

2001 DRAFTING REQUEST**Bill**Received: **09/06/2000**Received By: **traderc**Wanted: **As time permits**

Identical to LRB:

For: **Marc Duff (608) 266-1190**By/Representing: **Ruth Heike, DATCP**This file may be shown to any legislator: **NO**Drafter: **traderc**May Contact: **DATCP**

Addl. Drafters:

Subject: **Agriculture - animals**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Regulation of pet dealers, kennels and animal shelters

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /P1 | traderc 09/27/2000 | hhagen 10/17/2000 | martykr 10/19/2000 | _____ | gretskl 10/19/2000 | | |
| /1 | traderc 01/03/2001 | hhagen 01/03/2001 | kfollet 01/04/2001 | _____ | lrb_docadmin 01/04/2001 | | S&L |
| /2 | traderc 03/06/2001 | wjackson 03/07/2001 | jfrantze 03/08/2001 | _____ | lrb_docadmin 03/08/2001 | lrb_docadminS&L 03/08/2001 | |
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| /4 | traderc | wjackson | martykr | _____ | lrb_docadmin | lrb_docadminS&L | |

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12 WLJ 3/7

Handwritten signatures and dates: 3/8, 3/5, and a signature.

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Extra Copies: Ruth Heike, DATCP
(PAs - please place in inter-O mail)

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FE Sent For:

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Tradewell, Becky

From: Heike, Ruth E DATCP
Sent: Wednesday, September 06, 2000 12:55 PM
To: Tradewell, Becky
Cc: Dake, Marsha
Subject: Bill Drafting for Rep. Duff

I have been working with Rep. Duff and Marsha Dake regarding a redraft of the bill you were working on last year as LRB-4512. Marsha asked me to send the attached information directly to you, and to work with you regarding the draft. I am attaching a copy of what I term drafting guidelines, really a non-standard outline for you to work with to draft the bill.

This time we are taking a somewhat different approach than was taken last year. This will be much more general legislation. We will leave most of the specifics to DATCP to develop in the rulemaking. We do not wish to do anything with groomers. We don't really want to distinguish between "commercial breeders" and "hobby breeders." We do intend to cover more than dogs and cats, especially when we are talking about "pet dealers", but when we are talking about "kennel" or boarding animals for compensation, we are only talking about dogs or cats.

If you have any questions, feel free to call me at 224-5025. I'll be happy to discuss it with you. However, I will be unavailable between Sept. 9th and Oct. 2nd because I will be on vacation. I also promise I'll do my best to respond to e-mails when I get back. DATCP will be putting some effort into determining how many positions it needs to administer this program and I will get that information to you as soon as it is available. I expect we will need several permanent positions and some project positions to get the program off the ground.

Ruth



Drafting guidelines
1.doc

**PET SALES AND BREEDING LICENSING
AND INSPECTION OF FACILITIES**

Definitions:

1. "Adequate food and water" means wholesome food and potable water which is accessible to the animal and is sufficient in amount and appropriate for the particular type of animal to maintain the animal in good health.
2. "Animal shelter" means any facility operated by:
 - a. the state
 - b. a county
 - c. a municipality
 - d. any other political subdivision of the state
 - e. a veterinarian or veterinariansfor the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats and other animals and any facility operated by
 - a. A humane society
 - b. An animal welfare society
 - c. any other nonprofit associationfor the purpose of providing for and promoting the welfare, protection and humane treatment of animals.
3. "Department" means the department of agriculture, trade and consumer protection.
4. "Humane care" means, but is not limited to the provision of adequate heating, cooling, ventilation, sanitation, shelter, wholesome and adequate food and water and medical needs consistent with the normal requirements and feeding habits of the animal's size, species and breed.
5. "Kennel" means any establishment, other than an animal shelter, where dogs or cats are maintained for 24 hours or more for boarding, holding, training or similar purposes for a fee or compensation. A veterinarian who boards or holds animals only in conjunction with the provision of veterinary medical care is not included in this definition.
6. "Nonprofit association" has the meaning in s. 184.01(2), Stats.
7. "Pet dealer" means any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state. However, a person who sells only animals that he has produced and raised, not to exceed 20 animals a year, shall not be considered a pet dealer. (We want this to include people who sell animals wholesale or retail)

Substantive Provisions:

Licensure

1. No person may operate an animal shelter or kennel or as a pet dealer without obtaining a license from DATCP.
2. License will expire Oct. 31 of each even numbered year.

3. License is not transferable.
4. Separate license required for each separate facility. (Facility includes all the buildings etc. located at one physical location, i.e. at one address.)
5. DATCP will set fee by rule. Fees shall be deposited to a dedicated fund that will be used for administering this program.
6. DATCP must inspect premises before a license may be issued. But DATCP needs to have the authority to grant an interim permit to operate while original license application is being considered. In addition, DATCP must inspect at least once during each biennial licensing period.
7. License fee not refundable if license is not issued.

Dog Licensing

1. s. 174.05(2) should be changed. Minimum for neutered male or spayed female should be \$5.50 and for unneutered male or unspayed female should be \$10.50
2. s. 174.053(1) should be changed so a kennel license costs \$45 for 12 or fewer dogs, and each additional dog costs \$5.50.
3. s. 174.065 should permit veterinarians and humane societies to be "collecting officials", that is, sell dog license tags.
4. s. 174.07(3)(c) should be changed to allow the collecting official to retain 75 cents.
5. s. 174.09(1) take out the reference to payment of 5% of the minimum tax to the state treasury. Instead, submit the following to the state treasury: \$2 for each license issued under s. 174.05(2), \$10 for each kennel license issued under s. 174.053(1), and \$2.00 for each license for additional dogs issued under s. 174.053. These funds need to be available for two purposes: to fund administration of this program and to fund s. 20.115(j).

DATCP Authority

1. DATCP may promulgate rules to:
 - a. Establish license fees.
 - b. Establish minimum standards for facilities, adequate food and water, adequate shelter, transportation and humane care.
 - c. Identify reasons why license will be revoked.
 - d. Establish minimum age for sale of animals.
 - e. Establish record keeping requirements for licensed entities.
2. Issue stop sale or stop movement orders.
3. Enter and inspect facilities used as a kennel, an animal shelter or pet dealership during reasonable hours (whenever DATCP thinks inspection is appropriate as long as it is during reasonable hours).

Penalties:

1. A person who operates without a license may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.
2. Except as provided above, a person who violates this section or a rule promulgated under this section may be required to forfeit not less than \$100 nor more than \$1000

for a first offense. For a subsequent offense within 5 years, a person may be required to forfeit not less than \$200 nor more than \$2000. Each animal maintained in violation of requirements of this section or the rules promulgated under this section constitutes a separate violation.

Non-statutory provisions:

The department shall appoint a committee to advise the department regarding the rules to administer this act. The committee will only exist for the initial rulemaking procedure. For make-up of the committee we would like language similar to that used in 1997 Wis. Act 192, which states: "The department of agriculture, trade and consumer protection shall appoint a committee under section 227.13 of the statutes to advise the department concerning rules required to be promulgated under this act. The department shall ensure that the members of the committee represent a variety of interests related to animals."

Staffing:

DATCP needs to be authorized to create X new positions to administer this program. We will communicate how many positions as soon as we are able to determine what is needed. We expect to seek some project positions and some permanent positions because it will take more people to get the program up and running than it will take to keep the program running.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0144/P1

RCT

Handwritten initials and scribbles

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ONote

Generate

1 AN ACT *Generate* relating to: pet dealers, kennels, animal shelters, dog licensing,
2 granting rule-making authority, making an appropriation, and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 20.115 (2) (im) of the statutes is created to read:
5 20.115 (2) (im) *Pet dealers, kennels, and animal shelters.* All moneys received
6 under s. 173.40 (3) for regulation of pet dealers, kennels, and animal shelters under
7 s. 173.40.

8 SECTION 2. 173.40 of the statutes is created to read:
9 173.40 *Pet dealers, kennels, and animal shelters.* (1) DEFINITIONS. In this
10 section:

1 (a) "Adequate food" means wholesome food that is accessible to an animal, is
2 appropriate for the type of animal, and is sufficient in amount to maintain the animal
3 in good health.

4 (b) "Adequate water" means potable water that is accessible to an animal and
5 is sufficient in amount to maintain the animal in good health.

6 (c) "Animal shelter" means any of the following:

7 1. A facility that is used to impound or harbor seized, stray, abandoned, or
8 unwanted dogs, cats, or other animals and that is operated by this state, a political
9 subdivision, or a veterinarian licensed under ch. 453.

10 2. A facility that is operated for the purpose of providing for and promoting the
11 welfare, protection, and humane treatment of animals, ^{and that is operated} by a humane society, an
12 animal welfare society, or ^a ~~any other~~ nonprofit association.

13 (d) "Humane care" includes the provision of ^{and} adequate food, ^{and} adequate water, ^{with}
14 adequate heating, cooling, ventilation, sanitation, shelter, and medical care
15 consistent with the normal requirements of an animal's size, species, and breed. ^{9A}

16 (e) "Kennel" means a facility where dogs or cats are kept for 24 hours or more
17 for boarding, training, or similar purposes for compensation, except that "kennel"
18 does not include any of the following:

- 19 1. An animal shelter.
20 2. A facility owned or operated by a veterinarian licensed under ch. 453 where
21 animals are boarded only in conjunction with the provision of veterinary care.

22 (f) "Nonprofit association" has the meaning given in s. 184.01 (2).

23 (g) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for
24 adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as

1 pets, except that "pet dealer" does not include a person who sells 20 or fewer animals
2 in a year if the person only sells animals that the person has produced and raised.

3 (2) LICENSE REQUIRED. (a) Except as provided ⁱⁿ ~~under~~ par. (c), no person may
4 operate an animal shelter or kennel without a license from the department. A person
5 shall obtain a license under this paragraph for each separate location at which the
6 person operates an animal shelter or kennel.

7 (b) Except as provided ⁱⁿ ~~under~~ par. (c), no person may act as a pet dealer without
8 a license from the [✓] department. A person shall obtain a license under this paragraph
9 for each separate location at which the person conducts business as a pet dealer.

10 (c) The department may issue an interim permit that authorizes a person to
11 operate an animal shelter or kennel or to act as a pet dealer until the department
12 makes the initial inspection required under sub. [✓](4) (a).

13 (d) Licenses issued under pars. [✓](a) and [✓](b) expire on October 31 of each
14 even-numbered year.

15 (e) A license issued under par. [✓](a) or [✓](b) is not transferable.

16 (3) LICENSE FEES. The department shall promulgate rules specifying fees that
17 must be paid by applicants for licenses under sub. [✓](2). A fee paid under this
18 subsection is not refundable if the department denies the license.

19 (4) INSPECTIONS. (a) The department shall inspect each location for which a
20 person is required to obtain a license under sub. [✓](2) before issuing the initial license
21 and at least once during each biennial licensing period ~~which~~ ^{the initial license} after ^{period}

22 (b) In addition to the inspections required under par. (a), the department may
23 enter and inspect a facility for which a person is required to obtain a license under
24 sub. [✓](2) at any reasonable time.

1 (5) RULES. The department may promulgate rules that specify any of the
2 following:

3 (a) Minimum standards for animal shelter and kennel facilities and facilities
4 at which pet dealers operate.

5 (b) Minimum requirements for humane care to be provided by persons required
6 to obtain licenses under sub. (2).

7 (c) Requirements relating to the transportation of animals by persons required
8 to obtain licenses under sub. (2).

9 (d) Grounds for revocation of licenses issued under sub. (2).

10 (e) Minimum ages for the sale of animals by persons required to be licensed
11 under sub. (2).

12 (f) Requirements for records^g keeping by persons required to be licensed under
13 sub. (2).

14 (6) PENALTIES. (a) A person who operates without a license required under sub.
15 (2) may be fined not more than \$10,000 or imprisoned for not more than 9 months,
16 or both.

17 (b) Except as provided under par. (a), a person who violates this section or a rule
18 promulgated under this section may be required to forfeit not more than \$1,000 for
19 the first offense and may be required to forfeit not less than \$200 nor more than
20 \$2000 for the 2nd or any subsequent offense within 5 years.

21 SECTION 3. 174.05 (2) of the statutes is amended to read:

22 174.05 (2) TAX. The minimum dog license tax is \$3 \$5.50 for a neutered male
23 dog or spayed female dog, upon presentation of evidence that the dog is neutered or
24 spayed, and \$8 \$10.50 for an unneutered male dog or unspayed female dog, or

1 one-half of these amounts if the dog became 5 months of age after July 1 of the license
2 year.

3 History: 1979 c. 289; 1983 a. 451; 1991 a. 39. ✕

SECTION 4. 174.053 (1) of the statutes is amended to read:

4 174.053 (1) KENNEL LICENSE OPTION. Any person who keeps or operates a kennel
5 may, instead of the license tax for each dog required by this chapter, apply to the
6 collecting official for a kennel license for the keeping or operating of the kennel. Such
7 person shall pay for the license year a license tax of \$35 [✓]\$45 for a kennel of 12 or fewer
8 dogs and an additional \$3 [✓]\$5.50 for each dog in excess of 12. Upon payment of the
9 required kennel license tax and upon presentation of evidence that all dogs over 5
10 months of age are currently immunized against rabies, the collecting official shall
11 issue the kennel license and a number of tags equal to the number of dogs authorized
12 to be kept in the kennel.

13 History: 1979 c. 289 ss. 12, 18, 19, 21; 1981 c. 285; 1983 a. 451; 1991 a. 39.

SECTION 5. 174.09 (1) of the statutes is amended to read:

14 174.09 (1) The dog license taxes ~~so~~ paid to the county treasurer shall be kept
15 in a separate account and shall be known as the "dog license fund" ~~and shall be~~
16 ~~appropriated and disbursed for the purposes and in the manner following:~~ Within
17 30 days after receipt of the ~~same dog license taxes~~ the county treasurer shall pay into
18 the state treasury ~~5% of the minimum tax as provided for~~ [✓]\$2 for each license issued
19 under s. 174.05 (2) ~~of all dog license taxes which shall have been received by the~~
20 ~~county treasurer,~~ \$10 for each kennel license issued under s. 174.053 (1), and \$2 for
21 each dog in excess of 12 for which a kennel license is issued under s. 174.053 (1).

22 History: 1979 c. 289; 1981 c. 285; 1983 a. 451.

(END)

DNWote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0144/P1dn

RCT:.....

hmk
&
JLD

Deadline

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?

Please feel free to contact me with any questions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0144/P1dn
RCL:hmh&jld:km

October 18, 2000

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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.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Dake, Marsha
Sent: Thursday, December 07, 2000 2:58 PM
To: Tradewell, Becky
Subject: FW: Draft about animal shelters, kennels, and pet dealers

Becky,
Here are the comments of Ruth Heike, Dr. Bellay and Rep Duff, for the bill. I apologize, I thought you had probably already received this from DATCP, but Ruth indicated that was not the case.

Marsha
Rep Duff's office

-----Original Message-----

From: Duff, Marc
Sent: November 30, 2000 10:55 AM
To: Dake, Marsha
Subject: RE: Draft about animal shelters, kennels, and pet dealers

All of their suggestions look good and can be instituted in the draft...I have two suggestions and I added them at the appropriate location below.

-----Original Message-----

From: Dake, Marsha
Sent: Tuesday, November 28, 2000 4:12 PM
To: Duff, Marc
Subject: FW: Draft about animal shelters, kennels, and pet dealers

-----Original Message-----

From: Heike, Ruth E DATCP
Sent: November 28, 2000 4:09 PM
To: 'Dake, Marsha'
Cc: Bellay, Yvonne M DATCP
Subject: Draft about animal shelters, kennels, and pet dealers

Marsha:

Yvonne and I have reviewed the bill draft that Rebecca Tradewell sent over. We have discussed the questions raised by Rebecca in the Drafter's Note, and think we should provide our input to you so you can decide what instructions should be given to Rebecca.

✓ The first question raised by Rebecca is whether it is OK to use the definition of "nonprofit association" in s. 184.01(2), since that definition does not include incorporated nonprofit organizations. This is a good catch on Rebecca's part. We would not like to exclude incorporated nonprofit organizations. However, we especially like the portion of 184.01(2) that specifies that it covers groups of "3 or more members joined by mutual consent for a common, nonprofit purpose." If Rebecca can include both incorporated organizations and the 3 or more members concept, it would be good.

✓ The second question is whether the definition of "pet dealer" should be modified to exclude animal shelters. We believe that it should not be so modified. It is our intention that if animal shelters sell or give away pets, they should have to follow the same requirements as any for profit pet dealer. There is an expectation that DATCP will, by rule, adopt standards related to selling or giving away pets. These standards should apply to animal shelters and/or humane societies. The representative of the Wisconsin Federated Humane Societies who attended our meetings this summer, Sally Krause, was actually the person who pushed the hardest to have the same standards apply to the humane societies as apply to others including commercial pet dealers.

✓ The drafter's note poses a series of questions regarding permitting veterinarians and humane societies to be "collecting officials" for the dog license tax. Rebecca commented that s. 174.06(7) requires the listing official to deliver the list of dogs to "the collecting official", and implies a question whether this should be changed or perhaps implies

that this would be a problem. We do not believe that it is necessary that the listing official deliver a list of dogs in the jurisdiction to each veterinarian or humane society that is authorized to issue licenses, but we also believe that in practice the listing provisions are not actually complied with anyway. However, to correct this particular problem (by no means the only problem with the listing provisions) it would probably be best to require that the dog list be delivered to the "town, village or city treasurer or other tax collecting officer" who is to be paid the license fees under s. 174.08.

Rebecca calls attention to "s. 174.07(2)(b) which 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)." This provision should not be a problem because currently the county clerk distributes tags and blanks to all city village or town treasurers or other tax collecting officers. Under s. 174.065, the common council or village or town board may appoint a different person to be a collecting official for dog license taxes if the council or board appoints them by resolution or ordinance. Several entities have appointed humane societies or veterinarians under this option, and none of them report problems distributing the tags and blanks.

Rebecca asks if this would be a local option or would all areas be required to allow veterinarians and humane societies to issue licenses. As stated above, local governments currently have the option to allow these people to issue licenses. However, most local governments have taken no action to pass an ordinance or resolution. We are recommending that the local governments not have to take affirmative action to allow humane societies or veterinarians to issue the licenses. I guess from the standpoint of Rebecca's question, this would be interpreted to require local governments to allow veterinarians and humane societies to issue licenses. But, as I said, our primary objective is to remove the need for local governments to take affirmative action to allow this.

NOTE: <<One option is to instead allow the local government to take an affirmative action to opt out...in that way, they would not be required but would have to act to avoid it>>

Rebecca asks: "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?" Yes. Under s. 174.07(3)(a), the collecting official is required to maintain a copy of each license issued in his or her records and, in Milwaukee County, the collecting official is required to immediately send a copy of the license to the county clerk or whatever agency the county board identifies. Under s. 174.07(3)(b), the collecting official is required to return unused tags and license books to the county clerk by December 31 each year. And, under 174.08 the collecting official is required to pay all dog license taxes to the town, village or city treasurer or other tax collecting officer. The town, village or city treasurer pays the appropriate fees to the county treasurer and files the appropriate report in writing with the county clerk. There seems to be one link that may need to be added. That is, the collecting official may have to file a written report to the town, village or city treasurer, but it seems that would be implied anyway because otherwise how could the town, village or city treasurer be able to audit their records. It seems the collecting official should have to identify the animal owner, location at which the animal is kept, description of the animal and whether the animal has been spayed or neutered. This could easily be accomplished by requiring the collecting official to provide a copy of each license document issued to the appropriate treasurer.

"Would a veterinarian be able to issue licenses for dogs from more than 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." Yes, a veterinarian or a humane society should be able to issue licenses for more than one municipality or county. Yes the person issuing the licenses may have to keep track of more than one fee, and collect different fees based on the place of residence of the animal owner, but that should be manageable. If this seems like too big a task to the veterinarian or humane society, they do not have to issue for more than one municipality or county. I know of at least one humane society in the Stevens Point area that is currently doing this under the authority of local ordinances or resolutions, and they have no problem dealing with different fees in different localities.

"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."

S. 174.05(5) requires a "collecting official" to assess and collect a late fee if the animal owner does not purchase the license prior to April 1 each year. As long as the intention is to have all dog licenses due for renewal at the same time, then every "collecting official", including a veterinarian or a humane society should assess and collect the late fee. However, it also seems that if a person who has not previously owned the animal adopts an animal between April 1 and December 31, and if the person purchases the license at the time the person adopts the animal, there should be no late fee assessed. That issue is not created because the veterinarian or humane society are allowed to issue licenses and collect dog taxes, but it should be the logical application of the late fee provision.

S. 174.053(1) permits the "collecting official" to sell "kennel licenses" (not to be confused with the license that will be required under new provisions of this bill) to persons who own multiple dogs. This kennel license permits transfer of

individual dog tags between animals and permits a cheaper tax than would be paid if each dog were individually licensed and taxed. So long as the desire is to continue to provide this tax break for owners of multiple dogs, the owners should be able to obtain these licenses and pay the tax to any person who is authorized to collect dog license taxes. Therefore, I don't believe there would need to be any change in s. 174.053(1) based on the fact that we would be authorizing veterinarians and humane societies to collect dog license taxes.

- ✓ S. 174.06(7) requires the dog "listing official" to deliver the list of dogs to "the collecting official" and retain a copy for his or her files. Section 174.06 dealing with listing dogs is not a very effective law and doesn't serve the purpose for which it was created, at least partly because few local governments actually "ascertain by diligent inquiry the dogs owned or kept within the assessment district" as required by s. 174.06(1). However, I don't believe it is Representative Duff's intention to take on the entire dog licensing program and try to modernize it and make it logical and functional. It seems the intention behind the listing is to provide a means for local authorities to collect dog license taxes from those individuals who do not voluntarily pay the tax and obtain the license and tag. Since neither the humane society nor the veterinarian would be expected to try to enforce licensing against those who do not voluntarily comply, there is really no need for the listing official to provide a copy of the list to humane societies or veterinarians. Perhaps there should be a specific exemption put in this section.
- ✓ S. 174.07(1)(c) requires the "collecting official" to maintain a copy of the dog license that was issued in the collecting official's files. It also requires that a collecting official in Milwaukee County must send a copy of the dog license to the appropriate county official immediately. It seems appropriate that the veterinarian or humane society that decides to issue dog licenses and collect the tax should keep a record in his or her files of all licenses issued. So I don't see a need to change the first provision. The second provision that requires immediate reporting if the collecting official is in a county with a population of more than 500,000, should probably be changed to require reporting regardless of the size of the county.
- ✓ S. 174.07(1)(f) designates how an owner may obtain a duplicate tag (presumably because an original tag has been lost or destroyed). It directs the "collecting official" to endorse the new number on a license and retain a copy of the record in his or her file. I don't believe there needs to be any change to this provision because veterinarians and humane societies would be designated collecting officials.
- ✓ S. 174.07(2)(b) requires that county clerks shall distribute licenses and tags to collecting officials. I don't believe this needs to be changed. Someone has to distribute the licenses and tags. County clerks are already distributing to tax collecting officials in each town, village or city. This is not changing from one person to multiple people. It should be OK as is.
- ✓ S. 174.08 requires the "collecting official" to submit the dog license taxes that he or she collects to the town, village or city treasurer or other tax collecting official and then instructs the treasurer or tax collecting official what he or she should do with the money. Nothing in this provision needs to be changed because the veterinarian or humane society collects the money. This may mean the veterinarian has to submit license taxes to several different entities, but that should not be a problem. If the veterinarian considers it a problem, then perhaps the veterinarian should not seek to issue licenses at all.
- ✓ In addition to the provisions that Rebecca cited specifically, the term "collecting official" is also used in s. 174.07(1)(b), and (d), 174.07(2)(c), and (d), and 174.07(3)(a) and (b). I don't believe any of these sections require changing because of including veterinarians or humane societies as collecting officials.
- ✓ The other issue Rebecca raised related to the stop sale stop movement order. What we have in mind is similar to a hold order in Food Safety cases. If the inspector found conditions in the breeding or pet sale facility that would affect the ability to sell healthy animals or in some instances might result in animals which probably could not be socialized to become an appropriate pet, the inspector would be able to issue this order which would prohibit the licensee from selling or giving the pets away. Anyone who received the stop sale stop movement order would have the right to challenge the order in an administrative proceeding conducted under ATCP 1. We would expect to draft more specific provisions relating to grounds in administrative rule. We would plan to include a provision in the rule that filing a request for a hearing does not lift the stop sale stop movement order while the hearing is pending. We do not intend that the department would take custody of the animals. Neither would the department order euthanasia. The licensee would be expected to provide appropriate care for the animals. If the licensee does not provide appropriate care for the animal, this could be handled as a humane case in which the humane officer could take the animals into custody (assuming there is a basis for doing so in the current Ch. 173) and if euthanasia were appropriate it would be handled in that way. If the licensee got conditions under control and provided proper care for the animals so the concern no longer existed, the licensee would be able to request a release of the stop sale, stop movement order. When the inspector determines that there is no longer a problem, the order can be released.
- ✓ This reminds me, there should probably also be a provision which permits the department to charge a re-inspection fee when the department has inspected facilities and found deficiencies that require re-inspection to either issue initial

licenses or to release the stop sale stop movement order, the department should be able to charge the owner for the costs of performing that reinspection.

✓ Rebecca also asked about the penalties provisions. There should probably be three distinct provisions about penalties.

1. Operating without a license is one violation, the penalty would be a fine of not more than \$10,000 or imprisoned for not more than 9 months or both.
2. Violations that do not involve the keeping of animals could result in forfeitures of not less than \$100 nor more than \$1000 for a first offense. For a subsequent offense within 5 years, a person may be required to forfeit not less than \$200 nor more than \$2000.
3. Violations that involve the keeping of animals could result in forfeitures of not less than \$100 nor more than \$1000 for a first offense. For a subsequent offense within 5 years, a person may be required to forfeit not less than \$200 nor more than \$2000. Each animal maintained in violation of the standards adopted under this statute constitutes a separate violation.

✓ Regarding a delayed effective date. We believe we will need 2 years to complete committee work and get a rule promulgated. Pet dealers and breeders etc. would have to apply for licensure after the rule is promulgated, but since we anticipate being able to issue interim operating permits prior to issuance of the license, they should not need significant lead time beyond the 2 years in order to make application. I would not allow more than 3 months before the potential licensees are required to have applied after the initial 2 years.

NOTE: <<If it will take that long to set up...you could have the license fee increase that goes to the state started earlier which would generate revenues to cover the start-up costs of this new program>>

If there are more questions, I will try to answer them. I hope this information will help you in communicating with Rebecca.

Ruth



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0144/1

RCT:fmh&jd:km

SOON (int editing 1/3)

Stays Vm

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{to be} ~~to amend~~ 174.05 (2), 174.053 (1) and 174.09 (1); and ~~to create~~ 20.115 (2)
2 (im) and 173.40 of the statutes; **relating to:** pet dealers, kennels, animal
3 shelters, dog licensing, granting rule-making authority, making an
4 appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 20.115 (2) (im) of the statutes is created to read:
6 20.115 (2) (im) *Pet dealers, kennels, and animal shelters.* All moneys received
7 under s. 173.40 (3) ^{and (5) (g)} for regulation of pet dealers, kennels, and animal shelters under
8 s. 173.40.

9 SECTION 2. 173.40 of the statutes is created to read:
10 **173.40 Pet dealers, kennels, and animal shelters. (1) DEFINITIONS.** In this
11 section:

1 (a) "Adequate food" means wholesome food that is accessible to an animal, is
2 appropriate for the type of animal, and is sufficient in amount to maintain the animal
3 in good health.

4 (b) "Adequate water" means potable water that is accessible to an animal and
5 is sufficient in amount to maintain the animal in good health.

6 (c) "Animal shelter" means any of the following:

7 1. A facility that is used to impound or harbor seized, stray, abandoned, or
8 unwanted dogs, cats, or other animals and that is operated by this state, a political
9 subdivision, or a veterinarian licensed under ch. 453.

10 2. A facility that is operated for the purpose of providing for and promoting the
11 welfare, protection, and humane treatment of animals and that is operated by a
12 humane society, an animal welfare society, or a nonprofit association.

13 (d) "Humane care" includes the provision of adequate heating, cooling,
14 ventilation, sanitation, shelter, and medical care consistent with the normal
15 requirements of an animal's size, species, and breed, adequate food, and adequate
16 water.

17 (e) "Kennel" means a facility where dogs or cats are kept for 24 hours or more
18 for boarding, training, or similar purposes for compensation, except that "kennel"
19 does not include any of the following:

20 1. An animal shelter.

21 2. A facility owned or operated by a veterinarian licensed under ch. 453 where
22 animals are boarded only in conjunction with the provision of veterinary care.

23 (f) "Nonprofit association" ^{Insert 2-23} has the meaning given in s. 184.01 (2).

24 (g) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for
25 adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as

1 pets, except that "pet dealer" does not include a person who sells 20 or fewer animals
2 in a year if the person only sells animals that the person has produced and raised.

3 (2) LICENSE REQUIRED. (a) Except as provided in par. (c), no person may operate
4 an animal shelter or kennel without a license from the department. A person shall
5 obtain a license under this paragraph for each separate location at which the person
6 operates an animal shelter or kennel.

7 (b) Except as provided in par. (c), no person may act as a pet dealer without a
8 license from the department. A person shall obtain a license under this paragraph
9 for each separate location at which the person conducts business as a pet dealer.

10 (c) The department may issue an interim permit that authorizes a person to
11 operate an animal shelter or kennel or to act as a pet dealer until the department
12 makes the initial inspection required under sub. (4) (a).

13 (d) Licenses issued under pars. (a) and (b) expire on October 31 of each
14 even-numbered year.

15 (e) A license issued under par. (a) or (b) is not transferable.

16 (3) LICENSE FEES. The department shall promulgate rules specifying fees that
17 must be paid by applicants for licenses under sub. (2). A fee paid under this
18 subsection is not refundable if the department denies the license.

19 (4) INSPECTIONS. (a) The department shall inspect each location for which a
20 person is required to obtain a license under sub. (2) before issuing the initial license
21 and at least once during each biennial licensing period after the initial license period.

22 (b) In addition to the inspections required under par. (a), the department may
23 enter and inspect a facility for which a person is required to obtain a license under
24 sub. (2) at any reasonable time.

SECTION 2

1 (5) RULES. The department may promulgate rules that specify any of the
2 following:

3 (a) Minimum standards for animal shelter and kennel facilities and facilities
4 at which pet dealers operate.

5 (b) Minimum requirements for humane care to be provided by persons required
6 to obtain licenses under sub. (2).

7 (c) Requirements relating to the transportation of animals by persons required
8 to obtain licenses under sub. (2).

9 (d) Grounds for revocation of licenses issued under sub. (2).

10 (e) Minimum ages for the sale of animals by persons required to be licensed

11 under sub. (2).

12 (f) Requirements for record keeping by persons required to be licensed under

13 sub. (2).

14 (6) PENALTIES. (a) A person who operates without a license required under sub.

15 (2) may be fined not more than \$10,000 or imprisoned for not more than 9 months,
16 or both.

17 (b) Except as provided under par. (a), a person who violates this section or a rule
18 promulgated under this section may be required to forfeit not more than \$1,000 for
19 the first offense and may be required to forfeit not less than \$200 nor more than
20 \$2000 for the 2nd or any subsequent offense within 5 years.

21 SECTION 3. 174.05 (2) of the statutes is amended to read:

22 174.05 (2) TAX. The minimum dog license tax is ~~\$3~~ \$5.50 for a neutered male
23 dog or spayed female dog, upon presentation of evidence that the dog is neutered or
24 spayed, and ~~\$8~~ \$10.50 for an unneutered male dog or unspayed female dog, or

2. If a violation under subd. 1. involves the keeping of animals, each animal with respect to which the statute or rule is violated constitutes a separate violation.

Reinspection fees to be charged when an inspection by the department under this section reveals conditions that require correction and reinspection.

Grounds for the department to issue orders prohibiting a person required to be licensed under this section from selling or moving an animal.

1 one-half of these amounts if the dog became 5 months of age after July 1 of the license
2 year.

3 **SECTION 4.** 174.053^X (1) of the statutes is amended to read:

4 174.053 (1) KENNEL LICENSE OPTION. Any person who keeps or operates a kennel
5 may, instead of the license tax for each dog required by this chapter, apply to the
6 collecting official for a kennel license for the keeping or operating of the kennel. Such
7 person shall pay for the license year a license tax of \$35 \$45 for a kennel of 12 or fewer
8 dogs and an additional ~~\$3~~ \$5.50 for each dog in excess of 12. Upon payment of the
9 required kennel license tax and upon presentation of evidence that all dogs over 5
10 months of age are currently immunized against rabies, the collecting official shall
11 issue the kennel license and a number of tags equal to the number of dogs authorized
12 to be kept in the kennel.

Insert
5-12 →

13 **SECTION 5.** 174.09^{ik} (1) of the statutes is amended to read:

14 174.09 (1) The dog license taxes ~~so~~ paid to the county treasurer shall be kept
15 in a separate account and shall be known as the "dog license fund" ~~and shall be~~
16 ~~appropriated and disbursed for the purposes and in the manner following:~~ Within
17 30 days after receipt of the ~~same dog license taxes~~ the county treasurer shall pay into
18 the state treasury ~~5% of the minimum tax as provided for~~ \$2 for each license issued
19 under s. 174.05 (2) ~~of all dog license taxes which shall have been received by the~~
20 ~~county treasurer,~~ \$10 for each kennel license issued under s. 174.053 (1), and \$2 for
21 each dog in excess of 12 for which a kennel license is issued under s. 174.053 (1).

Insert
22 →
5-21

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0144/lins
RCT:.....

Analysis Insert

This bill requires pet dealers (wholesale and retail) and persons who operate kennels and animal shelters to obtain licenses from the department of agriculture, trade and consumer protection (DATCP). The bill requires DATCP to inspect each location for which a license is required before issuing a license and authorizes DATCP to make inspections at other reasonable times. The bill authorizes DATCP to promulgate rules that specify minimum standards for animal shelters and kennel facilities and facilities at which pet dealers operate and that specify requirements for humane care to be provided by persons who are required to be licensed. The bill provides criminal penalties for persons who operate without a required license and forfeitures (civil monetary penalties) for other violations of the provisions concerning pet dealers, kennels, and animal shelters.

Under current law, dog licenses are issued by the city, village, or town treasurer or other tax collecting official, unless the governing body of the city, village, or town provides by ordinance or resolution for the appointment of a different person. Under this bill, veterinarians and humane societies also issue dog licenses unless the governing body of a city, village, or town provides by ordinance or resolution that veterinarians and humane societies are not collecting officials for the city, village, or town.

Under current law, the minimum dog license fee is \$3 for a neutered or spayed dog and \$8 for a dog that is not neutered or spayed. A city, village, town, or county may impose a higher fee. Under this bill, the minimum dog license fee is increased to \$5.50 for a neutered or spayed dog and \$10.50 for a dog that is not neutered or spayed. Under current law, a county treasurer is required to pay 5% of the minimum dog license fee to this state. Under this bill, the county treasurer is required to pay \$2 to the state for each dog license issued.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert 2-23

^{not} means an incorporated or unincorporated organization consisting of 3 or more members joined by mutual consent for a common, nonprofit purpose

Insert 5-12

SECTION 1. 174.06 (7) of the statutes is amended to read:

174.06 (7) LIST DELIVERY. The listing official shall, by September 15, deliver one copy of the list under sub. (5) or (6) to the county clerk, and one copy to the collecting

official to whom license taxes are paid under s. 174.08, and retain one copy for his or her files.

History: 1973 c. 90, 333; 1975 c. 290, 421; 1977 c. 29 s. 1650m (4); 1979 c. 289; 1981 c. 285, 314; 1983 a. 451.

SECTION 2. 174.065 (1) of the statutes is amended to read:

174.065 (1) COLLECTING OFFICIAL. The collecting official is the city, village, or town treasurer or other tax collecting officer or a person deputized by the treasurer or tax collecting official, unless the common council or village or town board provides by ordinance or resolution for the appointment of a different person. Veterinarians and humane societies are also collecting officials, except that the governing body of a city, village, or town may by resolution or ordinance provide that veterinarians and humane societies are not collecting officials for the city, village, or town.

History: 1979 c. 289 ss. 14, 24; 1981 c. 285; 1987 a. 378.

~~Insert 3-21~~

SECTION 3. 174.07 (1) (c) of the statutes is amended to read:

174.07 (1) (c) *Copies*. The collecting official shall keep a duplicate copy of the license on file. In counties having a population of 500,000 or more, the collecting official shall immediately send to the county clerk or whatever agency the county board may direct, a triplicate copy of the license. A collecting official who is not the official to whom license taxes are paid under s. 174.08 shall provide a copy of each license issued to the official to whom license taxes are paid under s. 174.08.

History: 1975 c. 290, 421; 1977 c. 29 ss. 1260g, 1650m (4); 1979 c. 289 ss. 20, 25 to 30; 1981 c. 285; 1983 a. 451.

SECTION 4. 174.07 (3) (c) of the statutes is amended to read:

174.07 (3) (c) *Reimbursement*. The collecting official may retain 25 75 cents, or a greater amount established by the county board by ordinance or resolution, for each license issued as compensation for the service, if not a full-time, salaried

municipal employee. If the collecting official is a full-time, salaried municipal employee this compensation shall be paid into the treasury of the town, village or city.

(X)

History: 1975 c. 290, 421; 1977 c. 29 ss. 1260g, 1650m (4); 1979 c. 289 ss. 20, 25 to 30; 1981 c. 285; 1983 a. 451.

SECTION 5. Effective date.

(1) This act takes effect on the first day of the 40th month beginning after publication.

Insert
S-21

Tradewell, Becky

From: Heike, Ruth E DATCP
Sent: Friday, February 16, 2001 8:45 AM
To: Tradewell, Becky
Cc: Bellay, Yvonne M DATCP; Dake, Marsha; 'abaer@hsus.org'
Subject: RE: Bill draft LRB-0144/1

Sorry about that. I'll try again. (I am technologically challenged.)



Rebecca, draft
changes 1.doc

-----Original Message-----

From: Tradewell, Becky
Sent: Thursday, February 15, 2001 4:52 PM
To: Heike, Ruth E DATCP
Subject: RE: Bill draft LRB-0144/1

Ruth,

There does not seem to be an attachment on this message as I received it.

Becky

-----Original Message-----

From: Heike, Ruth E DATCP
Sent: Thursday, February 15, 2001 4:49 PM
To: Tradewell, Becky
Cc: Dake, Marsha; Bellay, Yvonne M DATCP; 'abaer@hsus.org'
Subject: Bill draft LRE-0144/1

Becky:

I am attaching a memo regarding changes for this draft bill. Representative Duff asked me to communicate this information directly to you. If you have any questions, please call me at 224-5025.

Ruth

MEMORANDUM

DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER
PROTECTION
OFFICE OF LEGAL COUNSEL

DATE: February 15, 2001
TO: Rebecca Tradewell
FROM: Ruth Heike
SUBJECT: 2001 Bill LRB – 0144/1

At Representative Duff's request, I have reviewed the draft bill. Representative Duff asked me to communicate directly with you regarding changes we believe need to be made. If you have any questions feel free to call me at 224-5025.

- ✓ • This bill should have a non-statutory provision requiring the department to consult with an advisory committee when it promulgates the original rules under the bill. We suggest language similar to that contained in 1997 Wis. Act 192.
- ✓
DN • Regarding the effective date, Section 2 should have a delayed effective date, but 30 months should be an adequate delay. Sections 1, 3, 4, 5, 6, 7, 8 and 9 should be effective as soon as possible.
- ✓ • Under s. 173.40(5), there should be a provision added specifically authorizing the department to promulgate rules requiring licensees to provide space and opportunity for exercise for the animals.
- ✓ • In chapter 174, all references to "kennel" licenses should be changed to references to "multiple dog licenses". This will reduce confusion about what is a kennel in ch. 173 and what is a kennel in ch. 174. In actuality, ch. 174 is really referring to a license for multiple dogs rather than for kennels. So this would more clearly identify what is happening.
- ✓ • Page 6 line 8, the license tax for a multiple dog license is identified as \$45. This actually should be \$45.50. (The extra \$.50 is intended for the collecting official as allocated under 174.07(3)(c).
- ✓ • Page 3 line 23. In the definition of "pet dealer", take out the portion of the sentence that reads: "if the person only sells animals that the person has produced and raised."
- ✓ • Page 3 lines 1 through 6. In both 1. and 2. of the definition of "animal shelter" should state that it does not include someone who shelters fewer than 20 animals in a year.

- ✓ • Page 6 line 24. We need to be sure that veterinarians and humane societies have the option to be collecting officials. This looks like it could imply that all veterinarians and humane societies will be collecting officials, but the intention is that they must affirmatively decide to take on this task.

I expect to have one more change to make, but I won't know all the specifics until next week. I am speaking about the authorization to hire people to carry out this program. Representative Duff has indicated he will support putting hiring authorization in this bill. I am still trying to get information from the Division indicating how many persons we need hiring authority for. They have made a commitment to me that they will provide that information by Monday, February 19. I will send you information when I have it.

-----Original Message-----

From: Tradewell, Becky
Sent: Thursday, February 22, 2001 4:26 PM
To: Heike, Ruth E DATCP
Subject: Redraft of LRB-0144

Ruth,

I have held off on completing the redraft of Rep. Duff's bill because you indicated that you expected to have one more change to make. Should I expect some additional instructions or go ahead now and finish the redraft based on what you sent last week?

Also, one of the instructions was to change "kennel license" to "multiple dog license" in chapter 174. Section 174.053 (2) makes references to a kennel as a place (there is a definition in s. 174.001 (2m)). Do you want to eliminate the use of "kennel" in s. 174.053 (2)? If so, we will need to substitute some other language. I thought about referring instead to the owner's or keeper's premises. Please let me know if you would prefer a different approach.

Thanks,

Becky
266-7290

Tradewell, Becky

From: Heike. Ruth E DATCP
Sent: Friday, February 23, 2001 10:59 AM
To: Tradewell, Becky
Subject: RE: Redraft of LRB-0144

Becky:
How about something like:
The owner or keeper of a dog licensed under sub. (1) may transfer the multiple license tag from a dog which he no longer owns or keeps to another dog that he owns or keeps provided that the dog to which the license tag is transferred is currently immunized against rabies.

-----Original Message-----

From: Tradewell, Becky
Sent: Friday, February 23, 2001 10:35 AM
To: Heike, Ruth E DATCP
Subject: RE: Redraft of LRB-0144

Ruth:

I am not sure from your message what you want the third sentence to end up saying.

Becky

-----Original Message-----

From: Heike, Ruth E DATCP
Sent: Friday, February 23, 2001 10:08 AM
To: Tradewell, Becky
Subject: RE: Redraft of LRB-0144

Becky:

I'm still trying to get the information we need for number of employees needed. I have reminded the Division staff that I really need information to establish how many employees it will take to do this job. I'm sorry to keep delaying like this.

Regarding the use of the word "kennel" in 174.052(2), the word is used in many different contexts in that provision. It would be best if we tried to change it, but we will need to look at the provision sentence by sentence to see what is needed.

The first sentence uses the word in the manner anticipated by the change to multiple dog license.

The second sentence: "The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel license but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area." The owner or keeper of a kennel is the owner or keeper of animals licensed under the multiple dog licensing option. The kennel license tag is the multiple dog license tag.

The third sentence is "These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel." This sentence is intended to permit transfer of the multiple dog license tag whenever one dog is permanently removed from the group owned or kept by the owner or keeper. It is not intended to allow removal of the license tag when an animal is temporarily removed from the premises, and is not really dependent on premises at all.

The fourth sentence does not contain the work "kennel."

The fifth sentence is: "No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training or competition." The first use of the word "kennel" is covered by the "multiple dog license" language. The second use of the work kennel is referring to the premises of the owner or keeper and could appropriately be replaced by reference to the owner's or keeper's premises.

Ruth

3/6/01 Per Marsha (Duff's office) - authorize 10 FTE for
DATCP.

Per Ruth - all from new appropriation.