would be responsible for enforcing the curfew. There are pretty severe fines and penalties for any tavern in Montana who would serve a minor. Mr. Staples reminded the Committee that most convenience stores serve alcohol and noted that such legislation would prohibit a minor from entering a convenience store.

Questions From Committee Members and Responses:

CHAIRMAN WALLIN asked REP. BROOKE if she would be agreeable to REP. BROWN'S suggestion of amending present law to take care of the problem. REP. BROOKE said she would not have a problem with that. It was her belief that the cities have been going by the attorney general's opinion since 1984. In the attorney general's opinion, incorporated towns cannot enact an ordinance prohibiting persons under the age of 19 from being on a licensed premises serving alcohol. REP. BROOKE said it would be acceptable as long as it is not preempted by any other law.

Closing by Sponsor:

REP. BROOKE closed on HB 438 saying it has been a catch-22 problem, there is a curfew on one hand, but on the other local governments are not allowed to enforce it.

HEARING ON HOUSE BILL 584Opening Statement by Sponsor:

REP. VIVIAN BROOKE, HB 56, Missoula, brought HB 584 before the Committee at the request of a constituent who wanted to amend the law regarding water quality districts. Missoula is in the process of forming a water quality district and out of this district there will be a board created. This constituent has seen the opportunity for this board to acquire accountability within a statute. REP. BROOKE said on page 1, line 16, the first suggested change in law would be to amend the time for protest to 60 days rather than 30 days. Addressing the accountability, these water quality districts will be assessing a fee and, therefore, will be amassing a treasury, since a yearly report will be done. The commissioners will need to review and solicit public comment on the report. This would be affirming the open-meeting law. There has been a controversy in Missoula about creating the water district and this legislation would provide more public trust of a board which will have considerable authority with the fees being collected.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. BROWN asked REP. BROOKE if she would agree to having public service announcements advising as to where the report could be reviewed rather than having the report in the newspaper. REP. BROOKE said she would welcome this revision.

REP. SMITH asked if the time of protest should be 90 days rather than 60 should they choose to use public service announcements. She also asked how the district would be funded. REP. BROOKE said that the consensus among those setting up the district was that 60 days would be sufficient. Fees will be assessed to water users which will be used to pay for operation of the board.

REP. WYATT asked if Missoula had a privately-owned water company and what would be accomplished by forming a local water quality district. REP. BROOKE said it was a privately-owned water company. Last session, due to a water quality district bill, Missoula's water quality district now extends just beyond the purview of Mountain Water as well as throughout the valley. Mountain Water was in favor of developing this water quality district.

REP. SAYLES asked who is on the board of directors? REP. BROOKE said she had not followed the particulars of the formation of this district and deferred the question to Mayor Kemmis.

Mayor Kemmis responded that the water quality district has been

formed jointly by the City/County Health Board.

REP. SAYLES asked if, for the first of the year, the water quality district board in Missoula County charged a \$17 county tax to those who live in the valley without the issue going to a vote of the people. Mayor Kemmis said last session the legislature adopted legislation which provided that a district could be formed by the county commissioners along with assessed fees and also, with a protest of 20% of the affected landowners, it could be put to a vote of the people. There was some protest, however, it fell short of the 20% and did not require a vote of the people.

Closing by Sponsor:

REP. BROOKE closed on HB 438 and informed the Committee that the bill addresses a board which is already intact and this language will just make them more accountable and will result in more public awareness and trust.

HEARING ON HOUSE BILL 426

Opening Statement by Sponsor:

REP. HAL HARPER, HB 44, Helena, introduced HB 426 as a bill aimed at reducing the over-population of dogs and cats through spaying and neutering incentives. The bill also calls for public education and is intended to make dogs and cats bred by kennels more valuable by cutting down on illicit breeding. The bill will allow communities to address the root of the problem. He noted that HB 426 will also add cat control to dog control ordinances that are currently available in the state. He stated he has been discussing the issues with the opponents and trying to reach an agreement. There are provisions in the bill allowing a county governing body to determine if certain parts of the county should be exempt from this ordinance. There is also a provision that provides a kennel owner who owns four or more dogs or cats can be given a separate license or have a separate provision made for them. The opponents have noted that the bill does not address kennel owners being in double jeopardy. There is a fear of local governing bodies requiring kennel owners to license all of their dogs and cats and to apply for a kennel license. REP. HARPER stated that no one expects barn cats to be licensed.

Proponents' Testimony:

Written testimony was submitted in favor of HB 426. EXHIBITS 9 - 15

Carolyn Doering, President of the Lewis and Clark Humane Society, testified in favor of HB 426. EXHIBIT 16

Deborah Rehmann, representing the Lewis and Clark Humane Society,

testified in favor of HB 426. EXHIBIT 17

Vicky MacLean, kennel owner, testified in support of HB 426.

EXHIBIT 18

Judith Fenton, Federated Humane Societies of Montana, testified in support of HB 426. EXHIBIT 19

Tim Sweeney, Attorney for the Lewis and Clark Humane Society, testified in favor of HB 426. EXHIBIT 20

Tootie Welker testified in favor of HB 426 stating that as an animal lover she feels it is a disgrace to put these animals to sleep.

Opponents' Testimony:

Written testimony was submitted in opposition to HB 426.

EXHIBITS 21-25

Marylou Coutts, Deer Lodge, testified in opposition to HB 426.

EXHIBIT 26 and 26A

Dick Seibert, Great Falls, testified against HB 426. He distributed statistics regarding euthanasia. EXHIBIT 27 In Great Falls there has been a decrease in the number of cats and dogs being picked up by the Humane Societies and a decrease in the number being put to sleep. Mr. Seibert said the concern is there is an "out-of-state" interest by animal activists who are trying to change Montanan's lifestyle. PETA publications has made reference to this legislation and their ultimate goal is to end ownership and use of all animals including ranching, dairies, etc. Any humane society has authority under its own regulations to require the neutering and spaying of animals prior to adoption.

Lynn Hoffman, Missoula,, representing the Western Montana Cat Club, spoke against HB 426. EXHIBIT 28

Sandra Seaton, Montana State Houndsmen Association and the Montana Federation of Houndsmen, Emigrant, testified against HB 426. The organization currently has over 500 members. She informed the Committee that hounds are used in extremely rough country where they often break a collar or tag. They are valuable breeding animals but do not require alteration in any manner. Under HB 426 the hounds are "seized and impounded" and if caught twice in one year without their identifying tags, spaying or neutering would be mandatory. This could result in a loss of revenue.

Ron Stolba, Gallatin Dog Club, Bozeman, testified against HB 426. Referring to the definition of kennel, Mr. Stolba pointed out that the definition would include every farm and ranch in Montana. He questioned how counties would go about establishing

boundaries.

Maryrose Beasley, Treasure State Working Dog Association, testified in opposition to HB 426. Exhibit 29

Written testimony in opposition was submitted. EXHIBITS 30-45

Questions From Committee Members and Responses:

REP. HANSEN asked Mr. Sweeney how many of those attending were members of animal rights groups. Mr. Sweeney said the only supporters of the bill are in state. He stated he drafted the bill without any help and was not a member of any animal rights group.

REP. VOGEL asked if the bill followed the tenets of PETA. Mr. Sweeney said it did not; that portions of the bill, specifically Section 3, were drawn from existing statutes.

REP. VOGEL asked Ms. MacLean how many dogs she has in her kennel. Ms. MacLean answered at the present time she has 13 but has had up to 20 sled dogs.

REP. VOGEL asked if she would be willing to pay \$50 each. Ms. MacLean said she had asked for the inclusion of a provision for kennels.

REP. VOGEL asked why the fee is \$50 and not \$10. REP. HARPER said that was a fee they just picked. They felt \$10 was a minimum to make a difference and \$50 was the maximum.

REP. VOGEL asked about the fees being earmarked in the fiscal note to cover enforcement. REP. HARPER said the purpose of earmarking is related to the unaltered dogs or cats seized two or more times in a year.

REP. VOGEL, referring to the bill with respect to seizing the dog or cat for the second time, asked if the requirement of having a cat or dog altered would keep someone who cannot afford the spaying or neutering from getting their animal back? REP. HARPER said it is true, it is an element that takes place anytime a fee or fine is established.

REP. RICE asked Mr. Stolba if the bill could be fixed so that it would work for those opposing or if it is totally unacceptable. Mr. Stolba said it is totally unacceptable. He said if the Committee was to do what those opposing the bill want, there would not be a bill.

REP. HERRON asked if the state is spending close to \$2 million for dog control. REP. HARPER said that figure may be somewhat high, however, taxpayers are spending a great deal of money because a number of people are not being responsible pet owners.

REP. WINSLOW asked if there was anyone who could address the Yellowstone County \$225,000 expenditure. REP. VOGEL said the expenditures indicate the total budget of the animal shelter.

REP. WINSLOW asked REP. HARPER if he had spoken with anyone prior to the completion of the fiscal note. REP. HARPER replied that he had not.

REP. EWER asked Ms. Doering if she was a member any animal rights group. Ms. Doering replied they are not members of animal rights groups. She said they often get labelled as a national humane society, which they are not. They are a local humane society. The society's main focus is to take care of the dogs and cats in this community. She stated they do subscribe to a magazine, the Federated Humane. Ms. Doering said the Society has a policy that they do not necessarily agree with the state-ments that come from the National Humane Societies, i.e. the buffalo hunt and other anti-hunting legislation.

REP. EWER restated the testimony from opponents that there is not an overpopulation problem and this testimony was backed with statistics that euthanasia is decreasing. He asked if this was true and asked Ms. Doering to comment. Ms. Doering said in looking at local statistics it has remained fairly constant. She said they hope it is because they are putting forth a successful program of educating people on how to take care of their animals. Even though the population in Helena is increasing, the Society's numbers are remaining static. Ms. Doering said it costs \$300 per day to run the animal shelter.

Closing by Sponsor:

REP. HARPER assured the Committee that his intention for the bill is to deal with the overpopulation of pets. This bill attempts to deal with three or four major aspects of the impact caused by irresponsible pet ownership. It establishes the type of policy we need to control overpopulation of pets. REP. HARPER noted that if the Committee desired to amend the bill, he would be willing to comply.

HEARING ON HOUSE BILL 510

Opening Statement by Sponsor:

REP. STELLA JEAN HANSEN, HB 57, Missoula, said HB 510 would allow cities to forego having a mayor on the park board.

Proponents' Testimony:

Mayor Dan Kemmis, Missoula, said he had the bill drafted to give cities a little more flexibility. The bill will allow seven members to be appointed to the park board rather than having the mayor or city manager being a member of the board. It would

allow for employees of park departments to be hired and fired in the same manner as other city employees. The current statute requires the park board itself to approve all claims. HB 510 would grant a city the right to allow claims to be approved or disapproved by the governing body such as the city council or commission.

Jim Van Fossen, Director of Parks and Recreation, Missoula, testified that the park board is unanimously in support of HB 510. The board does not feel that the mayor should be required to sit on the board. He stated they would be more comfortable handling claims the same way other cities' park boards do.

Alec Hansen, Executive Director, Montana League of Cities and Towns, said they support this legislation. The authority granted by this bill is discretionary.

REP. TIM SAYLES, HB 61, Missoula, testified in support of HB 510.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. MCCAFFREE asked Mayor Kemmis what the rationale is of the mayor rather than the council appointing the personnel. Mayor Kemmis said appointments are made by the mayor subject to approval by the city council, but rarely does the council make the appointments. This is consistent with the way it has been done.

Closing by Sponsor:

REP. HANSEN thanked the committee and closed on HB 510.

HEARING ON HOUSE BILL 550

Opening Statement by Sponsor:

REP. ELLEN BERGMAN, HB 26, Miles City, introduced HB 550, a bill to waive conflict of interest for local government officers and employees. EXHIBIT 46

Proponents' Testimony:

Jim Richard, White Sulphur Springs, testified in support of HB 550. EXHIBIT 47 He stated that if the conflict of interest could be waived communities would benefit. The barrier to abuse would be the public disclosure. The public hearing or disclosure is a way for the public to hear about a waiver.

Alec Hansen, Executive Director, Montana League of Cities and Towns, testified in support of HB 550 and stated that people who work for cities or towns are being written out of a very

important federal assistance program for which they would qualify under normal circumstances.

Gordon Morris, Executive Director, Montana Association of Counties, (MACo), testified in support of HB 550. This legislation is appropriate especially in smaller communities where you have a number of skilled people who would qualify.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. EWER noted that although the bill is supposedly addressing only smaller communities, nowhere in the bill is a small community defined. He asked Mr. Morris if he sees any downside of having this legislation covering just any community. Mr. Morris said it is not directed at small communities. Small communities were used as an example of where this opportunity might be used. The public disclosure would apply to all cases. REP. EWER asked Mr. Morris if he feels self-dealing is more apt to take place in a small county than in a large one.

Mr. Morris said he has not experienced any self-dealing within any county, regardless of size. However, in response to REP. EWER'S question, Mr. Morris said he felt it would be easier in a large county rather than a small county where everyone knows everyone else.

Closing by Sponsor:

REP. BERGMAN closed on HB 550. She pointed out that the money is not only for low-income housing but there is also money for home improvement if they qualify. This could be for landlords if they rent to low-income.

VICE CHAIRMAN BRANDEWIE assumed the chair.

HEARING ON HOUSE BILL 440

Opening Statement by Sponsor:

REP. NORM WALLIN, HD 78, Bozeman, introduced HB 440, which would allow water and/or sewer districts to be a unit which is part of local government.

Proponents' Testimony:

Doug Wells, representing the RAE Subdivision, County Water and Sewer District No. 313, testified in favor of HB 440. EXHIBIT 48

Paul Torok, submitted testimony in support of HB 440. EXHIBIT 49

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. EWER asked Mr. Wells if he has discussed this legislation with legal counsel. Mr. Wells said he had discussed this issue with all the state organizations that represent county water/sewer districts. Each organization reported back, after talking to their legal counsel and concluded that there is no objection to this legislation.

REP. EWER asked Mr. Wells if Mae Nan Ellingson had read over the legislation. Mr. Wells said Mae Nan Ellingson had looked at it and her response was that it did not go far enough, but that it did address the things she wished to address.

REP. SMITH asked what entity water and sewer districts have been functioning under. Mr. Wells said county water and sewer districts are an entity of the county only. They are formed as an automatic procedure under Part 22, Chapter 13, Title 7, where the counties are responsible for holding elections and overseeing that proper forum is conducted in terms of organizing districts. From that point, counties have no interaction with the sewer and water districts other than they are required, when there is a shortfall in revenue, to attach a levy against the districts. The districts themselves cannot do that. There is not enough reporting, oversight or guidance in the law.

Closing by Sponsor:

REP. WALLIN thanked the committee and closed on HB 440.

HEARING ON HOUSE BILL 589**Opening Statement by Sponsor:**

REP. HOWARD TOOLE, HD 60, Missoula, explained that Missoula has undergone a series of annexations in the past years and HB 589 rises out of that experience. HB 589 provides for impact fees from very large annexations. The basis for it is the impact on the rural fire districts that are affected directly by these annexations.

Proponents' Testimony:

Paul Laisy, Fire Chief, Missoula Rural Fire District, testified in support of HB 589. The Missoula Rural Fire District is 85 square miles and provides services to approximately 35,000 people in the area of medical and fire. There is also a hazardous materials response team that covers western Montana to the Idaho border. The fire district's budget in 1989 was \$1.9 million which operated six fire stations, 30 paid firefighters, and nearly 100 volunteer firefighters. At present, the budget is at \$1.6 million and decreasing with only 20 paid, and 80 volunteer firefighters. Recent annexation in the city of Missoula has

taken over \$300,000 from the district's tax base and are currently adding another annexation in the next few years which will take at least another \$180,000. Mr. Laisy informed the Committee of a bill presently in the Senate, which if passed, would allow cities to immediately annex some industrial areas and wood product areas which could additionally take hundreds of thousands of dollars from the budget. The calls for services have not decreased; with the district currently responding to over 1,100 calls per year and still serving over 30,000 people. He said there is a new fire district on the west end of Missoula which is still being paid for; the continued annexations may result in not being able to pay for that district.

Vern Evans, Montana Fire Districts Association, testified in support of HB 589 saying a fire district can be reduced in its size which lowers its revenue and results in budgeted expenses not available for fire equipment.

REP. TIM SAYLES, HD 61, Missoula, testified in support of HB 589.

Opponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, rose in opposition stating that it would have a chilling effect on annexation, extension of municipal utilities and there would be a severe environmental consequence associated. He gave an example where in 1985 approximately 10,000 people in Billings Heights petitioned for annexation to the city. They had raw sewage running on the ground. The city accommodated them and the Heights were annexed. The population of the city of Billings went from 66,000 to over 80,000 people. The taxable valuation in the Heights area of Billings was close to \$15 million. Mr. Hansen said if this bill had been in effect at that time, the city of Billings would have had to pay the rural fire district in the Heights area whatever levy they were imposing on that \$15 million and pay it out over a five-year schedule. HB 589 says that if a city annexes an area it must pay the fire department to extend their service to this area and at the same time, pay the rural fire district for not providing any service.

Mayor Dan Kemmis, Missoula, testified against HB 589 saying he understands the motivation behind the bill, however, the bill does not take the right approach. He stated what they can do and have done in recent annexations was to enter into a contract with rural fire districts that allowed the city to purchase some of their services during the early years of an annexation. He stated that the loss of flexibility is one of the drawbacks of the bill. Another drawback is that fire districts are not the only jurisdictions to lose tax base when annexation occurs. County road funds lose some of its tax base as well. They have the same problems as rural fire districts. Mr. Kemmis said if HB 589 passes, he could see nothing stopping the counties from coming in asking for the same for their road funds, etc. He stated this puts the city in an impossible position, because when

annexation occurs, the city has an immediate obligation to provide the same level of services to the newly annexed areas that are already provided to existing parts of town. Mr. Kemmis said they need to work together with the rural fire districts.

Questions From Committee Members and Responses:

REP. SAYLES asked Mayor Kemmis why the city can't work toward consolidation with rural fire districts rather than continually fighting. Mayor Kemmis said he felt the relations between the city of Missoula and the rural fire districts have been vastly improved. They have entered into a mutual aid agreements. He stated he was committed to improving the relationship between the city and rural fire districts.

REP. SAYLES said he would prefer to work toward consolidation rather than annexation, and asked Mayor Kemmis to address this. Mayor Kemmis said that in his State of the City Address last month he pointed out to the people of Missoula that they would face local government review next year and he believed they needed to take a hard look at the possibility of city/county consolidation.

REP. HANSEN asked Mr. Laisy if this was a compromise they had worked out. Mr. Laisy said it was not a compromise. He explained how his fire district and other fire districts got into a financial situation where they had exhausted their reserves and were unable to provide services to their constituents. People were laid off due to the loss of budget money. He stated that their constituents have voted to lift the I-105 cap. If the city annexes a large portion, the taxpayers cannot be expected to make up the difference.

CHAIRMAN WALLIN asked Mr. Laisy about the mayor's suggestion of agreeing by contract to purchase services and if that would be objectionable. Mr. Laisy said it is not. This was done in the Rattlesnake annexation and it resulted in a lawsuit by the homeowners. There was a three-year requirement for the city to continue services through its station. He said they contracted with the city to continue services, however that ends December 1993. At that point the station will close. There is no renewal built into the contract. There are other states, Washington for instance, who requires when cities are annexed into districts they are contracted for the services provided.

Closing by Sponsor:

REP. HOWARD TOOLE closed the hearing on HB 589. He stated there must be a way with these very large annexations to help the fire districts meet their contractual obligations.

HEARING ON HOUSE BILL 536Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 35, Great Falls, introduced HB 536 on behalf of the elected officials of Cascade County. The bill deals with fire wardens appointed by the Department of State Lands (DSL) and eliminates the requirement of county commissioners to co-sign.

Proponents' Testimony:

Tom O'Hara, Cascade County Fire Warden, President of the Montana County Fire Wardens Association, explained the County Co-op Program that is entered into between counties and the DSL to jointly suppress wildfires. This program has been in effect since 1965. One stipulation of the program is that the county commissioners must appoint a fire chief who has usually been the sheriff or one of his designees. Mr. O'Hara said at the present time the fire wardens are not always part of the sheriff's department. For instance, in Madison County the county commission is the fire warden; in Broadwater County the public works director is the supervisor of the road department. He commented that the legislation would enable the state and counties to jointly suppress wildfires.

Tim Murphy, Fire Chief, representing Department of State Lands (DSL) and the Department of Justice (DOJ) stated they support HB 536.

Gordon Morris, Executive Director, Montana Association of Counties, (MACo), testified in support of HB 536.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. McCAFFREE asked Mr. O'Hara what responsibility the state will have for the equipment owned by the counties. Mr. O'Hara said the state will have no responsibility for equipment owned by the county or the individual fire companies. There is a large amount of equipment owned by the County Co-Op Program. This equipment is federal excess property developed by the DSL and distributed to the counties for use in county/state fire activities. The state would have some control over the federal excess property equipment.

REP. McCAFFREE asked if, under this legislation, the county fire warden would be able to have control over a fire regardless of whether it is on private, federal or state land? Mr. O'Hara said no, the county fire warden's responsibility is to see that the fire is suppressed by the necessary entity, i.e. DSL, or local fire department.

Closing by Sponsor:

REP. TUSS thanked the committee and closed on HB 536.

HEARING ON HOUSE BILL 528Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 35, Great Falls, introduced HB 528 which deals with urban forestation. There are many areas in the eastern part of Montana where trees are elderly and deceased. HB 528 would use federal funds and community enthusiasm in conjunction with the guidance of a forester from DSL to enhance the environment.

Proponents' Testimony:

Jon Thompson, Urban Forester, Great Falls, said there are many different species of trees in urban development. The expertise is not there to deal with the problems of urban forests. Only Billings, Missoula and Great Falls employ professional urban foresters. He stated that, as the Urban Forester in Great Falls, he receives calls from Kalispell, Helena, Glasgow, Miles City, etc. asking for advice. There is a need for the state to get involved in providing the expertise to cities and towns.

Jeff Jahnke, Department of State Lands, expressed support of HB 528 as an opportunity to provide the department with some direction on how to deal with urban forestry. The funding to the forest service for this program has been provided through a grant. The bill would provide an earmarked revenue account in which to deposit these funds.

David Ross, Montana Audubon Council, submitted written testimony supporting HB 528. EXHIBIT 50

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. RAY BRANDEWIE asked if the urban forester would have the authority to dictate to the property owners. Mr. Thompson said the intent of the rulemaking is to establish guidelines as to what types of trees are hardy and suitable to plant along city streets and on city park land. The intent of the bill is not to dictate to property owners.

REP. DOWELL asked how a community would benefit by HB 528. Mr. Thompson said the bill would offer the needed expertise to pinpoint the problem and a remedy for a variety of trees; what varieties need to be planted. There is no appropriations tied to the bill to fund tree planting or maintenance. The bill would give the DSL Forestry Division credence in a program that is in

place due to federal funding.

CHAIRMAN WALLIN asked how the federal money has been allocated. Mr. Jahnke said the grant money supports three urban forestry people who provide assistance to cities and towns. There is some sub-grant money from the Small Business Administration. The forest service has indicated that some of this funding may be lost and the Urban Forestry Council is pursuing other funding.

Closing by Sponsor:

REP. TUSS closed on HB 528.

EXECUTIVE ACTION ON HOUSE BILL 426

Motion: REP. DOWELL MOVED HB 426 DO PASS.

Discussion: REP. BRANDEWIE said the purpose of licensing dogs is to provide money to enforce leash laws in the city. Ranch and farm dogs are not a problem, yet ranchers and farmers would be expected to license their dogs, no matter how many they own.

REP. VOGEL said he received a phone call from a Billings resident who represents approximately 100 kennel owners and they are all adamantly opposed to HB 426.

REP. SMITH said she has been a kennel owner for years. The kennel owners she knows are responsible pet owners and HB 426 would be a penalty to them.

Motion: REP. BRANDEWIE MADE A SUBSTITUTE MOTION HB 426 DO NOT PASS.

Motion/Vote: REP. SMITH MOVED TO TABLE HB 426. Motion carried on an 11-5 roll call vote.

EXECUTIVE ACTION ON HOUSE BILL 364

Motion: REP. McCAFFREE MOVED HB 364 DO PASS.

Discussion: The Committee discussed the proposed amendments to HB 364. EXHIBIT 50

Motion/Vote: REP. McCAFFREE moved to adopt the amendments to HB 364. EXHIBIT 50 Motion carried unanimously.

Motion/Vote: REP. McCAFFREE MOVED HB 364 DO PASS AS AMENDED. Motion carried unanimously.

Motion/Vote: REP. BROWN MOVED TO PLACE HB 364 ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 438

Motion: REP. STELLA JEAN HANSEN MOVED HB 438 DO PASS.

Discussion: Bart Campbell informed the Committee of a requested amendment by REP. VIVIAN BROOKE. EXHIBIT 6 REP. BROWN commented that he had a conversation with the Missoula Police Chief regarding HB 438. Missoula has a particular bar which stays open until after 2 a.m. and underage individuals play pool and hang around outside the bar. REP. BROWN said it is from this isolated instance this bill was drafted which will affect the entire state. He recommended that Section 7-32-2302, which allows the establishment of a curfew, should be used rather than trying to address the problem with another statute.

Motion/Vote: REP. BROWN MOVED TO TABLE HB 438. Motion carried 14-2 with REPS. BRANDEWIE AND SAYLES opposing.

EXECUTIVE ACTION ON HOUSE BILL 584

Motion: REP. BROWN MOVED HB 584 DO PASS.

Motion/Vote: REP. BROWN moved to amend HB 584. EXHIBIT 52 Motion carried unanimously.

Motion/Vote: REP. BROWN MOVED HB 584 DO PASS AS AMENDED. Motion carried unanimously.

Motion/Vote: REP. RICE MOVED TO PLACE HB 584 ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 510

Motion/Vote: REP. HANSEN MOVED HB 510 DO PASS. Motion carried unanimously.

Motion/Vote: REP. HANSEN MOVED TO PLACE HB 510 ON THE CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 550

Motion/Vote: REP. VOGEL MOVED HB 550 DO PASS. Motion carried 14-2 with REPS. MCCAFFREE AND WYATT opposing.

EXECUTIVE ACTION ON HOUSE BILL 440

Motion/Vote: REP. BROWN MOVED HB 440 DO PASS. Motion carried 13-3 with REPS. VOGEL, DOWELL AND MCCAFFREE opposing.

EXECUTIVE ACTION ON HOUSE BILL 589

Motion/Vote: REP. HANSEN MOVED HB 589 DO NOT PASS.

Motion/Vote: REP. SAYLES made a SUBSTITUTE MOTION HB 589 DO PASS.

Motion/Vote: REP. VOGEL MOVED HB 589 BE TABLED. Motion carried 13-2 with REPS. BRANDEWIE AND SAYLES opposing.

EXECUTIVE ACTION ON HOUSE BILL 536

Motion: REP. DOWELL MOVED HB 536 DO PASS.

Discussion: REP. McCAFFREE requested the Committee to delay action on HB 536 noting he had concerns about the bill.

REP. DOWELL withdrew his motion.

EXECUTIVE ACTION ON HOUSE BILL 528

Motion/Vote: REP. RICE moved to adopt the amendments for HB 528. EXHIBIT 52 Motion carried unanimously.

Motion/Vote: REP. RICE MOVED HB 528 DO PASS AS AMENDED. Motion carried unanimously.

Motion/Vote: REP. WYATT MOVED TO PLACE HB 528 ON THE CONSENT CALENDAR. Motion carried unanimously.

ADJOURNMENT

Adjournment: 7:45 P.M.



NORM WALLIN, Chairman



PAT BENNETT, Secretary

NW/PB

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE 2/16/93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN	✓		
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE	✓		
REP. SHEILA RICE	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

Carley
437

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Local Government report that House Bill 364 (first reading copy -- white) do pass as amended and be placed on consent calendar .

Signed: _____
Norm Wallin, Chair

And, that such amendments read:

1. Title, line 6.

Following: "DISTRICT"

Insert: "AND WITHIN A ROAD IMPROVEMENT DISTRICT"

2. Title, line 7.

Following: " ;"

Insert: "ALLOWING A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY
WITHIN A SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED
ON THE TOTAL COST OF THE IMPROVEMENT;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-12-2151,".

Insert: "7-12-4162, AND 7-14-2907,"

3. Page 3.

Following: line 9

Insert: "Section 2. Section 7-12-4162, MCA, is amended to read:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

Committee Vote:
Yes 14, No 0.

390913SC.Hss

(b) The council or commission, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the benefited property in the district.

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement."

Section 3. Section 7-14-2907, MCA, is amended to read:

"7-14-2907. Cost of road improvement districts -- property owner assessments. (1) The cost of operating a road improvement district must be assessed upon all the benefited property in the district based upon the benefits received, and the board of county commissioners shall adopt one or any combination of the following methods of assessment for improvements made for the benefit of the district:

(a) Each parcel of benefited property assessed in such district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited parcels in the district, exclusive of roads and public places. For the purposes of this subsection (1) (a), "assessable area" means an area of a parcel of benefited property representing the benefit conferred upon the parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the parcel.

(b) Each parcel of benefited property assessed in the district may be assessed with that part of the whole cost of the

improvement based upon the assessed value of the benefited parcels of land within said district if the board determines such assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the parcel.

(c) Each parcel of benefited property in the district abutting upon the road where the improvement has been made may be assessed in proportion to its lineal feet abutting the road.

(d) Each parcel of benefited property in the district may be assessed an equal amount based upon the total cost of the improvement.

(2) The board may use one or any combination of methods of assessment in a single road improvement district and, if more than one improvement is undertaken, need not assess each parcel of benefited property in the district for the cost of all the improvements.

(3) Not later than the first Monday in September of each year, the board of county commissioners shall adopt a resolution levying and assessing upon all the benefited property in the district an amount equal to the total amount necessary for district operations. The amount necessary for district operations is the total of:

(a) (i) the estimated amount for improvements as authorized in 7-14-2903; and

(ii) the amount necessary to pay for debts for authorized improvements that cost more than estimated in previous years;

(b) less any amount in the road improvement district fund, as provided for in 7-14-2908, that may be unspent, unencumbered, and available for district use.

(4) (a) It is the duty of the county treasurer to collect the assessments in the same manner and at the same time as taxes for general purposes are collected.

(b) When an assessment becomes delinquent, the unpaid amount becomes a lien on the assessed parcel of land. The collection of delinquent assessments or enforcement of a lien may be made by any method authorized by law for the collection or payment of taxes."

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 440 (first reading copy -- white) do pass .

Signed: _____
Norm Wallin, Chair

Committee Vote:
Yes _____, No _____.

3909536C.Hcs

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 510 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: _____
Norm Wallin, Chair

Committee Vote:
Yes ____, No ____.

3209468C.Hss

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 528 (first reading copy -- white) do pass as amended and be placed on consent calendar .

Signed: _____
Norm Wallin, Chair

And, that such amendments read:

1. Page 3, line 20.
Following: "department"
Strike: "shall"
Insert: "may"

Committee Vote:
Yes 16, No 0.

330053SC.HSS
3/17/93

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 550 (first reading copy -- white) do pass .

Signed: _____
Norm Wallin, Chair

Committee Vote:
Yes _____, No _____.

3909516C.Hes

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 584 (first reading copy -- white) do pass as amended and be placed on consent calendar.

Signed: _____
Norm Wallin, Chair

And, that such amendments read:

1. Page 4, line 5.

Following: "(b)"

Strike: "publish the report"

Insert: "provide a public service announcement"

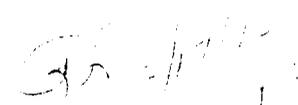
2. Page 4, line 7.

Following: "counties"

Insert: "that the report is available for public inspection"

Committee Vote:

Yes _____, No _____.


3909335C.Hss

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

DATE 2/16/93 BILL NO. HB 426 NUMBER 11-5

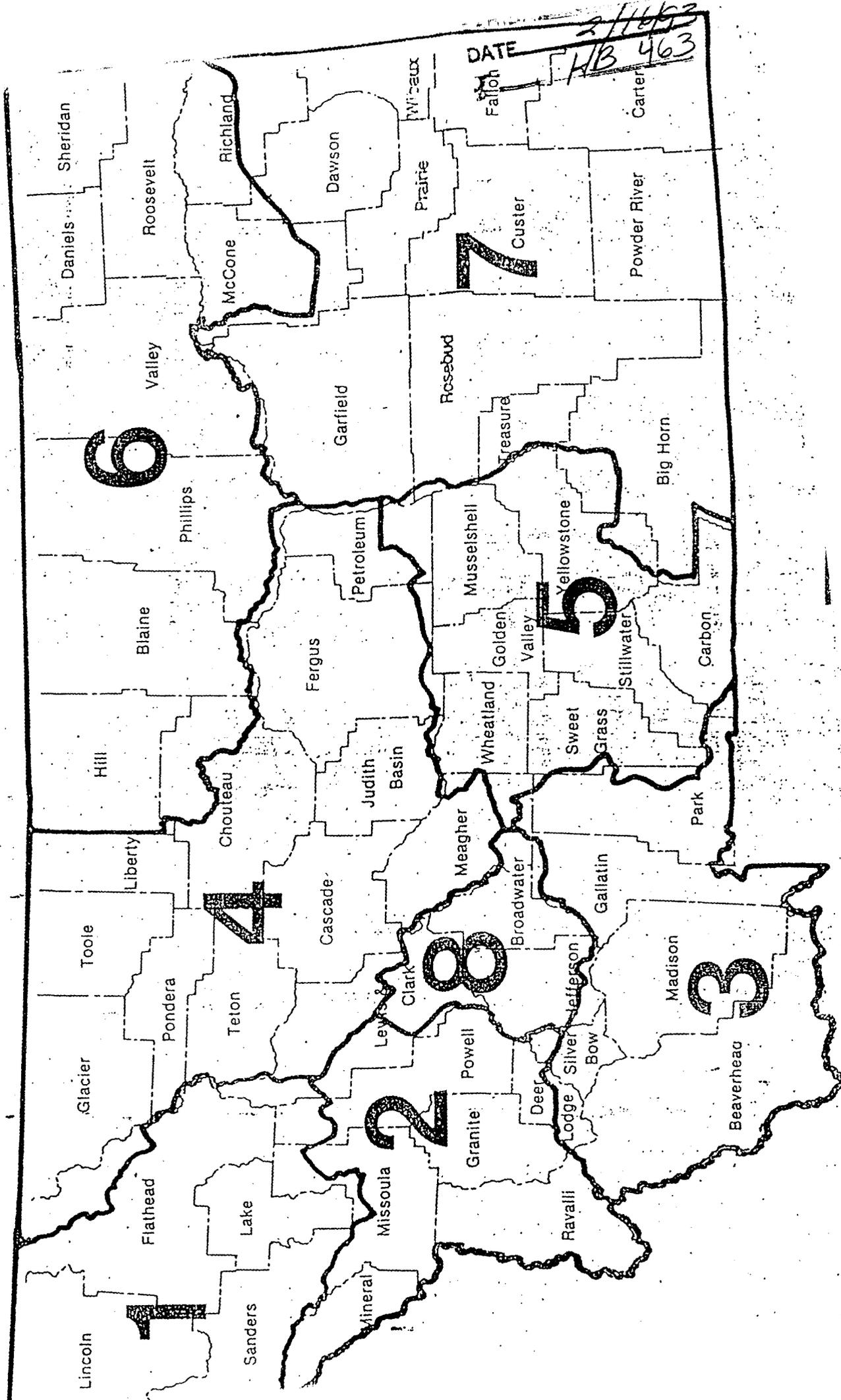
MOTION: Rep Smith moved to take HB426

Motion passed.

NAME	AYE	NO
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓	
REP. ELLEN BERGMAN	✓	
REP. JOHN BOHLINGER	✓	
REP. DAVE BROWN	✓	
REP. TIM DOWELL		✓
REP. DAVID EWER		✓
REP. STELLA JEAN HANSEN		✓
REP. JACK HERRON	✓	
REP. ED McCAFFREE		✓
REP. SHEILA RICE		✓
REP. TIM SAYLES	✓	
REP. LIZ SMITH	✓	
REP. RANDY VOGEL	✓	
REP. KARYL WINSLOW	✓	
REP. DIANA WYATT	✓	
REP NORM WALLIN, CHAIRMAN	✓	

DATE

3/16/63
HB 463



Lincoln

Sanders

Flathead

Glacier

Toole

Liberty

Hill

Blaine

Phillips

Valley

Sheridan

Roosevelt

Richland

McConne

Dawson

Garfield

Petroleum

Fergus

Judith

Basin

Cascade

Clark

Missoula

Lake

Sanders

Mineral

Granite

Powell

Deer

Lodge

Silver

Jefferson

Bow

Meagher

Broadwater

Gallatin

Beaverhead

Madison

Wheatland

Golden

Valley

Sweet

Grass

Stillwater

Yellowstone

Musselshell

Treasure

Rosebud

Prairie

Wibaux

Fallon

Powder River

Carter

Custer

Big Horn

Carbon

Park

DATE 2/16/93
HB 963

COUNTY EXEMPT	STATE EXEMPT	ANTIQUE PRIOR	VINTAGE 34	VINTAGE 31	VINTAGE YR	AGE	MOTORCYC	HIGHWAY	OFF	SNOW-MOBILE	BOATS
01 SILVER-BOW	47	2	1	3	0	0	795	666	1,195	6423	
02 CASCADE	106	2	16	40	0	1,019	1,008	3,927	2,1107		
03 YELLOWSTONE	74	0	9	69	22	1,094	955	3,767	2,0247		
04 MISSOULA	45	67	3	19	0	511	1,424	4,430	2,3511		
05 LEWIS & CLARK	55	704	9	35	1	853	1,013	2,630	14436		
06 GALLATIN	34	150	3	12	3	1,125	3,234	1,750	9460		
07 FURTHEAD	43	1	4	18	0	732	1,091	6,644	35712		
08 FERGUS	30	3	4	12	1	223	200	479	2574		
09 POWDER RIVER	3	0	0	1	0	15	13	60	322		
10 GAPSON	65	0	1	7	1	55	147	327	1757		
11 PHILLIPS	29	0	1	0	0	27	18	303	1628		
12 HILL	15	0	2	1	0	73	82	580	3655		
13 RAVALLI	27	0	3	10	0	379	476	1,132	6084		
14 CUSTER	8	1	2	0	1	41	55	384	2064		
15 LAKE	27	0	1	6	0	135	223	2,849	15313		
16 DAWSON	11	1	0	5	0	127	35	418	2246		
17 ROOSEVELT	17	1	0	2	0	3	21	338	1816		
18 BEAVERHEAD	9	2	0	5	0	210	227	221	1188		
19 CHUTEAU	10	0	3	3	0	35	101	360	1867		
20 VALLEY	14	0	0	0	0	35	30	618	3322		
21 TOOLE	21	0	0	6	4	33	67	217	1166		
22 BIGHORN	10	0	0	1	0	22	33	291	1241		
23 MUSSELSHELL	7	0	3	3	0	25	22	123	661		
24 BLAINE	7	0	0	1	0	10	24	140	752		
25 RADISON	10	0	3	2	0	129	214	303	1628		
26 POWDERA	22	0	4	0	0	77	132	347	1865		
27 RICHLAND	17	0	6	4	0	22	10	303	1628		
28 POWELL	16	21	3	1	0	174	304	232	1247		
29 ROSELUD	13	1	0	3	0	80	37	443	2381		
30 DEER LODGE	19	10	0	7	0	335	395	467	2510		
31 TETON	8	0	1	0	0	30	83	339	1816		
32 STILLWATER	14	0	0	2	0	84	85	277	1488		
33 TREASURE	4	0	2	0	0	3	5	33	177		
34 SHERIDAN	8	0	1	4	0	5	19	154	828		
35 SANDEKS	22	0	0	0	0	45	97	652	3504		
36 JUDITH BASIN	4	0	0	0	0	43	49	80	430		
37 DANIELS	70	0	0	0	0	4	1	75	403		
38 GLACIER	30	0	0	2	0	94	178	265	1424		
39 FALLON	15	0	1	1	0	33	15	82	440		
40 SWEET-GRASS	7	0	3	1	0	15	95	81	435		
41 MCCJME	4	0	0	3	0	21	30	122	655		
42 CARTER	3	0	0	0	0	15	18	21	113		
43 BRADAWATER	7	0	0	0	0	73	42	250	1397		
44 WHEATLAND	6	0	0	2	0	35	55	80	430		
45 PRAIRIE	5	0	1	2	0	23	5	50	269		
46 GRANITE	6	0	1	3	0	62	155	154	828		
47 MEAGHER	2	0	0	0	0	74	100	79	424		

EXHIBIT 2

DATE 2/16/93

71 HB 463

DEPARTMENT OF JUSTICE
MOTOR VEHICLE DIVISION

DATE: 01/05/93
TIME: 15:45

REPORT: JMV9240 CURRENTLY REGISTERED VEHICLES NOT LICENSED FOR HWY USE

COUNTY	STATE EXEMPT	ANTIQUE PRIOR 34	VINTAGE 31	VINTAGE YR	AGE	MOTORCYC	HIGHWAY	OFF	SNOW-	MOBILE	BOATS
46-LIBERTY	1	0	1	3	0	39	43	137			736
49 PARK	171	0	1	12	0	253	470	420			2257
50 GARFIELD	3	0	0	1	0	11	11	85			457
51-JEFFERSON	10	1	3	4	0	222	166	402			2160
52 WISBAUX	2	0	3	1	0	3	7	6			32
53 GOLDEN VALLEY	5	0	0	0	0	3	3	21			113
54-MINERAL	6	0	0	2	0	45	67	142			763
55 PETROLEUM	2	0	0	0	0	5	1	39			209
56 LINCOLN	23	0	0	5	0	285	255	1,658			8911
57-UNKNOWN	0	0	0	1	0	3	1	7			37
STATEWIDE	1,207	957	98	344	33	10,020	13,311	41,108			220,955

EXPIRED VEHICLES

STATEWIDE	9,449	5,622	1,017	2,161	3	4,663	45,207	13,048			
TOTAL VEHICLES ON FILE	10,715	6,539	1,115	2,505	26	14,633	58,513	54,156			

EXHIBIT 3
DATE 2/16/93
HB 463

3

Amendments to House Bill No. 463
White Reading Copy

Requested by Ken Hoovestol
For the Committee on Local Government

Prepared by Doug Sternberg, Council Staff
February 16, 1993

1. Page 3, lines 10 and 11.

Following: "(4)" on line 10

Strike: remainder of line 10 through "costs" on line 11

Insert: "Costs"

EXHIBIT 4
DATE 2/16/93
HB 463



MONTANA BOATING ASSOCIATION

2307 HIGHWAY 93 SOUTH
KALISPELL, MONTANA 59901
PHONE 755-8767

February 15, 1993

The Montana Boating Association is behind HB 463 because of the condition of our State Parks as a whole for boating facilities in Montana. We do have a few of them that are new and in good condition, I repeat a few. Montana has been promoting tourism for several years with the bed tax money and it is working. But the condition of the parks leave something to be desired. The Department doesn't have funds for proper maintenance and for improvements. Another problem, when they do upgrade a park, we seem to lose some of the facilities such as camping sites, restrooms, and roads to meet the new environmental standards and the natural surrounding standards.

The counties have received the fees from boat registration in Montana and haven't used any of this money for boating facilities. We would like a small portion of this to go to the State which can be matched by Federal funds and then used in the area in which the boat is being used. Also, as boaters we would like to work with the Department on the management and use of boating facilities in Montana.

We would like your support of this bill to improve the parks in Montana.

Thank you for your time.

Dave Seyfert



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

EXHIBIT 3
DATE 2/16/93
HB 438

February 12, 1993

93-053

The Honorable Vivian Brooke
Montana State Capitol
Helena, Montana 59620

RE: SUPPORT FOR HOUSE BILL 438 ALLOWING A LOCAL GOVERNMENT TO
ADOPT AN ORDINANCE PROHIBITING MINORS FROM ENTERING OR
REMAINING IN BARS AFTER A TIME SET BY ORDINANCE

Dear Representative Brooke:

City of Missoula officials urge your support for House Bill 438 entitled "An Act Allowing A Local Government to Adopt an Ordinance Prohibiting Minors for Entering or Remaining in Bars After a Time Set by the Ordinance; and Providing a Civil Penalty."

In 1984 Montana Attorney General Mike Greely held in 41 Attorney General Opinion 84 (9/10/84) that:

An incorporated town may not enact an ordinance prohibiting persons under the age of 19 years from being on licensed premises where alcoholic beverages are sold and consumed. (emphasis supplied)

Minors in bars is a law enforcement concern in an urban center such as the City of Missoula, especially at a bar such as Trendz where dancing is a primary draw for patrons.

Parents of minors frequently express concern to law enforcement officials and often ask law enforcement officers why they do nothing to prevent minors without parent or guardian in bars. Often illegal drinking and assaults involving minors may occur within the bar or the immediate vicinity near the bar.

House Bill 438 would authorize a city to provide that a minor not accompanied by a parent, guardian or other person stated in the ordinance may not enter or remain in an establishment licensed to sell alcoholic beverages for consumption on premises after a time stated in the ordinance. For example, a minor curfew or prohibition in bar regulation could specify that minors not accompanied by a parent, guardian, etc. could not be in a bar licensed to sell alcoholic beverages for consumption on premises:

(1) After 1:00 a.m. until 6:00 a.m. on Friday and Saturday evenings (or early Saturday or Sunday mornings);

(2) After 10:30 p.m. until 6:00 a.m. on nights before a school day;

EXHIBIT 5
DATE 2/16/93
HB 438

Representative Vivian Brooke
February 12, 1993
Page Two

(3) After 11:30 p.m. until 6:00 a.m. on week day nights when there is no school the next day.

A minor is defined in Montana state law, for non-alcoholic beverage purposes, as males and females "under 18 years of age". See section 41-1-101 MCA pertaining to rights and obligations of minors. Also Montana's state laws pertaining to the University system and horse racing defines a minor as meaning a male or female person who has not obtained the age of 18 years. See section 20-25-501(1)(c) and 23-4-101(4) MCA. Also, see sections 23-5-158 and 23-5-603 MCA pertaining to gambling.

Please support House Bill 438. Thank you.

Yours truly,



Jim Nugent
City Attorney

cc: Mayor; City council; Jim Oberhofer; Pete Lawrenson; Alec Hansen; Legal staff; Missoula County Representatives; House Local Government Committee members; Legislation file

~~HB438~~

Amendments to House Bill No. 438
First Reading Copy

Requested by Rep. Brooke

Prepared by John MacMaster
February 13, 1993

1. Page 1, line 12.

Following: "minor"

Insert: ", as defined in 41-1-101, who is"

EXHIBIT 7
DATE 2/16/93
HB 438

February 15, 1993

TO: House Local Government Committee
Capitol Station
Helena, MT 59601

FROM: Pamela B. Anderson *plb*
310 Benton Avenue
Missoula, MT 59801

RE: HB 438

As a concerned mother and grandmother, this is to relay my support for the passage of HB 438 giving cities the authority to pass an ordinance preventing minors from being in a tavern after hours and holding tavern owners responsible if the ordinance is violated. This would appear to be a matter of congruence in that we already have a curfew in place for minors in most communities.

In an ideal world, parents or custodial adults would ensure that their minor children are off the streets in accordance with curfew, and enforcement would be unnecessary. However, that unfortunately is not the case in many instances, therefore it becomes necessary for laws and ordinances to be passed. We are all responsible for the safety and well-being of our children. Each of us must be held accountable and, in my opinion, that should include parents, law enforcement officials, courts, and tavern owners.

Toward that end, I would also support increased penalties for violations of curfew and ordinances such as those that would be authorized through HB 438-- and that would be assessed against the adult population as well as the minors. Such penalties might include:

- 1st Offense: The minor would be held in custody until picked up by the parent or guardian. Both the minor and the parent/guardian would then be required to appear in Court to present a written plan for avoiding further violations.
- 2nd Offense: The minor and parent/guardian would be required to attend, and pay for, some kind of parenting educational course. Failure to comply could result in a Contempt of Court citation.
- 3rd or Subsequent Offense: A substantial fine for the parent/guardian. All or part of the fine could be suspended if the parties would voluntarily enroll in a program designed to provide assessment and family therapeutic intervention.

I urge you to take favorable action on HB 438.

cc: Representative Vivian Brooke
Chief Jim Oberhofer, Missoula City Police
Glen Welch, Chief Probation Officer, Missoula Youth Court

EXHIBIT
DATE 2/16/93
X HB 438 0

February 12, 1993

Rep. Norm Wallin, Chairman,
and Members of the
House Local Government Committee
State Capitol
Helena, MT 59620

Dear Committee Members:

We wish to express our opposition to HB438 by Rep. Brooke, which proposes to allow local governments to enact ordinances prohibiting minors from being in bars during certain hours.

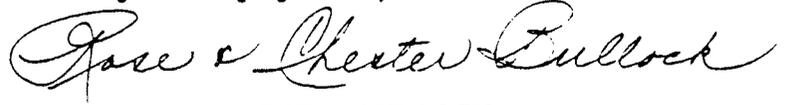
Ours is a rural tavern, as are many in this state. We are not only the social center for our small town and the surrounding area, but we have always provided other community services to help our neighbors. In the winter months, children wait for the school bus inside our bar, where they are protected from the cold weather. We allow the young people to use our pool tables for entertainment because we feel they are better supervised in a controlled atmosphere. In our small town there are few sources of entertainment for the kids to enjoy and playing pool seems to us, as parents ourselves, far better than having them cruising around in cars or engaging in other less-desirable activities.

We have a laundromat in connection with our establishment. Many times the young people come in to use these facilities as a part of helping with family chores. We also maintain a selection of video movies for rental and this is also a popular source of entertainment for all family members.

We see no compelling reason for this bill. It can foster all kinds of enforcement problems and personal vindictiveness; it would take away what few sources of entertainment young people in rural areas can enjoy. Let the parents and us work this out between ourselves without any more governmental interference in our daily lives.

We respectfully ask you to vote against HB 438 at the hearing on February 16.

Very truly yours,



ROSE & CHESTER BULLOCK
Silver Saddle Bar
Basin, MT 59631
Phone: 225-3219

EXHIBIT 9
DATE 2/16/93
HB 426

Jeanne Daly
3050 Larch Camp Rd.
Missoula, MT 59803

February 10, 1993

Norm Wallin, Committee Head
State Capital
Capital Station
Helena, MT 59620

Dear Mr. Wallin,

It has recently come to my attention that the bill for the proposed spay/neuter legislation will be introduced next week. Unfortunately I do not have the bill number available to me at this time. This letter is to inform you that I support this legislation 100%.

Sincerely,

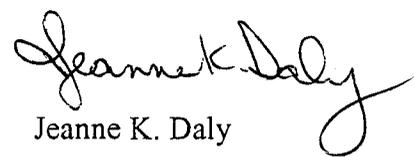

Jeanne K. Daly

EXHIBIT 10
DATE 2/16/93
HB 426

Connie Lien
Animal Control Officer
City of Bozeman
Vice President
Montana Animal Control Association

Legislative Assembly
Capitol
Helena, Mt.
444-4105

To the Assembly:

Montana Animal Control Association would like to take this opportunity to let you know we endorse the bill entitled: Canine and Feline Licensing and Spay/Neuter act with amendments.

The Association is made up of Animal Control Officers from all over the state of Montana; many of which are with police departments, some in other city services, some county; some with Tribal Councils and other members include Humane Society personnel as well as independent citizens with an interest in the overall animal control and welfare picture.

We particularly support the measure regarding spaying and neutering of pets. Our organization deals specifically with the problem of overpopulation in the pet and feral animals that run freely in cities and counties causing disease problems, human bites, property damage and disturbance to the human population. Licensing of some of these animals makes sense from the standpoint that this ensures some control and some financial support for the services required by the population of Montana. The Animal Shelters in this state are barely able to keep doors open with the numbers of animals coming in and the rising costs of employment and maintenance.

Again I wish to state our endorsement of this proposed bill.

Sincerely yours,

Connie Lien

Connie Lien
Animal Control Officer
V.P. MACA

EXHIBIT 11
DATE 2/16/93
HB 426

February 15, 1993

Local Government Committee
Montana Legislature
Capital Building
Helena, MT 59620

Re: HB 426

Dear Representatives:

I am writing to ask for your support of HB 426. All pet owners have responsibilities and decisions to make concerning their pets. The people who believe it is too expensive or too cruel to alter a pet do not understand the expense or the cruelty of all the unwanted animals that must be "put down" on a regular basis.

Unfortunately, as anyone who has been to a local animal shelter can tell you, there are already too many unwanted pets. I believe HB 426 will raise awareness and offer some incentives to those individuals who choose to leave their pets unaltered. Establishing a licensing differential and a spay/neuter deposit will create a financial incentive and at the same time begin to spread the costs to the cost causers.

Requiring that a pet that comes from the animal shelter be spayed/neutered is a way in which HB 426 can assist in dealing with animals on a prospective basis.

As an owner of two spayed dogs, it is my belief that the cost to alter an animal is part of the cost of owning a pet. Further, the \$30 or so that spay/neutering costs, is minimal compared to the long term costs (food and regular veterinary checkups) of owning pets.

Thank you for your time, and once again I would appreciate your support of HB 426.

Sincerely,

Sandra Barrows

Sandra Barrows
1770 Colorado Gulch
Helena, MT 59601
449-3214

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Sec. Pat Bennett	From Dave Pauli	
Co. Local Government	Co. Propanet	
Dept. 312-3A	Phone #	
Fax # 444-4105	Fax #	

EXHIBIT 12DATE 2/16/93 4875HB 426

My name is Dave Pauli and I live in Billings. I have worked in the domestic animal and wildlife control for 12 years. I am currently the Northern Rockies Regional Director for The Humane Society of the United States. We have 4,100 Montana members and constituents.

During the mid-eighties I was the Superintendent of the Billings Animal Shelter. We had to kill over 4000 "surplus" animals each year. This same high volume killing of pets take place in every other major Montana community.

There are three ways to reduce this pet over-population problem. They are 1) having good uniform municipal ordinances; 2) offering both Adult and Youth Humane Education; and 3) giving Spay/Neuter incentives and programs.

HB 426 directly approaches the Spay/Neuter incentive goal. This bill is proactive, and it will allow communities to address the root of the problem.

My Office has received several calls from breeders who were concerned about this bill. They thought it was a radical breeding ban bill like those passed in California and Washington State. This is not a breeding ban bill. It is an owner responsibility bill; a spay/neuter bill and a cat control bill. I offer the following comments in support of HB 426.

Section 2: License Differential: Is commonly accepted, and practiced in many Montana Communities. Studies repeatedly show that it is "unaltered" animals that roam; that bite humans and animals; and that get killed or injured by vehicles. Owners of unaltered animals are asked to pay higher license fees because their animals cause the majority of animal control problems and related costs. Differential fees also directly promote pet spay/neuter surgeries.

Section 3: Spay/Neuter Deposit: Again a widely accepted practice. Nationally animal shelter provide about 6 % of the animals adopted by the public. It is crucial that we ensure that these animals do not re-contribute to the over-population problem.

Section 3(a-d) provides for realistic common sense uses for unclaimed deposits. (Even with good compliance pet owners may move, or their animals may die or run away; or they may have the surgery done and choose to donate the deposit to the agency. For these reasons a varying percentage of the deposits will go unclaimed)

EXHIBIT 12
DATE 2/16/93
HB 426

Pauli Written Testimony; HB 426 page 2 of 2:

Section 4: Collaring: The major change here is the inclusion of cats. On a national basis only 2 % of cats in shelters ever get reclaimed by their owners. In cities or state with mandatory cat licensing the percentages increase dramatically. Mandatory cat licensing saves cats; helps to solve neighborhood problems; and reduces a cats effectiveness to kill wildlife and songbirds (tags make noise). Cat licensing is simply a good idea.

Many communities (including Billings) have had mandatory cat licensing for years. I have been unable to document a single case (nationwide) of a cat dying from getting it's collar entangled. Conversely, Cats are saved every single day by wearing collars and tags.

Section 5: Amendment request: In line 8 the term "county poundmaster" should be changed to "Animal Control Officer" This not only reflects the more accepted job title, but allows both municipal and county ACO's to impound animals.

Section 5 (2) A good logical change.

Section 5 (3) Second Offenders paying Deposit: There are two important considerations here. First, any pet that is impounded twice in one year is loose much more frequently and probably is a neighborhood problem. Secondly, this statute does not mandate that the owner spay/neuter the pet; it simply mandates that the owner pay the spay/neuter deposit as an additional penalty.

Sections 6, 7, 8: These changes include Cats under existing canine statutes. Cats are today's pet of preference. Montana's animal shelters are struggling to deal with the rising cat population and the citizen complaints involving cats. These changes give animal shelters some tools to help solve community cat control problems.

Thank you for the opportunity to have input on this important bill. If you have specific questions regarding the impacts of HB 426 I can be reached in Billings at (w) 255-7161 or (h) 652-3195.

#



EXHIBIT 12
DATE 2/16/93
HB426

13

Missoula Humane Society

1105 Clark Fork Drive • Missoula, Montana 59802 • (406) 549-3934

February 15, 1993

The Honorable Norm Wallin
Chairman, House Local Government Committee
Capitol Station
Helena, Mt. 59620

Dear Representative Wallin:

Pet overpopulation is a national tragedy. Every year 10-12 million cats and dogs are euthanized in animal shelters simply because they are unwanted. Millions more, not lucky enough to find their way to a shelter, are shot, poisoned, killed by automobiles, die of starvation or by other inhumane ways. Even in Montana, dogs and cats are killed by the thousands each year. In our throwaway society, man's best friends are too often considered cheap and expendable.

The tragedy of millions of animals being born and killed every year is virtually incomprehensible to those who would benefit most from its understanding. Cat and dog overpopulation occurs each time a litter is born; each time an animal is sold by a breeder or pet store; each time one is given away or abandoned to the street; each time an animal is turned over to an animal shelter; and each time one is adopted out unaltered.

The Missoula Humane Society received nearly 2,500 unwanted animals in 1992. Almost all were healthy, young animals who would have made wonderful companions. More than one-half of these animals were puppies and kittens and at least 25% of the dogs received were purebreds representing more than 50 breeds. Unfortunately, fewer than half of all the animals received found homes. The Missoula Animal Control Agency also picked up over 1,100 dogs running at large, over 100 cat and dogs killed by cars, and investigated over 150 animal bites - mostly to children.

The Missoula Humane Society has a long history of trying to combat the problem of pet overpopulation in our community. A humane education program established nearly a decade ago continues to grow. Public awareness campaigns are undertaken throughout the year in an effort to inform, educate and find solutions to animal welfare and control problems. The Humane Society's spay/neuter assistance program helps people on low or fixed incomes. A comprehensive adoption program places homeless animals with responsible guardians and ensures compliance with a mandatory spay/neuter policy.

Despite all its efforts, the Missoula Humane Society spends almost all its revenue, energy and efforts on sheltering thousands of discarded companion animals - half of whom must be euthanized because there are too many of them and too few homes to accept and care for them. The time has come to stop politely asking people to consider spaying and neutering and to regulate the breeding of cats and dogs.

The Missoula Humane Society supports HB 426, introduced by Representative Hal Harper, as a bold and positive step toward reducing the pet overpopulation crisis. Reducing the number of animals being born is the only ethical solution to the tragedy created by the over population of dogs and cats that will have any long term effect. Killing the "surplus" should not be an acceptable means of reducing the number of unwanted animals.

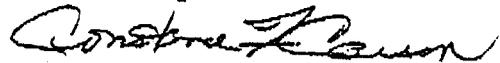
Increasing the number of sterilized animals will reduce the numbers being born, thereby, reducing the numbers entering shelters. This in turn will reduce animal control cost to cities and counties in Montana. Decreasing the animal birth rate will also positively impact public health and safety. Fewer surplus animals will result in fewer animals running at large reducing: animal caused traffic hazards, animal bites and quarantines, harassment to livestock and wildlife, barking dog complaints and animal fights. Overpopulation kills. HB 426 will help save lives!

The existing program of animal welfare and control in Montana is tired and overburdened. The means to make a difference to end the insane killing cycle are available to us. We need only accept and believe in new visions and to make a true commitment to end this tragedy.

We have expressed some modifications to HB 426 that we believe would further strengthen the bill and have a greater impact on reducing the number of unwanted animals. These suggestions are outlined in an accompanying letter from Michelle Frodey, our education coordinator.

I hope that you and the members of the House Local Government Committee will recognize the importance of this issue and give this bill your full backing. You have the support of the Missoula Humane Society. Thank you for your consideration.

Sincerely,



Constance F. Carson
Director

cc: Members of the House Local Government Committee
Hal Harper



NATIONAL ANIMAL CONTROL ASSOCIATION

DATE 2/16/93
HB 426
P. O. Box 1600
Indianola, WA 98342
1-800-828-6474

14

January 26, 1993

53rd Montana Legislative Assembly
State Capitol
Helena, MT 59620

Dear Legislative Members,

No one better understands the need of legislation controlling free roaming companion animals than those mandated by the public to destroy the product of pet overpopulation. Those persons are animal shelter and animal control employees.

I am writing on behalf of the National Animal Control Association in reference to a bill for an act entitled "canine and feline licensing and spay/neuter act." Following are the NACA's policies and recommendations concerning the proposed legislation.

While the concept of licensing dogs has been widespread in our history, if not widely accepted, the concept of licensing cats is a novel one. Arguments against cat licensing cite the cat's innate nature to roam and the potential of collars and tags to become fatally snagged. It has even been suggested that stray cats enhance the urban environment by curtailing rodent populations.

The National Animal Control Association believes that all cats confined or at large should be identified on the public record by tags similar to those worn by dogs. Such a requirement would generate more revenue for municipalities, avoid charges from the public of discrimination, provide a valuable municipal public health service, and cause more cat owners to confine the animals (either to avoid detection or to avoid the collar accidents described above). Recent evidence indicates that in many areas, free-roaming cats pose at least as much, if not more, of a public health and animal control menace as dogs. For these reasons the NACA policy is that cats should be licensed.

Last year the American Veterinary Medicine Association Center for Information conducted a nation-wide survey for information on the animal companion market. They found that the percentage of households that owned dogs was slightly down from a study done in 1987, while the percentage of households that owned cats was increased. The mean number of dogs per household owning dogs was 1.52. The same mean for cats was 1.92.

Life style changes have made the cat a more popular companion animal. With this increase, animal control agencies are facing increasing numbers of complaints regarding cats.

The National Animal Control Association believes that stray cats present basically the same problems as stray dogs. For these reasons, animal control agencies that have authority to handle cats should place the same priority on controlling stray cats as stray dogs. In those jurisdictions which prohibit the picking up of stray cats, the animal control agency should as the expert in the field of animal control, strive to obtain the legal changes needed to provide a comprehensive program and service to the community.

Free-roaming cats and dogs are the primary cause of enormous volume of surplus, unwanted animals that must be destroyed each year. There can be no justification for allowing pets to roam.

To help correct problems of pet overpopulation and free-roaming animals, NACA urges governments to institute programs that encourage owners of dogs and cats to have them neutered. This bill causing differential licensing fees is an excellent example of incentive for altering pets.

Those agencies charged with housing and destroying unwanted animals should not be allowed to contribute to the problem that causes their existence. They should not place an animal into a new home without some assurance that the pet will be altered. Animals that have been altered are more inclined to remain at home. Communities would benefit by legislation requiring altering of pets belonging to repeat offenders of leash law violations.

The only change I would like to recommend deals with Section 5 part (3). A time limit for which the deposit must be held prior to being delivered to the county or municipal corporation. I might suggest four months, which is ample time to arrange for surgery and would allow agencies to return posted checks rather than incurring the cost of processing purchase order refunds.

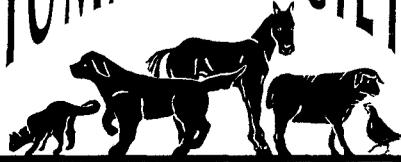
This letter is intended to support passage of this bill. It is our desire that Montana become a leader in the Northwest in providing means to curb pet overpopulation and the resulting community and health problems.

Sincerely,



Darlene Larson
NACA President-Elect
P. O. Box 1600
Indianola, WA 98342
1-800-828-6474

HUMANE SOCIETY



OF • GALLATIN • VALLEY

2125 NORTH ROUSE • BOZEMAN • MT • 59715 • (406)587-0456

EXHIBIT # 15
DATE 2/16/93
HB 426

February 12, 1993

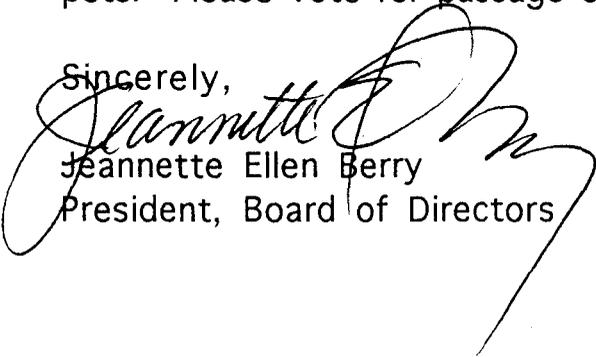
Norm Wallin, Representative for District 78
Montana 53rd Assembly
Capitol Station
Helena, MT 59620

Re: House Bill 426

Dear Representative Wallin:

I am writing to express my support of Bill 426. I believe it would be instrumental in helping curb the current enormous pet overpopulation problem by making it a law that all pets adopted from shelters must be spayed or neutered. Although we currently require this, we have no legal recourse if the adoptor does not comply. I also think a higher licensing fee for unaltered pets would encourage people to own altered animals. At the Humane Society of Gallatin Valley we see firsthand the result of unwanted litters of puppies and kittens. In 1992, we received 997 dogs and had to euthanize 279 of them. The numbers for cats are even more sobering: 1235 received, 753 euthanized. Measures such as Bill 426 are needed in order to stop the senseless slaughter of unwanted pets. Please vote for passage of this bill.

Sincerely,


Jeannette Ellen Berry
President, Board of Directors

Chairman Wallin - members of the committee.

I am Carolyn Doering, President
Lewis & Clark Humane Society

We have a tremendous problem in our cities and counties with the proliferation of dogs and cats. Generally these animals end up being abandoned, unwanted and abused. House Bill 426 has one overriding purpose - to take a major step - statewide - to reduce that population of stray and unwanted animals in our communities.

Briefly, I will touch on the 5 important parts of the bill which amends existing statutes.

The Bill:

Provides for licensing of cats. A study commissioned by the American Veterinary Medical Association concludes that as of December, 1991, 30.9% of all U.S. households owned cats as compared to 36.5% of all U.S. households owning dogs. A female cat and her offspring can produce 420,000 cats in just 7 years. Based on these statistics and the number of cats impounded at shelter facilities, there is no reason to conclude that cats are any less of an animal control problem than dogs.

Creates a license fee to be set by the county or municipality for unaltered dogs and cats. The governing body is authorized to establish a schedule of license fees for dogs and cats which shall differentiate between altered and unaltered animals. The differential shall not be less than \$10. The purpose of the license fee being to encourage ownership of altered dogs and cats. Our own statistics indicate that for the period January through August, 1992, 77.2% of all dogs and 70.5% of all cats impounded were unaltered.

Provides that any dog or cat seized or impounded or otherwise held at a shelter facility twice in a 1 year period shall not be released without placing a deposit sufficient to cover the cost of having the dog or cat altered. The deposit is returned upon proof of altering or is forfeited if the owner chooses to license the animal as unaltered. This of course either results in an animal being altered or generates funds for animal control related services or education.

Provides that fees go to the county or municipality collecting the license fees. There is an increasing burden placed on county and municipal resources for animal control, operating or funding a shelter, funding of animal control officers, utilization of law enforcement for animal control

and utilization of the Department of Health to investigate dog bite cases. The bill gives cities and counties discretion when setting fees as to the amount, area of county to be incorporated for licensing purposes and allows separate licensing schedules for breeders and kennels.

Addresses the spay/neuter problem at the point of adoption - animal shelter facilities. The bill requires that animals adopted from a shelter facility be spayed or neutered. There are no exceptions to this part. Any spay/neuter deposits unclaimed or forfeited under this part shall be used by the shelter facility only for - public education programs to prevent overpopulation of dogs and cats, programs to alter dogs and cats, and followup programs to assure animals released from the shelter are altered.

The bottom line is - **THOSE WHO ARE RESPONSIBLE FOR THE EVER INCREASING BURDEN OF ANIMAL CONTROL SHOULD BEAR THE COSTS.** If you are a responsible pet owner who alters your animals and doesn't let them run-at-large, you are probably not affected by this bill. Those responsible pet owners who choose not to alter their animals and license them as unaltered will pay a slightly higher license fee. Irresponsible pet owners will bear the burden of this legislation.

This legislation is not a "cure-all" by any means but we strongly feel it is a step in the right direction.

LCHS ANIMAL SHELTER STATISTICS FOR JANUARY - DECEMBER, 1992

Animals Impounded	Dogs - 1,408	Cats - 1,175
Animals Euthanized	Dogs - 497	Cats - 789
TOTAL EUTHANIZED	35%	67%
(does not include owner requests)		

EXHIBIT 16
2/16/93
HB 426

EXHIBIT # 11
DATE 2/16/93
HB426

TESTIMONY OF DEBORAH REHMANN, EMPLOYEE OF LEWIS AND CLARK HUMANE SOCIETY, REPRESENTING THE SOCIETY SUPPORTING HOUSE BILL 426.

I have participated in the act of euthanasia almost everyday of my employment with the Lewis and Clark Humane Society. I have looked into the eyes of innocent animals and have helped to choose which ones will have a chance at life and which ones will die. I have wondered over and over again, "Why were these animals ever born?" I have listened patiently while a potential adoptor attempts to explain to me why she wants to let her dog have one litter of puppies so her children can see the miracle of birth. I could show her and the children the tragedy of birth. I could show her the pile of dead puppies and kittens that lay in the garbage waiting to be hauled to the land fill. The puppies that were once alive with tails wagging awaiting to see the face of their new family. The kittens that at one time purred with contentment as they napped in the afternoon sun. But sadly, their fate was in many cases sealed when they were born because there were no available homes for these little miracles. Again, I wonder why were these animals ever born? We must continue to educate the public about the high costs that are paid with animal life by the irresponsible pet owner. The owner that allows his animals to stray and breed uncontrollably. If all pet owners realized the horrendous waste of life it is to bring these puppies and kittens into the world we would not need this bill. Now is the time to make a difference. The overpopulation of puppies and kittens will not be totally eliminated by passing HB 426, but, it is an advancement toward reducing the numbers of unwanted animals.

Support this legislation to help stop this senseless waste of animal life.

Vicky MacLean
2065 Colorado Gulch
Helena MT

EXHIBIT # 18
DATE 2/16/93

backyard - kennel own
~ 20 year d dog club - national
+ local
breeder referral
classes - late 70's

I support, with ~~no~~ ^{HB 426} reservations, the intentions of HB 426. I believe there are too many unwanted pets, not only in humane societies and animal shelters across our state, but also wandering our streets and even tied up in back yards.

I have a kennel of sled dogs for many years. It is just a hobby kennel for training and limited breeding of dogs mostly for my own use.

I know first hand how hard it is to find good homes for puppies and have heard many times over how people want just one litter so their dog will be fulfilled or so their kids can see puppies being born. These so called breeders have no knowledge of good breeding practices and ~~do~~ have no responsibility for his pups after they ~~are~~ are sold. I know that many people dump their dogs as soon as they have a problem comes up or they can't be bothered to care for it any longer. A reputable dog breeder only breeds when he has homes lined up for pups and has a life long interest in them.

If this bill will allow counties to discourage indiscriminate breeding of dogs by encouraging spaying and neutering, without adversely affecting legitimate kennel owners I support it. There will be responsible dog owners/breeders griping about the bill, but I feel that if spay/neuter incentives can put a major dent in the dog over population then there will be more good homes available for their carefully bred dogs. ~~In counties I have visited overseas where it is very expensive to have dogs I have not noticed~~

EXHIBIT 19
DATE 2/16/93
HB 426

HB426
2/16/93, 3PM, Room 104
House Local Government Committee

Testimony by Judith Fenton,
Federated Humane Societies of Montana
Blue Sky Heights #26, Clancy, MT 59634
933-5922 or 458-5670

I am Treasurer of the Federated Humane Societies of Montana, a position I have held for about 15 years. Enclosed with my testimony I have passed out are charts showing the numbers of dogs and cats coming into Montana's major animal shelters in 1982 and 1991. These charts also show the disposition of all these animals. Statistics over a number of years can indicate trends and problem areas. Although the total numbers of animals coming into shelters over the last ten years may be slowly decreasing, the trends definitely indicate an increasing problem with cats. In 1981, 63% of cats were euthanated (a total of 6793 cats). At that time 32% were adopted and 3% returned to owners. In 1991 only 22% were adopted and still only 3% were returned. Returning cats to original owners has always been a problem. They seldom wear any identification. HB426 addresses this problem. Cat owners also often wait several weeks to even begin looking for their pets. By the time they start looking, even if the cat had been at the local shelter, it is probably too late for them to redeem it. Also cats are difficult even for owners to identify. A calico may turn out to be a tortoiseshell. A tabby cat can be many different colors. The only reliable identification is a collar and tag.

Montana does have a pet overpopulation problem. The total numbers on my chart for 1991 show 20,785 animals brought into shelters and over 12,000 animals put-to-sleep. These numbers didn't include the Bozeman shelter and animals impounded by law officials in smaller Montana communities. This would add at least another 4000 animals. I think over 14,000 unwanted cats and dogs killed in our shelters in one year is far, far too many.

Not all shelter animals are mutts. Purebreds add significantly to the numbers in our animal shelters. Today in Great Falls they have a rottweiler with championship papers, a purebred weimaraner, and a command trained doberman.

Thank you for your consideration of my comments on this matter.

Judith Fenton

EXHIBIT 19
 DATE 2/16/93
 HB 426

1991 ANIMAL IMPOUNDMENT STATISTICS

	<u>TOTAL ANIMALS</u>		<u>RETURNED</u>		<u>ADOPTED</u>		<u>EUTHANATED</u>	
	Dogs	Cats	Dogs	Cats	Dogs	Cats	Dogs	Cats
Animal Welfare League of Mont. -Billings	779	681	49	25	330	200	400	456
Billings Animal Control Shelter	2456	1868	649	90	464	375	1352	1403
Great Falls Shelter	1814	1186	700	71	350	161	764	954
Bozeman Shelter								
Helena Shelter	1441	1241	342	46	496	285	603	910
Missoula Humane Society Shelter	941	1404	101	38	411	368	429	998
Missoula Animal Control Shelter	1119	19	668	5	227	0	224	14
Kalispell Shelter	1709	1692	295	21	531	438	883	1233
Butte Shelter	<u>1348</u>	<u>1078</u>	<u>213</u>	<u>21</u>	<u>397</u>	<u>177</u>	<u>738</u>	<u>880</u>
TOTAL ANIMALS	11616	9169	3017	317	3206	2004	5393	6848
			26%	3%	28%	22%	46%	75%
	20,785		3334		5210		12,241	
			16%		25%		59%	

Federated Humane Societies of Montana

1982 STATE WIDE STATISTICS

TOWN	DOGS						CATS						OTHER ANIMALS					
	IMPOUNDED	RETURNED	ADOPTED	STOLEN, ETC.	EUTHANATED	ON HAND-YR. END	IMPOUNDED	RETURNED	ADOPTED	STOLEN, ETC.	EUTHANATED	ON HAND	IMPOUNDED	RETURNED	ADOPTED	STOLEN, ETC.	EUTHANATED	ON HAND
Billings Animal Shelter	4403	914	434	53	2954	48	2715	57	319	33	2288	18	231	8	5	12	206	0
AWL-Billings	315	27	264	0	24	0	245	7	217	0	21	0	2	0	2	0	0	0
Bozeman	1453	484	421	10	525	13	1272	53	407	12	773	23	22	2	11	2	7	0
Butte	1712	245	599	3	865	0	1412	20	441	15	936	0	126	47	20	13	46	0
Great Falls	3263	590	1059	14	1389	211	2000	72	591	11	1326	0	2	0	1	0	1	0
Helena	2231	573	560	4	1094	0	1407	70	337	2	998	0	34	3	15	0	16	0
Kalispell	2828	421	715	0	1692	0	2478	100	692	0	1686	0	162	1	10	0	1	0
Missoula	2204	500	801	0	903	0	1937	100	784	0	1053	0	113	10	86	0	17	0

	46% EUTHANATED						63% EUTHANATED						19% EUTHANATED					
TOTALS	14006	2840	4419	31	6492	224	10747	222	3469	40	6793	23	461	63	295	15	88	0

TOTAL ANIMALS	25,214	3,325	8,183	86	13,373	247
PERCENTAGES	100%	13%	33%	0%	53%	1%

IMPOUNDED PLUS
ON HAND

RETURNED

ADOPTED

STOLEN, ETC.

EUTHANATED

ON HAND-YR. END

19
2/16/93
HB 426

Tim Sweeney

EXHIBIT 20
DATE 2/16/93
HB 426

The pet overpopulation crisis is a reality. There were approximately 20 million dogs and cats euthanized in the United States last year, the vast majority healthy animals suitable for adoption. The problem has grown so severe that Arkansas, California, Massachusetts, Oklahoma, and countless local jurisdictions have enacted some form of spay/neuter regulation. There is obviously a moral judgment to be made about a society that will tolerate irresponsible pet ownership at the expense of millions of innocent animals. However, pet overpopulation is not just an ethical issue, it is also a fiscal and taxpayer issue. How much taxpayer money are we going to pour into this problem before we take steps to address it; and, which taxpayers will bear the burden of paying for animal control and shelter operations?

In assisting with the preparation of this legislation I have encountered only two groups who oppose it, kennel clubs and cat owners. And, these groups oppose only one part of the bill, the part having to do with licensing. The proponents of this bill have worked very hard to address the needs of these groups. In order to balance the financial burden placed on kennels and breeders a provision was added that allows county governments to establish separate licensing schedules for kennels. So that counties would not be required to implement license fee schedules where they were not appropriate, a second provision was added that allows for the enactment of licensing requirements in a portion of a county only.

TO: THE MONTANA LEGISLATURE:

EXHIBIT - 21
 DATE 2/16/93
 HB 426

Hand Loyal Soc.
 Cm 104

REGARDING: BILL #HB 426

We, members of the Yellowstone Valley Kennel Club, and interested parties
reject Bill # HB 426 on Spaying & Neutering of Dogs & Cats.

Secretary: Joanne Dyars 2025 Willet Billings, MT 59105

1. Warren L. Peterson 527 Junston Bys. MT
2. Chris Kuntz 421 Sigard Bys. MT
3. Don Kuntz 342 Sigard Bys. MT
4. Lisa Linn 591-TABR12 Bys. Mt.
5. Connie Teigen 433 Bend # 2 Bys. Mt.
6. Vicki Bokum DVM 43 LARIMAR LN Bys -
7. Betty B. Senechal 9328 Hwy 312 E "
8. Tyson B. Senechal " " " "
9. Kori Anderson 831 Vermillion Dr. "
10. Glenn Anderson " " " "
11. Neel Venkling 1729 Bench "
12. Mike Venkling " " " "

The original is stored at the Historical Society, 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

DATE 2/16/93
HB 426

January 25, 1993

To: Representative Wallin
Capitol Station
Helena, MT 59620

From: Treasure State Working Dog Association
POB 9088
Helena, MT 59604

Subject: L&C Humane Society proposed bill - Canine and Feline
Licensing and Spay/Neuter Act

Dear Representative Wallin :

We received a copy of the above proposed legislation from the President of the Helena Kennel Club. We reviewed the bill in depth and are greatly disturbed by what we see. We cannot endorse the bill and will urge others to follow us in stopping its passage.

Our comments are directed at copy LCHS 10, which we believe is the latest copy. It is the one sent to us by the Kennel Club. Our objections address this draft.

- 1: New Section, Section 1. Definitions, paragraph 2. Kennel. The definition is inadequate. Any home with four dogs or cats could be deemed a kennel, regardless of the purpose for having the animals. It does not give recognition to people who have worked hard to establish what is truly a "kennel." The definition used in the proposed legislation serves no purpose.
- 2: New Section, Section 2, paragraph 1. "The differential between the license fees for altered and unaltered dogs and cats may not be less than \$10 nor greater than \$50." While the proposal does not specifically say, it means "annually." How can people afford this, if they intend to breed their animals for some useful purpose? We believe responsible people have legitimate reasons for not altering their animals. The fee required on an annual basis could surely drive legitimate kennel owners, small breeders, sled doggers, back pack guides, etc. out of business. They cannot alter everything and continue to be in business. Neither can they afford to pay this fee on an annual basis, so as to keep breeding stock on the property.
3. New Section, Section 2, paragraph 2. "Nothing in this section shall prevent the governing body of the county from establishing a schedule of license fees for kennels that own, harbor or keep unaltered dogs or cats. There is no wording in this that protects these people either. We are at the mercy of the county to decide whether to charge us double fees or half fees or no fees?"

As we read through the entire proposal, we believe this was written by the L&C Humane Society more as an answer to their financial problems, than as an answer to animal control. We sympathize with them as we realize there are high costs involved in providing shelter services, however we believe this legislation will cause

serious and irreparable harm to responsible dog and cat owners. Furthermore, we think the L&C Humane Society is missing the boat with regard to the reason for the increase in pet population.

Section 3. Existing law 7-23-101 reads, "It shall be unlawful for ... a dog or cat ... to run at large unless the dog or cat has attached to its neck ... a license tag issued by the authority of a county or municipal...."

The way we interpret this, if your animal gets a license, it can legally run at large, even if it is unaltered. As long as this section of the law remains unchanged, it makes no difference whether you pass any neutering laws. "Animals at large" is the heart of the unwanted breeding problem. It is also the reason we hear so many complaints every year from people whose livestock have been hurt or killed by stray dogs. (It is never mentioned whether those dogs were altered!) Roaming dogs are a nuisance. Responsible people don't let their pets run at large.

We believe it would be more reasonable to have a law that made it illegal for any animal, altered or unaltered, licensed or unlicensed, to run at large. Humane societies (and the like), should be allowed to charge substantial fines for the work they perform in controlling loose animals, whether or not the animals are altered. Constraining all animals is the only reasonable way to eliminate unwanted breeding, protect livestock, and the rights of people who do not want nuisance animals on their property.

Members of our club breed quality utility dogs. They are sold to people in and out of state, for uses that vary from police work to search and rescue dogs to quality pets. The extensive training we put into these dogs is expensive and requires much hard work. Altering the dogs used in our sport (Schutzhund) destroys the hormone that gives these dogs the edge in competition. We never know whether we will breed the dog, until we see how they perform. Dogs that don't perform or are physically unfit are never allowed to perpetuate the breed. We are not a part of the problem this legislation intends to address, yet we will be severely and negatively affected by it.

We are small business people. Please do not destroy us by passing any part of this into law, as it is written. It will not solve the problem it addresses, and it will punish responsible people.

Sincerely,
Treasure State Working Dog Club


Maryrose Beasley
Secretary/ Treasurer

Members:

Annie Weiler, President
Sarah Sauve, Vice-President
Marsha Aldrich
Vicki Bauer
Carol Bell
Clay & Terri Brock

Dolly Corsie
Christy Hamilton
Terri Kottas
Marielle Lemall
Lorraine MacPhee
Marianne Peck
Travis Shope
Andy Sorenson
Conley Wright

DATE 2/16/93
HB426

February 8, 1993

Norm Wallin, Chairman
HOUSE LOCAL GOVERNMENT COMMITTEE
Montana Legislature
Helena, MT 59604

Dear Mr. Wallin,

I write in reference to HB426. I question the ability of this piece of legislation to accomplish its goal of curbing the number of animals that are abandoned to the shelters of Montana. Since I live in Madison County which has no shelter and no animal control staff, I believe this law would put undue burden on the law enforcement personnel. The alternative is to ask the already strained county budget to allocate funds to implement HB426. I find it hard to imagine the collaring of dogs and cats (!!) to be an issue with high priority for my sheriff's department.

As a wool grower, the fact that the wording of HB426 apparently condones the running-at-large of dogs is an unconscionable oversight to me. As a breeder of registered dogs, I find HB426 seems to target high-profile producers such as myself who frequently and voluntarily make neutering a condition of sale for their animals. This industry has a notoriously low profit margin already. With increased taxation to our animals, many breeders may choose to quit producing puppies which leaves pet stores and their dubiously raised puppies as the main source for companion dogs.

I have also been an obedience trainer of dogs since 1969. The majority of dogs in an obedience class are there because the cute puppy became a 10-month-old, undisciplined monster that would not come when called. These are the lucky few. A great many other delinquent canines--neutered or not--are dumped at a shelter. It's just easier than making the commitment of time and effort for training to have a good family pet. Neutering doesn't automatically make dogs and cats desirable neighbors or wonderful companions to the kids; responsible ownership does.

Please share my concerns with your committee. I strongly urge you to consider "killing" HB426. I do not believe it will be an effective tool for controlling companion animal populations in Montana.

Sincerely,

P. Duezabou

Peggy Duezabou
61 Kearney Lane; Sheridan, MT 59749-9607
842-5953
Member: American Shetland Sheepdog Association
Montana Stockdog Handlers

LABOR 2 T
DATE 2/16/93
HB 426

PO Box 6277
Bozeman, MT 59771
February 13, 1993

Representative Norm Wallin
Capitol Station
Helena, MT 59620

Dear Representative Wallin,

The Gallatin Dog Club is an American Kennel Club (AKC) affiliate with members primarily in Gallatin and Park counties. Our purpose is to promote the sport of pure breed dogs and responsible dog ownership, through conformation/obedience shows, eye clinics, public education programs, obedience classes, and breed referrals. Please allow us the opportunity to explain the reasons why the Gallatin Dog Club opposes HB 426 "An Act to control the overpopulation of domestic pets by requiring the altering of pets under certain conditions; providing a differential in licensing fees for altered dogs and cats; amending sections ...and providing an immediate effective date." Our comments pertain primarily to dogs.

1. We have seen no facts that there is a domestic pet overpopulation that has reached crisis proportions. We offer an attached article *The Premise of Pet Overpopulation: What's Wrong With This Picture?* which shows that the trend is actually downward. As this bill seems to have its origin rooted with the Lewis & Clark Humane Society, the proponents need to provide data that substantiates their claim.
2. **NEW SECTION. Section 1. Definitions.**
(2) "Kennel" means a home or facility where more than four dogs or cats over the age of 5 months are owned, harbored, or kept.
This definition means that anyone with five or more dogs or cats, even if the animals were altered, would be classified as a kennel. This would mean that the dairy farm with six cats, or the sheep ranch with five border collies would be a kennel. We feel this definition is inadequate and offer the following:
KENNEL: an establishment where dogs are bred for sale, boarded, trained, groomed, or enjoyed for the sport of dogs. **CATTERY:** a place for the keeping and breeding of cats.
3. **NEW SECTION. Section 2. Licensing of dogs and cats -- fee differential.**
Paragraph 1 does not state whether this fee is yearly or one time.
Paragraph 3 does not guarantee that a kennel would be treated different.
Consider the impact of this section. In the Bozeman area is a kennel with 35 dogs used for sled dog racing. The owner is ranked in the top five of this sport and competes throughout the northwest, Canada, and Alaska. These dogs are unaltered for breeding purposes to improve his racing stock, of which he keeps all the litters. If the county establishes a schedule of \$25 for altered dogs and \$75 for unaltered dogs, 35 dogs will cost him \$2625 plus any kennel fee. Without reasonable limits, legitimate dog owners would be put out of business. It could be devastating.
4. **NEW SECTION. Section 3. Shelter facilities -- cooperative agreements for spaying or neutering -- deposits.**
This entire section is written for shelter facilities to require spay/neuter agreements with deposits.

The Premise of Pet Overpopulation: What's Wrong With This Picture?

by Patti Strand
 Portland, Oregon

After writing and speaking on animal welfare and animal rights issues for over a year, I'm frustrated to find that certain basic concepts are still misunderstood by the fancy. One term, "pet overpopulation" remains in common usage despite the fact that it defines the problem we face incorrectly, means a variety of different things to people who use and hear it and serves as the premise for anti-breeding ordinances because it "semanucally" states the cause of the problem as "overbreeding."

If we're to improve outcomes for dogs and cats we need to expand our knowledge of animal issues and bid farewell to the mythological "overpopulation" crisis. Examination of the data demonstrates that the continued use of this term (regardless of how many have bought into it) is irresponsible and harms the fancy. Restating "pet overpopulation" as the basis for our

It is a fact that animals are still being euthanized, but the more stunning fact, the more dominant fact (unless a person just likes to feel bad) is that we're close to solving a problem that has been epidemic for over three decades. Very close! And mislabeling the remaining problem diverts current efforts and slows progress. As an immediate example, a local humane society that pushes the concept of pet overpopulation couldn't direct me to an obedience school when I called recently! According to many experts, the single biggest reason owners surrender their dogs is due to behavior problems.

The trend jumps off the page. On a percentage basis these local figures closely mimic the national trends. According to the October, 1991, issue of Animal Agenda, from 1985 to 1990 alone, the nationwide euthanasia of dogs and cats dropped approximately 40%. American Human figures show

DOG STATISTICAL REPORT - LOCAL SHELTER

YEAR	TOTAL REC'VD	REC'VD FOR ADOPT'N	REC'VD FOR PTS	REC'VD DEAD	REC'VD FOR COUNTY	OHS PTS	ADOPTED
1973	28,850	24,322	3,768	680	280	11,566	10,324
1974	20,239	17,521	2,007	480	231	9,112	9,134
1975	18,206	15,495	2,225	486	0	6,883	8,534
1976	17,838	15,488	1,937	413	0	7,287	8,123
1977	17,271	15,069	1,506	478	218	6,908	8,227
1978	16,066	13,656	1,715	398	277	5,726	7,655
1979	17,188	11,869	1,413	433	310	4,576	7,293
1980	10,912	9,254	908	435	315	2,671	6,583
1981	9,154	7,248	1,462	465	214	1,991	5,257
1982	9,001	6,635	1,010	1,282	74	3,489	3,096
1983	9,207	6,557	1,134	946	570	4,212	2,415
1984	8,641	5,732	1,224	540	1,145	3,634	1,993
1985	8,187	4,892	1,477	677	1,179	3,176	2,006
1986	7,906	4,239	1,405	586	1,676	2,716	1,735
1987	6,465	3,243	1,254	492	1,476	1,688	1,627
1988	6,128	3,103	1,343	420	1,262	1,343	1,656
1989	5,354	2,797	1,047	473	1,037	1,055	1,787
1990	6,419	2,965	1,168	851	1,435	1,338	1,567
1991	6,665	2,820	1,016	1,422	1,407	1,171	1,492

PTS: Put To Sleep

See "Cat Statistics," page 42

current "problems" focuses attention away from problem-solving, engages us in a rhetorical debate that pinpoints blame, and urges a quick fix instead of a long-term solution. Let's look at some data.

While most people who look at these figures instantly recognize that they're looking at a problem already well on its way to being solved, like the example of people who see the "half full" glass as "half empty," some will continue to see only the empty space . . . even though it now accounts for only one-fifth of the glass. That perceptual difference is okay. We all see things differently and we all want to fill the glass to the brim. It could be that as long as there are any animals being euthanized, for whatever reason, some people will feel it irresponsible to mention that fewer "surplus animals" are being euthanized each year, perhaps they fear they will appear inhumane if they speak that particular truth aloud.

approximately a 45% decrease for dogs and a 27% decrease for cats over the same period. Go to your local shelter and check out comparative statistics for your area. Dozens of statistical compilations for city shelters around the U.S. demonstrate the same trend.

Next, scrutinize the report for categorical clues as to the reasons for euthanasia.

"Received for Adoption" is a classification that reflects that a pet owner — because of his own circumstance — cannot keep a pet. Perhaps he has found out that he's not the best dog trainer in the world and that the quality of his life has diminished since getting the pet. Maybe his lifestyle has changed, he's moving, getting a divorce or changing jobs. That the owner brings the dog in for adoption, rather than for euthanasia reflects the owner's feeling that it is not the animal's fault even if he did just eat the

continued on page 42

We believe dogs and cats adopted from a shelter facility (or pet shops for that matter) should be placed with a spay/neuter agreement, period. It should be clearly understood that adopted dogs and cats are not to be bred.

5 Section 4. Collar and license tag required.

There are several problems with this section. First, according to Section 2, Paragraph 2, a license is not required until the animal is 9 months old. This section requires the animal to be 5 months old. Second, the purpose of this legislation is to reduce overpopulation, however this section allows unaltered dogs and cats to run at large, as long as they are wearing a collar with a license tag. If there truly is an overpopulation problem, we believe that the primary cause is from unaltered dogs that run at large. Collar and license might help to identify the owner of the animal, but will not help in preventing litters. Third, regarding the wearing of collars, because many dogs die every year due to collar mishaps (collar gets caught on something and the dog chokes to death) we request that identification alternatives be allowed such as a tattoo or a micro-clip insert.

We believe that irresponsible people, generally those with one or two dogs, allowed to run at large, are the heart of the problem dog cases. Unfortunately, many owners still feel you can just open the door and let your animal run. Others feel it's too confining to kennel their dog or to keep them in a securely fenced yard. These owners are the problem.

Many reputable dog breeders in Montana sell their dogs with spay/neuter contracts and limited AKC registration. They can then keep the best dogs for their own breeding programs and keep tight control on the genetics and bloodlines they work with. They've worked hard to perfect their product. Before screaming prospective buyers, these breeders make it perfectly clear they are selling to spay/neuter homes, and the reasons why.

Owners with numerous dogs, in general, know how to care for and keep control of their dogs. They do not allow their dogs to roam at will to harass people, other animals or to propagate. They are well aware of the expense to maintain fencing, veterinarian care, shelter, food, grooming equipment, training, and other supplies for their dogs, not to mention the time commitment.

Many domestic pets in Montana are part of daily work routines. They help with comforting our loved ones and families, help keep our herds and flocks in order, protect our property and homes, help in conservation of our lands through trained gun dogs and tracking hounds, help in disabled through seeing eye and hearing dogs, help our law enforcement with tracking, drug detection, search and rescue, apprehending the wrongdoers and protection. Trained therapy dogs visit our hospitals and rest homes. There are avalanche dog patrols in Montana. Some of the best sled dog teams and weight pulling dogs are from Montana. Many, many dogs are obedient trained, and Montana has dog shows where competition proves dogs can work obediently off leash, jump and retrieve on command, work on hand signals alone, and use their keen noses for scent discrimination. Montana's Dog Show circuits are also proof we have many dog breeders in our state that really care about specific breed standards. Responsible breeders are proud to produce dogs that conform to the standard, have proper temperaments, are genetically sound, healthy and happy!

Montana has many responsible dog owners, and we too are concerned about dogs that are allowed to run at large. Many of us have seen dogs chase our livestock, chase wildlife, chase cars, and many times we cannot enjoy our own dogs because loose dogs interfere.

The Gallatin Dog Club believes there should be a way to control dogs at large and irresponsible breeders, (ie. backyard breeders and puppy mills who are the primary suppliers to pet shops and shelters) but not at the expense of reputable and conscientious dog owners and breeders. We believe shelter facilities should require all adopted animals to be covered by a spay/neuter agreement. We do not feel this bill is adequate as written to either of these things. We ask that this bill not be passed, and allow the various dog clubs in Montana until the 1995 session to work together in drafting legislation that would have some meaning, and be enforceable.

We the undersigned, would appreciate your vote against HB 426.

Mary Jo Ames
Judy Bishop
Sharon Cochran
Ed Fondren
Sue Hartrheim
Ann Hopkins
Jerry McKinney
Cynthia LeFevre
Billie Love
Dallas Strick
Jolene Stolba
Twylla Vincent
Karen Williams

Debbi Aves
Anne Camper
Karyn Conner
Ed Garrity
Ken Hembre
Sara Kenny
Jim LeFevre
James Love
Chris May
Ron Stolba
Dick Vincent
Suzy Walker

34
2/16/73
HB 426

The Premise of Pet Overpopulation

... continued from page 36

couch. Maybe these pet owners should not have gotten a dog in the first place, maybe their concept of pet ownership was based on *Disney* rather than factual information of what pet ownership means in terms of personal commitment. For these people education regarding pet ownership in advance of the pet's acquisition and classes while the pet is young are pieces of the solution. In the meantime they need help with the very real problems they are facing.

"Received to be put to Sleep" includes dogs with behavior problems, dogs who are old and/or have health problems. Their owners choose the shelters over veterinarians for euthanasia for a number of reasons, the biggest being money: it's cheaper there. They also choose a shelter because public perception sees shelters serving in that capacity.

"Received for County" on this report reflects stray dogs who in our county must be turned over to the animal control agency. If they are unclaimed and must be put to sleep, they are thought to be the product of irresponsible pet ownership.

Pay attention to the "Received Stray" category for cats. These numbers represent cats which are trapped and brought to shelters. Pay special attention to what would happen to the total statistics for cats and overall numbers for pets if the practice of trapping stray cats had not been initiated back in the mid 80's.

The U.S. cat problem is somewhat unique. Many places around the world, don't share our situation because they don't remove unowned cats from

transported to shelters for two major reasons: first, they are regarded as neighborhood nuisances; and second, they are brought to shelters as the result of a value system which assumes that death is a better solution for stray cats than the possibility that they might suffer or reproduce in the wild. These cats are usually referred to as "feral," implying previous irresponsible ownership and therefore an opportunity to blame someone for the problem. But the data indicate instead that these cats may well be free-breeding animals who've been in the unowned state for generations. When we can get past the "pin the blame" stage of looking at the very real problems that exist, we begin to find solutions.

The term "overpopulation" as applied to pets is borrowed from environmental jargon. It coincidentally has more fund raising appeal than either "surplus animals" (which isn't sexy or trendy) and "unwanted pets" (which might impugn the pet-owning class of people most likely to donate). Neither the spurious description of actual problems we face nor the dictionary definition of pet overpopulation suit our problems:

pop-u-late [pap'ye lai'] vt. 1. to be or become the inhabitants of, inhabit 2. to supply with inhabitants; people ...

o-ver-pop-u-late [o ver pap'ye lai'] vt. to populate (an area) too heavily for the available sustaining resources" (Webster's New World Dictionary, second college edition.)

CAT STATISTICAL REPORT - LOCAL SHELTER

YEAR	TOTAL REC'VD	REC'VD FOR ADOP'TN	REC'VD FOR PTS	REC'VD DEAD	OHS PTS	ADOPTED	RECEIVED STRAY
1973	25,054	22,938	1,962	154	18,297	4,293	
1974	20,918	20,206	532	180	19,332	2,866	
1975	19,232	18,670	427	136	16,702	3,083	
1976	20,115	19,443	555	117	15,967	3,484	
1977	17,755	17,151	457	147	12,483	3,513	
1978	15,843	15,194	531	118	11,851	3,345	
1979	15,899	15,240	516	143	10,727	4,513	
1980	12,503	11,596	759	148	7,152	4,666	
1981	10,680	9,878	885	155	6,269	3,609	
1982	12,390	10,091	683	616	9,472	1,616	
1983	11,750	10,459	846	445	8,838	1,639	
1984	10,457	8,921	1,249	287	7,196	1,651	3,358
1985	10,792	8,302	2,153	337	6,258	1,974	3,622
1986	12,935	9,429	3,114	392	7,497	1,857	4,185
1987	10,815	7,962	2,475	378	5,710	1,855	4,050
1988	11,373	7,611	3,470	292	4,973	1,991	3,312
1989	8,989	6,920	1,764	305	4,749	1,911	3,388
1990	11,846	8,860	2,605	381	6,594	1,996	4,659

PTS: Put To Sleep

habitat in the first place. They ignore them or focus programs on dealing with stray cats in their wild environment. It's critical to understand that when animals are removed from habitat, new animals move in. It is possible in the U.S. that this cycle of trapping and removing cats from habitat perpetuates the cycle that wind up killing millions of cats each year in shelters.

No one can state with certainty the magnitude of the stray cat problem. San Mateo County numbers, our county figures and statistics from American Humane offer a few clues. In San Mateo, a figure of 10,000 euthanized animals was used as the rallying point for the now famous and defeated San Mateo breeding ban. Of all animals received in San Mateo during the base year ended June 30, 1990, 9,941 were stray cats. Six thousand, five hundred cats were euthanized as unadoptable that year and another 800 cats were euthanized as unwanted. For our shelter, the data supplied above tells the story and American Humane Association statistics show that stray cats are nationally overtaking owner-relinquished cats in the "Put to Sleep" column.

These stray cat figures do not represent overpopulation because they are

None of the above information demonstrates an overpopulation problem: rather, it points out the need to educate ourselves and the public about how best to accomplish the goal of living with pets in a way that enhances our quality of life, is beneficial to pets and interfaces with our community in a way that improves — rather than hinders — the life of others in a changing society.

When we started a statewide purebred dog rescue in Oregon through Responsible Dog Breeders Association of Oregon, the unexpected fact we constantly bumped into was the enormity of efforts already underway by individuals and breed clubs doing rescue, teaching 4-H classes, giving obedience lessons, working with pet therapy and answering help lines. The dog fancy has been involved in an enormous way in solving dog-related problems for a long time. There are a few people not participating and another group which seems to cause the bulk of the problems we see, but the overwhelming majority are dedicated, hardworking, committed animal lovers! I've been stunned by dis-

... continued on page 46

EX 9-16-73
HB 426

To: Representative Norm Wallin
Capitol Station
Helena, MT 59620

From: Cpt. Roy C. Brock, Jr.
Hirschtal Kennels
Box 148
Elliston, MT 59728
DEA Registration # RB0181038

Subject: Lewis & Clark Humane Society proposed bill -- Canine and Feline Licensing and Spay/Neuter Act (HB 426, introduced by Hal Harper)

Dear Representative Wallin:

I am very disturbed by much of the language used in the above mentioned bill. The President of the Helena Kennel Club mailed a copy of the bill to the secretary of the Treasure State Working Dog Association, a training club of which I am a member and a protection training coordinator. I and the other members of the club are very opposed to the wording of this bill. I respectfully request that you vote against this bill, or amend it, for the following reasons:

1. I strongly object to the word "shall" in section 2 which would **require** counties to establish license fees, with a fee differential between "altered" and "unaltered" dogs of up to \$50. The statement of intent claims that domestic pet overpopulation has reached crisis proportions. If this is true, it is true only in a few urban areas, but it is definitely not true in many Montana counties. To **require** these counties to comply with this section would be unnecessary and burdensome. Some of the less populated counties may find that trying to comply with this section is much more of a problem and expense than is pet overpopulation. In all of the present code sections pertaining to county regulation of dogs (Title 7, Chapter 23, parts 1, 21, and 41) the word "may" is used. This allows counties to decide whether there exists a problem requiring such action.

2. I object to the wording of subsection (3) in section 2. This indicates that kennels would be subject to dual licensing fees: once for individual dogs per subsection (1) and again as a kennel per subsection (3). For breeders with several adult dogs in their breeding program, the proposed licensing fees would become quite expensive. I have no objection to a reasonable breeders' licensing fee if that fee is in lieu of licensing fees for individual dogs in a breeder's kennel.

3. I object to the fact that the bill does not address the problem of "unaltered" dogs running at large and breeding indiscriminately. The statement of intent claims that the "crisis" of domestic pet overpopulation can be addressed through proper licensing and sterilization of domestic animals. Section 2 would require counties to license dogs and cats and charge a higher license fee for "unaltered" dogs and cats and require owners to license an "unaltered" dog or cat as "unaltered" (pay the higher

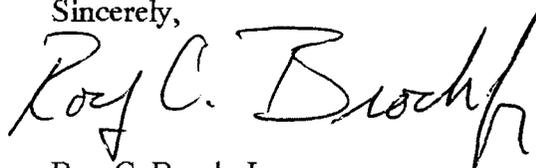
fee). However, 7-23-101 states, "It shall be unlawful...to permit such a dog...to run at large **unless the dog has attached...a license tag.**" 7-23-102 states, "Any dog found running at large **without a valid current dog license tag...**may be seized and impounded..." Thus, a dog who is licensed as "unaltered" may continue to roam at large and breed indiscriminately! The overwhelming majority of dogs at the humane society shelter are mixed-breed dogs, largely the result of indiscriminate breeding between dogs running at large. A license will not prevent a dog from breeding indiscriminately. Irresponsibility on the part of the owners of these dogs is the source of the problem. The law should address this problem rather than imposing fees on responsible breeders and responsible pet owners to pay for a problem created by irresponsible pet owners. Added subsections (2) and (3) in Section 5 present a viable plan of attack, but unless "without a valid current dog license tag.....7-23-4103" is stricken from 7-23-102, the plan will not be very effective.

Unplanned, indiscriminate breeding of dogs running at large has created a problem of unwanted dogs, and the humane society is trying to address this problem. Breeders like myself, however, are not responsible for this problem. I breed quality utility dogs. My dogs have been purchased by police and sheriff's department officers to be used as narcotic detector dogs. My dogs are of the breed and temperament desired by the Department of Defense for patrol and narcotic detector dogs. And, my dogs have been purchased by individuals desiring a capable, intelligent companion for personal protection and/or to train for the sport of Schutzhund. Sixty-four percent of the dogs I sold in 1992 were sold to owners living outside Montana. My kennel is bringing income into Montana. We as breeders are not responsible for the problem of unwanted dogs and cats, and we should not be required to pay for the irresponsibility of those who allow their dogs to roam freely and breed indiscriminately.

I have spoken with Carolyn Doering from the Lewis & Clark Humane Society, and I have corresponded with Representative Hal Harper regarding this proposed legislation. Both have assured me that the intent is to address unplanned, indiscriminate breeding. Both have indicated that the bill is intended to exempt breeders from the requirement to license individual dogs by providing for a separate kennel license. The language of the bill simply does not accomplish this! I hope that you will recognize the weaknesses in this bill and address them in your committee's action on the bill.

If you would like to contact me, please feel free to call me at 492-6090, or write to the above address. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Roy C. Brock, Jr." The signature is written in a cursive, flowing style with a large, prominent "R" and "B".

Roy C. Brock, Jr.

EXHIBIT 26
DATE 2/16/93
W/3426

Information on Spay/Neuter and Euthanasia Rates

1. "The Wrongs of Animal Rights Activism and How They Affect You" by Lee Wallot
2. "Anti-Dog Legislation" by Rod Strand
3. "The Premise of Pet Overpopulation: What's Wrong with This Picture?" by Patti Strand
4. National statistics - American Humane Association
5. American Kennel Club policy statement "Breeding Restrictions"

Marvion Coutts
179 Eastside Road
Deer Lodge, Montana 59722
946-2729

The original is stored at the Historical Society, 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

EXHIBIT 26 A
DATE 2/16/83
HB 426

TESTIMONY

tion
u Coutts
er HMKC, BCCA, NAIA, NPA
a breeder; all 7 dogs spayed/neutered - my choice
iate the chance to express my views today
strongly for animal welfare, which is the humane
etuent and responsible use of animals
al welfare is not to be confused with animal rights!
s a revolutionary value system which aims to do away
n the domestication and use of all animals
id to bill
ppose House Bill 426
erhational or not, it supports A.R. philosophy
ntroductory "whereas" statements taken verbatim from
Action for Animals, and International Society for
nimal Rights; is this a coincidence?
Could be equally coincidental that in 106 other
ocations nationwide, today, variations of this same
bill are being proposed by groups with A.R. leanings
s 12 overall goals
over your handouts; decide which ones may have already
ted your life
people have some awareness; e.g., hunter harassment
ending the use of furs
y important to realize that all the goals have common
ts - they are all part of A.R. The mistake people make
t not see the connection
concern today is goal #10. It reads: Stop any further
eving of companion animals, including pure bred dogs and
s. Spaying and neutering should be subsidized by state
unicipal governments. Abolish commerce in animals
he pet trade.

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EXHIBIT ⁷ 27
DATE 2/16/93
HB 426

HB 426

DEFINITIONS OF TERMS

IMPOUNDED-includes all strays and owner surrenders

REDEEMED- animals returned to the owner

ADOPTED- animals placed with new families

EUTHANIZED- animals put to death

The information contained in this document was obtained from the Animal Control Facilities or Humane Societies mentioned. Compiled by Judith G. Seibert, 136, Sun Prairie Road, Great Falls, MT 59404.

(Flathead County, continued)

Of those impounded the average number of dogs euthanized **declined 13.6%**.

1988 through 1992 the average number of cats impounded **declined 9.9%**.

Of those impounded the average number of cats adopted/redeemed **increased 2.8%**.

Of those impounded the average number of cats euthanized **declined 14.6%**.

BUTTE ANIMAL SHELTER HUMANE SOCIETY

<u>DOGS</u>	1990	1991	CATS	1990	1991
IMPOUNDED	527	430		127	131
REDEEMED	208	142		0	3
ADOPTED	44	53		5	12
EUTHANIZED	224	193		81	75

From 1980 to 1990 Butte-Silver Bow had a **human population decline** from 37,205 to 33,336 or **10.4%**.

1990 through 1991 the number of dogs impounded **declined 18.4%**.

Of those impounded the number of dogs adopted/redeemed **declined 22.6%**.

Of those impounded the number euthanized **declined 13.8%**.

1990 through 1991 the number of cat impounded **increased 3%**.

Of those impounded the number of cats adopted/redeemed **increased 66.6%**.

Of those impounded the number of cats euthanized **declined 7.4%**.

YELLOWSTONE COUNTY ANIMAL CONTROL

<u>DOGS</u>	1988	1989	1990	1991
IMPOUNDED	2868	2807	2572	2417
REDEEMED	800	831	738	649
ADOPTED	461	428	530	464
EUTHANIZED	1541	1526	1274	1352

(Yellowstone County, continued)

<u>CATS</u>	1988	1989	1990	1991
IMPOUNDED	1880	1864	1870	1816
REDEEMED	129	106	94	90
ADOPTED	286	303	372	375
EUTHANIZED	1468	1533	1419	1403

From 1980 to 1990 Yellowstone County had a human population increase from 108,035 to 113,419 or 5%. The city of Billings has a human population increase from 66,798 to 81,151 or 21.5%.

1988 through 1991 the average number of dogs impounded declined 5.5%.

Of those impounded the average number of dogs adopted/redeemed declined 9.7%.

Of those impounded the average number of dogs euthanized declined 3.7%.

1988 through 1991 the average number of cats impounded declined .4%.

Of those impounded the average number of cats adopted/redeemed increased 5.4%.

Of those impounded the average number of cats euthanized declined 2.2%.

MISSOULA ANIMAL CONTROL (Please note: there are two animal control facilities in Missoula.)

<u>DOGS</u>	1988	1989	1990	1991	1992
IMPOUNDED	1069	1121	1168	1181	1113
REDEEMED	740	751	860	668	670
ADOPTED	73	134	168	227	203
EUTHANIZED	256	236	140	224	240

MISSOULA COUNTY HUMANE SOCIETY

<u>DOGS</u>	1988	1989	1990	1991
IMPOUNDED	1266	1170	1016	939
REDEEMED	150	145	129	106
ADOPTED	563	456	458	421
EUTHANIZED	548	464	442	428

(Missoula, continued)

CATS	1988	1989	1990	1991
IMPOUNDED	1523	1691	1566	1390
REDEEMED	50	56	50	38
ADOPTED	544	442	459	367
EUTHANIZED	914	1146	1061	995

From 1980 to 1990 Missoula had a **human population increase** from 34,893 to 42,918 or **23%**. Missoula County had a **human population increase** from 76,016 to 78,687 or **3.5%**.

1988 through 1992 the average number of dogs impounded at Missoula Animal Control **declined 1%**.

Of those impounded the average number of dogs adopted/redeemed **increased 3.3%**.

Of those impounded the average number of dogs euthanized **declined 2.5%**.

1988 through 1991 the average number of dogs impounded at the Missoula County Humane Society **declined 28.3%**.

Of those impounded the average number of dogs adopted/redeemed **declined 9.4%**.

Of those impounded the average number of dogs euthanized **declined 7.7%**.

1988 through 1991 the average number of cats impounded at the Missoula County Humane Society **declined 4.3%**.

Of those impounded the average number of cats adopted/redeemed **declined 11.5%**.

Of those impounded the average number of cats euthanized **declined 3.8%**.

I am here to speak against the proposed law to licence cats. Ideal methods of cat identification still need to be explored and developed. Collars can be lethal on a cat. Break-away collars often times get lost, leaving the cat with no identification. Under this law, the second time a cat is picked up without a licence it could be killed immediately.

Licensing laws will not impact the identification of large numbers of outdoor cats who are free-roaming and un-owned. These free-roaming cats are useful in our society to help control the rodent population both in cities and in rural areas.

Licensing enforcement by animal-control agencies will increase the number of cats impounded for lack of visible identification and killed if not reclaimed in time. Uncaring people will not comply with licensing and also may not attempt to reclaim lost cats for fear of fines. Some will not licence to prevent nuisance complaints being traced to them. Licence requirements will therefor be counterproductive.

Licence requirements will put many caring people who own/harbor more cats than allowed by limit laws in noncompliance. The fear of confiscation and finds is a strong deterrent to acceptance and neuter or spay of homeless cats.

Cities where cat licensing has been implemented report compliance to be less than 20%. The cost of effective enforcement, which would involve door-to-door canvassing, does not justify cat licensing since fees are unlikely to offset the cost. The difficulty and expense of animal control officers catching cats who do not show identification including loss of collar is unwarranted. Any law which can not be reasonably enforced is detrimental to society and undermines confidence in animal control capabilities. Cat licensing places an unfair financial burden on conscientious people who keep their cats inside and do not contribute to the unwanted animal problems.

Punishment fines for non-compliance with cat licensing will be a disincentive for claiming ownership of free-roaming cats. On a national basis, only about 3% of cats that are picked up by animal control are claimed by their

wners.

Licensing will not control the cat population because those people that can afford to spay and neuter will be the ones most likely to licence.

Irresponsible pet owners, who do not spay or neuter, will not be likely to claim an unlicensed cat.

Representative Wallin, and members of the committee:

My name is Maryrose Beasley. I own one, unaltered female dog, one and a half years old, and one male, unaltered kitten. I would not be considered to be a "kennel," even as so loosely described in HB 426, nor do I have a business financial interest in dogs or cats. I believe my pet situation and the responsibility and devotion I give to my pets is representative of thousands of Montanans.

I believe taking responsibility for ones pets includes taking sufficient measures to ensure the animals stay home. If animals are home, they are not out harassing animals and people. They are not breeding indiscriminately. I don't believe my dog is of value to me if she is always at the neighbors! Keeping dogs home is not difficult to do, in this modern age of kennels, and dog runs.

Like everyone else, I too have personal reasons for not altering my pets. The cost of the procedure was never a factor. If I choose to never breed my very valuable dog, that is my decision. She is my personal property, to which I have committed to take very good care. Part of this care includes ensuring against unwanted litters, through methods other than alteration.

I personally resent HB 426's implication that people who do not alter their pets are irresponsible. I believe irresponsible people let their dogs run, whether or not they are altered. Responsible pet owners keep their pets home. They know where they are and when they are in heat. They know their animals are neither out harassing livestock nor making unprovoked attacks on children. If all people kept their animals home, there would be no need for bills such as those already in the works which address these issues. We certainly wouldn't need to be here discussing this. Our emphasis needs to be on dogs running at large, not on licensing with fee differential. Alteration is one way to guarantee animals will not breed indiscriminately, but it is only one way. It will not take care of animals that roam, and will not stop the animal once it has begun. In and of itself does not determine whether a person is responsible.

It has been said that an accurate gauge of any piece of legislation is whether the majority of those who must pay for it are well served. This bill will take crippling amounts of money from the responsible to pay for the disregard of the few irresponsible. A reasonable person would think that a good bill would allow for, protect and encourage responsibility in those who care for unaltered animals. It is obvious they are not a part of the problem. With this bill, thousands of responsible, non-kennel type people, such as myself, will pay dearly if it is enacted.

And so, we have gathered here today, a multitude of Montanans. The people who have spoken previous to me, represent our State's experts in the dog and cat fields. United in our representation today, physically present, and through letters and phone calls sent to this committee are Montana's:

We conservatively, represent over 950 club, association, breeders, trainers and other experts who oppose this bill. For time purposes, I have not specifically listed individual breeders, trainers and kennel operators, nor average Montana households who support us in our opposition.

We wonder, after finding ourselves so unanimously opposed to the bill, and after proving statistically that there is no need for this bill, what the real reason is for its inception. Who is really behind it? Is there a private interest group with a hidden agenda? Are there animal activists in this room?

We wonder why the LCHS is having such problems with managing unwanted pets, that they need a state law to help them. From what we've determined, the state has seen a decline in the numbers of animals impounded and euthanized. Maybe LCHS needs new management.

A similar law was passed a year ago in California, and the courts have been buzzing ever since fighting it. This isn't California, and we don't want any part of their agenda up here. We realize many people are moving here from other states, and bring with them their ideas and values. Some of them are better than others. This spay/neuter idea is ridiculous for our state and the welfare of the people. We believe it's a sneaky way of taxing us.

We are the majority who oppose this bill that was inspired by a minority - or dare we say, a handful of people? We have proved the statistics do not warrant the need for the bill. We have proved the positive financial impact dogs and cats make on our state's economy and welfare. We foresee a future of hardship, loss of jobs and businesses if this bill is enacted. We've got better things to do than fight unnecessary laws such as this. Let's get on with real governing, and quit wasting our legislators' time and money.

Today, united before you, we ask you to kill HB 426, -
before it reproduces.

*force
the
was
ready
on the books
HB 37 -*

EXHIBIT 29
DATE 2/16/93
HB 426

MONTANA DOG CLUBS

AKC National Lobbyist - Stephanie Robinson
Fax #: 212-696-8272
Tele: 212-696-8294

Shelton Shepherd
American Shelti ~~Shepherd~~ Assn.
Peggy Deuzibou, 61 Kearney Lane, Sheridan, Mt 59749
842-5953

Big Sky Chapter of NAVHDA (North American Versatile Hunting Dog Assn.)
POB 143, Kalispell, MT 59903
Gary Whitman, 257-2522

Big Sky Hunting Spaniels
Don and Linda Luse - 405 Westgate Dr. Billings, 59101 MT
252-0744

Bozeman Schutzhund - Lodestar Kennels
Sammie & Warren Jones, 721 West Cameron Bridge Road, BZN, MT 59715
Phone: 388-1047

Cat Fanciers of America
Jane Jesson, 1920 Kensington, Missoula, MT 59801
721-5845
also
Jenny Didier, POB 364, Chester, MT 59522
432-2287

Electric City Kennel Club
POB 1001, Great Falls, MT 59403
Judy Siebert 965-3947 (home: 136 Sun Prairie Road, Gt. Falls, MT)

Five Valley Kennel Club
Susan Carl, POB 3229, Missoula, MT 59806
777-5570

Flathead Kennel Club of Mt.
Box 2547, Kalispell, MT 59903

Gallatin Dog Club
Ron and Jolene Stolba, 1703 Park View Place, Bozeman, 59715
586-3879 POB 6277, BZN 59771

Golden Triangle Sporting Dog Club
Larry Barghuitz, 3009 Wells Fargo Drive, Gt. Falls, MT 59404
Phone: 727-7826

Great Falls Dog Training Club
Gene and Doris Hodges/COUTTS
4229 Wilkinson Lane, Great Falls, MT 59404
452-0797

DATE:

TO:

As a concerned and responsible pet owner I strongly oppose HB #426 for the following reasons:

- 1). It has yet to be proven that domestic pet populations have reached crisis proportions.
- 2). This entire bill is poorly stated, ambiguous and misleading; it contains invalid and ill-conceived definitions, i.e. kennel - this definition is confined to numbers, not breeding status; is that dog and/or cats?; and when did cats start living in kennels? There is no clear definition of shelter or pound, the very terms used to define 'shelter facility'. What's the difference between a kennel and a shelter or shelter facility?
- 3). Humane Societies place only a very small segment of the pets in homes today. Adding deposits to the demands on adoptive parents makes adoptions more expensive and less attractive. The very policy outlined by this bill allows delays providing the opportunity for many litters to be conceived and many, many more to be sired, negating any possible benefit.
- 4). This bill ignores the largest source of pets -- the backyards where puppies are plentiful, cheap and have no strings attached. Production may even be accelerated, for each brood bitch must now produce enough puppies to pay for that new license.
- 5). This bill also ignores pure-breds available from puppy mills, where puppies are produced at alarming rates, again with no after-sale commitments. These puppy mills, and there are several in Montana, deserve much more of your time, considering the conditions that prevail in such facilities.
- 6). This bill does not address responsible dog breeders who do their utmost that no dog from their kennel ever becomes a ward of the shelter. These people participate in sports associated with dogs that bring revenue to this state on many levels.
- 7). Licensing funds will go to the counties. Where will the money come from to train and pay the personnel to enforce the ordinance, build and staff a shelter facility, and to operate it? Most counties have no such facility. Without significant funding will the impounded animals be held in sub-standard facilities; a legislation-induced cruelty to these animals?

8). The licensing of kennels is unclear. Section 2, 3) allows a schedule of fees in addition to county individual dog licenses? Double taxation? or will kennels be exempt for licensing under this bill?

9). The existing law allows for dogs to run at large as long as they are licensed. Now this same, unaltered dog may run at large, having paid a higher fee for his license, still producing puppies. The county has seen the income; the shelter pays for the consequences.

10). Collars and tags are dangerous for dogs, lethal for cats. They can also be lost or removed by other parties. This idea is unsupportable and unenforceable.

11). Legislation for portions of counties is discriminatory, period.

12). If the purpose of this bill is to spay and neuter animals, then it is counter-productive that money collected by the shelters as deposits and forfeited should for any other purpose.

13). Making violations of this bill misdemeanors clogs an already over-burdened indifferent court system, incurring even more expense that does not have the end effect of benefitting animals.

14). This bill puts the responsibility for the licensing of a dog or cat on the person harboring/keeping said animal. What then is the liability of a boarding kennel, training facility, grooming shop, veterinarian, professional dog show handler, breeder with dogs from out of state, pet shops?

This bill lacks scope and definition. It will place a financial burden on governments and responsible dog and cat owners and will not solve any facet of the domestic animal issue. Those who ignore the laws in place now will continue to do so and will also continue to contribute the most to the problem at hand. This bill simply does not address the issue.

SIGNED:

Bradie Simons

NAME:

BRAIDIE SIMONS

ADDRESS:

16905 ROMAN CR RD

FRENCHTOWN, MT 59834

written & again will be
impossible to enforce in
the form it is being
presented.

I believe when bills
such as these are presented
they should be written by
a panel of people related
to dogs.

Sincerely
Pat King
4579 Hwy 93
Darby Mt
59829
406-8213591

regarding HB-426

FB

EXHIBIT

31

DATE

2/16/93

HB

426

12-93

To Governor Marc Racicot,

I am writing in regard to HB-426 (open, motor license) I oppose this bill as I feel it is poorly written & impossible to enforce in its present form.

I also oppose FB 156 (dangerous & potentially dangerous dog) it is poorly written (over)

EXHIBIT 32
DATE 2/16/93
AL HB 426

DATE: 13/2/93

TO: Governor Racicot

As a concerned and responsible pet owner I strongly oppose HB #426 for the following reasons:

- 1). It has yet to be proven that domestic pet populations have reached crisis proportions.
- 2). This entire bill is poorly stated, ambiguous and misleading; it contains invalid and ill-conceived definitions, i.e. kennel - this definition is confined to numbers, not breeding status; is that dog and/or cats?; and when did cats start living in kennels? There is no clear definition of shelter or pound, the very terms used to define 'shelter facility'. What's the difference between a kennel and a shelter or shelter facility?
- 3). Humane Societies place only a very small segment of the pets in homes today. Adding deposits to the demands on adoptive parents makes adoptions more expensive and less attractive. The very policy outlined by this bill allows delays providing the opportunity for many litters to be conceived and many, many more to be sired, negating any possible benefit.
- 4). This bill ignores the largest source of pets -- the backyards where puppies are plentiful, cheap and have no strings attached. Production may even be accelerated, for each brood bitch must now produce enough puppies to pay for that new license.
- 5). This bill also ignores pure-breds available from puppy mills, where puppies are produced at alarming rates, again with no after-sale commitments. These puppy mills, and there are several in Montana, deserve much more of your time, considering the conditions that prevail in such facilities.
- 6). This bill does not address responsible dog breeders who do their utmost that no dog from their kennel ever becomes a ward of the shelter. These people participate in sports associated with dogs that bring revenue to this state on many levels.
- 7). Licensing funds will go to the counties. Where will the money come from to train and pay the personnel to enforce the ordinance, build and staff a shelter facility, and to operate it? Most counties have no such facility. Without significant funding will the impounded animals be held in sub-standard facilities; a legislation-induced cruelty to these animals?

8). The licensing of kennels is unclear. Section 2, 3) allows a schedule of fees in addition to county individual dog licenses? Double taxation? or will kennels be exempt for licensing under this bill?

9). The existing law allows for dogs to run at large as long as they are licensed. Now this same, unaltered dog may run at large, having paid a higher fee for his license, still producing puppies. The county has seen the income; the shelter pays for the consequences.

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11). Legislation for portions of counties is discriminatory, period.

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14). This bill puts the responsibility for the licensing of a dog or cat on the person harboring/keeping said animal. What then is the liability of a boarding kennel, training facility, grooming shop, veterinarian, professional dog show handler, breeder with dogs from out of state, pet shops?

This bill lacks scope and definition. It will place a financial burden on governments and responsible dog and cat owners and will not solve any facet of the domestic animal issue. Those who ignore the laws in place now will continue to do so and will also continue to contribute the most to the problem at hand. This bill simply does not address the issue.

SIGNED:

Annsey B. Vermillion

NAME:

ANNSEY B. VERMILLION

ADDRESS:

341 BLUE GROUSE LN

STEVENSVILLE, MONTANA

59870

406-777-2564

February 5, 1993

To: Representative of the Local Government Committee
Capitol Station
Helena, MT 59620

EXHIBIT

33

DATE

2/16/93

X

HB 426

From: Responsible Dog Owners in Montana
POB 9088
Helena, MT 59604

Subject: L&C Humane Society proposed bill - Canine and Feline
Licensing and Spay/Neuter Act

Dear Sirs:

We received a copy of the above proposed legislation. We reviewed the bill in depth and are greatly disturbed by what we see. We cannot endorse the bill and will urge others to follow us in stopping its passage.

- 1: New Section, Section 1. Definitions, paragraph 2. Kennel. The definition is inadequate. Any home with four dogs or cats could be deemed a kennel, regardless of the purpose for having the animals. It does not give recognition to people who have worked hard to establish what is truly a "kennel." The definition used in the proposed legislation serves no purpose.
- 2: New Section, Section 2, paragraph 1. "The differential between the license fees for altered and unaltered dogs and cats may not be less than \$10 nor greater than \$50." While the proposal does not specifically say, it means "annually." How can people afford this, if they intend to breed their animals for some useful purpose? We believe responsible people have legitimate reasons for not altering their animals. The fee required on an annual basis could surely drive legitimate kennel owners, small breeders, sled doggers, back pack guides, etc. out of business. They cannot alter everything and continue to be in business. Neither can they afford to pay this fee on an annual basis, so as to keep breeding stock on the property.
3. New Section, Section 2, paragraph 2. "Nothing in this section shall prevent the governing body of the county from establishing a schedule of license fees for kennels that own, harbor or keep unaltered dogs or cats. There is no wording in this that protects these people either. We are at the mercy of the county to decide whether to charge us double fees or half fees or no fees?"

As we read through the entire proposal, we believe this was written by the L&C Humane Society more as an answer to their financial problems, than as an answer to animal control. We sympathize with them as we realize there are high costs involved in providing shelter services, however we believe this legislation will cause serious and irreparable harm to responsible dog and cat owners. Furthermore, we think the L&C Humane Society is missing the boat with regard to the reason for the increase in pet population.

Section 3. Existing law 7-23-101 reads, "It shall be unlawful for ... a dog or cat ... to run at large unless the dog or cat has attached to its neck ... a license tag issued by the authority of a county or municipal...."

The way we interpret this, if your animal gets a license, it can legally run at large, even if it is unaltered. As long as this section of the law remains unchanged, it makes no difference whether you pass any neutering laws. "Animals at large" is the heart of the unwanted breeding problem. It is also the reason we hear so many complaints every year from people whose livestock have been hurt or killed by stray dogs. (It is never mentioned whether those dogs were altered!) Roaming dogs are a nuisance. Responsible people don't let their pets run at large.

We believe it would be more reasonable to have a law that made it illegal for any animal, altered or unaltered, licensed or unlicensed, to run at large. Humane societies (and the like), should be allowed to charge substantial fines for the work they perform in controlling loose animals, whether or not the animals are altered. Constraining all animals is the only reasonable way to eliminate unwanted breeding, protect livestock, and the rights of people who do not want nuisance animals on their property.

We breed quality utility dogs. They are sold to people in and out of state, for a variety of uses. The extensive training we put into these dogs is expensive and requires much hard work. Altering the dogs used for our purposes destroys the hormone that gives these dogs the edge in competition. We never know whether we will breed the dog, until we see how they perform. Dogs that don't perform or are physically unfit are never allowed to perpetuate the breed. We are not a part of the problem this legislation intends to address, yet we will be severely and negatively affected by it.

We are small business people. Please do not destroy us by passing any part of this into law, as it is written. It will not solve the problem it addresses, and it will punish responsible people.

Sincerely,

Jack Beckstrom 4103 Hwy 93 N. Kalispell 59901 406) 752-2922

Lauri Beckstrom 4105 Hwy 93 N. Kalispell MT 59901 406 752

MaryAnn Quin Box 391 Seeley Lake, MT 59868 406-67

Nanne Schatz 3420 County Club Helena mt 59601 442-08

Jenut Vorhus 6060 Hwy 12 W Helena MT 59601 449-32

Jerry Strong 5327 Hwy 12 W Helena MT 59601 442-10

Patty Randle Skut 1042 BROADWAY HELENA MT 59601 443-770

Don Oden Windwalker Kennels, Box 98 Seeley Lake MT 59868

Thomas A. Scallib fish creek Kennel's

~~John D. Adkins~~
Jerry O. Adkins

ADKINS ALASKAN HUSKIES
TRACY Pt Box 35 Sand Center MT
594

Jane H. O'Donnell 575 Highland Helena, Mt. 59601

Robert BOM Rt. 1 Box 4767 Luther MT 59051

Linda S Hubbard 506 N. Rodney #2 Helena MT 59601

Charles W Metzger P.O. Box 4661 Helena, MT 59604

Cheri Metzger Box 4661 Helena MT 59604

Bob Varied 9010 Hwy 1st ANA Mont 59711

Kathy S. Campen 8520 Nash Rd Bozoman MT 59715

Elmer Armstrong 2919 Country Club Ave Helena Mt. 59601

David N. Armstrong 2919 Country Club Ave, Helena, MT, 59601

Paul C. Otto, 736 N. Ewing St, Helena, MT 59601

Orville E. Parr P.O. B. 1654 WHITEFISH, mt. 59937

Laura Dinsley 3115 Terrace Helena Mt 59601

H. W. Smith, JR 311 Freycoat Ln, Deer Lodge, mt 59722

Ron Schatz 3420 Country Club Ave Helena mt 4420873

Jane Stiles P.O. Box 265 HELENA, MT 59624

D. A. Murray 1101 W. ADAPHYRY BUTTE, MT. 59701

Jeff DeBon 3820 Hwy 12. WEST HELENA MONT.

Ladino E. Wallace 3000 Hillard #153 Helena MT

William Spiller Snowcrest Kennel Box 935 Seeley Lake, MT 59868

Cynthia H. Galla Snowcrest Kennel Box 935 Seeley Lake, MT 59868

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Sincerely,



(Doug Swingley)

EQ 33
2/16/93
HB 426

February 16, 1993

EXHIBIT 27
DATE 2/16/93
HB 426

Ladies and Gentlemen of the committee, I'd like to thank you for this opportunity to talk with you today.

My name is Ron Hines, owner and head trainer of Ron's Rascal Ranch a commercial boarding and training kennel (notice I did not say breeding kennel) in Kalispell and formerly of Missoula. I have been in the dog business for 30 years. I am also a former Code Enforcement Officer in the state of Colorado. The primary task of this employment was Animal Control.

In my 30 years experience, I have seen and read about many anti-dog and cat laws introduced, such as HB 426, most of which placed the largest portion of the burden on the responsible pet owners and businesses such as the reputable and responsible boarding kennels who board responsible pet owners animals so they don't have to let them run at large while on vacation, and have neighbors or relatives come to their home and have to track their pets down to care for them. Also, The responsible training kennels who do their utmost to insure that every dog they train in their kennels or in group classes becomes a respectable K-9 citizen and an asset to the community. The motto on by business card states "Dedicated to the betterment of Dogs and the Community." I adhere 100% to that motto, and most other dog trainers do the same to improve the quality (not quantity) of K-9 citizens in the community. Ron's Rascal Ranch's K-9 Drill Team has, over the past few years, put on over 30 impressive demonstrations in Elementary Schools and parades along with a talk to the children about responsible dog ownership. In addition, I have personally worked with 4-H members, Boy Scouts, Girl Scouts and youth of all ages to instruct these boys and girls in the aspects of responsible dog ownership. There is no substitute for teaching the youngsters this subject at an early age. This is true with both dogs and children as was evidenced by 14 years of scientific research with thousands of puppies by 2 child psychologists for the purpose of determining children's behavior patterns. Another motto I have repeated over and over is, "Prevention is better than Prosecution." Certainly, teaching responsible pet ownership in the elementary school would be a preventative measure. Perhaps the County Animal Control Units, the Humane Societies, and the local Kennel Clubs could work together in accomplishing this valuable educational program. There are other types of valuable educational programs for adults as well, such as attending and successfully completing a Responsible Pet Ownership Course in lieu of paying pet violation fine, (Midland, Texas, See enclosure), to name just one. Educational programs such as the aforementioned will certainly reduce the over-population of dogs and cats and reduce the running at large problem, thereby alleviating the taxpayers burdens and the responsible pet owner's burdens in paying for the tremendous costs involved for enforcing the proposed bill.

HB 426 is a totally irresponsible piece of legislation and extremely misleading, i.e. "Overpopulation" has reached "Crisis" proportion," (Webster's Dictionary defines crises

as "Emergency"). I do not believe we are in an "Emergency" situation.

My definition of a responsible breeder is one who breeds for the betterment of their breed of dog and as close as possible to the standards set by their Parent Club. My definition of an irresponsible breeder is one who breeds for the almighty dollar and produces more puppies than flies. I defy anyone in this room, today, to give me the locations of where all of these "Backyard Breeders" are in their community! On the other hand, I'm willing to bet that most Animal Control Units and Humane Societies know, or have membership lists of the kennels and at least 90% of where all of the responsible breeders are located in their community! So,-- Where do you find the ones responsible for the pet overpopulation and the resulting pets at large and the aggressive dog problems???

I don't have to explain to anyone how difficult it is to make an honest living in these hard times, especially in the Flathead Valley, but, should this bill pass, the legislators will have succeeded again in yet running another business out of the State of Montana.

Let it be known, that I am opposed to each and every section of this bill, but Section 2, Subsection 2 alone would cause me to relocate my business in another state.

Ladies and Gentlemen of the committee, I respectfully request that you soundly defeat HB 426 in it's entirety. Thank You for lending me your ear.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ron Hines". The signature is written in dark ink and is positioned below the typed name.

Ron Hines

Enclosure: Educating Negligent Owners
RLH/dk

LEGISLATION AND THE LAW

Educating Negligent Owners

A viable animal control alternative.



Dorothy Lipson

A course in responsible pet ownership is more effective than a fine.

Animal-related problems are among the most frequent complaints reported to police departments nationwide, yet animal control and welfare averages fifteenth place on the list for funding in municipal budgets. Historically, animal control has been ignored or handled by a local "dog officer," who is generally un- or underpaid, untrained and not respected.

In Midland, Texas

Good animal control costs money, and local governments are cutting budgets left and right. Is there a way to diminish animal complaints without increasing funding? Coy Willis, past president of the Texan Animal Control Officers organization and director of Animal Control in Midland, Texas, has developed a program, largely based on defensive driving courses, that seems to be working.

Midland (population 95,000) had an average of 1,100 animal nuisance

Ms. Mullen-Stewart has been a lobbyist in New Hampshire since the mid-seventies. Her AKC legislative action manual won a 1989 DWAA award.

complaints the year before Mr. Willis's program was initiated (1986); over twenty-two percent of these were repeat offenders. One year later, of the 576 who opted to take the course rather than pay a fine, only four and one-fifth percent (24) were repeaters!

The Midland program starts from the premise that if people do not understand the purpose of a law, they feel their only fault is in getting caught; they see no need, or reason, to change their behavior. The Midland ordinance offers a choice to those convicted of an animal nuisance offense: They can pay the fine (up to \$2,000 if the violation deals with public health or sanitation, or up to \$500 for all others), or they can avail themselves of a defense to prosecution by successfully completing a course in responsible pet ownership. This defense may be used only once in any twenty-four month period. It appears that the use of this course has reduced cost of enforcement and shelter operation.

Mr. Willis's program consists of a one-day course, primarily on film, which concludes with a test/evaluation. The course covers many

aspects of pet care, such as what happens to dogs that run free; benefits of neutering to the dog, to its family and to society; the results of overpopulation (such as euthanasia); the rationale for pet inoculations; obesity as a health risk; and a variety of basic pet management and training tips.

Attitude Adjustment

The course appears to be effective in changing pet owners' attitudes and behavior. Some comments from course graduates include: "All people bringing animals in for disposal because they don't want them any more (should) be required to see these films, hopefully to prevent them from repeating their mistake in getting another dog or animal"; "I think the program is great! I'm sure everyone will go home and fix their fences or build a fence"; "Excellent program. People who continue to bring in unwanted pets should have to watch how they are destroyed."

And in Dallas

The city of Dallas, Texas, passed a similar ordinance on May 24, 1989. To date, implementation has been delayed. The city has requested the Dallas SPCA to develop and administer a class in responsible pet ownership for the city. Tom Hickey, manager of the Dallas Animal Control Division, is optimistic that the program will get underway early this fall. He has requested that the SPCA course cover these four general areas:

- 1) Animal Control Laws—what they are and why they are needed;
- 2) animal overpopulation—its consequences, and the importance of spaying and neutering;
- 3) responsible pet care, including methods and resources for dealing with common animal behavior problems;
- 4) "Should I Be a Pet Owner?", a self-assessment patterned after the adoption counseling conducted by the SPCA.

Dallas, like most cities now, is suffering from a financial crunch.

Mr. Wallin, Ladies and Gentlemen of the House Local Government Committee, my name is Peggy Duezabou. ~~Montana Stockdog Handlers~~. I show purebred dogs primarily in the performance areas of obedience, tracking, and herding. I speak today in opposition of HB426 as a resident, tax payer, and voter of Madison County, Montana.

I want to thank Mr. Harper for phoning and speaking with me concerning this proposed legislation. While his overall intention of making people responsible for their animals is worthy, I seriously doubt the effectiveness of this present instrument, HB426. I am dismayed that **Section 4** remains as follows: It is unlawful...for any person to own, harbor, or keep any dog or cat over the age of 5 months or to permit a dog or cat...to run at large **unless the dog or cat has attached to its neck a substantial collar on which is fastened a license tag issued by the authority of a county or a municipal corporation for the purpose of identifying the dog or cat and designating the owner...** Since straying animals are the cause of most "dog legislation", I doubt Montana wants to be on the record as allowing dogs to run as long as they wear the appropriate collar! Likewise, **Section 5** states that any dog or cat found running at large **without a valid current license tag...may be seized and impounded...** Does this indicate that a current license is permission to roam? As a wool grower, I find this an unconscionable oversight. Do only unaltered, unlicensed dogs kill and harass livestock?

Thank goodness, the Montana Legislature will not be regulating the breeding of my flock of registered sheep--this year. Does this sound like an inappropriate area for the State to single out for regulation? Of course, it does. We are talking about economics and the right to earn money provided the price of hay doesn't go out of sight. OK, let's put a tax on each unaltered sheep. Which county deputy would be assigned to check on how many ewes bore lambs this year?

As I'm sure you realize, dog breeding isn't quite like raising sheep. Most of my bitches have a maximum of 2-3 litters in a lifetime. This is good management. Forcing me either to breed that bitch more often or to "retire" (translate: kill) her at a young age to make her more cost effective is irresponsible in the eyes of dog lovers. Do I choose euthanasia or major surgery for the old, retiring stud dog? No, I have another viable option: let him live out his natural life sleeping behind the wood stove...and pay a differential license fee of as much as \$50 per year for this privilege.

Collecting sales tax on the puppies that are sold in the state of Montana might also be good management, perhaps a more appropriate way of deriving revenue from the animals actually produced rather than singling out people who choose to own unaltered animals. And what general fund is the destination for revenues derived from licensing dogs and cats? Is this money designated for

maintaining shelters (incidentally, Madison County has none), establishing educational programs, or subsidizing low-cost neuter services? HB426 does not specify.

I think it is obvious that this bill would force counties with scant populations to provide cumbersome laws and direct much-needed funds to an area which has not yet been determined to be a problem. If not unenforceable, this law will be costly and difficult to administer. Having spoken with my county sheriff, I don't believe he plans "cat sexing seminars" for his deputies in the near future.

I have also been an obedience trainer of dogs since 1969. The majority of dogs in an obedience class are there because the cute puppy became a 10-month-old, undisciplined monster that would not come when called. I can imagine cost--of neutering or licensing this animal at an increased tariff--becoming an additional factor contributing to the decision to dump this animal at a shelter and, thereby, **increasing** the numbers of abandoned dogs. Leaving a dog at a shelter is easier than making a commitment of time, money, and effort to have a good family pet. This same family might very well adopt another young puppy and begin the cycle again.

Neutering doesn't automatically make dogs and cats desirable neighbors or wonderful companions to the kids; responsible ownership does. If you cling to the Old Wives Tale that neutering stops an animal from wandering, forget it. Just as they do with steers, fences prevent dogs from roaming. Reasonable restraint also stops dogs and cats from breeding indiscriminately.

I urge members of this committee to vote "No" to HB426. I believe this bill would be ineffective for controlling companion animal populations in Montana as well as expensive and frustrating to the citizens it would impact. Thank you for your consideration. I am sincerely yours,

Peggy Duezabou, Member Montana Stockdog Handlers and
American Shetland Sheepdog Association (an AKC member club)
61 Kearney Lane
Sheridan, MT 59749-9607
842-5953

EXHIBIT 36

DATE 2/16/93

HB 426



**BITTER ROOT
HUMANE ASSOCIATION**

P.O. BOX 57 • Hamilton, MT. 59840

February 11, 1993

As employees of the Bitter Root Humane Association Animal Shelter, we wish to express our opposition to House Bill 426.

This bill would not be enforceable in the cities and small towns having no professionally trained animal control agency.

Animal shelters would see a large increase in admissions as well, adding to the thousands of pets, already unwanted, that have to be euthanized every year.

We ask that you do not consider this bill.

Sincerely,

Hattie Ralls

Hattie Ralls, manager

Ethyl Brown

Ethyl Brown, ass't manager

Mike Ingman

Michael Ingman, animal caretaker

William Anderson

William Anderson, ass't animal caretaker



**BITTER ROOT
HUMANE ASSOCIATION**

P.O. Box 57 • Hamilton, MT 59840
(406) 363-5311

EXHIBIT 37
DATE 2/16/93
HB 426

February 11, 1993

This letter is written to express my opposition to the proposed House Bill 426.

This bill is not feasible. In counties and cities that have no animal control agency, this bill would place an incredible burden on the local law enforcement personnel. It would also be unenforceable without professionally trained animal control officers.

Such an ordinance would add to the already unacceptable and tragic numbers of stray and abandoned animals left to fend for themselves. Animal shelters, already at capacity, would also see an increase in pet admissions by owners who would not, or could not comply.

Please do not consider this bill as written.

Sincerely,

Barbara R. Ormiston, President
Bitter Root Humane Association

Gentlemen of the Board,

My name is Kiersten Rich. I am sixteen years old and live in Missoula, MT. I have owned dogs all of my life and am very involved with them. I was formally on Ron's Pascual's 4-H Drill Team, 4-H grand champion for the last 3 years, and am currently one of the assistant trainers at Pascual Ranch. My purpose for coming here today is to express my concern and opposition towards House Bill #426. To start off with, I want to begin by saying that I think the whole bill is very misleading. When it is first read, it seems as though it would be beneficial to the people and animals. Yet, when looked at closer, it is doing just the opposite of what your first thought might have been. It is written to deprive the people of all the good it would be doing them and their animals. To say that good what so ever would come of this

bill is a lie. The bill has to do with the selling of puppies. That purpose would be a tricking of the people. The bill would be watching the irresponsible owners. If you think about it, it would be putting the full blame on the responsible owners. The irresponsible owners are the ones going to take the blame or the money to get the dog or cat. Whereas the responsible owners, who really care about the animals, are going to be the ones who are fined. As far as I am concerned, it puts the blame on the responsible owners. These are not the people who need to be watched. It is the irresponsible owners and the backyard breeders and puppy mills that do. The large concern I have is in a few parts in the bill. To begin with, it has to do with the collar. Collar is extremely dangerous to both dogs and cats. At that point, it can be easily removed by the animal, or by catching onto an object. If it comes to something like that standard, I think a lot of things would be a lot more

of people. The bill is about a law that says that all dogs of age must be licensed. That is a good thing. Almost all dogs and cats are not licensed. At least six months of age. So, they are going to pay up to \$45.00 more depending on the breed. The bill between altered and unaltered dogs and cats. If you have a puppy or either one of the owners, it is a lot better if you have the choice to alter that dog or cat. The lesser of the two fees. I don't think that they are doing it more for the money than for the health. It is supposed to be addressing the first thing is that really, once you have a puppy, it is unaltered. For a person to get a puppy, they are not over the age of five months

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Ladies and Gentlemen I'd like to thank you for this opportunity to visit with you today. Hi my name is Chuck Petersen. I am an itinerant special education teacher and I live in Deer Lodge, Montana. I travel to the rural schools and work with special needs children who have mental, physical, and emotional problems. My other interests that bring me here today are dogs and horses. For the last 10 years I have been actively involved in teaching therapeutic horseback riding to the physically disabled here in Helena. My other interest lie with dogs. I am an obedience dog trainer. My other interests with dogs are that I am currently working with communicating and developing a program for nursing homes in the local area of Deer Lodge that will involve the use of pet therapy for the residents. My other goal in working with dogs is to train my Collie to be able to use it to take it to the rural schools that I work in and it will be my therapy dog to be used largely with the mentally impaired and the emotionally disturbed children that I work with.

Now that we have had a chance to get to know each other just a little bit, let me go on with my concern with this bill number HB-246. Let me direct your attention if I could to the cover sheet of the bill that were concerned about today to the first whereas on the cover sheet.

Whereas, domestic pet overpopulation has reached crisis proportions; and
Whereas, such overpopulation creates a public health and safety hazard, requires governmental agencies to commit substantial financial resources for animal control, and necessitates the humane and inhumane destruction of thousands of animals each year and
Whereas, this crisis can be addressed to proper licensing and sterilization of domestic animals.

Ladies and Gentlemen where does this come from - this crisis. I needed to know this to so I went looking. I went looking to an organization in Portland, Oregon called The National Animal Interest Alliance. This organization has been able to enlighten me tremendously. Ladies and Gentlemen these whereas' that were looking at here have been taken directly word for word from the Action for Animals and International Society for Animal Rights. Who are these people? Ladies

and Gentlemen these people, these organizations are animal rights activists organizations. Isn't it also a further coincidence that we have 106 other shelters, humane societies or whatever introducing very similar or identical legislation to what you have before you today. Ladies and Gentlemen, there are several kinds of animal people in the world. One kind is an animal welfarist of which I belong to as many, many Montanans across the state also belong to. Our ranchers, our veterinarians, our state wildlife fish and parks people all loving animals and caring, all wanting animals to be humanely treated, monitored and controlled in our environment to make our world better. Now let us look a little bit at the other side of the coin of the animal rights activists. Do you know their agenda? I didn't know it until awhile back. Let me share with you the animal rights agenda that is across the world. The first thing on their list is to abolish all animal research, abolish it by law.

2) Outlaw the use of animals for cosmetic and product testing, classroom demonstrations and in weapons development.

3) Vegetarian meals should be made available at all public institutions including schools. Folks what people eat is none of my business but I thought I'd share this with you.

4) Get this - eliminate all animal agriculture. Give me a break.

5) No herbicides, pesticides or other agricultural chemicals should be used. Outlaw predator control.

6) Transfer enforcement of animal welfare legislation away from the Department of Agriculture.

7) Eliminate fur ranching and end the use of furs.

Before I read you the rest of their agenda, let me share with you that I am very concerned about what is going on with this bill. It's mostly concerning the cats and dogs that we're working on now but I acquired through connections in Oregon a training manual of how animal rights activists are trained. In one of the sections I was reading it says "To the trainee, now remember when you go out and you are at lunch with somebody your trying to talk to and possibly convert

into an animal rights activist, remember two things when you go out to lunch: 1) eat a vegetarian meal that day and 2) make sure you don't wear your fur coat the day of your luncheon.

8) Are you guys ready for this one - prohibit hunting, trapping, and fishing.

9) Ladies and Gentlemen - end the international trade in wildlife goods.

10) Folks this one really gets me riled. Their hidden agenda is and its not so hidden anymore - its out in the open I guess. Stop any further breeding of companion animals. We call them pets including purebred cats and dogs. Spaying and neutering should be subsidized by state and municipal governments. Abolish commercing animals for the pet trade.

11) End the use of animals in entertainment and sports.

12) Prohibit the genetic manipulation of species.

This information was taken from Politics of Animal Liberation written by Kim Bartlett from animal agenda, November 1987.

Ladies and Gentlemen if you do not have a copy of this agenda, I can get one for you. Just please let me know at the end of this day. Thank you for bearing with me through these incredible statements.

Now I'd like to direct your attention back to the bill that were looking at today. Section 3, page 2. This section talks about licensing and wearing of collars. This section is asking the agricultural community, the ranchers and farmers of the state to wear or provide a license and put on a substantial collar in all of their barnyard cats. People, what would that mean financially and to the actual putting on collars of cats. Can we catch all the cats? Can we spay and neuter the cats? Putting on a collar on a cat we will be putting these animals at risk for accident injury and death.

Ladies and Gentlemen is this an enforceable section of a bill that we in Montana can and want to support? Let's look back at our animal rights agenda. Looking for control in our bill that we have here today - unrealistic control. Take us back to number 10 - stop any further breeding of companion animals including purebred dogs and cats. Spaying and neutering. This is a bill of

EXHIBIT 39
DATE 2/16/93
HB 426

control, not reality. This is a bill that is opening the door as harmless as it might seem to many people, is opening the door to animal rights activists. Again there are 106 of these things floating around the country right now. Some kind of coincidence. I hardly doubt it. It is a wide, wide effort for animal rights activists to get in the door through the cat and dog people of the state and the cat and dog people of the country. Ladies and Gentlemen, we began our search for statistics at the local shelters in Montana. Guess what? No one will give us the statistics so that we may present them to you to support our documentation of a non-crisis situation. To have some statistics however, at a national level from the animal rights activists themselves or the humane society and shelters of the country. According to the October, 1991 issue of Animal Agenda, from 1985 to 1990 alone the nationwide euthanasia of dogs and cats dropped 40 percent - approximately. The American Humane figures show approximately a 45 percent decrease for dogs and a 27 percent decrease for cats over the same period. Is there really a crisis ladies and gentlemen or is this crisis being conveniently invented? Again when you look at this bill it seems relatively harmless. I oppose this bill. We need not to legislate at this time, we need to educate at this time. I would like to see this bill defeated. I would like to see possibly humane societies and animal shelters across the country and Montana become a little bit more accountable. Maybe we need legislation for accountability. Ladies and gentlemen the hidden agenda of this bill is animal rights activists trying to get their foot in the door through the people who have cats and dogs. They are working on people who raise animals for agricultural, but right now they are after the people who have dogs and cats because I feel that they think we are a less powerful organization. Animal Rights - lets now vote for it, lets stop it before it gets a foothold in Montana. It's in Butte, it's in Missoula, lets stop it by voting no for this bill that is unenforceable. As an animal lover and trainer, I can say that animal welfarists do not exploit their animals as we are accused by animal rights activists. This fall when my horse fell on me, my Collie dog went and sought my wife to come and help us. That tells me that having my pet and having developed a

human-animal bond is not exploitation of animals.

Ladies and Gentlemen, I want to thank you very much for your time today. I have more statistics ~~available to you if you need them.~~ My wife will share with you possibly a few more statistics than ~~I have shared today.~~ I want to again thank you for your valuable time today and I want you to know that my future with animals is also very valuable and I would not like it legislated by animal rights activists, not today or ever. Animals have always been part of my life and I have been able to afford them at this point. Accepting a bill like this will start to control animals for the people of Montana and it will also start to increase fees and make animals less affordable to the people who really love them and enjoy them, such as Senior Citizens or the people who have pets in a nursing home and do therapy with them. Lets not take away what we have that is so beautiful today. Thank you very much and have a good day!

Charles Peterson

2/16-93

EXHIBIT 39
DATE 2/16/93
HB 426

EXHIBIT 40
DATE 2/16/93
~~X~~ HB 426

Mr. Chairman and Committee Members:

I am Larry Michnevich of Bozeman appearing on behalf of the Missouri Headwaters Gun Dog Club, a Gallatin Valley organization of over 100 sportsmen and women interested in the improvement in the training and breeding of gun dogs.

We stand strongly opposed to House Bill 426. A bill of this type was proposed to our Gallatin County commissioners two years ago and they had the good sense to unanimously vote it down.

It appears to me that since that bill was rejected at the local level this legislation has been introduced to get big brother in Helena to dictate to local government what it must do.

Please note that it is currently within the authority of local government to enact legislation of this sort should they see a need for it. What is frightening about this piece is that it mandates that counties shall pass such regulations.

This legislation is both punitive and destructive. It punishes all dog owners, both responsible and irresponsible for the acts of a relatively few irresponsible pet owners.

It is destructive in that it calls for neutering of animals before they are developed and can be evaluated as to if they are of breeding quality.

We question strongly the premise of this bill that the domestic pet population has reached crisis proportions, and the crisis can be cured through license fees and voluntary neutering.

This bill would turn any sheriff, deputy sheriff, policeman, game warden, or other law enforcement officer into a dog and cat catcher. As a licensed hunter I think our wardens should focus on poachers not pooches. Who will pay to convert our police vehicles from carrying criminals to carrying cats?

Most alarming, this bill dictates the confiscation and destruction of private property without due process.

If enacted this bill would not cure the problem at all, just force more bureaucracy on a populace that is calling for less.

The solution to this problem is in education and we believe our people are becoming more knowledgeable of the problem. Don't force onto Gallatin County what its commissioners have already rejected.

All in all this is a very bad bill and deserves to be neutered by you, right now, in this committee.

Thank you.

Larry Michnevich
8570 Silverberry Lane
Bozeman, Montana 59715

*I am not responsible for the
Linda ... - Red Alice ...
Insurance*

EXHIBIT 41
DATE 2/16/93
HB 426

To: THE MONTANA LEGISLATURE:

REGARDING: BILL #HB 426

We, members of the Yellowstone Valley Kennel Club, and interested parties
reject Bill # HB 426 on Spaying & Neutering of Dogs & Cats.

Secretary: Joanne Byars 2025 Willet Billings, MT 59105

1. Warren L. Peterson 527 Junston ~~Blgs. MT~~
2. Chris Keedy 3421 Sigard Blgs. MT
3. Joan Keedy 3401 Sigard Blgs. MT
4. Jess Sim 591-TABR12 Blgs. Mt.
5. Connie Teigen 833 Bendth 2 Blgs. Mt -
6. Vicki Bokum DVM43 LAKIMAR LN Blgs -
7. Betty B. Leonard 7328 Hwy 312 E "
8. Thomas R. Lehnert " " "

The original is stored at the Historical Society, 225 North Roberts
Street, Helena, MT 59620-1201. The phone number is 444-2694.

EXHIBIT 42
DATE 2/16/93
HB 426

Yellowstone Valley Kennel Club



Billings, Montana

2-10-93

Dear Peggy,

As per our conversation on Feb. 8, 1993, enclosed is the petition from Yellowstone Valley Kennel Club.

This petition was faxed to the legislators on Friday Feb. 7, 1993.

As it conveys the feelings of the signers, please use it in your presentation at the hearing.

Please keep us posted on the hearing proceedings.

Thank you,

A handwritten signature in cursive script that reads "Sandy".

Sandy Spomer
President
Yellowstone Valley Kennel Club

Western Montana Cat Club

EXHIBIT 43 6
DATE 2/16/93
HP 426

PETITION

We the undersigned wish to register our opposition to HB 426
(House Bill LC 684). We strongly urge the defeat of this bill.

SIGNATURE

PRINT NAME

MAILING ADDRESS

Cynthia D. Lawyer	Cynthia Lawyer	231 Seventh 4 th East Missoula, MT 59801
Angela K Anno	Angela K Anno	28 Tina Mcla, MT 59805
Phyllis Warila	Phyllis Warila	921 Pullman #1 Mcla, MT 59808
Jan M Weil	Jan M. Weil	15400 Thayer Rd #B Lolo, MT.
Sally Beetem	SALLY BEETEM	4728 Ambrose. MS41.
Sylvia J Weil	SYLVIA J WEIL	2360 Home Ave Mcla
Gordon J Weil	Gordon J. WEIL	2360 Home Ave Mcla
Barb Dreyer	Barb Dreyer	3000 Wainburn, Missoula

The original is stored at the Historical Society, 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

EXHIBIT 47
DATE 2/16/93
HB 426



P. O. Box 415

Helena, MT 59624

February 11, 1993

House Local Government Committee
Capital Station
Helena, MT 59620

Subject: HB 426
Neutering/Spaying of Domestic Pets

Dear Committee Members:

The Helena Montana Kennel Club is taking a neutral stand on HB 426. Any member expressing their viewpoints on this bill is doing so on an individual basis and in no way represents the Helena Montana Kennel Club.

Sincerely,

Adele Delp
Adele Delp
President

COUNTY
OF
RAVALLI

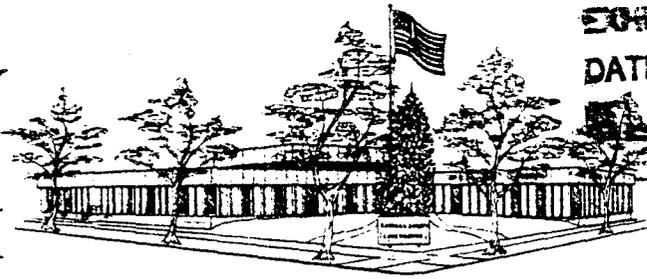


EXHIBIT 70 STATE
DATE 2-16-93 OF
HB 426 MONTANA


The Bitterroot Valley
Hamilton, Montana 59840

TO WHOM IT MAY CONCERN

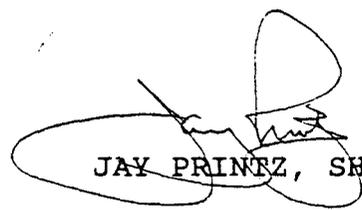
FEBRUARY 11, 1993

RE: HOUSE BILL 426

AFTER HAVING THE OPPORTUNITY TO REVIEW THE INTRODUCED BILL, IT IS MY PERSONAL AND PROFESSIONAL OPINION THAT THIS WILL BE UNWORKABLE, UNENFORCEABLE, AND ANOTHER UNNECESSARY BURDEN ON SHERIFF'S WHO ARE ALREADY UNDER-FUNDED AND UNDERSTAFFED.

THERE IS NO WAY THAT THE SO CALLED LICENSING FEES WILL COVER THE COST OF IMPLEMENTING AND ENFORCING THIS "LAW". IT IS ALSO LAUGHABLE TO IMAGINE A LAW ENFORCEMENT OFFICER CHASING A CAT IN ORDER TO LOOK AT ITS' LICENSE TAG. I THINK THERE ARE MORE IMPORTANT ISSUES FACING THIS STATE AND LOCAL GOVERNMENT, AND I SEE NO NEED TO CREATE ANOTHER BURDEN FOR US.

SINCERELY,



JAY PRINTZ, SHERIFF

EXHIBIT 45
DATE 2/16/93
HB 426

EXHIBIT 46
DATE 2/16/93
X HB550

CONFLICT OF INTEREST

At present, federal regulations and Montana conflict of interest laws prohibit local government officials, employees or their relatives from benefitting from contracts or programs entered into by the governing body. Section 2-2-201, MCA states that public officers, employees and former employees may not have an interest in public contracts. Section 7-5-4109, MCA, which refers specifically to cities and towns, states that the mayor, any member of the council, any city or town officer, or any relative or employee cannot be directly or indirectly interested in the profits of any contract entered into by the council during their term of office.

While these statutes are important to prevent abuse of local government office, situations arise that create unfairness where people who are otherwise eligible to participate in a program are denied the opportunity because of these statutes.

The federal funded Community Development Block Grant (CDBG) program, administered by the state Department of Commerce, is one program where inequities frequently occur. The CDBG program makes federal money available to rehabilitate substandard homes of low and moderate income families. Because of conflict of interest laws, people who otherwise qualify for assistance are denied the opportunity because they are related to a local official or are an employee but have no involvement in the administration of the program. For example, the aunt of a city councilman could not participate in this program because she is related to a member of the governing body. Numerous situations have occurred in recent years where low income dog catchers, street employees, and policemen have been denied the opportunity to have their houses refurbished even though they had no involvement in the administering the program.

Under federal regulations, the city council is allowed to waive the prohibition after advertising and publicly disclosing the conflict and holding a public hearing. However, Montana conflict of interest laws are absolute and offer no avenues for waiver in instances where the prohibition unfairly denies an otherwise qualified person the benefit of the program.

Many examples of unfairness have occurred in Montana. In White Sulphur Springs a person serving part time as city dog catcher and a city public works employee had their applications for housing rehab denied. Neither of these city employees had any decision-making or administrative role in the CDBG housing program, and both qualified as low income people. Similar denials were necessary in Wolf Point for a dog catcher, parttime city mechanic and a city councilman's mother living on social security.

The fact that relatives of municipal government officers and employees come under state conflict of interest laws is particularly a problem in small communities. Because these rural communities have many families with third and fourth generation residents, a local government employee may be related to many families living in the community.

The state's conflict of interest statutes can have adverse effects on communities. In White Sulphur Springs, a man under contract with the city to serve as building inspector was appointed to fill a vacancy on the city council. Montana's conflict of interest laws forced him to either resign as building inspector or to serve with no pay. His resignation as building inspector has created a hardship for White Sulphur Springs, because almost no other resident is qualified.

HB 550 proposes to deal with these problems by adding a provision to Montana statutes that would offer an opportunity for waiver of the prohibition after full public disclosure and a public hearing. The bill sets out four considerations that governing bodies would have to consider in deciding whether to grant a waiver.

HB 550 presumes that the requirement for full public disclosure and the right for public comment will deter "sweetheart deals" and other forms of abuse. The process would operate similar to the federal process. Even if an occasional questionable arrangement were made, on balance the public interest is better served by providing a relief mechanism where absolute application of the law creates unintended hardship or discrimination.
local governing bodies

EXHIBIT 46
DATE 2/16/93
HB 550



the City of Hardin



CDBG Housing & Community Revitalization Program

EXHIBIT 46
DATE 2/16/93
HB 550

February 4, 1993

Representative Ellen Bergman
Montana State Legislature
Capitol Station
Helena, Mt. 69620

Dear Representative Bergman,

It is my understanding that you are introducing legislation that would modify Montana's existing codes governing conflict of interest (e.g. Section 2-2-2-1 & Section 7-5-4109) to allow employees, officers and their relatives to benefit from public activities when such persons have no decision making role or supervisory role in such activity.

This is to advise you that the City of Hardin would strongly support such changes in the codes.

While we recognize that the public interest must be protected to avoid self-serving benefits and obvious conflicts, we feel that current Montana law creates a discriminatory policy. People who are perfectly eligible to receive services are being denied access to such service due to their employment status.

The following describes how existing codes have adversely affected public officials and employees in Hardin.

Situation #1. Recently, the City of Hardin operated a Community Development Block Grant Project. Because employees are prohibited from benefiting from any activities in which the City has a contract, the person who drives the City's garbage truck was prohibited from applying for a CDBG loan which would have repaired his house. This person and his family met all other CDBG criteria, including being low and moderate income. And, there were plenty of programmatic safe-guards to ensure that the public interest was protected against over-expenditure or favoritism.

Situation #2. As part of the same CDBG Project, the City also implemented a "self-help" house painting project, whereby the project supplied paint and very limited materials to low income families who would in turn, paint their own homes, make minor repairs and remove hazards. All city employees were eliminated as candidates for the program.

Situation #3. In still another conflict, the City of Hardin was forced to drop a concrete supplier from the "subcontractor" bidding list because he was the cousin of the Mayor. Since this person was a potential beneficiary, and even though the bids were opened in public, because of his relationship to the Mayor, he could not bid. The net result was that the only other cement supplier in the area had a monopoly on all concrete work. Given the lack of competition in the market place, the price of concrete began to rise noticeably. In short, the taxpayers paid more, project schedules deteriorated because the incentive to perform was lost, or the remaining contractor became too busy, and the public became critical of the City and State for such unreasonable practices.

In closing, we like to reiterate our support for your legislation. Not to change the code only leaves the door open for public officials to inadvertently, or even blatantly avoid or violate a law that is both unreasonable, impractical, and most likely discriminatory in nature.

Thank you for your time and attention to our position on this matter. If you would like any additional information or input, please do not hesitate to contact us.

Sincerely,



Rusty Rokita
CDBG Project Administrator

cc: Koebbe, Mayor
Morton, City Attorney

EXHIBIT 46
DATE 2/16/93
HB 550

Linda K. Twitchell dba
TWITCHELL ADMINISTRATIVE SERVICES
Community Development Office
201 4th Avenue South
Wolf Point, MT 59201

February 2, 1993

Business Services, Inc.
Box 508
White Sulphur Springs, MT 59645

Dear Barb and Jim;

As project manager for the City of Wolf Point CDBG housing grants, we have found it necessary to deny several applications for housing rehab due to the present conflict of interest standards. A mechanic working part time for the City with several small children and an evident need for housing rehab, the dog catcher, and a City Council member's mother living on Social Security were all unable to participate in the program.

We must also consider that family members tend to remain in small communities. City Council members are often related to several families within the City. The same is true of City employees. While the City encourages qualified persons to become involved in public service, this commitment can be discouraged by restrictions placed on their families.

Therefore, I am in full support of your proposal intending to give cities some relief from the strict wording of the MCA statutes regarding conflict of interest in CDBG projects. I feel this proposal would prove to enhance life in the rural cities throughout Montana. I can not foresee any negative ramifications of such a proposal.

Please keep us updated as to the progress of this bill and feel free to include this letter in any proposal addressing this issue.

Sincerely,



Linda Twitchell

47
EXHIBIT _____
DATE 2/16/93
HB 950

BUSINESS SERVICES, INC.
Jim and Barbara Richard
Box 508, 16 W. South Street
White Sulphur Springs, MT 59645
Phone 547-2289 FAX 547-3824

Consultants in
Economic Development

Community Development
and Planning

To Whom it May Concern:

Following are descriptions of circumstances in which the current Montana Conflict of Interest and Ethics laws adversely affected persons belonging to a class of people targeted for assistance by Federal programs, to the point of reverse discrimination, or affected the program to the detriment of the public benefit:

In Wolf Point, two of the foremost rehabilitation contractors had to resign from the City Council before the CDBG with Commerce contract was signed in order to participate as contractors in the program. Eliminating them from the program would have driven costs up by eliminating the majority of competition. Federal law would have provided a public review process to establish that prohibiting these contractors from participating would be contrary to public benefit, and detrimental to the low and moderate income households the program was designed to serve.

In Saco, the 85 year old, blind mother of the volunteer mayor, who desperately needed housing repairs and special handicap installations, was ineligible for the program.

In White Sulphur Springs, the program lost its elderly, retired CDBG housing inspector who had been with the program for three years when he was appointed by the Mayor to the City Council.

Also in White Sulphur, the very low income, single female dog catcher had to quit her \$100 per month job in order to participate in the program.

Also in White Sulphur, the low income public works director, (the only employee of the City in public works) was ineligible for badly needed housing repairs and new windows.

In Malta, the low income, water clerk, a single female mother of two children was ineligible for a new furnace and insulation.

Barbara Richard
CDBG Housing Program
Administrator

**RAE SUBDIVISION COUNTY WATER
& SEWER DISTRICT NO. 313**

**3442 BRIDGER STATION
BOZEMAN, MONTANA 59772-3442**

EXHIBIT 48
DATE 2/16/93
HB 440

PRESENTATION BEFORE THE MONTANA HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE FEBRUARY 16, 1993.

My name is Doug Wells. I am representing the Rae Subdivision County Water and Sewer District #313. I am here to speak in support of HB #440.

This bill will amend Title 7, Chapter 13, part 22 of the Montana Codes Annotated (MCA) to define the status of county water and sewer districts.

As some of you may know, the Rae district has been involved in litigation before the Montana Supreme Court and lower courts for years. The cost of this litigation has been staggering and the results disheartening. The specifics of the actions are not important here except, that they have had a common theme. That theme is that the law governing water and sewer districts is vague.

The rights, duties, and status of county water and/or sewer districts is not clear. Much more intelligent people than I, will have to undertake the job of addressing the more important, but subtle problems associated with this lack of specificity. What I hope to accomplish now, is simply to define what a county water and/or sewer district is.

This bill simply states that a county district is a unit of local government separate and distinct from a municipality. This definition will, finally, end the debate about what a county water and/or sewer district really is.

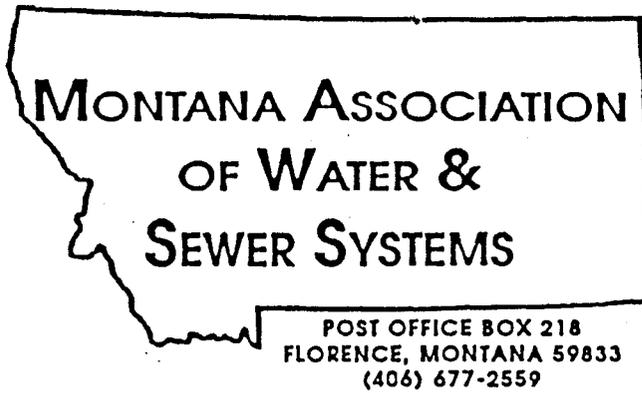


EXHIBIT 11
DATE 2/16/93
~~HB 440~~

PRESENTATION TO THE MONTANA HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE, FEBRUARY 16, 1993

My name is Paul Torok. I am President of the Montana Association of Water and Sewer Systems. I am here to speak on behalf of HB #440.

This bill will amend the Montana Codes Annotated (MCA) 7-13-2201 to specify what county water and sewer districts are.

We fully concur with the importance of this action. The amendment which would allow water, sewer and solid waste districts to be "treated as a municipality when applying for a grant, loan, or other financial assistance from the state" is critical. This is already being done by D.N.R.C., Intercap and Farm Home.

This clause brings the definition in line with attempts to assure that county water, sewer, and solid waste districts can apply for grants and loans from various programs without burdening counties. Counties often do not have the manpower needed to review the project and assist with preparing the applications to submit to the State. This often results in a failure to submit any project at all.



EXHIBIT #50
DATE 2/16/93
HB 528

Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

Chapters:

Bitterroot Audubon
Bitterroot Valley

Flathead Audubon
Flathead Valley

Five Valleys Audubon
Missoula

Last Chance Audubon
Helena

Pintlar Audubon
Southwest Montana

Rosebud Audubon
Miles City

Sacajawea Audubon
Bozeman

Upper Missouri
Breaks Audubon
Great Falls

Yellowstone Valley
Audubon
Billings

Mr. Chairman and members of the committee:

My name is Dave Ross, and I represent the Montana Audubon Legislative Fund. We support HB 528.

From the standpoint of an environmental agency this bill is a good thing, but it also represents much more. There are three major areas that will benefit from HB 528. One aspect is the encouragement of beautification projects from individuals and businesses in the various communities. Another benefit is the stimulation of local economies through the creation of jobs brought about from the forestry program. Lastly, HB 528 will establish a reliable, long-term urban forestry program. Currently, it is the National Forest Service that heads this effort; however, from talking with the Department of State Lands, the NFS does not intend to fund this program indefinitely, or for the long-term. A program needs to be implemented that has long-term objectives and goals in mind.

For these reasons, we support HB 528.

Thank you,

David H. Ross



Recycled Paper

EXHIBIT 51
DATE 2/16/93
HB 364

Amendments to House Bill No. 364
First Reading Copy

Requested by Representative Mercer
For the Committee on Local Government

Prepared by Connie Erickson
February 10, 1993

1. Title, line 6.

Following: "DISTRICT"

Insert: "AND WITHIN A ROAD IMPROVEMENT DISTRICT"

2. Title, line 7.

Following: ";

Insert: "ALLOWING A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY
WITHIN A SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED
ON THE TOTAL COST OF THE IMPROVEMENT;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-12-2151,".

Insert: "7-12-4162, AND 7-14-2907,"

3. Page 3.

Following: line 9

Insert: "Section 2. Section 7-12-4162, MCA, is amended to read:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

(b) The council or commission, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the benefited property in the district.

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the

amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement."

Section 3. Section 7-14-2907, MCA, is amended to read:

"7-14-2907. Cost of road improvement districts -- property owner assessments. (1) The cost of operating a road improvement district must be assessed upon all the benefited property in the district based upon the benefits received, and the board of county commissioners shall adopt one or any combination of the following methods of assessment for improvements made for the benefit of the district:

(a) Each parcel of benefited property assessed in such district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited parcels in the district, exclusive of roads and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a parcel of benefited property representing the benefit conferred upon the parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the parcel.

(b) Each parcel of benefited property assessed in the district may be assessed with that part of the whole cost of the improvement based upon the assessed value of the benefited parcels of land within said district if the board determines such assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the parcel.

(c) Each parcel of benefited property in the district abutting upon the road where the improvement has been made may be assessed in proportion to its lineal feet abutting the road.

(d) Each parcel of benefited property in the district may be assessed an equal amount based upon the total cost of the improvement.

(2) The board may use one or any combination of methods of assessment in a single road improvement district and, if more than one improvement is undertaken, need not assess each parcel of benefited property in the district for the cost of all the improvements.

(3) Not later than the first Monday in September of each year, the board of county commissioners shall adopt a resolution levying and assessing upon all the benefited property in the

district an amount equal to the total amount necessary for district operations. The amount necessary for district operations is the total of:

(a) (i) the estimated amount for improvements as authorized in 7-14-2903; and

(ii) the amount necessary to pay for debts for authorized improvements that cost more than estimated in previous years;

(b) less any amount in the road improvement district fund, as provided for in 7-14-2908, that may be unspent, unencumbered, and available for district use.

(4) (a) It is the duty of the county treasurer to collect the assessments in the same manner and at the same time as taxes for general purposes are collected.

(b) When an assessment becomes delinquent, the unpaid amount becomes a lien on the assessed parcel of land. The collection of delinquent assessments or enforcement of a lien may be made by any method authorized by law for the collection or payment of taxes.""

EXHIBIT 51
DATE 2/16/93
HB 364

EXHIBIT 52
DATE 2/16/93
~~HB 584~~

Amendments to House Bill No. 584
First Reading Copy

Requested by Representative Dave Brown
For the Committee on Local Government

Prepared by Bart Campbell
February 17, 1993

1. Page 4, line 5.
Following: "(b)"
Strike: "publish the report"
Insert: "provide a public service announcement"

2. Page 4, line 7.
Following: "counties"
Insert: "that the report is available for public inspection"

EXHIBIT 22
DATE 2/16/93
HB 528

Amendments to House Bill No. 528
First Reading Copy

Requested by Representative Sheila Rice
For the Committee on Local Government

Prepared by Bart Campbell
February 17, 1993

1. Page 3, line 20.
Following: "department"
Strike: "shall"
Insert: "may"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. HB 426

DATE 2/16

SPONSOR(S) Rep Hal Harper

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
TIM SWEETEN	LEWIS & CLARK HUMANE Soc.	X	
Vicky Maclean	self - kennel owner	X	
ERIC EDWARDS	LEWIS + CLARK HUMANE Soc	X	
DEBORAH REHMAN	Lewis & CLARK Humane Soc	X	
Marylou Cloutts	self		X
Charles E Petersen	self		X
Barbara A. Hovta	Self		X
Peggy Ravndal	Self		X
Larry Michnevich	Missouri Headwaters Gun Dog Club		X
Toots Welker	self	X	
Dick Seibert	self		X
Judith Seibert	self		X
Shirley Quich	LC HS	X	
Carolyn Doering	Lewis & Clark Humane Society	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. HB 426

DATE 2/16

SPONSOR(S) Rep HAL HARPER

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Luis Buchanan - Helena	self	✓	
Judith Fenton - Clancy	Federated Homers Society of MT	✓	
Cherie Skiller	Pine Valley Kennel Club		X
Ron Hines	Flathead Kennel Club		X
Roy Brock Box 148 Elliston MT 59728	Treasure State Working Dog Assn Hirschfeld Kennels +		X
Mae Jander	Cielo Grande Newfs Treasure State working dogs		X
Joan Crabtree 8541 Green meadow	Treasure State working dogs Cielo Grande Newfs		X
Lara Lauer 8410 Apple gate	Treasure State working dogs		X
Sandra Seaton Box 117 Emigrant, MT POB 9088	Montana State Houndsmen Assoc		X
Maryann Beasley Helena 59604	Treas. St. Working Dog Assn		X
Anna E Michrside	Missouri H. Gun Dog Club		X
Scott Falbe	MT State Emigrant Mont Houndsmen		X
Ann Prunuske	self	X	
Rebecca Sweeney P.O. Box 181 Elliston.	self	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. 426

DATE _____

SPONSOR(S) HAL FABER

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>J. Morris</i>	<i>MALC</i>	✓	
<i>Robert Coon</i>	<i>LC HS</i>	✓	
<i>GLENW MARTYN</i>	<i>Missoula Dog Owner</i>		✓
<i>Tom Macterson</i>	<i>GF Self</i>		✓
<i>Jim Duncan</i>	<i>Self</i>		✓
<i>B. H. Down</i>	<i>T.S.W.D.</i>		✓
<i>Lucy Smith</i>	<i>HD # 48</i>	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. 426

DATE 2-16-93 SPONSOR(S) _____

Rep. Harper

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ellen Basque-Aldrich	Five Valley Kennel Club		X
Lynni Hoffman	WESTERN MONTANA CAT Club		X
Kim Rock	WESTERN MONTANA CAT CLUB		X
Jane Jesson	Western Montana Cat Club		X
Rita Stolba	GALLATIN DOG CLUB Dog Club		X
Marsha Aldrich	Treasure State working		X
DEIRDRE KANE Whitefish	Self		X
Kiersten Rich-Kalispell	Self and Flathead valley kennel club		X
Betsy Beach Helena	Self and Mont Fed. Hounds		X
David Clark Helena	Self		X
Jim Powers Box 532 Ennis MT 59729	Montana State Houndsmen		X
Adele Delp Helena MT 845 Sunny Vista	Self	X	
Dolly CORSIE	Self		X
Peagu Duezabou	ASSA; Mt Stockdog Handlers		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

