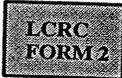


WISCONSIN LEGISLATIVE COUNCIL STAFF



JUN 17 RECD

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-085

AN ORDER to create chapter ATCP 15, relating to humane officer training and certification.

Submitted by **DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

05-13-99 RECEIVED BY LEGISLATIVE COUNCIL.
06-07-99 REPORT SENT TO AGENCY.

RS:PS:jal;rv

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 99-085

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In several places in both the introductory material and the text of the rule, reference is made to "the state of Wisconsin Department of Agriculture, Trade and Consumer Protection." The phrase "state of" is unnecessary and should be deleted in all occurrences. See the example after s. 1.02 (1), Manual.

b. In s. ATCP 15.02 (2) (intro.), the word "must" should be replaced by "shall." [See s. 1.01 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ATCP 15.02 (2) (c), the phrase "on a form under" should be changed to "as provided in."

b. In the title to s. ATCP 15.04 (1), it is suggested that the word "expires" be changed to "expiration."

c. In s. ATCP 15.06 (3), the comma on the second line should be deleted and the phrase "according to" on the second line should be changed to "in accordance with." In sub. (6) (a) (intro.), the comma in the second sentence should be deleted.

d. In s. ATCP 15.08 (2) (intro.), the comma on the third line should be deleted.

e. In s. ATCP 15.09 (3) (intro.), it is suggested that the phrase "in writing" be inserted after the phrase "shall document." Also, in sub. (3) (a), the comma on the second line should be deleted.

f. Section ATCP 15.09 (6) (b) provides that a person who twice fails an examination may not retake it. Is this provision meant to be a lifetime prohibition?

g. In s. ATCP 15.10 (2), for consistency with the other subsections, the word "The" should be inserted at the beginning of the sentence.

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection proposes
- 2 the following order to create ch. ATCP 15, relating to humane officer training and
- 3 certification.

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

Statutory authority: s. 173.27, Wis. Stats. ✓ *Decker*
Statutes interpreted: ss. 173.03(1), 173.05, and 173.27, Wis. Stats. ✓

app. of h.o.s. cert. req'd
This rule establishes minimum training and certification requirements for humane officers, as required by s. 173.27, Stats. The department developed this rule in consultation with an advisory committee that included representatives of the livestock industry, the equine industry, dog interests, law enforcement agencies, current humane officers, public health agencies, humane societies, veterinarians, and livestock truckers.

Humane Officer Certification

1997 Wis. Act 192 modernized the administration of Wisconsin's animal welfare laws. The legislation clarified the authority of humane officers, provided a wider range of options for dealing with animal welfare problems, and assured "due process" for affected animal owners. The legislation also required the department to certify humane officers. To be certified, humane officers must complete an examination and meet training requirements established by the department.

This rule requires a humane officer to be certified within one year after the humane officer is appointed, or by December 1, 2000, whichever is later. A humane officer must satisfy applicable training requirements and pass an examination before the humane officer is initially certified. A certified humane officer must satisfy continuing education requirements and must renew his or her certification every 2 years. No examination is required to renew a certification.

Initial Certification

A person wishing to be certified as a humane officer must do all the following:

- Complete an initial training program sponsored or approved by the department. (There are some exceptions.)
- Pass an examination.
- Submit an application that includes all the following:
 - * The applicant's name, address and telephone number.
 - * The identity of the applicant's employer if the applicant is currently employed as a humane officer.
 - * The date on which the applicant passed the examination required for initial certification.
 - * A fee of \$25.

The department must grant or deny a certification application within 30 days after the department receives a complete application form.

Certification Renewal

A certification expires on December 31 of each odd-numbered year. A humane officer wishing to renew his or her certification must submit a renewal application on a form provided by the department. The renewal application must include all the following:

- The applicant's name, address and telephone number.
- The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- A renewal fee of \$25.
- Information showing that the applicant has satisfied applicable continuing education requirements. The information must identify and describe the continuing education programs attended.

A humane officer must complete 32 hours of continuing education during each biennium for which the humane officer is certified. (This requirement does not apply during the biennium for which the person is initially certified.) The department does not pre-

approve continuing education programs. However, the department may refuse to accept a continuing education program that is unrelated to a humane officer's duties.

Examination

Under this rule, a person who wishes to be certified as a humane officer must pass an examination administered by the department. (No examination is required for certification renewal.) The examination will test applicants on animal husbandry and care practices, as well as applicable laws and investigative procedures. To pass the examination, an applicant must achieve a passing score on each part of the examination.

A person wishing to take the examination must provide his or her name, address and telephone number, pay a \$25 examination fee, and show that he or she is eligible to take the examination. A person is eligible to take the examination if one of the following applies:

- The person has completed an initial training program (see below). The applicant must identify the training program attended, including the program title, sponsor and dates.
- The person is exempt from initial training (see below).

A person who is exempt from initial training, but who fails the examination, must complete the initial training program before retaking the exam. A person who twice fails the examination may not retake it. *forever?*

Initial Training

A person must complete an initial training program before taking the humane officer examination, except that the following persons are exempt if they pass the examination on the first attempt:

- A person employed as a humane officer in Wisconsin before December 1, 1999.
- A veterinarian.
- A person who has served as a humane officer in another state.

An initial training program must be sponsored or pre-approved by the department. The department will charge a fee to cover the cost of the initial training program which it sponsors. Other sponsors may apply for approval of their training programs (see below). An initial training program must provide at least 40 hours of training in the following areas:

- At least 16 hours of training in animal husbandry and care practices including the following:
 - * At least 10 hours of training related to farm animals. A portion of this training must be practical on-site training at a farm location.
 - * At least 4 hours of training related to domestic non-farm animals.
 - * At least 2 hours of training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.
- At least 24 hours of legal and investigative training including:
 - * At least 4 hours of training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
 - * At least 4 hours of training related to the rules of evidence, and the collection and preservation of evidence.
 - * At least 4 hours of training related to interview and interrogation techniques, stages of the investigation and courtroom testimony.
 - * At least 4 hours of training on search and seizure law, and on photographing, video taping or sketching the scene of the investigation.
 - * At least 4 hours of training related to report writing.
 - * At least 4 hours of training related to crisis intervention, humane officer safety and civil liability.

Initial Training Programs; Approval

The sponsor of an initial training program may apply to the department for approval of that training program. The application must include the following information:

- A detailed outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
- The identity and credentials of program instructors.
- The training location, including the location of any on-site farm training.

- A copy of the certificate that the sponsor will provide to persons who successfully complete the course, and the identity of each person authorized to sign certificates for the sponsor.

The department must approve or disapprove a training program within 30 days after the department receives a complete application from the program sponsor.

Humane Officer Appointments; Reporting

Under s. 173.27(4), Stats., the department must keep a current registry of all persons serving as humane officers. Under s. 173.03(1), Stats., a county, city, village or town must report to the department whenever that local entity appoints or terminates a humane officer. This rule requires the local entity to file the report in writing within 30 days after it appoints or terminates the humane officer. The report must include all the following.

- The identity of the local entity.
- The name and address of the humane officer.
- The humane officer's certification number if the humane officer is currently certified by the department.
- The date of the humane officer's appointment or termination.

1 **SECTION 1.** Chapter ATCP 15 is created to read:

2 **CHAPTER ATCP 15**

3 **HUMANE OFFICER TRAINING AND CERTIFICATION**

4 **ATCP 15.01 Definitions.** In this chapter:

5 (1) "Department" means the state of Wisconsin department of agriculture, trade *x # 2*
6 and consumer protection.

7 (2) "Humane officer" means a person appointed under s. 173.03, Stats., to
8 exercise powers or carry out duties identified under s. 173.07, Stats.

9 (3) "Law enforcement officer" has the meaning given in s. 165.85(2)(c), Stats.

10 (4) "Political subdivision" has the meaning given in s. 173.01(3), Stats.

11 (5) "Veterinarian" means a person licensed under ch. 453, Stats.

1 **ATCP 15.02 Initial certification.** (1) CERTIFICATION REQUIRED. No person
2 may serve as a humane officer unless the department certifies that person within one year
3 after the person is appointed or by December 1, 2000, whichever is later.

4 **NOTE:** Subsection (1) does not require a law enforcement officer to be appointed
5 or certified as a humane officer in order to enforce laws related to animals.
6 But if a law enforcement officer or other person is appointed as a humane
7 officer under s. 173.03, Stats., he or she must be certified as a humane
8 officer.
9

10 (2) CERTIFICATION STEPS. A person who wishes to be certified as a humane
11 officer ^{shall} ~~must~~ do all the following: x

12 (a) Complete the initial training program under s. ATCP 15.06, if required.

13 (b) Pass the examination required under s. ATCP 15.08.

14 (c) Submit an application ^{as provided in} on a form under sub. (3). /

15 (3) APPLICATION FORM. A person applying for certification under sub. (1) shall
16 submit an application on a form provided by the department. The application shall
17 include all the following:

18 (a) The applicant's name, address and telephone number.

19 (b) The identity of the applicant's employer if the applicant is currently employed
20 as a humane officer.

21 (c) The date on which the applicant passed the examination required under s.
22 ATCP 15.08.

23 (d) A fee of \$25.

24 **NOTE:** You may obtain a certification application form from the department at
25 the following address:

26
27 Wisconsin Department of Agriculture, Trade and Consumer Protection
28 Animal Health Division

1 P. O. Box 8911
2 Madison, WI 53708-8911
3 Phone (608) 224-4872

4 (4) ACTION ON CERTIFICATION APPLICATION. The department shall grant or deny
5 a certification application within 30 days after the department receives a complete
6 application under sub. (3).

7 **ATCP 15.04 Continuing certification.** (1) CERTIFICATION EXPIRES. A humane ^{ACTION!} X
8 officer's certification expires on December 31 of each odd-numbered year. A humane
9 officer who fails to renew his or her certification may not continue to serve as a humane
10 officer.

11 (2) CERTIFICATION RENEWAL. A humane officer may apply to renew his or her
12 certification using a form provided by the department. A renewal application shall
13 include all the following:

14 (a) The applicant's name, address and telephone number.

15 (b) The identity of the applicant's employer, if the applicant is currently
16 employed as a humane officer.

17 (c) A renewal fee of \$25.

18 (d) Information showing that the applicant has satisfied the continuing education
19 requirement under sub. (3). The application shall include the following information
20 related to each continuing education program attended:

21 1. The program title and sponsor.

22 2. The program dates.

23 3. The program instructors.

1 4. The number of hours of instruction time attended.

2 5. A program description provided by the program sponsor. Alternatively, the
3 applicant may describe the program and explain why it is relevant to his or her duties as a
4 humane officer.

5 **NOTE:** You may obtain a renewal application form from the department at the
6 following address:

7
8 Wisconsin Department of Agriculture, Trade and Consumer Protection
9 Animal Health Division
10 P. O. Box 8911
11 Madison, WI 53708-8911
12 Phone (608) 224-4872

13 (3) CONTINUING EDUCATION REQUIRED. (a) A humane officer shall complete 32
14 hours of continuing education during each biennium for which the humane officer is
15 certified. This requirement does not apply during the biennium for which the humane
16 officer is initially certified.

17 (b) Continuing education programs need not be pre-approved by the department.
18 The department may refuse to accept a continuing education program in fulfillment of the
19 requirement under par. (a) if the department finds that the program is unrelated to humane
20 officer duties.

21 **ATCP 15.06 Initial training.** (1) TRAINING REQUIRED. Except as provided in
22 sub. (2), a person shall complete an initial training program before taking the examination
23 under s. ATCP 15.08.

24 (2) TRAINING EXEMPTIONS. Subsection (1) does not apply to any of the following
25 persons, unless that person has previously failed an examination under s. ATCP 15.08:

26 (a) A person employed as a humane officer in Wisconsin before December 1,

1 1999.

2 (b) A veterinarian.

3 (c) A person who has served as a humane officer in another state.

4 (3) TRAINING PROGRAM; GENERAL. The department shall sponsor the initial
5 training program under sub. (1)₇ or shall pre-approve that training program according to
6 sub. (6). The training program shall include animal husbandry and care training under
7 sub. (4) and legal and investigative training under sub. (5). The department may charge a
8 fee to cover the cost of a training program which it sponsors.

in accordance with
X

9 (4) ANIMAL HUSBANDRY AND CARE TRAINING. (a) An initial training program
10 shall include at least 16 hours of animal husbandry and care training. This shall include
11 all the following:

12 1. At least 10 hours of training related to farm animals. A portion of the training
13 shall be on-site practical training at a farm location.

14 2. At least 4 hours of training related to domestic non-farm animals.

15 3. At least 2 hours of training related to exotic animals, pet stores, animal
16 collectors or other relevant animal care issues.

17 (b) The training required under par. (a) shall include topics such as the following:

18 1. Common animal husbandry practices.

19 2. Nutrition and health basics, including body conditioning scoring.

20 3. Facilities and biosecurity.

21 4. Animal behavior, personal and animal safety, and animal handling and related
22 equipment.

1

2 (5) LEGAL AND INVESTIGATIVE TRAINING. An initial training program shall
3 include at least 24 hours of legal and investigative training, including all the following:

4 (a) At least 4 hours of training related to the legal system, the role of the animal
5 cruelty investigator, Wisconsin laws related to animals, and other applicable laws.

6 (b) At least 4 hours of training related to the rules of evidence, and the collection
7 and preservation of evidence.

8 (c) At least 4 hours of training related to interview and interrogation techniques,
9 investigative stages and courtroom testimony.

10 (d) At least 4 hours of training related to search and seizure, and photographing,
11 video taping or sketching the investigation scene.

12 (e) At least 4 hours of training related to report writing.

13 (f) At least 4 hours of training related to crisis intervention, humane officer safety
14 and civil liability.

15 (6) TRAINING PROGRAMS; APPROVAL. (a) The department may approve an initial
16 training program at the request of the program sponsor. The sponsor shall submit the
17 request in writing, and shall include all the following:

18 1. A detailed program outline showing the topics covered, the number of hours
19 devoted to each topic, and the content of each topic.

20 2. The identity and credentials of the program instructors.

21 3. The training locations, including the location of any on-site farm training.

1 4. A copy of the certificate the sponsor will present to persons who successfully
2 complete the course, and the name of each person authorized to sign the certificate on
3 behalf of the sponsor.

4 (b) The department shall approve or disapprove an initial training program within
5 30 days after it receives all of the information under par. (a). The department shall
6 disapprove a training program that fails to comply with applicable requirements under
7 this section.

8 **ATCP 15.08 Initial examination.** (1) EXAM REQUIRED. The department may
9 not certify any person as a humane officer unless that person passes an examination
10 administered by the department. No examination is required for the timely renewal of an
11 existing certification.

12 (2) APPLYING TO TAKE EXAM. A person may apply to the department to take an
13 examination under sub. (1). The person shall apply on a form provided by the
14 department, and shall include all the following: X

- 15 (a) The person's name, address and telephone number.
- 16 (b) A \$25 examination fee.
- 17 (c) The dates, if any, on which the person has previously taken the examination.
- 18 (c) Documentation required under sub. (3).

19 **NOTE:** You may obtain an exam application form from the department at
20 the following address:

21
22 Wisconsin Department of Agriculture, Trade and Consumer Protection
23 Animal Health Division
24 P. O. Box 8911
25 Madison, WI 53708-8911
26 Phone (608) 224-4872

1 (3) EXAM ELIGIBILITY. A person applying to take an examination under sub. (2)
2 shall document ^{the initial} one of the following:

3 (a) That the person has completed the initial training required under s. ATCP
4 15.06(1). The person shall include the title and sponsor of the initial training program,
5 and the dates on which the person attended the initial training program.

6 (b) That the person qualifies for the training exemption under s. ATCP 15.06(2).

7 (4) EXAM CONTENTS. An examination under sub. (1) shall test knowledge in all
8 the following areas:

9 (a) Animal husbandry and care practices.

10 (b) Applicable laws and investigative procedures.

11 (5) PASSING SCORE. To pass an examination under sub. (1), a person shall
12 achieve a passing score on each exam portion identified in sub. (4).

13 (6) RETAKING EXAMINATION. (a) A person initially exempt from training under
14 s. ATCP 15.06(2) may not retake an examination under sub. (1) unless that person first
15 completes the initial training program under s. ATCP 15.06.

16 ^{forever?} (b) A person who twice fails an examination under sub. (1) may not retake it.

17 **ATCP 15.10 Humane officer appointment or termination; report.** A political
18 subdivision shall notify the department in writing whenever the political subdivision
19 appoints or terminates a humane officer. The political subdivision shall give the notice
20 within 30 days after the appointment or termination occurs. The notice shall include all
21 the following:

22 (1) The identity of the political subdivision.

AUG 18 1999

Docket No. 98-R-8

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF SUBMISSION OF PROPOSED RULES TO
PRESIDING OFFICERS OF EACH HOUSE OF THE LEGISLATURE

NOTICE IS HEREBY GIVEN, pursuant to s. 227.19(2), Stats., that the state of Wisconsin Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 99-085 to the presiding officer of each house of the legislature for standing committee review. The propose rule amends Chapter ATCP 15, relating to humane officer training and certification.

Dated this 13 day of August, 1999.

AUG 18 REC'D

AUG 18 1999

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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Dated this 13 day of August, 1999.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: August 13, 1999

TO: The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 57303

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 57303

FROM: Ben Brancel, Secretary *Ben Brancel*
Department of Agriculture, Trade and
Consumer Protection

SUBJECT: **Proposed Rule Relating to Humane Officer
Training and Certification
(Clearinghouse Rule 99-085)**

Pursuant to ss. 227.19(2) and (3), Stats., the Department of Agriculture, Trade and Consumer Protection hereby transmits the above rule for legislative committee review. We are enclosing three copies of the final draft rule, together with the following report. Pursuant to s. 227.19(2), Stats., the department will publish a notice of this referral in the Wisconsin Administrative Register.

Background

1997 Wis. Act 192 modernized the administration of Wisconsin's animal welfare laws. The legislation clarified the authority of humane officers, provided a wider range of options for dealing with animal welfare problems, and assured "due process" for affected animal owners. The legislation also required the department to certify humane officers. To be certified, humane officers must complete an examination and meet training requirements established by the department.

The legislation requires the department to adopt humane officer training and certification standards by rule. The department may charge certification fees which it establishes by rule. The department may also provide training programs and charge fees to cover its training costs.

The department developed this rule in consultation with an advisory committee that included representatives of the livestock industry, the equine industry, law enforcement, humane officers, public health agencies, humane societies, veterinarians, livestock truckers and dog owners. The committee received extensive input from experts on animal care, humane issues and law enforcement. The committee also reviewed humane officer training programs from other states.

Rule Contents

Initial Certification

This rule requires a humane officer to be certified within one year after the humane officer is appointed, or by December 1, 2000, whichever is later. A humane officer must complete an initial training program (there are some statutory exceptions) and pass an examination (there are no exceptions) before the humane officer is certified.

A humane officer must pay an initial certification fee of \$25 and an examination fee of \$25. A humane officer may not retake the examination without completing the training program. A humane officer who twice fails the examination may not retake it.

Certification Renewal

A humane officer must renew his or her certification every 2 years. During each 2-year period (except the period for which the humane officer is initially certified), the humane officer must complete 32 hours of continuing education. The humane officer must satisfy the continuing education requirement in order to renew his or her certification. No examination is required. The humane officer must pay a renewal fee of \$25.

Initial Training

A person must complete a training program before taking the initial humane officer examination. However, the following persons have a statutory exemption if they pass the examination on the first attempt:

- A person employed as a humane officer in Wisconsin before December 1, 1999.
- A veterinarian.
- A person who has served as a humane officer in another state.

The Honorable Fred Risser
The Honorable Scott Jensen
August 13, 1999
Page 3

The initial training program must be sponsored or pre-approved by the department. The department will charge a fee to cover the cost of an initial training program which it sponsors. An initial program must provide at least 40 hours of training in the following areas:

- At least 16 hours of training in animal husbandry and care practices including the following:
 - * At least 10 hours of training related to farm animals. A portion of this training must be practical on-site training at a farm location.
 - * At least 4 hours of training related to domestic animals.
 - * At least 2 hours of training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.
- At least 24 hours of legal and investigative training including:
 - * At least 4 hours of training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
 - * At least 4 hours of training related to the rules of evidence, and the collection and preservation of evidence.
 - * At least 4 hours of training related to interview and interrogation techniques, stages of the investigation and courtroom testimony.
 - * At least 4 hours of training on search and seizure law, and on photographing, video taping or sketching the scene of the investigation.
 - * At least 4 hours related to report writing.
 - * At least 4 hours of training related to crisis intervention, humane officer safety and civil liability.

Initial Training Programs; Approval

The department may pre-approve initial training programs that meet the above standards. The training program sponsor must apply for approval, and must submit all the following with the application:

- A detailed outline showing the topics covered, the number of hours devoted to each topic and the content of each topic.
- The identity and credentials of program instructors.
- The training location, including the location of any on-site farm training.
- A copy of the certificate that the sponsor will provide to persons who successfully complete the training program, and the identity of each person authorized to sign certificates for the sponsor.

The department must approve or disapprove a training program within 30 days after the department receives a complete application from the program sponsor.

Humane Officer Appointments; Reporting

Under s. 173.27(4), Stats., the department must keep a current registry of all persons serving as humane officers. Under s. 173.03(1), Stats., a county, city, village or town must report to the department whenever that local entity appoints or terminates a humane officer. This rule requires the local entity to file the report in writing within 30 days after it appoints or terminates the humane officer. The report must include all of the following:

- The name of the local entity.
- The name and address of the humane officer.
- The humane officer's certification number if the humane officer is currently certified by the department.
- The date of the humane officer's appointment or termination.

Hearings

The department held three public hearings, in Madison on June 15, 1999, in Eau Claire on June 16, 1999, and in Green Bay on June 17, 1999, to solicit comments on the draft rule. The hearings were attended by 14 people, registering as follows: 3 in support, 1 in support with reservations, 1 in opposition, 1 in opposition to portions of the rule and 8 neither for nor against the proposed rule. Four of these people gave oral testimony; 3 in support and 1 in opposition.

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The Honorable Scott Jensen
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Page 5

The department received written comments from 4 people. One supported the proposed rule, 2 suggested changes and one questioned the legislation the rule is implementing.

People who spoke or registered with reservations or in opposition to the rule raised the following concerns:

- Townships with their very limited budgets cannot afford to hire a person full time and pay for training.
- The requirement for 32 hours of continuing education every 2 years is not adequate. There should be more training.
- There are not enough training opportunities available to satisfy the requirement for 32 hours of continuing education.

Public Information

During May, 1999, the department mailed more than 3,300 packets to town, city and county officers, law enforcement agencies, public health officials, humane societies, animal industry representatives and other people who expressed an interest in the proposed rule. The packets contained educational information regarding 1997 Wis. Act 192, the provisions of the proposed rules, and the hearing schedule. Before each hearing, department staff conducted question and answer sessions and provided additional information about the rule and its applicability.

Changes From Hearing Draft

After considering the few hearing comments received, the department decided not to change the rule. The department did make minor editorial and drafting changes based on suggestions from the Legislative Council Rules Clearinghouse. The department made all changes recommended by the Legislative Council Rules Clearinghouse.

Fiscal Estimate

This rule will not have a significant fiscal effect on the department. A fiscal estimate is attached.

Small Business Analysis

This rule will have no effect on small businesses. A small business analysis ("final regulatory flexibility analysis") is attached.

Testifying in favor of the proposal:

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The Honorable Scott Jensen
August 13, 1999
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Brad C. Olsen, Shawano City Police Department, Shawano, WI
John Kolpanen, Sussex, WI

Testifying in favor of the proposal with some reservations:

Tommye Schneider, Madison Department of Public Health, Madison, WI

Testifying in opposition to the proposal:

Don Heit, Menomonie, WI

Registering in support of the proposal:

Mag Lansing, Dunn County Humane Association, Knapp, WI

Registering in opposition to portions of the proposal:

Esther Rasmussen, Madison, WI

Registering neither for nor against the proposal:

Wayne P. Nehring, Chippewa Falls Police Department, Chippewa Falls, WI
Thomas A. James, Chippewa Falls, WI
John Miller, Dunn Township, Menomonie, WI
Cindy Partridge, DATCP, McFarland, WI
Doug Rydberg, DATCP, Montello, WI
Robert L. LeMoine, DATCP, New Auburn, WI
Sara Balzer, DATCP, Cashton, WI

Proposed Final Draft
July 7, 1999

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

- 1 The Wisconsin department of agriculture, trade and consumer protection proposes the
- 2 following order to create ch. ATPC 15, relating to humane officer training and
- 3 certification.

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

Statutory authority: s. 173.27, Wis. Stats.

Statutes interpreted: ss. 173.03(1), 173.05, and 173.27, Wis. Stats.

This rule establishes minimum training and certification requirements for humane officers, as required by s. 173.27, Stats. The department developed this rule in consultation with an advisory committee that included representatives of the livestock industry, the equine industry, dog interests, law enforcement agencies, current humane officers, public health agencies, humane societies, veterinarians, and livestock truckers.

Humane Officer Certification

1997 Wis. Act 192 modernized the administration of Wisconsin's animal welfare laws. The legislation clarified the authority of humane officers, provided a wider range of options for dealing with animal welfare problems, and assured "due process" for affected animal owners. The legislation also required the department to certify humane officers. To be certified, humane officers must complete an examination and meet training requirements established by the department.

This rule requires a humane officer to be certified within one year after the humane officer is appointed, or by December 1, 2000, whichever is later. A humane officer must satisfy applicable training requirements and pass an examination before the humane officer is initially certified. A certified humane officer must satisfy continuing education requirements and must renew his or her certification every 2 years. No examination is required to renew a certification.

Initial Certification

A person wishing to be certified as a humane officer must do all the following:

- Complete an initial training program sponsored or approved by the department. (There are some exceptions.)
- Pass an examination.
- Submit an application that includes all the following:
 - * The applicant's name, address and telephone number.
 - * The identity of the applicant's employer if the applicant is currently employed as a humane officer.
 - * The date on which the applicant passed the examination required for initial certification.
 - * A fee of \$25.

The department must grant or deny a certification application within 30 days after the department receives a complete application form.

Certification Renewal

A certification expires on December 31 of each odd-numbered year. A humane officer wishing to renew his or her certification must submit a renewal application on a form provided by the department. The renewal application must include all the following:

- The applicant's name, address and telephone number.
- The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- A renewal fee of \$25.
- Information showing that the applicant has satisfied applicable continuing education requirements. The information must identify and describe the continuing education programs attended.

A humane officer must complete 32 hours of continuing education during each biennium for which the humane officer is certified. (This requirement does not apply during the biennium for which the person is initially certified.) The department does not pre-

approve continuing education programs. However, the department may refuse to accept a continuing education program that is unrelated to a humane officer's duties.

Examination

Under this rule, a person who wishes to be certified as a humane officer must pass an examination administered by the department. (No examination is required for certification renewal.) The examination will test applicants on animal husbandry and care practices, as well as applicable laws and investigative procedures. To pass the examination, an applicant must achieve a passing score on each part of the examination.

A person wishing to take the examination must provide his or her name, address and telephone number, pay a \$25 examination fee, and show that he or she is eligible to take the examination. A person is eligible to take the examination if one of the following applies:

- The person has completed an initial training program (see below). The applicant must identify the training program attended, including the program title, sponsor and dates.
- The person is exempt from initial training (see below).

A person who is exempt from initial training, but who fails the examination, must complete the initial training program before retaking the exam. A person who twice fails the examination may not retake it.

Initial Training

A person must complete an initial training program before taking the humane officer examination, except that the following persons are exempt if they pass the examination on the first attempt:

- A person employed as a humane officer in Wisconsin before December 1, 1999.
- A veterinarian.
- A person who has served as a humane officer in another state.

An initial training program must be sponsored or pre-approved by the department. The department will charge a fee to cover the cost of the initial training program which it sponsors. Other sponsors may apply for approval of their training programs (see below). An initial training program must provide at least 40 hours of training in the following areas:

- At least 16 hours of training in animal husbandry and care practices including the following:
 - * At least 10 hours of training related to farm animals. A portion of this training must be practical on-site training at a farm location.
 - * At least 4 hours of training related to domestic non-farm animals.
 - * At least 2 hours of training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.
- At least 24 hours of legal and investigative training including:
 - * At least 4 hours of training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
 - * At least 4 hours of training related to the rules of evidence, and the collection and preservation of evidence.
 - * At least 4 hours of training related to interview and interrogation techniques, stages of the investigation and courtroom testimony.
 - * At least 4 hours of training on search and seizure law, and on photographing, video taping or sketching the scene of the investigation.
 - * At least 4 hours of training related to report writing.
 - * At least 4 hours of training related to crisis intervention, humane officer safety and civil liability.

Initial Training Programs; Approval

The sponsor of an initial training program may apply to the department for approval of that training program. The application must include the following information:

- A detailed outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
- The identity and credentials of program instructors.
- The training location, including the location of any on-site farm training.

- A copy of the certificate that the sponsor will provide to persons who successfully complete the course, and the identity of each person authorized to sign certificates for the sponsor.

The department must approve or disapprove a training program within 30 days after the department receives a complete application from the program sponsor.

Humane Officer Appointments; Reporting

Under s. 173.27(4), Stats., the department must keep a current registry of all persons serving as humane officers. Under s. 173.03(1), Stats., a county, city, village or town must report to the department whenever that local entity appoints or terminates a humane officer. This rule requires the local entity to file the report in writing within 30 days after it appoints or terminates the humane officer. The report must include all the following.

- The identity of the local entity.
- The name and address of the humane officer.
- The humane officer's certification number if the humane officer is currently certified by the department.
- The date of the humane officer's appointment or termination.

1

2 **SECTION 1.** Chapter ATCP 15 is created to read:

3 **CHAPTER ATCP 15**

4 **HUMANE OFFICER TRAINING AND CERTIFICATION**

5 **ATCP 15.01 Definitions.** In this chapter:

6 (1) "Department" means the Wisconsin department of agriculture, trade and
7 consumer protection.

8 (2) "Humane officer" means a person appointed under s. 173.03, Stats., to
9 exercise powers or carry out duties identified under s. 173.07, Stats.

10 (3) "Law enforcement officer" has the meaning given in s. 165.85(2)(c), Stats.

11 (4) "Political subdivision" has the meaning given in s. 173.01(3), Stats.

12 (5) "Veterinarian" means a person licensed under ch. 453, Stats.

1 **ATCP 15.02 Initial certification.** (1) CERTIFICATION REQUIRED. No person
2 may serve as a humane officer unless the department certifies that person within one year
3 after the person is appointed or by December 1, 2000, whichever is later.

4 **NOTE:** Subsection (1) does not require a law enforcement officer to be appointed
5 or certified as a humane officer in order to enforce laws related to animals.
6 But if a law enforcement officer or other person is appointed as a humane
7 officer under s. 173.03, Stats., he or she must be certified as a humane
8 officer.
9

10 (2) CERTIFICATION STEPS. A person who wishes to be certified as a humane
11 officer shall do all the following:

12 (a) Complete the initial training program under s. ATCP 15.06, if required.

13 (b) Pass the examination required under s. ATCP 15.08.

14 (c) Submit an application as provided in sub. (3).

15 (3) APPLICATION FORM. A person applying for certification under sub. (1) shall
16 submit an application on a form provided by the department. The application shall
17 include all the following:

18 (a) The applicant's name, address and telephone number.

19 (b) The identity of the applicant's employer if the applicant is currently employed
20 as a humane officer.

21 (c) The date on which the applicant passed the examination required under s.

22 ATCP 15.08.

23 (d) A fee of \$25.

24 **NOTE:** You may obtain a certification application form from the department at
25 the following address:

26
27 Wisconsin Department of Agriculture, Trade and Consumer Protection
28 Animal Health Division

1 P. O. Box 8911
2 Madison, WI 53708-8911
3 Phone (608) 224-4872

4 (4) ACTION ON CERTIFICATION APPLICATION. The department shall grant or deny
5 a certification application within 30 days after the department receives a complete
6 application under sub. (3).

7 **ATCP 15.04 Continuing certification.** (1) CERTIFICATION EXPIRATION. A
8 humane officer's certification expires on December 31 of each odd-numbered year. A
9 humane officer who fails to renew his or her certification may not continue to serve as a
10 humane officer.

11 (2) CERTIFICATION RENEWAL. A humane officer may apply to renew his or her
12 certification using a form provided by the department. A renewal application shall
13 include all the following:

14 (a) The applicant's name, address and telephone number.

15 (b) The identity of the applicant's employer, if the applicant is currently
16 employed as a humane officer.

17 (c) A renewal fee of \$25.

18 (d) Information showing that the applicant has satisfied the continuing education
19 requirement under sub. (3). The application shall include the following information
20 related to each continuing education program attended:

21 1. The program title and sponsor.

22 2. The program dates.

23 3. The program instructors.

24 4. The number of hours of instruction time attended.

1 5. A program description provided by the program sponsor. Alternatively, the
2 applicant may describe the program and explain why it is relevant to his or her duties as a
3 humane officer.

4 **NOTE:** You may obtain a renewal application form from the department at the
5 following address:

6
7 Wisconsin Department of Agriculture, Trade and Consumer Protection
8 Animal Health Division
9 P. O. Box 8911
10 Madison, WI 53708-8911
11 Phone (608) 224-4872

12 (3) CONTINUING EDUCATION REQUIRED. (a) A humane officer shall complete 32
13 hours of continuing education during each biennium for which the humane officer is
14 certified. This requirement does not apply during the biennium for which the humane
15 officer is initially certified.

16 (b) Continuing education programs need not be pre-approved by the department.
17 The department may refuse to accept a continuing education program in fulfillment of the
18 requirement under par. (a) if the department finds that the program is unrelated to humane
19 officer duties.

20 **ATCP 15.06 Initial training.** (1) TRAINING REQUIRED. Except as provided in
21 sub. (2), a person shall complete an initial training program before taking the examination
22 under s. ATCP 15.08.

23 (2) TRAINING EXEMPTIONS. Subsection (1) does not apply to any of the following
24 persons, unless that person has previously failed an examination under s. ATCP 15.08:

25 (a) A person employed as a humane officer in Wisconsin before December 1,
26 1999.

1 (b) A veterinarian.

2 (c) A person who has served as a humane officer in another state.

3 (3) TRAINING PROGRAM; GENERAL. The department shall sponsor the initial
4 training program under sub. (1) or shall pre-approve that training program in accordance
5 with sub. (6). The training program shall include animal husbandry and care training
6 under sub. (4) and legal and investigative training under sub. (5). The department may
7 charge a fee to cover the cost of a training program which it sponsors.

8 (4) ANIMAL HUSBANDRY AND CARE TRAINING. (a) An initial training program
9 shall include at least 16 hours of animal husbandry and care training. This shall include
10 all the following:

11 1. At least 10 hours of training related to farm animals. A portion of the training
12 shall be on-site practical training at a farm location.

13 2. At least 4 hours of training related to domestic non-farm animals.

14 3. At least 2 hours of training related to exotic animals, pet stores, animal
15 collectors or other relevant animal care issues.

16 (b) The training required under par. (a) shall include topics such as the following:

17 1. Common animal husbandry practices.

18 2. Nutrition and health basics, including body conditioning scoring.

19 3. Facilities and biosecurity.

20 4. Animal behavior, personal and animal safety, and animal handling and related
21 equipment.

22

1 (5) LEGAL AND INVESTIGATIVE TRAINING. An initial training program shall
2 include at least 24 hours of legal and investigative training, including all the following:

3 (a) At least 4 hours of training related to the legal system, the role of the animal
4 cruelty investigator, Wisconsin laws related to animals, and other applicable laws.

5 (b) At least 4 hours of training related to the rules of evidence, and the collection
6 and preservation of evidence.

7 (c) At least 4 hours of training related to interview and interrogation techniques,
8 investigative stages and courtroom testimony.

9 (d) At least 4 hours of training related to search and seizure, and photographing,
10 video taping or sketching the investigation scene.

11 (e) At least 4 hours of training related to report writing.

12 (f) At least 4 hours of training related to crisis intervention, humane officer safety
13 and civil liability.

14 (6) TRAINING PROGRAMS; APPROVAL. (a) The department may approve an initial
15 training program at the request of the program sponsor. The sponsor shall submit the
16 request in writing and shall include all the following:

17 1. A detailed program outline showing the topics covered, the number of hours
18 devoted to each topic, and the content of each topic.

19 2. The identity and credentials of the program instructors.

20 3. The training locations, including the location of any on-site farm training.

21 4. A copy of the certificate the sponsor will present to persons who successfully
22 complete the course, and the name of each person authorized to sign the certificate on
23 behalf of the sponsor.

1 (b) The department shall approve or disapprove an initial training program within
2 30 days after it receives all of the information under par. (a). The department shall
3 disapprove a training program that fails to comply with applicable requirements under
4 this section.

5 **ATCP 15.08 Initial examination.** (1) EXAM REQUIRED. The department may
6 not certify any person as a humane officer unless that person passes an examination
7 administered by the department. No examination is required for the timely renewal of an
8 existing certification.

9 (2) APPLYING TO TAKE EXAM. A person may apply to the department to take an
10 examination under sub. (1). The person shall apply on a form provided by the department
11 and shall include all the following:

- 12 (a) The person's name, address and telephone number.
- 13 (b) A \$25 examination fee.
- 14 (c) The dates, if any, on which the person has previously taken the examination.
- 15 (c) Documentation required under sub. (3).

16 **NOTE:** You may obtain an exam application form from the department at
17 the following address:
18
19 Wisconsin Department of Agriculture, Trade and Consumer Protection
20 Animal Health Division
21 P. O. Box 8911
22 Madison, WI 53708-8911
23 Phone (608) 224-4872

24 (3) EXAM ELIGIBILITY. A person applying to take an examination under sub. (2)
25 shall document in writing one of the following:

1 (a) That the person has completed the initial training required under s. ATCP
2 15.06(1). The person shall include the title and sponsor of the initial training program
3 and the dates on which the person attended the initial training program.

4 (b) That the person qualifies for the training exemption under s. ATCP 15.06(2).

5 (4) EXAM CONTENTS. An examination under sub. (1) shall test knowledge in all
6 the following areas:

7 (a) Animal husbandry and care practices.

8 (b) Applicable laws and investigative procedures.

9 (5) PASSING SCORE. To pass an examination under sub. (1), a person shall
10 achieve a passing score on each exam portion identified in sub. (4).

11 (6) RETAKING EXAMINATION. (a) A person initially exempt from training under
12 s. ATCP 15.06(2) may not retake an examination under sub. (1) unless that person first
13 completes the initial training program under s. ATCP 15.06.

14 (b) A person who twice fails an examination under sub. (1) may not retake it.

15 **ATCP 15.10 Humane officer appointment or termination; report.** A political
16 subdivision shall notify the department in writing whenever the political subdivision
17 appoints or terminates a humane officer. The political subdivision shall give the notice
18 within 30 days after the appointment or termination occurs. The notice shall include all
19 the following:

20 (1) The identity of the political subdivision.

21 (2) The name and address of the humane officer.

22 (3) The humane officer's certification number if the humane officer is currently
23 certified under this chapter.

1 (4) The date of the appointment or termination.

2 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month
3 following publication in the Wisconsin administrative register as provided in s.
4 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 1999.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION**

By: _____
Ben Brancel, Secretary

FISCAL ESTIMATE

DOA-2048 (R 10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No. ATCP 15, AB 585
Amendment No. (If Applicable)

Subject
Changes Relating to Humane Officers

<p>Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation</p> <p> <input type="checkbox"/> Increase Existing Appropriation <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation </p>	<p> <input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </p>
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<p>Local: <input type="checkbox"/> No local government costs</p> <p>1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p>	<p>3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p>	<p>5. Types of Local Governmental Unit Affected:</p> <p> <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </p>
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<p>Fund Source Affected</p> <p> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S </p>	<p>Affected Ch. 20 Appropriations 20.115(2)(j)</p>
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Assumptions Used in Arriving at Fiscal Estimate
 This rule will establish minimum training and certification requirements for humane officers. Under s.173.05, Stats., if a political subdivision appoints a humane officer, that humane officer is required to complete a training course approved by DATCP and to be certified by DATCP through an examination process. Humane officers in place as of 12/1/99, do not have to attend a course, if they pass the examination on their first attempt.

For purposes of this proposal, in the first year of the certification program, it is estimated that 20 humane officers will take both the training course and examination, 20 humane officers will take only the examination and 5 others, people from local communities such as humane society staff or humane officers from other states, will take only the course. In future years, it is estimated that 20 humane officers per year will take the training course and the examination. In addition, it is assumed that another 5 people will only attend the course and 2 people will only take the examination.

Per s.173.27, Stats., DATCP may charge a fee to recover training costs and by rule, DATCP may charge a fee for examination and certification costs. These fees are estimated at \$400 for a 5 day training course and \$50 for examination and certification. In addition, other costs associated with attending the course and taking the examination will be incurred, estimated at \$400 for lodging, per diem and transportation.

The local fiscal impact is difficult to establish since the statutes do not require political subdivisions appointing humane officers to pay the cost of training and certification for their humane officers. Some political subdivisions may require humane officers to be certified prior to employment, others may require humane officers to pay some or all of the training and certification costs, and others will cover all the training and certification expenses. For purposes of this fiscal estimate, it is assumed that 75% of the training and certification costs will be borne by political subdivisions and 25% by humane officers themselves.

Average annual local government costs are estimated to be \$12,800 (75% of \$450 x 20 humane officers for training and certification + \$400 x 20 humane officers for travel + \$50 x 2 humane officers for certification). First year costs will be \$700 higher due to the fact that presently appointed humane officers will need to become certified in the first year of the program (75% of \$50 x 18 humane officers for certification).

As stated previously, DATCP can recover costs incurred with training, examination and certification of humane officers. There will be additional expense for DATCP in administering this program. Staff time and materials will be used to develop training standards, review training course alternatives for approval and provide overall coordination of the program. Initial one-time development of the program, training course and examination will cost \$15,500 and .20 FTE of veterinary and clerical staff time. Ongoing program costs are estimated at \$17,300 and .10 FTE veterinary and clerical staff time. DATCP will collect \$12,000 in fees the first year and \$11,100 in fees thereafter.

Long - Range Fiscal Implications
 During the first few years of the certification program, there will be an increased awareness of the need for certified humane officers by government units and it is therefore assumed that more humane officers will receive training, take the examination and become certified. As humane officer positions cease to be created and a trained workforce exists, local government costs associated with these activities will decline, since only newly appointed uncertified humane officers need to participate. State revenue will decline accordingly. Also, in the future, a continuing education and recertification requirement exists for certified humane officers. The fiscal impact of these costs on local government units will be significantly less than the initial humane officer training and certification costs. State revenue and costs associated with these requirements will also be insignificant.

Agency/prepared by: (Name & Phone No.) DATCP Lynn Jarzombeck	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 4/16/99
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FISCAL ESTIMATE WORKSHEET

1999 SESSION

Detailed Estimate of Annual Fiscal Effect
 DOA-2047 (R10/94) ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No. ATCP 15, AB 585	Amendment No.
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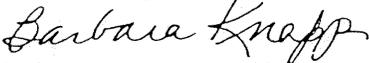
Subject
 Changes Relating to Humane Officers

I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 State - First year development costs \$15,500, additional revenue \$900.
 Local - First year additional cost \$700.

II. Annualized Cost:	Annualized Fiscal Impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 6,900	\$ -
(FTE Position Changes)	(.10 FTE)	(- FTE)
State Operations - Other Costs	10,400	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 17,300	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS	17,300	-
SEG/SEG-S		-
III. State Revenues -	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	11,100	-
SEG/SEG-S		-
TOTAL State Revenues	\$ 11,100	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ <u>17,300</u>	\$ <u>12,800</u>
NET CHANGE IN REVENUES	\$ <u>11,100</u>	\$ <u>0</u>

Agency Prepared by: (Name & Phone No.) DATCP Lynn Jarzombek (608) 224-4883	Authorized Signature/Telephone No.  Barbara Knapp (608) 224-4746	Date 4/14/99
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Final Regulatory Flexibility Analysis

This rule, ch. ATCP 15, interprets and establishes minimum standards of education for humane officers and establishes a certification program for humane officers, in compliance with 1997 Wis. Act. 192. It has no impact on small business.

The statute allows a political subdivision to appoint humane officers, but it requires that, if the political subdivision appoints a humane officer, the humane officer must meet minimum training standards established by the department of agriculture, trade and consumer protection and be certified by the department. Therefore, the impacts of this rule are on the political subdivision which chooses to appoint a humane officer and the person appointed, not on a business.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
NOTICE OF HEARING

RULES RELATED TO HUMANE OFFICER CERTIFICATION AND TRAINING

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a proposed department rule related to the certification and training of humane officers (proposed chapter ATCP 15, Wis. Adm. Code). The hearings will be held at the times and places shown below. Preceding each public hearing, the department will hold a question and answer session on the proposed rule. The public is invited to attend the sessions and hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until June 30, 1999, for additional written comments.

A copy of the proposed rule may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Animal Health, P. O. Box 8911, Madison, WI 53708-8911, or by calling 608 224-4872. Copies will also be available at the hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by June 4, 1999, either by writing to Lynn Jarzombek, P. O. Box 8911, Madison, WI 53708-8911, or by calling 608-224-4883. TTY users call 608-224-5058. Handicap access is available at the hearings.

Three hearings are scheduled:

Tuesday, June 15, 1999

Question and Answer Session, 1:00 p.m. - 1:30 p.m.

Public Hearing, 1:30 p.m. - 2:30 p.m.

Department of Agriculture, Trade and Consumer Protection

Board Room

2811 Agriculture Dr.

Madison, WI

Wednesday, June 16, 1999

Question and Answer Session, 1:00 p.m. - 1:30 p.m.

Public Hearing, 1:30 p.m. - 2:30 p.m.

Department of Agriculture, Trade and Consumer Protection

3610 Oakwood Hills Parkway

Eau Claire, WI

Thursday, June 17, 1999
Question and Answer Session, 1:00 p.m. - 1:30 p.m.
Public Hearing, 1:30 p.m. - 2:30 p.m.
District State Office Building
Room 152B
200 N. Jefferson St.
Green Bay, WI

Written comments will be accepted until June 30, 1999.

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

Statutory authority: s. 173.27, Wis. Stats.
Statutes interpreted: ss. 173.03(1), 173.05, and 173.27, Wis. Stats.

This rule establishes minimum training and certification requirements for humane officers, as required by s. 173.27, Stats. The department developed this rule in consultation with an advisory committee that included representatives of the livestock industry, the equine industry, dog interests, law enforcement agencies, current humane officers, public health agencies, humane societies, veterinarians, and livestock truckers.

Humane Officer Certification

1997 Wis. Act 192 modernized the administration of Wisconsin's animal welfare laws. The legislation clarified the authority of humane officers, provided a wider range of options for dealing with animal welfare problems, and assured "due process" for affected animal owners. The legislation also required the department to certify humane officers. To be certified, humane officers must complete an examination and meet training requirements established by the department.

This rule requires a humane officer to be certified within one year after the humane officer is appointed, or by December 1, 2000, whichever is later. A humane officer must satisfy applicable training requirements and pass an examination before the humane officer is initially certified. A certified humane officer must satisfy continuing education requirements and must renew his or her certification every 2 years. No examination is required to renew a certification.

Initial Certification

A person wishing to be certified as a humane officer must do all the following:

- Complete an initial training program sponsored or approved by the department. (There are some exceptions.)

- Pass an examination.
- Submit an application that includes all the following:
 - * The applicant's name, address and telephone number.
 - * The identity of the applicant's employer if the applicant is currently employed as a humane officer.
 - * The date on which the applicant passed the examination required for initial certification.
 - * A fee of \$25.

The department must grant or deny a certification application within 30 days after the department receives a complete application form.

Certification Renewal

A certification expires on December 31 of each odd-numbered year. A humane officer wishing to renew his or her certification must submit a renewal application on a form provided by the department. The renewal application must include all the following:

- The applicant's name, address and telephone number.
- The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- A renewal fee of \$25.
- Information showing that the applicant has satisfied applicable continuing education requirements. The information must identify and describe the continuing education programs attended.

A humane officer must complete 32 hours of continuing education during each biennium for which the humane officer is certified. (This requirement does not apply during the biennium for which the person is initially certified.) The department does not pre-approve continuing education programs. However, the department may refuse to accept a continuing education program that is unrelated to a humane officer's duties.

Examination

Under this rule, a person who wishes to be certified as a humane officer must pass an examination administered by the department. (No examination is required for certification renewal.) The examination will test applicants on animal husbandry and

care practices, as well as applicable laws and investigative procedures. To pass the examination, an applicant must achieve a passing score on each part of the examination.

A person wishing to take the examination must provide his or her name, address and telephone number, pay a \$25 examination fee, and show that he or she is eligible to take the examination. A person is eligible to take the examination if one of the following applies:

- The person has completed an initial training program (see below). The applicant must identify the training program attended, including the program title, sponsor and dates.
- The person is exempt from initial training (see below).

A person who is exempt from initial training, but who fails the examination, must complete the initial training program before retaking the exam. A person who twice fails the examination may not retake it.

Initial Training

A person must complete an initial training program before taking the humane officer examination, except that the following persons are exempt if they pass the examination on the first attempt:

- A person employed as a humane officer in Wisconsin before December 1, 1999.
- A veterinarian.
- A person who has served as a humane officer in another state.

An initial training program must be sponsored or pre-approved by the department. The department will charge a fee to cover the cost of the initial training program which it sponsors. Other sponsors may apply for approval of their training programs (see below). An initial training program must provide at least 40 hours of training in the following areas:

- At least 16 hours of training in animal husbandry and care practices including the following:
 - * At least 10 hours of training related to farm animals. A portion of this training must be practical on-site training at a farm location.
 - * At least 4 hours of training related to domestic non-farm animals.
 - * At least 2 hours of training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.

- At least 24 hours of legal and investigative training including:
 - * At least 4 hours of training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
 - * At least 4 hours of training related to the rules of evidence, and the collection and preservation of evidence.
 - * At least 4 hours of training related to interview and interrogation techniques, stages of the investigation and courtroom testimony.
 - * At least 4 hours of training on search and seizure law, and on photographing, video taping or sketching the scene of the investigation.
 - * At least 4 hours of training related to report writing.
 - * At least 4 hours of training related to crisis intervention, humane officer safety and civil liability.

Initial Training Programs; Approval

The sponsor of an initial training program may apply to the department for approval of that training program. The application must include the following information:

- A detailed outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
- The identity and credentials of program instructors.
- The training location, including the location of any on-site farm training.
- A copy of the certificate that the sponsor will provide to persons who successfully complete the course, and the identity of each person authorized to sign certificates for the sponsor.

The department must approve or disapprove a training program within 30 days after the department receives a complete application from the program sponsor.

Humane Officer Appointments; Reporting

Under s. 173.27(4), Stats., the department must keep a current registry of all persons serving as humane officers. Under s. 173.03(1), Stats., a county, city, village or town must report to the department whenever that local entity appoints or terminates a humane

officer. This rule requires the local entity to file the report in writing within 30 days after it appoints or terminates the humane officer. The report must include all the following.

- The identity of the local entity.
- The name and address of the humane officer.
- The humane officer's certification number if the humane officer is currently certified by the department.
- The date of the humane officer's appointment or termination.

Fiscal Estimate

The complete fiscal note is available on request.

For purposes of this fiscal estimate, in the first year of the humane officer certification program, it is estimated that 25 people will take the humane officer training and 40 people will take the humane officer examination. In future years, it is estimated 25 people will take the training and 22 people will take the examination.

Revenue:

DATCP can recover costs incurred with the training, examination and certification of humane officers. Fees are estimated at \$400 for the training course and \$25 each for examination and certification. Based on the estimated participation, these fees will generate \$12,000 PR the first year and \$11,100 thereafter. Under PR funds, the department will absorb any costs incurred beyond the fee offset.

Expense:

The department will expend estimated one-time costs of \$15,500 PR funds and .20 FTE of veterinary and clerical staff time to establish the humane officer certification program in its first year. Annual program costs are estimated at \$17,300 PR and .10 FTE veterinary and clerical staff time.

Initial Regulatory Flexibility Analysis

This rule, ch. ATCP 15, interprets and establishes minimum standards of education for humane officers and establishes a certification program for humane officers, in compliance with 1997 Wis. Act 192. It has no impact on small businesses.

The statute allows a political subdivision to appoint humane officers, but it requires that, if the political subdivision appoints a humane officer, the humane officer must meet minimum training standards established by the Department of Agriculture, Trade and Consumer Protection and be certified by the department. Therefore, the impacts of this rule are on the political subdivision which chooses to appoint a humane officer and the person appointed, not on a business.

Notice of the proposed rule has been delivered to the department of development, as required by s. 227.114(5), Stats.

Dated this 12 day of May, 1999.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

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Dated this 7th day of April, 1999.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By



Clearance J. Siroky, DVM
Administrator
Division of Animal Health

- 2ve
- 1 (2) Name and address of the humane officer.
- 2 (3) The humane officer's certification number if the humane officer is currently
- 3 certified under this chapter.
- 4 (4) The date of the appointment or termination.

5 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month

6 following publication in the Wisconsin administrative register as provided in s.

7 227.22(2)(intro.), Stats.

7
12/1/99?

Dated this _____ day of _____, 1999.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By: _____
Ben Brancel, Secretary