

HOUSE BILL 426

Introduced by Harper, et al.

2/02	Introduced
2/02	Referred to Local Government
2/02	First Reading
2/02	Fiscal Note Requested
2/06	Fiscal Note Received
2/09	Fiscal Note Printed
2/16	Hearing
2/16	Tabled in Committee

1 House BILL NO. 426
 2 INTRODUCED BY Stephen R. Ryan
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CONTROLLING THE
 5 OVERPOPULATION OF PET DOGS AND CATS BY REQUIRING THE
 6 ALTERING OF THOSE PETS UNDER CERTAIN CONDITIONS; PROVIDING
 7 FOR LICENSURE OF CATS; PROVIDING A DIFFERENTIAL IN LICENSING
 8 FEES FOR ALTERED DOGS AND CATS; AMENDING SECTIONS 7-23-101,
 9 7-23-102, 7-23-2108, 7-23-4102, AND 7-23-4103, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 11

12 WHEREAS, domestic pet overpopulation has reached crisis
 13 proportions; and

14 WHEREAS, pet overpopulation creates a public health and
 15 safety hazard, requires governmental agencies to commit
 16 substantial financial resources for animal control, and
 17 necessitates the humane and inhumane destruction of
 18 thousands of animals each year; and

19 WHEREAS, the overpopulation crisis can be addressed in
 20 part through proper licensing and sterilization of domestic
 21 animals.

22
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 NEW SECTION. Section 1. Definitions. As used in
 25 [sections 1 through 3], the following definitions apply:

1 (1) "Altered" means a dog or cat that has been spayed
 2 or neutered.

3 (2) "Kennel" means a home or facility where more than
 4 four dogs or cats over the age of 5 months are owned,
 5 harbored, or kept.

6 (3) "Neuter" means to render a male dog or cat unable
 7 to reproduce.

8 (4) "Shelter facility" means any pound, shelter, or
 9 humane society organization, whether public or private.

10 (5) "Spay" means to render a female dog or cat unable
 11 to reproduce.

12 (6) "Unaltered" means a dog or cat that has not been
 13 spayed or neutered.

14 NEW SECTION. Section 2. Licensing of dogs and cats --
 15 misdemeanor -- fee differential. (1) The governing body of a
 16 county shall establish a schedule of license fees for dogs
 17 and cats. The schedule must differentiate between altered
 18 and unaltered dogs and cats to encourage ownership of
 19 altered dogs and cats. The differential may not be less than
 20 \$10 or greater than \$50.

21 (2) It is a misdemeanor for a person to own, harbor, or
 22 keep an unaltered dog or cat over the age of 9 months unless
 23 the dog or cat is licensed as unaltered.

24 (3) This section does not prevent the governing body of
 25 a county from establishing a schedule of license fees for

kennels that own, harbor, or keep unaltered dogs or cats.

(4) This section does not prevent the governing body of a county from enacting licensing requirements in a portion of the county only.

NEW SECTION. **Section 3.** Shelter facilities -- cooperative agreements for spaying or neutering -- deposits -- allocation -- misdemeanor. (1) A shelter facility may not release for adoption any dog or cat that has not been altered unless the adopting party signs an agreement to have the animal altered and unless a deposit for a spay or neuter operation is tendered to the shelter facility. The deposit must be in an amount determined by the facility, but may not exceed \$50. The shelter facility may make appropriate arrangements for the spaying or neutering or may return the deposit to the adopting party upon presentation of a written statement or receipt from a veterinarian or clinic that the animal has been altered by a licensed veterinarian.

(2) A dog or cat 6 months of age or older at the time it is released for adoption by a shelter facility must be altered within 60 days, or the deposit is considered unclaimed. A dog or cat under 6 months of age at the time it is released for adoption by a shelter facility must be altered within 60 days after reaching 6 months of age, or the deposit is considered unclaimed.

(3) A deposit not claimed under this section must be

used only for the following purposes:

(a) a public education program to prevent overpopulation of dogs and cats;

(b) a program to alter dogs and cats;

(c) a followup program to ensure that animals released for adoption by a shelter facility are altered; or

(d) costs incurred under this section.

(4) A person who violates this section or fails to perform an agreement to alter an animal as provided in this section is guilty of a misdemeanor and shall return the animal to the shelter facility from which it was adopted.

Section 4. Section 7-23-101, MCA, is amended to read:

"7-23-101. Dog--collar Collar and license tag required. It ~~shall be~~ is unlawful, where this part, part 21, and 7-23-4103 apply, for any person to own, harbor, or keep any dog or cat over the age of 5 months or to permit ~~such a dog or cat~~ owned, harbored, or controlled by ~~him~~ that person 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; ~~provided, however, that, it shall be~~ It is lawful to remove ~~such the~~ collar and license tag when ~~such the dog or cat~~ the dog or cat is under the immediate control of its owner or ~~his~~ the owner's agent."

Section 5. Section 7-23-102, MCA, is amended to read:

"7-23-102. Seizure and impounding of dogs and cats running at large without tag. (1) Any dog or cat found running at large without a valid current dog license tag issued by the authority of a county or municipal corporation pursuant to the provisions of this part, part 21, and 7-23-4103 may be seized and impounded by any sheriff, deputy sheriff, policeman, game warden, county poundmaster, or other law enforcement officer.

(2) Any dog or cat seized and impounded under this section or otherwise held at a shelter facility may not be released without compliance with county or municipal corporation licensing requirements.

(3) Any unaltered dog or cat that is seized and impounded under this section or otherwise held at a shelter facility twice in any 1-year period may not be released to its owner unless the owner places a deposit with the shelter facility sufficient to cover the cost of having the dog or cat altered by a veterinarian of the owner's choice. The deposit must be returned to the owner upon proof that the dog or cat has been altered. A deposit that is not returned to the owner must be delivered to the county or municipal corporation where the shelter facility is located and must be used to pay fees, salaries, costs, or other expenses for the enforcement of part 21 of this chapter and this part."

Section 6. Section 7-23-2108, MCA, is amended to read:

"7-23-2108. County control of dogs and cats. (1) The governing body of the county may regulate, restrain, or prohibit the running at large of dogs and cats by the adoption of an ordinance ~~which~~ that substantially complies with the provisions of 7-5-103 through 7-5-107 and ~~which~~ that may provide for the wearing of a license tag upon the collar of the dog or cat and the keeping of a record ~~which~~ will-establish that establishes the identity of the person who owns, keeps, or harbors the dog or cat.

(2) Violation of an ordinance adopted under subsection (1) is a misdemeanor.

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

(4) Nothing in this section restricts the governing body from enacting dog and cat control measures in a portion of the county only."

Section 7. Section 7-23-4102, MCA, is amended to read:

"7-23-4102. Licensing of dogs and cats. The city or town council has power to license the keeping of dogs and cats and to provide for the killing or destruction thereof ~~if~~ of a dog or cat found running at large without license. Licensure must comply with [section 2]."

Section 8. Section 7-23-4103, MCA, is amended to read:

1 "7-23-4103. Relation of municipal dog and cat license
2 tags to other laws. Any dog or cat license tag issued
3 annually by any municipal corporation pursuant to an
4 ordinance which that substantially complies with parts 1 and
5 21 and which that provides for the wearing of the license
6 tag upon the collar of the dog or cat and the keeping of a
7 record ~~which will establish~~ that establishes the identity of
8 the person who owns, keeps, or harbors the dog or cat
9 constitutes compliance with the licensing provisions of
10 parts 1 and 21."

11 NEW SECTION. **Section 9.** Codification instruction.
12 [Sections 1 through 3] are intended to be codified as an
13 integral part of Title 7, chapter 23, and the provisions of
14 Title 7, chapter 23, apply to [sections 1 through 3].

15 NEW SECTION. **Section 10.** Effective date. [This act] is
16 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0426, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act controlling the overpopulation of pet dogs and cats by requiring the altering of those pets under certain conditions; providing for licensure of cats; providing a differential in licensing fees for altered dogs and cats.

ASSUMPTIONS:

1. Local governing bodies currently have the ability to establish differential licensee schedules for dogs, similar to provisions of new Section 2.
2. Local government revenues will increase due to the licensing of cats, the fee differential for unaltered animals and unclaimed spay/neuter deposits.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Current local government revenue and expenditures associated with animal (dog) control vary to the extent that an estimate based on a stratified sample is not possible. Examples of FY92 animal control expenditures and revenue activity are:

<u>Cities</u>	<u>Expenditures</u>	<u>Revenues</u>
Baker	4,561	314
Billings	225,000	N/A
Forsyth	3,198	416
Glendive	2,725	1,225
Havre	32,536	923
Helena	64,012	5,068
Laurel	29,577	2,455
Plentywood	629	350
Shelby	9,533	2,000
 <u>Counties</u>		
Cascade	18,172	0
Yellowstone	59,025	6,356

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: Numbers of animals in animal shelters and the costs associated with their care will decrease with an effective program for altering animals.

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

HAL HARPER, PRIMARY SPONSOR

DATE

Fiscal Note for HB0426, as introduced

HB 426