

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Senate Committee on  
Agriculture and  
Environmental  
Resources  
(SC-AER)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 97hr\_ab0585
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
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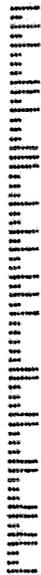
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FE8 998



53708-8911





POLICE DEPARTMENT  
**VILLAGE OF JACKSON**  
*"The Village With A Future"*

February 9, 1998

Dr. Yvonne M. Bellay, DVM, MS, State Humane Officer  
WI Dept of Agriculture  
Division of Animal Health  
2811 Agriculture Drive  
POB 8911  
Madison, WI 53708-8911

RE: ASSEMBLY BILL 585 (Hearing February 11, 1998) Relating to Humane Officers

Due to a previous commitment regarding renovation of the Police Department, I will be unable to appear at the above hearing, but would respectfully like to enter my strong support for the above mentioned bill.

The undersigned will complete forty (40) years of law enforcement service, in the State of Wisconsin in January 1998. I have served as a member of:

1958-1970	Hales Corners PD (Milwaukee Co) Patrol Officer to Lieutenant
1970-1989	Brown Deer PD (Milwaukee Co) Chief (Public Safety Director)
1989-1991	Retired
1991-1996	WI Humane Society (Milwaukee Co) Milwaukee County Humane Society
1996-Present	Jackson PD (Washington Co) Chief (Public Safety Director)

I am also past President of the Milwaukee County Police Chiefs Association, past President of the Wisconsin Chiefs of Police Association and presently President of the Washington County Chiefs of Police Association.

As noted above I served as a Humane Officer in Milwaukee County for about five (5) years. During that period I found that:

1. Few people knew the position of Humane Officer existed and that it had (in my situation) police powers as both my partner and I were state certified officers.
2. Although trained as a police officer most of my animal related training was on the job.

CHIEF DONALD E. ROSENBAUER  
Director of Public Safety

3. The only formal Humane Officer training available was through the University of Missouri at Columbia, MO.
4. During my tenure I served on several committees that attempted to change the existing statute to one similar to that which is proposed.

I strongly support this legislation for the following reasons:

1. It establishes a needed training program under the Department of Agriculture, Trade and Consumer Protection (DATCP) which has in its structure the Division of Animal Health and is staffed by the State Humane Officer. In the past I have worked closely with this highly professional group.
2. Under the present system there is no continuity in Humane Officer training and limited guidance relative to their duties.
3. The new legislation would allow political units of governments (cities, villages and towns) to choose what their resources allow and their needs require. A trained Humane Officer to handle animal problems and concerns or a Humane Officer (Police Officer Certified) trained by both (DATCP) and the Department of Justice Training and Standards Bureau with the additional law enforcement duties. This gives communities the best of both concepts and allows officers to specialize in their fields.
4. The only result that can come out of this bill is an improved, highly trained group of individuals to enforce our state and local animal welfare laws and ordinances in a professional manner.

I urge that this bill move forward and strongly recommend passage of this legislation.



Donald E. Rosenbauer, Chief  
Director of Public Safety

# *Dog Federation of Wisconsin, Inc.*

Web Site: <http://members.aol.com/phild13/dogfed/index.htm>

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Dr. Robert M. Brown, DVM  
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2-10-98

To the Members of the Committee,

Humane Officers are not dog catchers, and in fact, referring to these highly trained professionals as such could be insulting. They are, or can be, part public relations official, part public health official, part social worker, part teacher and part law enforcement official. In a perfect world, the well trained Humane Officer should be a highly respected member of the community whose first job is to educate and thus prevent neglect and abuse. But we don't live in a perfect world.

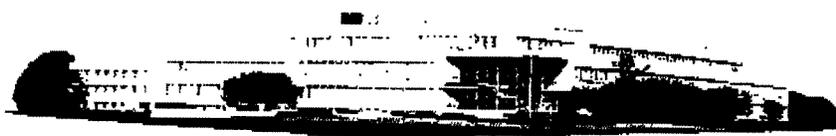
Instead, we live in rural communities where the population increases some 1% per year, straining schools and services in the process; where the vast majority of the population is one or more generations removed from the land; where volunteers are asked to do jobs they are not qualified to do and do not have the authority to do, but attempt to do, often with tragic consequences. The community demands that 'somebody' take care of a situation, whether it be the arthritic old dog wandering in the street or the pole building full of sick, dying, and dead dogs. Yet, when that 'somebody' botches the job horribly, the community demands accountability.

The Dog Federation suggests instead, that communities do what they can to avoid putting the humane society volunteers, the police officers, and the township road crews in situations they are unqualified to deal with. Assembly Bill 585 will help us do that by requiring that people hired to act as Humane Officers be trained as Humane Officers.

Trained Humane Officers can recognize mental instability, substance abuse, domestic violence and other problems that often go hand in hand with animal abuse or neglect. Competent Humane Officers are trained in the law enforcement procedures necessary to build strong cases against real criminals. The qualified Humane Officer can be an educational source, providing information that may help prevent abuse and neglect from occurring.

AB 585 does not create qualified Humane Officers; it simply describes the job and provides, by rule, standards for the training of same. The Dog Federation would not only urge members of this committee to recommend passage of this Bill but also plead with you to go back to your constituents and educate them as to the need for trained Humane Officers in their communities.

WAUKESHA COUNTY



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FACSIMILE COVER SHEET

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DATE: 2-10-98

NUMBER OF PAGES, INCLUDING COVER SHEET: 5

PLEASE DELIVER TO: \* See Below

FAX NUMBER OF ADDRESSEE: \_\_\_\_\_

FROM: Mary  
Co. Board - Waukesha Co.

COMMENTS:

Please deliver one copy to  
each ~~of~~ as listed below.

\* Senators Alice Klausung, Robert Wrick,  
Alan Lasee, and David Zier.

Thank you.

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Phone: 715-743-7477

Legal Counsel  
James JR Habock  
W 7686 State Highway 29  
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TO: Senate Ag Committee  
%Committee Chair Senator Alice Clausing

From: Richard J. Stadelman  
Executive Director

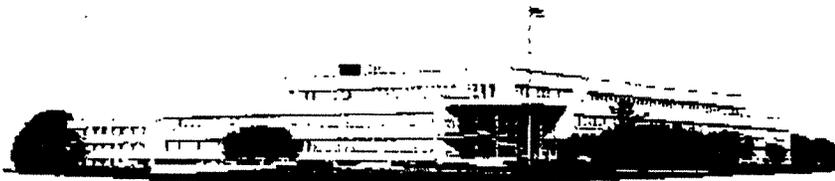
Re: AB 585 Animals & Humane Officers

Date: February 11, 1998

On behalf of Wisconsin Towns Association I want to express our support for passage of AB 585 relating to animals and humane officers as passed by the State Assembly. I did raise concerns that the bill may limit the authority of towns, villages, and cities to appoint animal control officers, typically known as dog catchers. I believe the memo from Ruth Heike, Assistant Legal Counsel at the DATCP clarifies that the drafting intent was not to take away any authority of local governments to appoint such animal control officers who could take stray animals including dogs into control without being a humane officer. Due to the lateness of this session and the importance of passing the bill as passed by the Assembly without amendment I am not asking for any clarification on this matter. If this should become a legal issue in the future I would respectfully request the legislature to pass legislation to authorize animal control officers/dog catchers to have such authority without being required to be humane officers. I feel comfortable that the legislative intent has been established by Ms. Heike's memo to allow such appointments even if AB 585 is passed without any clarification.

Again, we express our support for passage of AB 585 by the State Senate without amendment. Thank you for your consideration.

**WAUKESHA COUNTY**



*515 West Moreland Boulevard  
Waukesha, Wisconsin 53188-2428*

*County Board Office*

*Phone: (414) 548-7002  
Fax: (414) 548-7005*

February 11, 1998

**TO: Senator Alice Klausung, Chair**  
**Members of the Senate Committee on Agriculture & Environmental Resources**

**FR: Dave Krahn**  
**Waukesha County Legislative Assistant**

**RE: Assembly Bill 585 - Humane Officer Legislation**

Waukesha County is very much interested in seeing AB 585 become law. This legislation, in addition to clarifying humane officer responsibilities and formulating standard educational requirements, specifies the methods and circumstances involved in taking custody of animals and situations when animals may be retained for cause, such as abuse/criminal activity.

The bill provides clarification on how animal care costs may be recovered through the sale of unclaimed animals, and most importantly, provides the county with the ability to petition the court for the recovery of expenses related to custodial care for animals taken into custody. This last measure will certainly be welcome in light of a court case a few years ago which cost the property taxpayers in Waukesha County in excess of \$100, 000.

AB 585 is the product of much deliberation and consensus-building by a number of people from around the state with invaluable cooperation from the Department of Agriculture, Trade and Consumer Protection. It is not a "fly-by-night" proposal. It was introduced in the last legislature, and has since been fine-tuned. AB 585 is sound, reasonable legislation.

Waukesha County urges you to support AB 585, on Tuesday's (January 20th) Calendar.

Thank you for your consideration.



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## FLAGSOURCE NORTH, INC.

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FEBRUARY 11, 1998

SENATOR CLAUSING, MEMBERS OF THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENTAL RESOURCES:

MY NAME IS SALLY KRAUSE. I AM A RESIDENT OF THE CITY OF DELAVAN, WALWORTH COUNTY. I AM HERE TO ASK FOR YOUR SUPPORT OF AB585.

I HAVE BEEN INVOLVED IN HUMANE WORK FOR THE BETTER PART OF THIRTY-FIVE YEARS, ALWAYS AS A VOLUNTEER. I CURRENTLY SERVE AS PRESIDENT OF LAKELAND ANIMAL WELFARE SOCIETY IN WALWORTH COUNTY AND AS PRESIDENT OF WISCONSIN FEDERATED HUMANE SOCIETIES, A STATE FEDERATION OF INDIVIDUAL HUMANE SOCIETIES. ONE OF MY PRIMARY INTERESTS IN THE HUMANE MOVEMENT IS WORKING WITH THE LEGISLATIVE PROCESS. I HAVE SAT IN THIS CHAIR BEFORE. I GO BACK TO THE DAYS WHEN, BY VIRTUE OF BEING A CHARTERED HUMANE SOCIETY, YOU HAD CERTAIN RIGHTS AND RESPONSIBILITIES IN ANIMAL INVESTIGATION AND PROTECTION. I GO BACK TO THE DAYS OF GOVERNOR APPOINTED HUMANE OFFICERS. AND I AM HAPPY TO ANNOUNCE, WE HAVE COME A LONG WAY!

MY TESTIMONY TODAY WILL BE GENERAL IN NATURE. I WAS FORTUNATE TO HAVE SAT ON THE AD HOC COMMITTEE WHO DESIGNED AB585, AND SO FEEL SOME DEGREE OF OWNERSHIP. DATCP WENT A LONG WAY TO ATTEMPT TO INVOLVE PEOPLE WHO WOULD BE DIRECTLY AFFECTED BY THIS PIECE OF LEGISLATION, PEOPLE WHO REPRESENT DIFFERENT FACETS OF GOVERNMENT AND ANIMAL PROTECTION.

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COMMITTEE ON AGRICULTURE AND ENVIRONMENTAL RESOURCES

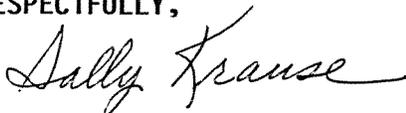
THERE ARE TWO POINTS I WISH TO ADDRESS. THE FIRST HAS TO DO WITH THE TOTAL CONFUSION THAT HAS EXISTED OVER MANY YEARS, CONFUSION INVOLVING PROCEDURE. WHO CAN DO WHAT? DO HUMANE SOCIETIES HAVE THE RIGHT TO MOVE ON AN INVESTIGATION? IS LAW ENFORCEMENT NECESSARY? CAN A PRIVATE CITIZEN FORCE A "SITUATION?" BEFORE THESE QUESTIONS CAN BE ANSWERED, WHAT CURRENTLY EXISTS SHOULD BE ACKNOWLEDGED. ANIMAL INVESTIGATIONS ASSUME MANY SCENARIOS. HUMANE OFFICERS MAY BE HIRED BY COUNTY OR MUNICIPALITY, OR BY HUMANE SOCIETY. THE POSITION MAY EXIST UNDER LAW ENFORCEMENT, PUBLIC HEALTH OR REPRESENT ITS OWN ENTITY. SOME HUMANE OFFICERS MAY NOT EVEN BE CALLED HUMANE OFFICERS BECAUSE THEIR PRIMARY DUTIES ENCOMPASS RABIES CONTROL OR ANIMAL CONTROL, AND ANIMAL INVESTIGATIONS ARE ONLY A SECONDARY ELEMENT OF THEIR JOB DESCRIPTIONS. HUMANE OFFICERS EMPLOYED BY A HUMANE SOCIETY MAY OR MAY NOT BE DESIGNATED BY A COUNTY BOARD. SOME COUNTIES HAVE NO HUMANE OFFICER OR INDIVIDUAL TO HANDLE A COMPLAINT. THE SCENARIOS ARE SO VARIED, IT'S NO WONDER WE HAVE CONFUSION. IF AN AGREEMENT IS CURRENTLY WORKING FOR A GOVERNMENTAL UNIT, WHY DISTURB IT, AND AB585 WILL NOT! WHAT AB585 DOES, HOWEVER, IS GIVE SOME CONSISTENCY, SOME GUIDELINES TO THE POSITION WITHOUT DISTURBING THAT THAT WORKS. THE AMATURE "ENTHUSIAST", IF DESIGNATED BY A GOVERNING UNIT TO RESPOND TO ANIMAL COMPLAINTS, WILL HAVE TO BE TRAINED. THE "GOOD OLD BOY", WHO MAYBE GOES BACK TO WHEN GOVERNOR APPOINTED WAS GOOD, MUST NOW TRAIN. CURRENTLY PRACTICING HUMANE OFFICERS WILL ATTEND TRAINING OR TEST OUT. LAW ENFORCEMENT PERSONNEL WHO CHOOSE TO ACCEPT HUMANE OFFICER DUTIES WILL TRAIN. THE EFFECTIVENESS OF AB585 IS THAT THE REQUIREMENT IS THERE. IF ONE IS TO FUNCTION AS A HUMANE OFFICER, TRAINING IS MANDATORY. NO MORE LOOSE CANNONS, AND WE'VE HAD A FEW! I CAN THINK OF CASES IN THE STATE THAT MIGHT HAVE BEEN HANDLED DIFFERENTLY HAD AB585 BEEN IN PLACE. PERCEPTION IS A LARGE PART OF DETERMINING ACTION AND RESPONSE. I FEEL PROCEDURES WILL SMOOTH WHEN THOSE HANDLING ANIMAL CASES ARE BETTER TRAINED IN ANIMAL LAW AND ANIMAL HUSBANDRY.

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COMMITTEE ON AGRICULTURE AND ENVIRONMENTAL RESOURCES

THE OTHER BRIEF COMMENT I WISH TO MAKE ABOUT AB585 INVOLVES WHAT I CONSIDER TO BE THREE "TOOLS" OFFERED TO THE HUMANE OFFICER AND THE COURT SYSTEM, THE INSPECTION WARRANT, THE ABATEMENT ORDER AND THE BOND ISSUE. THE INSPECTION WARRANT PROVIDES AN OPPORTUNITY FOR EARLY DETECTION OF A PROBLEM, AN OPTION THAT CAN ONLY BE EXERCISED AT THE DISCRETION OF A JUDGE. FROM A HUMANE SOCIETY POSITION, PROBABLY THE MOST VALUABLE TOOL IS THE ABATEMENT ORDER. DESPITE WHAT SOME WOULD HAVE YOU BELIEVE, WHEN A PROBLEM OCCURS, UNLESS CONDITIONS ARE BEYOND HORRENDOUS, HUMANE SOCIETIES AND LAW ENFORCEMENT WOULD RATHER MANAGE THAN REMOVE. AN ABATEMENT ORDER CARRIES WITH IT OWNER PROTECTION IN THE FORM OF AN APPEALS PROCESS, WHILE PROVIDING THE OPPORTUNITY FOR EDUCATING. THE THIRD TOOL WHICH PRESENTS GREAT POTENTIAL IS THE BOND ISSUE. NOT ALL AGREE WHERE FINANCIAL RESPONSIBILITY LIES FOR THE CUSTODIAL CARE OF A SEIZED ANIMAL. POSTING BOND BY AN OWNER IS, AGAIN, NOT A MANDATE BUT AN OPTION GIVEN THE COURT SYSTEM.

IN CLOSING, I REMIND YOU THAT I COME FROM A HUMANE SOCIETY FOCUS, BUT THIRTY-FIVE YEARS LATER, ONE WOULD HOPE I HAVE GAINED SOME DEGREE OF FLEXIBILITY. HISTORY IS BENEFICIAL ONLY IF ONE LEARNS FROM IT AND ADJUSTS TO THE CHANGE. AB585 I VIEW AS A GOOD FOUNDATION, A GOOD GOVERNMENT BILL, CERTAINLY BETTER THAN WHAT WE CURRENTLY HAVE. I ASK YOU TO SERIOUSLY CONSIDER THE PROVISIONS AND GIVE AB585 YOUR APPROVAL.

RESPECTFULLY,



SALLY KRAUSE  
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11 February 1998  
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TO: Senate Committee on Agriculture and Environmental Resources

FROM: Thomas Howard, D.V.M.

SUBJECT: AB 585

Thank you for the opportunity to speak in support of this bill. I believe that this legislation, if enacted, will provide Wisconsin livestock producers and other animal owners greater consistency and predictability in the handling of animal welfare cases by local governments.

Animal welfare law enforcement cases are frequently charged with emotion and highly publicized. The present ambiguity in Ch. 951 with respect to the authority and role of WDATCP, the role of private sector entities such as humane organizations, and due process in handling matters of custody or disposition of animals creates an environment which:

- (1) is ripe for the possibility of abuse of property rights by untrained or poorly trained enforcement personnel,
- (2) is potentially costly for local taxpayers who fund the prosecution and disposition of cases, and
- (3) creates a climate that undermines the obvious legislative intent of Ch. 951 to protect animal welfare through enforcement by local authorities, not by a state agency or USDA regulators.

AB 585 contains no mandates on local governments. Local officials can choose whether to appoint humane officers. However, common sense leads me to conclude that responsible local officials, especially those who have observed or experienced the high cost of handling cases under the present provisions of Ch. 951, will be eager to try a better way. There is simply no reason that enforcement of an animal welfare case should be as expensive for local taxpayers as that for a major felony case. Equally, there is no reason that an animal owner should be deprived of his or her property because of an erroneous legal or veterinary medical interpretation by a poorly trained humane officer, or without very clear due process.

The creation of abatement orders as enforcement tools by AB 585 is a particularly useful and creative step. Abatement orders would put the responsibility onto an animal owner to remedy specific deficiencies within a specified period without immediate resort to seizure of animals. This is a sensible provision that is attentive to property rights and to the expense of animal seizures to taxpayers when livestock, horses, or large numbers other animals are involved.

From my animal agriculture perspective, it is very important that Wisconsin have well-trained humane officers and very clear animal welfare laws. As formerly rural areas of our state become suburbanized, it is increasingly common for government to encounter urban-rural conflicts over many issues, including use of and care for animals. Well-trained humane officers can become excellent buffers and communicators to citizens on both sides.

Stripped of emotionalism and loaded characterizations, AB 585 is simply a good government bill that better empowers local authorities to enforce Ch. 951 in a way that will help control enforcement costs and will provide clear due process protections that will safeguard property rights better than Wisconsin's present statutes. I hope this committee and the Wisconsin Senate will see fit to enact this bill.

AB 585 - Mark Meyer

Development of credential program &  
class

Who develops it?

Who pays?

How many people  
opposed?