

MINUTES

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

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on January 5, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Wilbur Spring (R)
Rep. Jay Stovall (R)

Members Excused: Rep. Bob Endy
Rep. Wayne Stanford

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

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

Committee Business Summary:

Hearing: HB 36 and HB 58
Executive Action: HB 36

HEARING ON HB 36

Opening Statement by Sponsor:

REP. JOE BARNETT, HD 76, Belgrade, said this bill was brought to the committee at the request of the Department of Livestock. He

said the bill is for an act making separate felony offenses for the knowing failure to establish a livestock marketing custodial account and the improper use of a livestock marketing custodial account; and amending section 81-8-216, MCA.

He stated that a word or two needed to be changed to make it gender appropriate; i.e., by changing the word "his" to "the person's". REP. BARNETT indicated the reason lines 13 through 15 were added to the bill was to tighten up the rules on the use of custodial accounts. He said the custodial accounts that the marketing associations have established belong to the producer and not to the bank where the custodial account might be housed nor to the marketing association itself. He stated that the money is put into the account and then the money is to be dispersed to the producer within 24 hours after the sale. He said sometimes those accounts will accumulate up to a couple million dollars. He said if the marketing association is on "unstable ground" they may use that money. If the marketing association would happen to go bankrupt, then the producer would not get his or her share of money back.

Proponents' Testimony:

Cork Mortensen, Executive Secretary, Board of Livestock, said this bill made the language more specific and clarified anything that may arise in the misuse of the custodial account. He stated there certainly is a need to have a custodial account established and a need to use it properly.

Les Graham, Montana Association of Livestock Auction Market, said the association fully supports the bill.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DON LARSON asked how the custodial accounts are established and how the money flows into them. Mr. Mortensen stated the accounts must be established by the markets. The money consists of checks which are not picked up from consignments by the producers. The money would be deposited to the custodial accounts and would remain there until the original consignor of the livestock called to request his check. The reasons the money would stay in the custodial account varied; it may be due to a producer's change of address or checks were returned due to insufficient funds or the checks were just forgotten and left there. He stated that this bill was written for the protection of the producer.

REP. JOHN "SAM" ROSE asked how often money is left in the

custodial accounts. Mr. Graham stated that the check of the livestock buyer would go into the custodial account. The auction market was allowed to deduct the selling fee, then the sellers would receive the balance. The auction market was allowed to deduct the selling fee on a periodic basis. He stated there was a problem about 30 years ago in Dillon. He said a few years ago, the primary interest was reestablished by an incident which occurred in South Dakota. He said a lot of money was lost by producers. The money in the custodial account had been used for private investment. The marketing association had been taken to court and the court considered the custodial accounts as part of the marketing association's assets.

Closing by Sponsor:

REP. BARNETT thanked the committee for their attention and time and closed.

HEARING ON HB 58

Opening Statement by Sponsor:

REP. VERNON KELLER, HD 83, Fishtail, said that HB 58 is to amend 81-7-401 MCA. He stated that a newspaper in Kalispell had an article about a man who shot a dog that was in his corral harassing his animals. Through the court process, the rancher ended up paying \$800 for the dog. REP. KELLER believed that by adding the word "harass" to the statute would alleviate most livestock owner's problems. He stated that the stray dog was deliberately causing stress to the domestic animal and it may cause undo harm and discomfort to the animal. Ultimately, it may end in death or permanent disability. He said there could be the possibility that a dog would run through a rancher's place and be killed which was why harassed was added to the bill. EXHIBITS 1 and 2

Proponents' Testimony:

Gary Graves, Wool Growers Association, presented written testimony. EXHIBIT 3

Stephan Sherick, Western Montana Sheep Association, presented written testimony. EXHIBIT 4

Stan Pelton, self, presented written testimony. EXHIBIT 5

Richard Bridges, self, presented written testimony. EXHIBIT 6

Gordon Darlington, self, stated that one should treat an animal with "humaneness", however, allowing a dog to harass his animals was not humane. He said these animals were being harassed and

treated inhumanely.

Mr. Darlington stated that in 14 years, he had no problems with sportsmen and their dogs. He felt that if they were good sportsmen and had good dogs, there would be no problems from the dogs. He felt this bill would control the dogs that were allowed to run freely; it would not affect the sportsmen who controlled their dogs.

John Paugh, Montana Wool Growers Association, stated that owners do not know where their dogs go. The dog can be gone for couple of hours and if one would follow the dog to the doorstep, the owners of the dog would swear that the dog was in the house all night. He said Montanans must have the power to control dogs harassing their livestock.

Jim Peterson, Montana Stockgrowers Association, stated that this legislation would do three things. First, it would allow a land owner to protect his property and pursue his livelihood in a responsible manner. Second, it would encourage dog owners to be responsible for their dogs. Third, it would avoid unnecessary litigation.

SEN. CHUCK SWYSGOOD, SD 37, Dillon, wanted the committee to give this legislation a do pass recommendation.

Opponents' Testimony:

Kent Rice, self, stated that without a clear definition of harassing livestock, dogs may be killed unjustly. He stated if a dog gets away from the owner, and runs through a ranchers place, the rancher has a right to kill the dog. He said for the few times a dog gets away from his owner and causes no harm, the dog deserves to be protected.

Judith Fenton, Secretary of the Federated Humane Society of Montana, stated the Society was concerned about the welfare of all animals. She said dogs don't know if they have done wrong, and it is the owner's responsibility to pay for any damages. She noted the law had to be stronger in order for the livestock owner to recoup any costs incurred from dogs harassing livestock. She said there should be a heavy fine placed on irresponsible dog owners.

Questions From Committee Members and Responses:

REP. ERVIN DAVIS asked about a section of the bill which does not apply to a dog acting under the direction of its owner. He asked REP. KELLER if the language meant the owner was allowed to go on a rancher's property with a chain or a whistle, run the dog through the cattle, and have the dog return. REP. KELLER said that this bill does not apply to the owner who was with his dog.

REP. DAVIS said that it did not apply to a dog acting under the direction of his owner. He said that a dog owner could send his dog out to chase a rancher's bull and the livestock owner could not shoot the dog for harassing the livestock. He expressed concern that the bill did not apply to a landowner. REP. KELLER asked Ms. Erickson to reply to REP. DAVIS'S concern. Ms. Erickson stated that the law applies to dogs which are not under control. She said if the owner was there with the dog and has control of the dog, the livestock owner could not shoot the dog if he thought it was harassing the livestock.

Ms. Erickson indicated that the second section of the bill was confusing. It could be interpreted to say that if the dog was under the dog owner's control, the dog could harass livestock and the statute would exempt that dog from being shot. Ms. Erickson said the committee may want to correct this language.

Ms. Erickson indicated that the committee could place a fine on the owner whose dog was responsible for injuring or killing livestock or poultry. She said the committee may want to amend the liability section as well, and add the word "harassment" to the language.

REP. KELLER agreed to an amendment if the committee believed there was a need.

REP. BOB BACHINI asked Les Graham if he had a chance to read the last subsection of the bill and if he was confused when he read it. Mr. Graham replied that he was not.

REP. BACHINI asked if the last section of the bill should be clarified so an owner could not allow a dog under their control to kill the livestock. Mr. Graham stated that the dog could run some animals through a fence, with the owner present, and the dog could not be dealt with. He believed the language should be revised.

REP. LARSON asked Mr. Rice if he had any suggestions for the definition of harassment and what would constitute harassment. Mr. Rice replied that he did not have any suggestions and noted that if his dog was caught harassing livestock and he was brought to court to pay for damages, he would argue that whatever his dog was doing was not within a general definition of harassment.

REP. LARSON asked Mr. Sherick if he agreed that a clear definition of harassment should be in the bill. Mr. Sherick responded that it should.

REP. WILBUR SPRING asked Ms. Fenton if she was aware that many of the harassment problems occur at night and that it was impossible to identify the dog and the owner. Ms. Fenton replied that she did realize problems happened at night but she believed the dog, who did not know he was doing wrong, should not pay the supreme penalty when it was the owner's fault.

Closing by Sponsor:

REP. KELLER stated that many times the rancher does not know who the owners are in order to recover damages. Therefore, it would make it difficult to fine the owners. He thanked the committee for their time and attention.

EXECUTIVE ACTION ON HB 36

Motion/Vote: REP. LARSON MOVED HB 36 DO PASS. The motion carried unanimously.

ADJOURNMENT

Adjournment: 4:18 P.M.

Vern Keller

VERN KELLER, Chairman

Jaelene Racicot

JAELENE RACICOT, Secretary

VK/jr

HOUSE STANDING COMMITTEE REPORT

January 6, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 36 (first reading copy -- white) do pass .

Signed: _____
Vern Keller, Chair

WASHINGTON'S DANGEROUS DOG LAW

RCW 16.08.070

Washington State has one of the strictest dangerous dog laws in the Nation. It is the owner's responsibility to control his or her pet. Failure to do so may result in criminal prosecution as well as civil suit.

Dangerous Dog

- Any dog that, according to the records of the appropriate authority,
- severely injured a human on public or private property;
 - killed a domestic animal while off the owner's property;
 - has been classified as potentially dangerous under the law and subsequently bites, attacks or endangers the safety of humans or domestic animals.

Potentially Dangerous Dog

- Any dog that, when unprovoked,
- bites a human or domestic animal;
 - chases or approaches a person on the street, sidewalk or other public grounds in a menacing fashion;
 - injures or otherwise threatens the safety of humans or domestic animals.

Potential Penalties

- Failure to control a potentially dangerous dog: **MISDEMEANOR**
- Failure to control a dangerous dog: **GROSS MISDEMEANOR**
- Possessing a dangerous dog that aggressively attacks, severely injures or kills any human: **CLASS "C" FELONY**

Keeping a "Dangerous Dog"

- To keep a dog legally classified as dangerous, you must:
- Obtain a \$50,000 surety bond
 - Permanently kennel the dog
 - Pay an annual registration fee of \$100

IMPORTANT

All dogs exhibiting potentially dangerous behavior can be evaluated for designation as a dangerous dog under Washington law. Pet owners whose dogs have been classified as potentially dangerous are liable for criminal prosecution for subsequent violations. In addition, a further determination will be made to upgrade the classification to dangerous. This does not preclude the filing of felony or civil charges for the first offence in cases of serious human injury or death.

Services Provided by Your Animal Control/Humane Officers

- Rescuing sick and injured animals
- Investigating animal bite complaints
- Controlling vicious animals
- Picking up dead and stray animals
- Investigating cruelty complaints
- Impounding stray dogs and cats
- Rounding-up stray livestock
- Investigating barking dog complaints
- Acting as expert witnesses in court cases
- Assisting other law enforcement agencies with animal problems
- Assisting pet owners in resolving animal behavior problems
- 24-hour emergency service



Questions?
Call 692-6977

SMC800A1/1/1/90

EXHIBIT 1
DATE 1/5/93
Nova Bill 88

THE PET OWNER & THE LAW

Kitsap Animal Control
Making your neighborhood a better place for people and pets.

Kitsap Animal Control

Kitsap Animal Control, as part of the Humane Society, is charged with enforcing the animal statutes of Washington State, Kitsap County, Port Orchard, Poulsbo and Winslow. Bremerton residents are served by Bremerton Animal Control.

Animal Control/Humane Officers

Animal Control Officers are deputized by the County Sheriff and municipal Police Chiefs. They carry commission cards limited to enforcing local animal control regulations. In addition, these officers are appointed by the Superior Court as Humane Officers responsible for enforcing the State's anti-cruelty laws and other statutes regulating animals.

While the majority of laws about animal control are directed at specific unacceptable behavior, it should be understood that the laws are not for animals—they are for the pet owner or keeper. In a sense, animal control problems are really people problems.

You Can Help

- **Abide by the law.** Attach current pet license tags to your pet's collar. Keep your pet off the streets and your neighbor's property. Provide proper food, water, shelter, veterinary care, and most important—LOVE!
- **Spay or neuter.** If your female dog or cat is in heat, don't allow her outside unsupervised. Better yet, spay female pets and neuter male pets so there can't be any "accidents."
- **Control your pet.** Don't let your pet bother the neighbors by barking or being a nuisance. Obedience training can correct many problems.

LOCAL ANIMAL CONTROL LAWS

These are only the most common laws, not a comprehensive summary

Pet Licensing

Annual dog licensing is mandatory in all areas of Kitsap County. All dogs must be licensed within 30 days of acquisition, or before the dog is six months old (four months in Port Orchard), whichever occurs last. The license must be securely attached to the dog's collar and worn at all times, even when the dog is on your own property. Cat licensing is optional but highly recommended.

Animals at Large

It is unlawful to permit an animal to leave your own property unless the animal is accompanied by a person able to keep the animal under physical restraint or voice control.

Barking

It is unlawful to keep an animal that unreasonably annoys or disturbs others through frequent or habitual barking, howling, yelping or crying.

Animals in Heat

It is unlawful to keep an animal in heat where it is accessible to male animals unless such accessibility is for the purpose of planned breeding.

Disturbing Pedestrians

It is unlawful to keep an animal that disturbs people lawfully using public ways by snarling, growling or jumping at or toward such people.

Biting

It is unlawful to maintain an animal that bites a person while such person is on public property or lawfully on private property.

Quarantine

Any domestic animal that bites or otherwise breaks the skin of any person will be quarantined for 10 days at the owner's expense.

Cruelty

It is unlawful to deliberately abuse or neglect any animal. Cruelty includes failure to furnish adequate care, shelter and medical attention or allowing an animal to go 24 hours without food and water.

Penalties

Owners of animals impounded are subject to payment of impound and boarding fees, and transportation fees for livestock. In addition, you may be cited for violations of the Civil Code (infractions) or the Criminal Code (misdemeanors) and subject to fines and/or mandatory appearances in District or Municipal court. The minimum fine for the first infraction is \$40. Conviction of a misdemeanor can result in up to a \$1,000 fine and imprisonment for up to 90 days. Fines and penalties vary with each municipality.

Responsible Pet Ownership... is serious business

Each year in the United States there are over one million bites and attacks on humans and domestic animals. Most of these incidents are preventable with proper pet obedience training, spaying and neutering, and by exercising control over your pet's activities. Free roaming pets will not be tolerated. Failing to exercise your responsibility can result in serious consequences.

Other Violations

- Running in a pack
- No pet license
- Damaging property
- Releasing someone else's animal
- Agitating an animal
- Refusal to quarantine
- Abandoning an animal
- Interfering with impounding
- Possessing a dangerous, venomous or poisonous wild animal
- Excessive number of animals
- Failing to remove feces from public property ("scooper" law—Winslow and Poulsbo)
- Failing to muzzle and leash a pit bull when off your own premises (Winslow)

ANIMALS AT LARGE ARE SUBJECT TO IMPOUNDMENT

EXHIBIT 2
DATE 1/5/93
BB 58

TO: Legislative Predator Hearing

FROM: Ed and Karen Miller
RR 1 Box 2882
Absarokee, MT 59001

DATE: January 2, 1993

SUBJECT: Domestic Predator Control

My name is Ed Miller. My wife and I ranch in southern Stillwater County and operate a family-size cattle and sheep enterprise. My family on both my mother's and father's side have been engaged in animal agriculture in this valley since the late 1880's. Historically, they have stayed with cattle and have been in and out of the sheep business basically due to two factors: economics and predators.

In the beginning predators were assumed to be a part of the cost of doing business. At that time they were dealing with native predators such as wolves, coyotes and bears. The problem today, while still not immune to pressure from these predators, is much amplified with the presence of domestic dogs.

In the past we have done as any livestock person would do when the neighbors dogs were on our property and doing damage, we took care of the problem. Law enforcement people tell us now that we can no longer handle these problem individually and immediately.

This past winter we turned 18 head of mature ewes in a pasture immediately adjacent to our ranch buildings; and in over a period of over six months and numerous dog attacks, there were six ewes left to lamb and shear in the spring. These sheep were being fed daily and were not neglected.

Realistically, we know that we will have more people in our valley and with them will come more dogs. I ask only that legislation considered here today allow us to protect our livestock from these predators when they are on my property. I will guarantee you that when you see dogs in your sheep or cattle, you don't have time to call the authorities. Give us the right to protect our property and then we won't be the culprits in this situation.

Ed Miller

*Lewis
Wool
Grower*

EXHIBIT 3
DATE 1/5/93
#B 58

HOUSE AGRICULTURE COMMITTEE
JANUARY 5, 1993

HB 58 BY REPRESENTATIVE VERN KELLER

My name is Gary Graves of Roundup. I am President of the Montana Wool Growers Association and I am here to support HB 58 by Representative Vern Keller. This bill is very important to livestock producers in our state. Our membership discussed the growing problem with urban dogs at our annual convention held just a month ago in Billings and the membership passed a resolution supporting HB 58.

Each year the Montana Crop and Livestock Reporting Service surveys a select number of sheep producers in the state regarding loss to predators. In 1991, the last year numbers are available (in the winter of 1993, they survey producers about 1992 losses) a total of 3,500 head were reported killed by dogs at a value of \$162,000. It would be hard to estimate the number of sheep maimed by dog attacks which results in considerable dollars spent in sewing them up and treating them for infections.

The problem of dogs attacking and harassing livestock seems to be growing, likely caused by expanding city boundaries or subdivisions. It seems that folks want to come to the country but they forget there's responsibility in that move, especially responsibility in controlling their dogs. What we see happening is that people move to the suburbs and then think it is okay to have a dog or two which runs freely.

Dogs have a basic instinct to pack, just like their wild canine ancestors. Dogs left unsupervised seem to get bored and they gather to create excitement. It is important to understand that dogs chasing livestock,..be they sheep or cattle...causes a great deal of stress to

STATEMENT before House Agriculture Committee

Montana State Legislature

Jan. 5, 1993

My name is Stephan R. Sherick. I live at 4995 Lower Miller Creek Road, Missoula, Montana. I am President of the Western Montana Sheep Association with a membership of approximately 350 producers. I am here speaking on behalf of HB 58, and with your permission will share some recent experiences with out livestock and uncontrolled dogs roaming free.

On March 22, 1990, two dogs attacked and killed sheep in the corrals and adjacent pasture during lambing season. During a routine check of the sheep by my wife at about 2:00 a.m., she discovered the sheep being attacked. Trying to chase them off didn't work so she came to the house and awakened me for help. I got dressed and took a shotgun and shells, headed for the barnyard where I saw two dogs stalking sheep and a goat. I yelled at the dogs, one growled at me, so I shot it. The other ran toward the sheep; when I turned the flashlight on it and yelled it growled also and I shot it.

Then we examined the sheep and found dead and wounded sheep in the corrals and pasture. I called 911 that dispatched a deputy sheriff. He examined the dogs and took their out of state tags and collars. He also helped sort and load the injured sheep in the trailer. I took the sheep to a veterinarian that sewed and worked on them for three hours.

Later that morning I contacted the county animal control and the brand inspector. Animal control came and picked up the dogs. The following day Animal Control notified me who the owner of the dogs was and where he lived. They told me they had visited with the owner.

After no response from the owner, I called him to discuss the situation. He informed me that I shouldn't be indiscriminately shooting dogs and he wasn't libel for anything.

I sued for the cost of the sheep and vet bill and settled out of court. He has now sued me for actual damages, loss of value of productivity damages, mental anguish damages and for other relief as the court deems equitable.

On Dec. 24, 1992, at approximately 8:00 a.m., a man came to the door and introduced himself. He said he was looking for his dogs. I invited him in and said I would get my boots on and help him look as I had sheep and horses in the back fields by the river. As I went for my boots I saw two large dogs running around his truck. He identified them as his two huskies that he had been looking for. We both went outside through the barn yard and immediately saw sheep down, scattered in many fields. Very soon my wife was out running from sheep to sheep assessing the damage in addition to trying to get a head count in order to locate all the sheep. Some were dead and others down and wounded. Some were on the river bank, others in the river, dead and alive, one made it across the river and died.

I went to the house and called the veterinarian and asked him to come out and help determine which ones could be saved. I also called 911 who dispatched an Animal Control warden.

The veterinarian and assistant went through the sheep and helped gather and load my trailer and my neighbor's trailer with the help of my wife, daughter and friend, son, neighbor, hired hand and dog owner. The Animal Control officer arrived and cited the dog owner for no dog tags and vicious dogs.

that animal being chased. In times of pregnancy, we feel that stress can cause abortions in our animals, and stress can affect other reproductive behavior such as adverse conditions for lactation during lambing.

City councils in nearly every city has passed dog control laws and many counties are faced with trying to enforce dog control ordinances. As with this session, money for dog control officers is a problem. A responsible dog owner will not be adversely affected by this legislation as proposed by Representative Keller and which we support. I feel a livestock owner has a full right to protect his property from dog attacks and I urge your support of HB 58.

METHODOLOGY and DEFINITIONS

The sheep and lamb survey utilized multi-frame sampling procedures. This involved drawing a random sample from a list of livestock producers maintained by the Montana Agricultural Statistics Service. In addition, sheep producers living in a selected sample of area segments were interviewed. This procedure assures more complete coverage by accounting for and representing those who may not be on the list of producers.

Sheep and lamb loss estimates published by the USDA include sheep losses for the entire year, but include only those lamb losses that occur after docking. This special report includes an estimate of lambs lost before docking as well.

COOPERATION

This study was undertaken at the request of the Montana Wool Growers Association who also provided funding. The Montana Agricultural Statistics Service conducted the survey and expresses appreciation to all cooperating sheep producers.

MONTANA HISTORIC SHEEP and LAMB LOSS

		1985	1986	1987	1988	1989	1990	1991
Sheep & Lambs 1/	000 Hd.	615	523	563	597	600	663	683
Pred. Death Loss	000 Hd.	51.7	42.1	36.7	43.1	35.9	39.1	44.9
Value Pred. Loss	000 Dol.	2,469.5	2,051.1	2,260.5	2,519.7	1,956.4	1,491.1	1,590.0
Non-Pred. Death Loss	000 Hd.	59.8	72.1	79.8	84.7	80.8	79.9	83.5
Value Non-Pred. Loss	000 Dol.	2,704.6	3,437.9	4,825.4	5,115.3	4,264.8	3,586.1	3,179.6
Unknown Death Loss	000 Hd.	15.5	17.8	20.3	22.2	24.3	14.0	13.6
Value Unknown Loss	000 Dol.	776.1	920.0	1,343.0	1,386.6	1,405.0	659.8	550.4
Total Death Loss 2/	000 Hd.	127.0	132.0	137.0	150.0	141.0	133.0	142.0
Value Death Loss 3/	000 Dol.	5,950.2	6,409.1	8,428.9	9,021.6	7,626.2	5,737.0	5,320.0

1/ On farms and ranches January 1. 2/ For entire year. 3/ Lamb values equal to market year average price received for lambs applied to an average weight of 60 pounds per lamb. Sheep value equal to January inventory value Ewes 1+, straight average 1991 and 1992.

Thirty-nine sheep were killed or badly wounded, nine were killed and two have died from complications. Of the dead, two were purebred bucks and the rest were pregnant ewes. The remaining wounded sheep are pregnant and may have complications. This can result in lambing problems, loss of lambs and effects on the wool.

I support enactment of House Bill No. 58.

Thank you very much. If you have any questions, I would be glad to answer them.

*Pelton's
Exhibit*

EXHIBIT _____
DATE 1/5/93
#B 58

To: Rep. Vern Keller

From: Stanley L. Pelton
RR 1 Box 2820
Absarokee, MT 59001

Date: January 1, 1993

Re: Testimony in support of amending Section 87-7-401 MCA,
"Allowing for the killing of a dog that harasses livestock."

Let me first introduce myself, I am Stanley L. Pelton of Absarokee MT. I operate a ranch based just north of Absarokee with small leases and deeded holdings in South Central Stillwater County as well as Northern Carbon County. Our enterprize base is currently a cow-calf operation but in the past has included sheep. Part of the leases of our operation are family holdings of which I am a member of the fourth generation.

I would like to appeal to you for support of the measure you have before you. Having had numerous experiences with dog problems in the past sixteen years, I have sought solutions through law enforcement and legal council only to be advised that Section 81-7-401 MCA does not address problems of livestock being harassed which often times creates a very real economic hardship to livestock owners in terms of lack of gain, conception rates being deminished or fences being destroyed by fleeing livestock. Yet another aspect to be considered is how humane is it to allow dogs to harass demesticated livestock who by restriction of fences and habitat can not adequately defend themselves. Even worse, since dog problems become a very emotional issue, livestock owners actions are severly restricted under current statute.

While restitution for dog damage, in my experience, is seldom an achieveable end the changes proposed in this legislation would allow the livestock producer in this state to protect his economic livelyhood. I firmly believe this proposed change will also act as a deterant to the owners of chronically neglected dogs as well as those incidental problem dogs. It will also have a positive impact on an already overburdened rural sheriff departments time by reducing the number of calls for help in nuisance dog cases involving livestock. The calls not only involve time but stress to the sheriff's staff when they become mediators in this emotional situation.

In searching my soul and viewing these changes as a dog owner, I do not find the changes offensive. I, too, have a canine who not only earns her keep each day as a stock dog but also is friend, companion and protector of each of our family members. I do find offensive, dogs who wander at will in groups and tempt otherwise peacefull and useful dogs into the chase. This problem would also be deterred by implementation of these changes.

I would like the indulgence of this group in allowing me to describe some incidences that have happened to me over the last sixteen years wherein implementing the word "harrassing" into this act would have been an aid. These incidents are listed chronologically. Also let me preface these examples by stating that most occured near subdivisions or the Stillwater River or both.

1) Dogs run a small group of sheep in river at night. The temperature was extremely cold. None of the animals were killed outright but four were frozen in that river. End result was frozen feet and legs which caused permanent lamenitis over time and eventual loss of use.

2) Dogs harrassed calving cows at night in lots and sheds located away from home base. Resulting in agitated cows, torn up corrals, and trampled calves. It is very difficult to prove these dogs were indirectly killing these calves. Had harrassment been included in the statute, witnesses were available and an officer could have acted.

3) Dogs were seen by neutral witnesses chasing cows from a single water source during the winter. This was a man-made self waterer which would handle two to four cows at a time in a single location. The result was an extremely agitated herd of cows that performed very poorly all winter. There were no deaths, because these cows would water at night when the dogs were housed.

4) I have had cattle run through fences on a recurring basis. Not only weaned calves but adult cattle as well.

5) We have had dogs that would prevent cattle and sheep from utilizing hay fed to them during the winter months. Not a continual problem, but one that was totally unnecessary, hard to resolve and a pure game for the dog involved.

6) An ever increasing incidence of campers along our scenic rivers who turn their dogs loose and result in cattle and sheep being run or at least intimidated from grazing certain areas of a pasture. This is economic harrassment!

7) Most recently river floaters, whom also fish with dogs, can legally embank below high water lines to fish. They in turn allow dogs to run loose spooking cows and young calves through fences during the spring calving season!

Change always is difficult. Time dictates need for change in respect to this act. As my examples clearly have shown, with demands of recreation, the need for land by the populace and their dogs, and the need of livestock entrepreneurs to survive we must implement this change so we can peacefully coexist. Thank you for your time. I ask you to please give full and complete consideration to this measure.

_____ 8

EXHIBIT 6
DATE 1/5/93
#B 58

TO: Rep. Vern Keller

FROM: Richard C. Bridges
RR 1 Box 2810
Absarokee MT 59001

DATE: January 2, 1993

RE: Testimony in support of ammending Section 87-7-401 MCA "Allowing for killing of a dog that harrasses livestock."

I ranch north of Absarokee along the Stillwater River. I am the third generation to take my livelihood from this ranch.

A new subdivision was developed across the river from us where people enjoy semi-country living. Since they believe they're in the country, they let their dogs run loose. These dogs cross the river and run my sheep and chase my cattle. I've spent hours at night turning ewes off their backs and hunting in the brush for sheep frightened away from the flock. I've had ewes crippled, torn, and so scared that they cannot eat. It takes these ewes months to completely heal and they do not raise good quality wool or have good lamb production.

The cabin people down the road from us bring their dogs with them on weekends and turn them loose. These dogs have run my cattle through the fences into the neighbor's causing us to spend hours separating cattle and repairing fences. The dogs have also chased my sheep into the poor feed at the far end of the pasture where they remain until the dogs are taken home after the weekend.

Seasonal fishermen along the river turn their dogs loose while they fish and these dogs have chased my sheep and cattle. They have even come into my barnyard to harrass my chickens.

We have also had dog packs run our livestock. One such pack of five has chased livestock into our fence corners.

We need this bill put into law to help control dogs that are destroying our livelihood. Since there are more people in the area every year and, consequently, more dogs, the problem grows and will not go away. Law enforcement also needs this bill to give them authority in dealing with this problem. Please help us.

Richard Bridges

EXHIBIT 7

DATE 1/5/93

#B 58

TESTIMONY - HOUSE BILL NO. 58

January 5, 1993

Mr. Chairman, members of the committee, for the record, I am Representative Vernon Keller, House District 83, representing Stillwater and the northwest portion of Yellowstone County and west Billings.

Today, I bring before you in the Agriculture committee, a proposal to amend section 81-7-401, MCA.

A little over a year ago, a story appeared in our local paper taken from a Kalispell newspaper about a livestock owner who thought he was in his rights by shooting a dog in his cattle pen. The rancher found out differently when a judge ordered him to reimburse the dog's owners \$800.

Although this particular amendment to the law may not completely alleviate that particular rancher's problem, I believe that adding the word, "harasses" to the statute would certainly alleviate most livestock owner's problems.

If a stray dog is deliberately causing stress to a domestic animal, it may cause undue harm and discomfort to the animal. Ultimately it may end in their death or permanent disability. Added to the burden of Montana's sometimes severe inclement weather, domestic livestock have enough stress to carry without deliberate agitation.

Closing: To be socially acceptable in our society, parents are expected to determine where their children are and are accused of neglect if they refuse that obligation. Is it any different that pet owners should be negligent to the care and whereabouts of their charges. Perhaps this piece of legislation can be more of a deterrent to the ultimate extinction of their pets if they know ahead of time. I would hope that very few cases of dog disposal would occur.



Vernon Keller

VK:vn

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HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Judith Fenton BUDGET 1/5/93

ADDRESS Blue Sky Heights #26, Clancy, MT

WHOM DO YOU REPRESENT? Federated Humane Societies of MT

SUPPORT _____ OPPOSE AMEND _____

COMMENTS: HB58

Irresponsible owners who have their dog shot for injuring or killing livestock simply go out and get another animal and let it run loose also. The dog really doesn't know better and should not be made to pay the maximum price of giving up his life. The owners should pay the penalty in fines etc.

I feel that this is being introduced just to bring the law in line with what most ranchers plus most people in the general public think it says.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture COMMITTEE BILL NO. HB 316
DATE 1/5/93 SPONSOR(S) REP. BARNETT

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Les Copham	mt Auctions Assn	✓	
John Paugh	mt Wool Growers	✓	
Gordon Darlington	Montana Woolgrowers	✓	
Cork Mortensen	Dept. of Livestock	✓	
Larry Frank	mt. Farm Bureau	HB-58	
Jim Thomas	mt. Stockgrowers	HB-58	
Bob Hellet	MT-Woolgrower	HB-58 ✓	
Gary D. Graves	MT. Wool Growers	HB-58 ✓	
Steve Sherick	self	HB-58 ✓	
Bill Myers	APA	HB-58 ✓	
Jim Kunk	self	HB-58 ✓	
Richard Bridges	self	HB-58 ✓	
Shirley Bellan	self	HB-58 ✓	

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