

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

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October 18, 2000

This is a preliminary version of the draft about animal shelters, kennels, and pet dealers. I am providing a copy of the draft to Ruth Heike at DATCP.

This draft uses the definition of "nonprofit association" in s. 184.01 (2), as specified in the drafting instructions. Please note that the definition does not include *incorporated* nonprofit organizations. Is that OK?

Should the definition of "pet dealer" be modified to exclude animal shelters? If it does not, it would seem that operators of animal shelters that sell or give away animals must also be licensed as pet dealers.

The drafting request asks that s. 174.065 be changed to permit veterinarians and humane societies to be "collecting officials." I think that there may need to be more changes to the statutes in order to accommodate this. For example, s. 174.06 (7) requires the listing official to deliver the list of dogs to "the collecting official" and s. 174.07 (2) (b) requires the county clerk to distribute the tags and blanks to the collecting officials (which currently would be one person in each city, village, and town, I think). Would this be a local option or would all areas be required to allow veterinarians and humane societies to issue licenses? Would there need to be a way for each city, village, or town (or the county) to get information about the licenses that have been issued by veterinarians and humane societies for dogs within their jurisdiction? Would a veterinarian be able to issue licenses for dogs from more than one municipality? County? Please keep in mind that cities, villages, towns, and counties may add to the minimum dog license tax, so whoever is issuing licenses might have to keep track of different amounts if he or she issues licenses for dogs from different jurisdictions. The term "collecting official" is used in ss. 174.05 (5), 174.053 (1), 174.06 (7), 174.07 (1) (c) and (f) and (2) (b), and 174.08. Please review these and related statutes about dog licensing to determine any other ways that the law should be changed so that veterinarians and humane societies can sell dog licenses. I will make those changes, as well as changing ss. 174.065 and 174.07 (3) (c), in a later version of this draft.

Under this draft, as under current law, all of the dog license funds that the state receives are deposited in s. 20.115 (2) (j). I believe that the purpose statement in s.

20.115 (2) (j) is broad enough to allow dog license funds to be used for the purposes of this draft.

I think that I will need some additional information about the “stop sale or stop movement” orders. What would be the grounds for such orders? What might be the ultimate outcomes that might follow a stop order (e.g., might the department take possession of an animal, might the licensee be required to euthanize the animal)?

The drafting instructions say to provide that each animal maintained in violation of the requirements of this section or the rules promulgated under this section constitutes a separate violation. The statute itself does not really have any requirements except licensing. Should the statute require the provision of humane care? If the department promulgates rules under the statute, some of those rules might not relate to “maintaining” animals. A record-keeping requirement is one example. If you still want language about separate violations, perhaps it should be limited to those kinds of violations that relate to keeping an animal. If a person operated without a required license, would that be one violation or would the number of violations depend on the number of animals involved? If the latter, how would the number of animals be determined?

This draft should have a delayed effective date to provide time for DATCP to promulgate rules and for pet dealers, etc., to obtain licenses. How long do you think this will take?

Please feel free to contact me with any questions.

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