



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 133 [2003 Senate Bill 97]	Intergovernmental Commission Option for Assuming County Dog Licensing-Related Activities
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 133, among other things, allows an intergovernmental commission that meets certain criteria to assume the county's responsibility for dog licensing-related activities in a county with a population of 500,000 or more (currently Milwaukee County).

Background on County Dog Licensing-Related Activities

Under *current law*, counties have certain responsibilities related to dog licensing, in addition to cities, villages, and towns. For example, the Department of Agriculture, Trade, and Consumer Protection (DATCP) annually furnishes dog license tags to county clerks, and counties pay for these tags out of a dog license fund that they administer. A collecting official collects dog license fees and pays all dog license taxes to the town, village, or city treasurer or other tax collecting officer, who then deducts any additional tax which may have been levied by the municipal governing body and pays the remainder to the county treasurer at the time settlement is made with the county treasurer for collections of personal property taxes. In addition to using the dog license fund to pay for administering the dog licensing law, counties use the fund to pay for damages caused by dogs to domestic animals, and to pay for expenses incurred by the county pound or by a humane society or other organization designated to provide for collecting, caring for, and disposing of dogs.

Criteria for Assuming a County's Responsibility for Dog Licensing-Related Activities

Current law permits a municipality, unless specifically prohibited by statute, to contract with other municipalities for "the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law." [s. 66.0301 (2), Stats.] **2003 Wisconsin Act 133** defines an "intergovernmental commission" as formed by contract under s. 66.0301 (2), Stats., by all of the municipalities (cities, villages, and towns) in a county with a population of 500,000 or more for the purpose of providing animal control services. The Act authorizes such an intergovernmental

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

commission and the county to enter into an agreement under which the intergovernmental commission assumes the county's responsibility for activities related to dog licensing.

Dog License Fund Expenditures and Use of Surpluses

Under *current law*, dog license taxes are paid to the county treasurer as described in the background section above, and within 30 days after receipt, the county treasurer pays into the state treasury 5% of the minimum tax as established by statute of all dog license taxes received by the county treasurer. After deducting certain expenses, the county may use the amount remaining in the fund to pay claims it allows to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid. The county treasurer must pay any surplus in excess of \$1,000 that remains from the dog license taxes of any license year on March 1 of the succeeding year to the county humane society or other organization designated by the county board to provide a pound. If no such organization is designated, the county must pay the surplus funds to the municipalities of the county in proportion to their contributions to the fund.

2003 Wisconsin Act 133 creates an exception to the above paragraph for a county in which an intergovernmental commission, as defined in the Act (see previous section), has entered into an agreement with the county to assume the county's responsibility for activities related to dog licensing. In such a county, the intergovernmental commission must maintain the dog license fund, pay 5% of the minimum dog license tax as established by statute to DATCP, and expend the remainder of the fund to administer the dog license law, provide a pound for dogs, and pay claims it allows to the owners of domestic animals because of damages done by dogs. If there is a surplus remaining in the dog license fund on March 1 from the dog license taxes of the previous license year that exceeds 5% of the dog license taxes collected in that license year, the intergovernmental commission must return the excess over 5% to the municipalities of the county in proportion to their contributions to the fund in that license year.

Effective Date: 2003 Wisconsin Act 133 takes effect on January 1, 2004, except that the repeal and recreation of s. 20.115 (2) (j), Stats. (which appropriates money to DATCP for dog licenses, rabies control and related services) takes effect on February 1, 2004.

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