



State of Wisconsin  
2001 - 2002 LEGISLATURE  
SOON

LRB 0144PZ  
RCT:hmb:mf

FWLJ  
rnr

2001 BILL

DNote

REGEN

1 AN ACT to amend 174.05 (2), 174.053 (1), 174.06 (7), 174.065 (1), 174.07 (1) (c),  
2 174.07 (3) (c) and 174.09 (1); and to create 20.115 (2) (im) and 173.40 of the  
3 statutes; relating to: pet dealers, kennels, animal shelters, dog licensing,  
4 granting rule-making authority, making an appropriation, and providing a  
5 penalty.

*Analysis by the Legislative Reference Bureau*

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

May

**BILL**

governing body of a city, village, or town provides<sup>be</sup> by ordinance or resolution that  
\* veterinarians and humane societies <sup>may</sup> 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.

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

1           **SECTION 1.** 20.115 (2) (im) of the statutes is created to read:

2           20.115 (2) (im) *Pet dealers, kennels, and animal shelters.* All moneys received  
3 under s. 173.40 (3) and (5) (g) for regulation of pet dealers, kennels, and animal  
4 shelters under s. 173.40.

5           **SECTION 2.** 173.40 of the statutes is created to read:

6           **173.40 Pet dealers, kennels, and animal shelters. (1) DEFINITIONS.** In this  
7 section:

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

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

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

## BILL

1. A facility that is used to impound or harbor <sup>at least 20</sup> seized, stray, abandoned, or unwanted dogs, cats, or other animals <sup>in a year</sup> and that is operated by this state, a political subdivision, or a veterinarian licensed under ch. 453.

2. A facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of <sup>that is used to shelter at least 20 animals</sup> animals and that is operated by a <sup>in a year</sup> humane society, an animal welfare society, or a nonprofit association.

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

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

1. An animal shelter.

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

(f) "Nonprofit association" means an incorporated or unincorporated organization consisting of 3 or more members joined by mutual consent for a common, nonprofit purpose.

(g) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, except that "pet dealer" does not include a person who sells 20 or fewer animals in a year ~~if the person only sells animals that the person has produced and raised.~~

(2) LICENSE REQUIRED. (a) Except as provided in par. (c), no person may operate an animal shelter or kennel without a license from the department. A person shall

**BILL**

1 obtain a license under this paragraph for each separate location at which the person  
2 operates an animal shelter or kennel.

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

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

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

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

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

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

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

21 **(5) RULES.** The department may promulgate rules that specify any of the  
22 following:

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

**BILL**

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

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

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

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

8 (f) Minimum ages for the sale of animals by persons required to be licensed  
9 under sub. (2).

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

12 (h) Requirements for record keeping by persons required to be licensed under  
13 sub. (2).

↓  
Insert →  
5-13

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) 1. Except as provided under par. (a), a person who violates this section or  
18 a rule promulgated under this section may be required to forfeit not more than \$1,000  
19 for 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 2. If a violation under subd. 1. involves the keeping of animals, each animal  
22 with respect to which the statute or rule is violated constitutes a separate violation.

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

24 174.05 (2) TAX. The minimum dog license tax is ~~\$3~~ \$5.50 for a neutered male  
25 dog or spayed female dog, upon presentation of evidence that the dog is neutered or

**BILL**

1 spayed, and ~~\$8~~ \$10.50 for an unneutered male dog or unspayed female dog, or  
2 one-half of these amounts if the dog became 5 months of age after July 1 of the license  
3 year. Multiple dog licenses.

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

5 bold Multiple dog 174.053 (1) **KENNEL LICENSE OPTION.** Any person who keeps ~~or operates~~ a kennel

6 more than one dog may, instead of the license tax for each dog required by this chapter, apply to the

7 collecting official for a multiple dog kennel license for the keeping ~~or operating~~ of the kennel. of the dogs Such

8 person shall pay for the license year a license tax of ~~\$35~~ \$45.50 for a kennel of 12 or fewer

9 dogs and an additional ~~\$3~~ \$5.50 for each dog in excess of 12. Upon payment of the

10 required multiple dog kennel license tax and upon presentation of evidence that all dogs over 5

11 months of age are currently immunized against rabies, the collecting official shall

12 issue the multiple dog kennel license and a number of tags equal to the number of dogs authorized

13 to be kept in the kennel. by the person

14 **SECTION 5.** 174.06 (7) of the statutes is amended to read:

15 174.06 (7) LIST DELIVERY. The listing official shall, by September 15, deliver one  
16 copy of the list under sub. (5) or (6) to the county clerk, and one copy to the collecting  
17 official to whom license taxes are paid under s. 174.08, and retain one copy for his  
18 or her files.

19 **SECTION 6.** 174.065 (1) of the statutes is amended to read:

20 174.065 (1) COLLECTING OFFICIAL. The collecting official is the city, village, or  
21 town treasurer or other tax collecting officer or a person deputized by the treasurer  
22 or tax collecting official, unless the common council or village or town board provides  
23 by ordinance or resolution for the appointment of a different person. Veterinarians

24 and humane societies may voluntarily become ~~may also~~ collecting officials, except that the governing body of

Inset  
6-13

**BILL**

1 a city, village, or town may by resolution or ordinance provide that veterinarians and  
2 humane societies ~~are not~~ <sup>may be</sup> collecting officials for the city, village, or town.


3 **SECTION 7.** 174.07 (1) (c) of the statutes is amended to read:

4 174.07 (1) (c) *Copies.* The collecting official shall keep a duplicate copy of the  
5 license on file. In counties having a population of 500,000 or more, the collecting  
6 official shall immediately send to the county clerk or whatever agency the county  
7 board may direct, a triplicate copy of the license. A collecting official who is not the  
8 official to whom license taxes are paid under s. 174.08 shall provide a copy of each  
9 license issued to the official to whom license taxes are paid under s. 174.08.

10 **SECTION 8.** 174.07 (3) (c) of the statutes is amended to read:

11 174.07 (3) (c) *Reimbursement.* The collecting official may retain 25 75 cents,  
12 or a greater amount established by the county board by ordinance or resolution, for  
13 each license issued as compensation for the service, if not a full-time, salaried  
14 municipal employee. If the collecting official is a full-time, salaried municipal  
15 employee this compensation shall be paid into the treasury of the town, village, or  
16 city.

17 **SECTION 9.** 174.09 (1) of the statutes is amended to read:

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

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2.9 →

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INSERT →

**SECTION 10. Effective date.**

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

(END)

DNote



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0144/2ins  
RCT:.....

Insert 5-13

(i) Requirements relating to space and opportunity for exercise to be provided to animals by persons required to be licensed<sup>d</sup> under sub. (2).

Insert 6-13

(2) ~~KENNEL MULTIPLE DOG LICENSE TAGS.~~ Kennel Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a ~~kennel dogs for which a multiple dog license has been issued~~ shall keep at all times a ~~kennel multiple dog license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel multiple dog 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. ~~These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.~~ An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times 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. No dog bearing a ~~kennel multiple dog license~~ tag shall be permitted to stray or to be taken anywhere outside the limits of the ~~kennel owner's or keeper's premises~~ unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training or competition.

(3) APPLICABILITY OF OTHER REQUIREMENTS. Unless clearly inapplicable, all the provisions of this chapter relating to the individual dog license tax, licenses and tags shall apply to the ~~kennel~~ multiple dog license and tags. 5

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

**Insert 7-9**

~~SECTION 174~~ SECTION 174.07 (2) (d) of the statutes is amended to read:

174.07 (2) (d) The department shall furnish county clerks with suitable ~~kennel~~ multiple dog license tags and blank licenses for distribution to the collecting officials.

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.

**Insert 8-1**

A.R. ① SECTION ~~174~~ Nonstatutory provisions.

(1) ADVISORY COMMITTEE. 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 section 173.40 of the statutes, as created by this act. The department shall ensure that the members of the committee represent a variety of interests related to animals.

A.R. ② (2) POSITION AUTHORIZATION. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 10.0 PR positions to be funded from the appropriation under section 20.115 (2) (im) of the statutes, as created by this act, for the purpose of regulating pet dealers, kennels, and animal shelters.

~~SECTION 174~~ SECTION ~~174~~ Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 20.115 (2) (im) and 173.40 of the statutes and *auto ref the 2nd subsection of the nonstat.* SECTION ~~174~~ take effect on the first day of the 30th month beginning after publication.

A.R. 1 (2)

end of inserts

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

LRB-0144/2dn

RCT:.....

(WL)

The redraft instructions indicated that only <sup>(CS)</sup>section 2 should have a delayed effective date. However, the appropriation and the position authorization must also be delayed because they depend on fees that only come into existence when s. 173.40 is created.

Please let me know if you have any questions about this proposal.

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

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

LRB-0144/2dn  
RCT:wlj:jf

March 8, 2001

The redraft instructions indicated that only SECTION 2 should have a delayed effective date. However, the appropriation and the position authorization must also be delayed because they depend on fees that only come into existence when s. 173.40 is created.

Please let me know if you have any questions about this proposal.

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



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 8, 2001

### MEMORANDUM

To: Representative Duff

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-0144 Regulation of pet dealers, kennels and animal shelters

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

  X   JACKET FOR ASSEMBLY          JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

## Tradewell, Becky

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**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, March 22, 2001 9:25 AM  
**To:** Tradewell, Becky; Bellay, Yvonne M DATCP  
**Cc:** Dake, Marsha  
**Subject:** RE: LRB-0144/2

Becky,  
Thanks for the discussion. I have discussed this with Dr. Bellay and we have concluded that it would be helpful to put in a specific exemption for farm-raised fish. Beyond that, we have concluded that any reasonable person should be guided by the use of the term "customarily obtained as pets" to conclude that farm animals and game animals. Rabbits is an unusual situation. They can be pets, agricultural animals or game animals. It probably won't be the end of the world if some people who are selling only rabbits are not covered by this bill, and I don't think the department will be out looking for rabbit breeders to inspect. For the most part, if they are being sold as pets, I would guess that the "dealers" will also be selling other pets and will be identified in that way.

So, bottom line. We would appreciate it if you would put in a specific exemption for farm-raised fish. Thanks. Ruth

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

**From:** Tradewell, Becky  
**Sent:** Wednesday, March 21, 2001 2:48 PM  
**To:** Heike, Ruth E DATCP  
**Cc:** Dake, Marsha  
**Subject:** RE: LRB-0144/2

Ruth,

I want to be careful in modifying the definition of "pet dealer" so that we are sure it provides the coverage that you want. We also try very hard to avoid exempting from a definition persons or things that clearly are not included in the definition in the first place.

Do you intend that the definition exclude people who sell game animals (or birds) or that it exclude people who sell animals raised as game animals (or birds)? I think that there would be different meanings, though I am unsure what the latter would mean exactly.

What is meant by "game animals"? What kinds of game animals would be covered by the definition as it now stands? The only kind that occurs to me quickly might be rabbits. The definition of "game animal" in ch. 29 is not very good (because it only says "includes" rather than "means"), but it does include rabbits. I assume that you do not want all persons who sell rabbits excluded from the definition. Rabbits could also be agricultural animals. I imagine that some people who sell rabbits sell some as pets and some for "agricultural" purposes.

Aside from rabbits, what kinds of agricultural animals would be covered by the definition as it stands now? Fish, perhaps, but not cows, sheep, or pigs. We struggled with the fish issue for the fish farm drafting. The definition could exclude farm-raised fish.

The tricky thing seems to be how to deal with kinds of animals that are sometimes pets and sometimes wild animals or farm animals. Perhaps the best way to go about drafting the definition would be something like: "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for adoption animals, including dogs, cats, birds, fish, and reptiles, for the purpose of providing pets . . .

Also, I believe that the draft has been jacketed. I will need the jacket back in order to do a redraft.

Becky

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

**From:** Heike, Ruth E DATCP  
**Sent:** Wednesday, March 21, 2001 1:21 PM  
**To:** Dake, Marsha; Tradewell, Becky  
**Subject:** LRB-0144/2

When we made changes to "kennel" licenses in Chapter 174, it seems we missed a couple of references to

kennel in that chapter. First, in the definitions s. 174.001(2m) we define kennel with a meaning different than is used in ch. 173. Since our intention is to remove any reference to kennel in ch. 174, this definition probably should be repealed.

In s. 174.06(6), this probably should be amended to read:

(6) ~~Kennel~~ Multiple dog license records. The listing official shall make in triplicate a list of the names of persons ~~owning and operating kennels and the number of dogs kept in each~~ holding multiple dog licenses and the number of dogs kept by each such person.

On the definition of "pet dealer" (page 3 line 21) the committee members urged that we make clear that pet dealers do not include people who sell animals raised as agricultural animals, game animals or game birds. DATCP has no objections to making this clear, I believe it is clear that there was never an intention to include sellers of these animals.

## Tradewell, Becky

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**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, March 22, 2001 3:41 PM  
**To:** Tradewell, Becky  
**Subject:** FW: funding change

I am sending you a total of three messages because I don't know if there is a way to attach forwarded messages to another message. So, I think you will have all the information you need. If not, let me know. Ruth

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

**From:** Duff, Marc  
**Sent:** Thursday, March 22, 2001 3:27 PM  
**To:** Heike, Ruth E DATCP  
**Cc:** Tradewell, Becky  
**Subject:** funding change

Your suggestion for funding is fine. Go ahead and have Becky put it in the draft. Your other suggestions are good as well and we sent the jacket back to have Becky change it.

marc



## Tradewell, Becky

---

**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, March 22, 2001 3:38 PM  
**To:** Tradewell, Becky  
**Subject:** FW: Funding under kennels and facilities licensure bill

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

**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, March 22, 2001 10:24 AM  
**To:** Dake, Marsha  
**Cc:** Knapp, Barb H DATCP; Bellay, Yvonne M DATCP  
**Subject:** Funding under kennels and facilities licensure bill

Marsha:

I got the chance to talk to our budget director about the funding issue that I raised Monday during the meeting. Let me try to succinctly restate the issue.

Under existing ch. 174, all money received by the state for dog licensing is deposited in account 20.115(2)(j). Section 20.115(2)(j) of the statutes restricts use of these funds to pay for the rabies program and for the humane program. As currently written s. 20.115, Wis. Stats. allows expenditure of "the amounts in the schedule." (The governor's budget bill, section 412, changes this appropriation to "all moneys received.") All of the increased funds from the dog licensing will go into the 20.115(2)(j) account.

Under the bill draft, LRB-0144/2, all of the fees collected from licensing the facilities will be deposited in a newly created account, 20.115(2)(im) which is an all moneys received account for regulation of pet dealers, kennels and animal shelters under 173.40. The draft requires that all costs of the program be paid from the 20.115(2)(im) account. This set up will prevent the department from using the additional funding generated by the increased dog license fee to fund this program.

When I discussed this with our budget director, Barb Knapp, she indicated the easiest way to deal with this would be to deposit all of the funds to account 20.115(2)(j) and amend the language of 20.115(2)(j) to permit use of the funds for regulation of pet dealers, kennels, and animal shelters under s. 173.40. This also means that it would be very important that the change in the budget from the amount "in the schedule" to "all moneys received" become law.

As I told you on Monday, I will be sending over some information on the numbers of employees needed. Using our best estimates of the number of facilities in Wisconsin and the time that will be required to complete inspections, it appears we will need 7 people. I will be summarizing that for you and Rep. Duff so you can see how we arrived at the number.

I have not provided this information to Becky Tradewell. So, if you and Rep. Duff agree that depositing all the funds in the 20.115(2)(j) account and amending the statute to allow expenditure of all money received in that account for humane, rabies and regulation of pet dealers, kennels and animal shelters under s. 173.40, maybe you should communicate that to Becky.

If you need anything further from me, let me know. I will be gone from Monday March 26th until Monday April 9th, so if you ask for something during that time it may look like I am ignoring you. But I will try to help you out when I get back.

Ruth



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-014477 )  
RCT:hmh&wlj: [initials]  
[initials]

509N

**2001 BILL**

regenerate

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**BILL**

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3            under s. 173.40 (3) and (5) (g) for regulation of pet dealers, kennels, and animal  
4            shelters under s. 173.40.

5        **SECTION 2.** 173.40 of the statutes is created to read:

6            **173.40 Pet dealers, kennels, and animal shelters.** (1) **DEFINITIONS.** In this  
7            section:

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

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

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

Insert  
2-4

**BILL**

1           1. A facility that is used to impound or harbor at least 20 seized, stray,  
2 abandoned, or unwanted dogs, cats, or other animals in a year and that is operated  
3 by this state, a political subdivision, or a veterinarian licensed under ch. 453.

4           2. A facility that is operated for the purpose of providing for and promoting the  
5 welfare, protection, and humane treatment of animals, that is used to shelter at least  
6 20 animals in a year, and that is operated by a humane society, an animal welfare  
7 society, or a nonprofit association.

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

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

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

18           (f) "Nonprofit association" means an incorporated or unincorporated  
19 organization consisting of 3 or more members joined by mutual consent for a  
20 common, nonprofit purpose.

21           (g) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for  
22 adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as  
23 pets, except that "pet dealer" does not include a person who sells 20 or fewer animals  
24 in a year.

*other than farm-raised fish, as defined in S. 29, 001(25)*

**BILL**

**SECTION 2**

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

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

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

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

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

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

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

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

23           **(5) RULES.** The department may promulgate rules that specify any of the  
24 following:

**BILL**

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

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

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

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

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

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

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

14 (h) Requirements for record keeping by persons required to be licensed under  
15 sub. (2).

16 (i) Requirements relating to space and opportunity for exercise to be provided  
17 to animals by persons required to be licensed under sub. (2).

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

21 (b) 1. Except as provided under par. (a), a person who violates this section or  
22 a rule promulgated under this section may be required to forfeit not more than \$1,000  
23 for the first offense and may be required to forfeit not less than \$200 nor more than  
24 \$2000 for the 2nd or any subsequent offense within 5 years.

BILL

Section # RP; 174.001(2m) ✓

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

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

4 174.05 (2) TAX. The minimum dog license tax is \$3 \$5.50 for a neutered male  
5 dog or spayed female dog, upon presentation of evidence that the dog is neutered or  
6 spayed, and \$8 \$10.50 for an unneutered male dog or unspayed female dog, or  
7 one-half of these amounts if the dog became 5 months of age after July 1 of the license  
8 year.

9 SECTION 4. 174.053 of the statutes is amended to read:

10 **174.053 Kennel Multiple dog licenses.** (1) ~~KENNEL MULTIPLE DOG LICENSE~~  
11 ~~OPTION.~~ Any person who keeps ~~or operates a kennel~~ more than one dog may, instead  
12 of the license tax for each dog required by this chapter, apply to the collecting official  
13 for a ~~kennel~~ multiple dog license for the keeping ~~or operating of the kennel of the~~  
14 dogs. Such person shall pay for the license year a license tax of \$35 \$45.50 for ~~a~~  
15 ~~kennel of 12 or fewer dogs~~ and an additional \$3 \$5.50 for each dog in excess of 12.  
16 Upon payment of the required ~~kennel~~ multiple dog license tax and upon presentation  
17 of evidence that all dogs over 5 months of age are currently immunized against  
18 rabies, the collecting official shall issue the ~~kennel~~ multiple dog license and a number  
19 of tags equal to the number of dogs authorized to be kept ~~in the kennel by the person.~~

20 (2) ~~KENNEL MULTIPLE DOG LICENSE TAGS.~~ Kennel Multiple dog license tags shall  
21 be made in a form so that they may be readily distinguishable from the individual  
22 license tags for the same year. The owner or keeper of ~~a kennel~~ dogs for which a  
23 multiple dog license has been issued shall keep at all times a ~~kennel~~ multiple dog  
24 license tag attached to the collar of each dog over 5 months old kept by the owner or  
25 keeper under a ~~kennel~~ multiple dog license, but this requirement does not apply to

**BILL**

1 a dog during competition or training, to a dog securely confined indoors, to a dog  
 2 while hunting, or to a dog securely confined in a fenced area. ~~These tags may be~~  
 3 ~~transferred from one dog to another within the kennel whenever any dog is removed~~  
 4 ~~from the kennel.~~ An owner or keeper may transfer a multiple dog license tag from  
 5 a dog that the owner or keeper no longer owns or keeps to another dog if the other  
 6 dog is currently immunized against rabies. The rabies vaccination tag or substitute  
 7 tag shall remain attached to the dog for which it is issued at all times, but this  
 8 requirement does not apply to a dog during competition or training, to a dog securely  
 9 confined indoors, to a dog while hunting, or to a dog securely confined in a fenced  
 10 area. No dog bearing a ~~kennel~~ multiple dog license tag shall be permitted to stray  
 11 or to be taken anywhere outside the limits of the ~~kennel~~ owner's or keeper's premises  
 12 unless the dog is in leash or temporarily out for the purposes of hunting, breeding,  
 13 trial, training, or competition.

14 (3) APPLICABILITY OF OTHER REQUIREMENTS. Unless clearly inapplicable, all the  
 15 provisions of this chapter relating to the individual dog license tax, licenses, and tags  
 16 shall apply to the kennel multiple dog license and tags.

17 **SECTION 5.** 174.06 (7) of the statutes is amended to read:

18 174.06 (7) LIST DELIVERY. The listing official shall, by September 15, deliver one  
 19 copy of the list under sub. (5) or (6) to the county clerk, and one copy to the collecting  
 20 official to whom license taxes are paid under s. 174.08, and retain one copy for his  
 21 or her files.

22 **SECTION 6.** 174.065 (1) of the statutes is amended to read:

23 174.065 (1) COLLECTING OFFICIAL. The collecting official is the city, village, or  
 24 town treasurer or other tax collecting officer or a person deputized by the treasurer  
 25 or tax collecting official, unless the common council or village or town board provides

Insert  
7-16 →



**BILL**

1 by ordinance or resolution for the appointment of a different person. Veterinarians  
2 and humane societies may voluntarily become collecting officials, except that the  
3 governing body of a city, village, or town may by resolution or ordinance provide that  
4 veterinarians and humane societies may not be collecting officials for the city, village,  
5 or town.

6 **SECTION 7.** 174.07 (1) (c) of the statutes is amended to read:

7 174.07 (1) (c) *Copies.* The collecting official shall keep a duplicate copy of the  
8 license on file. In counties having a population of 500,000 or more, the collecting  
9 official shall immediately send to the county clerk or whatever agency the county  
10 board may direct, a triplicate copy of the license. A collecting official who is not the  
11 official to whom license taxes are paid under s. 174.08 shall provide a copy of each  
12 license issued to the official to whom license taxes are paid under s. 174.08.

13 **SECTION 8.** 174.07 (2) (d) of the statutes is amended to read:

14 174.07 (2) (d) The department shall furnish county clerks with suitable kennel  
15 multiple dog license tags and blank licenses for distribution to the collecting officials.

16 **SECTION 9.** 174.07 (3) (c) of the statutes is amended to read:

17 174.07 (3) (c) *Reimbursement.* The collecting official may retain 25 ~~75~~ cents,  
18 or a greater amount established by the county board by ordinance or resolution, for  
19 each license issued as compensation for the service, if not a full-time, salaried  
20 municipal employee. If the collecting official is a full-time, salaried municipal  
21 employee this compensation shall be paid into the treasury of the town, village, or  
22 city.

23 **SECTION 10.** 174.09 (1) of the statutes is amended to read:

24 174.09 (1) The dog license taxes so paid to the county treasurer shall be kept  
25 in a separate account and shall be known as the “dog license fund” and shall be

**BILL**

1 appropriated and disbursed for the purposes and in the manner following: fund."  
 2 Within 30 days after receipt of the same dog license taxes the county treasurer shall  
 3 pay into the state treasury 5% of the minimum tax as provided for \$2 for each license  
 4 issued under s. 174.05 (2) of all dog license taxes which shall have been received by  
 5 the county treasurer, \$10 for each multiple dog license issued under s. 174.053 (1),  
 6 and \$2 for each dog in excess of 12 for which a multiple dog license is issued under  
 7 s. 174.053 (1).

**SECTION 11. Nonstatutory provisions.**

8  
 9 (1) ADVISORY COMMITTEE. The department of agriculture, trade and consumer  
 10 protection shall appoint a committee under section 227.13 of the statutes to advise  
 11 the department concerning rules required to be promulgated under section 173.40  
 12 of the statutes, as created by this act. The department shall ensure that the members  
 13 of the committee represent a variety of interests related to animals.

14 (2) POSITION AUTHORIZATION. The authorized FTE positions for the department  
 15 of agriculture, trade and consumer protection are increased by 10.0 PR positions to  
 16 be funded from the appropriation under section 20.115 (2) <sup>(j)</sup> of the statutes, as  
 17 <sup>affected</sup> created by this act, for the purpose of regulating pet dealers, kennels, and animal  
 18 shelters.

**SECTION 12. Effective dates.** This act takes effect on the day after publication, except as follows:

19  
 20  
 21 (1) The treatment of sections <sup>(j)</sup> 20.115 (2) ~~and~~ <sup>(j)</sup> and 173.40 of the statutes ~~and~~  
 22 ~~Section 11 (2)~~ takes effect on the first day of the 30th month beginning after  
 23 publication.

Section #. 20.115 (2) (j) of the statutes is amended to read:

All moneys received under  
ss. 95.21(9)(c), 173.27, 173.40, and  
174.09(1), *stat.*

20.115 (2) (j) *Dog licenses, rabies control and related services.* The amounts in the schedule <sup>1</sup> to provide dog license tags and forms under s. 174.07 (2), to perform other program responsibilities under ch. 174, to administer the rabies control program under s. 95.21, to help administer the rabies control media campaign and to carry out humane activities under s. 93.07 (11) and ch. 173. ~~All moneys received under ss. 95.21 (9) (c), 173.27 and 174.09 (1) shall be credited to this appropriation.~~

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185.

Section #. 174.06 (6) of the statutes is amended to read:

(c) Multiple dog license

174.06 (6) ~~KENNEL~~ RECORDS. The listing official shall make in triplicate a list of the names of persons ~~owning and operating kennels~~ and the number of dogs kept in each ~~kennel~~ held by each of those persons ~~holding multiple dog licenses~~ kept by each of those persons

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.

## Tradewell, Becky

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**From:** Dake, Marsha  
**Sent:** Tuesday, March 27, 2001 11:43 AM  
**To:** Tradewell, Becky  
**Subject:** Positions for the pet dealers bill/Rep Duff

Hi Becky,

Ruth Heike provided our office with this memo discussing the justification for seven positions for Rep. Duff's bill, LRB 0144. Rep. Duff asked me to give you the go ahead for another redraft of the bill to include this change.

Please let me know if you have any questions. Also, would you please send me the e-mail version when it's ready?

Thank you -

Marsha Dake  
Rep Duff's office

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

**From:** Heike, Ruth E DATCP  
**Sent:** March 23, 2001 1:53 PM  
**To:** Dake, Marsha  
**Cc:** Graham, Sheila M DATCP; Moll, Keeley A DATCP; Bellay, Yvonne M DATCP  
**Subject:** Positions for the pet dealers, kennels and animal shelters bill

I am attaching a memo that explains how we arrived at the request for positions associated with this bill. Thanks for being so patient. Ruth



position  
justification.doc

**MEMORANDUM**

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

---

**DATE:** March 22, 2001  
**TO:** Representative Duff  
**FROM:** Ruth Heike  
**SUBJECT:** Regulation of pet dealers, kennels and animal shelters

---

In attempting to determine how many employees will be needed to accomplish the regulatory responsibilities planned in the bill you are currently working on, LRB-0144/2, we have reviewed programs in several other states. The state that seems to provide the most comparable situation is Colorado. Colorado's approach to the industry and to regulation of the industry seems most similar to Wisconsin. That is, Colorado seeks to regulate the industry to achieve better animals in commerce through providing better care and facilities prior to selling the animals. Colorado does not appear to consider the industry as producing yet one more commodity with success measured by how many animals are produced and sold. This corresponds with my understanding of your intentions with this bill.

The entities Colorado regulates closely parallel those your bill proposes to regulate, with one large exception. Colorado also licenses and inspects grooming facilities. After adjusting for the grooming facilities, Colorado licensed 1089 facilities in the most recent year for which figures are available. After adjusting for the difference in population between Colorado and Wisconsin (Wisconsin's population is approximately 120% of Colorado's population), we estimate Wisconsin will initially license and inspect approximately 1300 facilities under your proposal.

We are going to make the following assumptions:

- Some small facilities and some larger, very well run facilities will take a relatively short time to inspect. Some of the larger problem facilities will take a relatively long time to inspect. When trying to determine how much time will be needed to complete an inspection, we include travel time, time actually inspecting the facility, time spent educating the facility operator about the standards and actions they need to take, and time spent completing reports and other paperwork. We assume this will average 4 hours per initial inspection.
- We assume that facilities that will have significant problems and require re-inspections will be most likely to be relatively large operations. This assumption is

based in part on observations of the state humane officer who sees worse problems and worse facilities associated with people having large numbers of animals. Because we expect the facilities which need re-inspection to be larger facilities and to involve problem people, we anticipate each re-inspection will take longer than an average initial inspection (although it may be shorter than the initial inspection at the particular facility that is being re-inspected). We also expect more travel related to inspecting one facility for re-inspections rather than the planned travel to inspect several facilities in the same general locale that we anticipate using for routine inspections. We estimate 6 hours per re-inspection.

- We assume that some facilities that are re-inspected will not be in complete compliance following the first re-inspection. Those facilities will have to be re-inspected a second time. The second re-inspection should take less time than the first re-inspection (assuming some corrections were actually made before the first re-inspection). We estimate that a second re-inspection will take 5 hours.
- In addition to the required inspections identified above, there will be a need to inspect facilities in response to complaints. The state humane officer estimates that she currently receives an average of one telephone complaint each week which would result in an inspection if the department had the authority to inspect these facilities. We assume that the decreased problems due to effective use of inspections will be offset by increased public awareness of problems and the department's authority to address problems. So we assume an ongoing complaint rate of 1 complaint per week for the foreseeable future. We recognize that some of the complaints will involve facilities who are already in the inspection system, so an additional inspection will take a relatively short time, and some will be facilities we have not previously inspected and may take a relatively long time. We estimate 4 hours per complaint driven inspection.
- Some applicants for licensure will be denied licenses because their facilities are not in compliance with standards. Some licensed facilities will fall below standards and their licenses will need to be revoked. In either instance, the individuals will have the right to request a hearing. We estimate 16 hours of inspector time for each hearing.

Inspections	Annual #	Hours per Insp.	Annual hours
Initial inspections <sup>1</sup>	1300	4	5200
First re-inspection <sup>2</sup>	455	6	2730
Second re-inspection <sup>3</sup>	195	5	975
Complaint generated <sup>4</sup>	50	4	200
Total Inspector hours			9105
License denial <sup>5</sup>	Annual #	Hours per hearing	Annual hours
Inspector preparation time	65	16	1040
<b>Total Annual Inspector Hours</b>			<b>10145</b>

Since each employee works approximately 1800 hours per year (allowing for vacations, holidays etc.), DATCP estimates that it will need 5 inspectors to complete the inspections. ( $10,145 \div 1800 = 5.636$ )

This licensing program will require significant program support work, including application processing, license renewal processing, maintaining records of the facilities which have passed inspections and those which have not passed inspections. This will require 1 program assistant to complete the work.

The program will require a supervisor to oversee the entire operation, coordinate staff for efficient completion of assignments and generally assure that the program is successful.

<sup>1</sup> Initial inspections includes original pre-licensure inspections, routine biennial inspections, and inspections as a result of transfer of ownership.

<sup>2</sup> DATCP estimates that 35% of facilities will need a re-inspection. This number is higher than might be expected, but since this is a totally new program we expect a high number. After several years this may be reduced, but the number of licensed facilities will probably be increased. So, we do not anticipate a significant reduction in the need for inspections.

<sup>3</sup> DATCP estimates that 15% of the total inspected facilities (somewhat less than half of the facilities that require one re-inspection) will not come into complete compliance with standards between the initial inspection and the first re-inspection. These facilities will be the subject of a second re-inspection. DATCP does not anticipate more than 2 re-inspections per facility because we believe three consecutive failures to pass inspection should be adequate to deny the license or revoke a license.

<sup>4</sup> DATCP estimates an average of one complaint per week will require a facility inspection.

<sup>5</sup> The figures for license denials include estimates for both denial of licenses and revocation of licenses that have previously been issued. In the case of a license denial, the applicant would have the right to request a hearing regarding the denial. In the case of a revocation of a previously issued license, the department would be required to conduct a hearing prior to the revocation.



The current supervisory staff in the department can not devote enough time to a new program to assure that it accomplishes the desired effect.

As outlined above, DATCP believes it needs 7 full time staff to successfully implement the pet dealer and animal care facilities program contained in your bill.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-01444-4  
RCT:hmh&wlj

SOON

1MY

## 2001 ASSEMBLY BILL

see p 9

REGEN

1 AN ACT *to repeal* 174.001 (2m); *to amend* 20.115 (2) (j), 174.05 (2), 174.053,  
2 174.06 (6), 174.06 (7), 174.065 (1), 174.07 (1) (c), 174.07 (2) (d), 174.07 (3) (c) and  
3 174.09 (1); and *to create* 173.40 of the statutes; **relating to:** pet dealers,  
4 kennels, animal shelters, dog licensing, granting rule-making authority,  
5 making an appropriation, and providing a penalty.

---

### *Analysis by the Legislative Reference Bureau*

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 may also issue dog licenses unless the

**ASSEMBLY BILL**

governing body of a city, village, or town provides by ordinance or resolution that veterinarians and humane societies may not be 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.

---

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

1           **SECTION 1.** 20.115 (2) (j) of the statutes is amended to read:

2           20.115 (2) (j) *Dog licenses, rabies control, and related services.* ~~The amounts~~  
3 ~~in the schedule~~ All moneys received under ss. 95.21 (9) (c), 173.27, 173.40, and 174.09  
4 (1), to provide dog license tags and forms under s. 174.07 (2), to perform other  
5 program responsibilities under ch. 174, to administer the rabies control program  
6 under s. 95.21, to help administer the rabies control media campaign, and to carry  
7 out humane activities under s. 93.07 (11) and ch. 173. ~~All moneys received under ss.~~  
8 ~~95.21 (9) (c), 173.27 and 174.09 (1) shall be credited to this appropriation.~~

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:

12           (a) “Adequate food” means wholesome food that is accessible to an animal, is  
13 appropriate for the type of animal, and is sufficient in amount to maintain the animal  
14 in good health.

**ASSEMBLY BILL**

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

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

4 1. A facility that is used to impound or harbor at least 20 seized, stray,  
5 abandoned, or unwanted dogs, cats, or other animals in a year and that is operated  
6 by this state, a political subdivision, or a veterinarian licensed under ch. 453.

7 2. A facility that is operated for the purpose of providing for and promoting the  
8 welfare, protection, and humane treatment of animals, that is used to shelter at least  
9 20 animals in a year, and that is operated by a humane society, an animal welfare  
10 society, or a nonprofit association.

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

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

18 1. An animal shelter.

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

21 (f) "Nonprofit association" means an incorporated or unincorporated  
22 organization consisting of 3 or more members joined by mutual consent for a  
23 common, nonprofit purpose.

24 (g) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for  
25 adoption dogs, cats, birds, fish, other than farm-raised fish, as defined in s. 29.001

**ASSEMBLY BILL**

1 (25), reptiles, or other animals customarily obtained as pets, except that “pet dealer”  
2 does not include a person who sells 20 or fewer animals in a year.

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.

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

12           (f) Minimum ages for the sale of animals by persons required to be licensed  
13 under sub. (2).

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

16           (h) Requirements for record keeping by persons required to be licensed under  
17 sub. (2).

18           (i) Requirements relating to space and opportunity for exercise to be provided  
19 to animals by persons required to be licensed under sub. (2).

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

23           (b) 1. Except as provided under par. (a), a person who violates this section or  
24 a rule promulgated under this section may be required to forfeit not more than \$1,000

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1 for the first offense and may be required to forfeit not less than \$200 nor more than  
2 \$2000 for the 2nd or any subsequent offense within 5 years.

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

5 **SECTION 3.** 174.001 (2m) of the statutes is repealed.

6 **SECTION 4.** 174.05 (2) of the statutes is amended to read:

7 174.05 (2) TAX. The minimum dog license tax is \$3 \$5.50 for a neutered male  
8 dog or spayed female dog, upon presentation of evidence that the dog is neutered or  
9 spayed, and \$8 \$10.50 for an unneutered male dog or unspayed female dog, or  
10 one-half of these amounts if the dog became 5 months of age after July 1 of the license  
11 year.

12 **SECTION 5.** 174.053 of the statutes is amended to read:

13 **174.053 Kennel Multiple dog licenses.** (1) ~~KENNEL MULTIPLE DOG LICENSE~~  
14 ~~OPTION.~~ Any person who keeps ~~or operates a kennel~~ more than one dog may, instead  
15 of the license tax for each dog required by this chapter, apply to the collecting official  
16 for a ~~kennel~~ multiple dog license for the keeping ~~or operating of the kennel of the~~  
17 dogs. Such person shall pay for the license year a license tax of \$35 \$45.50 for ~~a~~  
18 ~~kennel of 12 or fewer dogs~~ and an additional \$3 \$5.50 for each dog in excess of 12.  
19 Upon payment of the required ~~kennel~~ multiple dog license tax and upon presentation  
20 of evidence that all dogs over 5 months of age are currently immunized against  
21 rabies, the collecting official shall issue the ~~kennel~~ multiple dog license and a number  
22 of tags equal to the number of dogs authorized to be ~~kcpt in the kennel~~ by the person.

23 (2) ~~KENNEL MULTIPLE DOG LICENSE TAGS.~~ Kennel Multiple dog license tags shall  
24 be made in a form so that they may be readily distinguishable from the individual  
25 license tags for the same year. The owner or keeper of ~~a kennel~~ dogs for which a

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1 multiple dog license has been issued shall keep at all times a ~~kennel~~ multiple dog  
2 license tag attached to the collar of each dog over 5 months old kept by the owner or  
3 keeper under a ~~kennel~~ multiple dog license, but this requirement does not apply to  
4 a dog during competition or training, to a dog securely confined indoors, to a dog  
5 while hunting, or to a dog securely confined in a fenced area. ~~These tags may be~~  
6 ~~transferred from one dog to another within the kennel whenever any dog is removed~~  
7 ~~from the kennel.~~ An owner or keeper may transfer a multiple dog license tag from  
8 a dog that the owner or keeper no longer owns or keeps to another dog if the other  
9 dog is currently immunized against rabies. The rabies vaccination tag or substitute  
10 tag shall remain attached to the dog for which it is issued at all times, but this  
11 requirement does not apply to a dog during competition or training, to a dog securely  
12 confined indoors, to a dog while hunting, or to a dog securely confined in a fenced  
13 area. No dog bearing a ~~kennel~~ multiple dog license tag shall be permitted to stray  
14 or to be taken anywhere outside the limits of the ~~kennel~~ owner's or keeper's premises  
15 unless the dog is in leash or temporarily out for the purposes of hunting, breeding,  
16 trial, training, or competition.

17 (3) APPLICABILITY OF OTHER REQUIREMENTS. Unless clearly inapplicable, all the  
18 provisions of this chapter relating to the individual dog license tax, licenses, and tags  
19 shall apply to the ~~kennel~~ multiple dog license and tags.

20 SECTION 6. 174.06 (6) of the statutes is amended to read:

21 174.06 (6) ~~KENNEL~~ MULTIPLE DOG LICENSE RECORDS. The listing official shall  
22 make in triplicate a list of the names of persons owning and operating kennels  
23 holding multiple dog licenses and the number of dogs kept ~~in each~~ by each of those  
24 persons.

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



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1           174.06 (7) LIST DELIVERY. The listing official shall, by September 15, deliver one  
2 copy of the list under sub. (5) or (6) to the county clerk, and one copy to the collecting  
3 official to whom license taxes are paid under s. 174.08, and retain one copy for his  
4 or her files.

5           **SECTION 8.** 174.065 (1) of the statutes is amended to read:

6           174.065 (1) COLLECTING OFFICIAL. The collecting official is the city, village, or  
7 town treasurer or other tax collecting officer or a person deputized by the treasurer  
8 or tax collecting official, unless the common council or village or town board provides  
9 by ordinance or resolution for the appointment of a different person. Veterinarians  
10 and humane societies may voluntarily become collecting officials, except that the  
11 governing body of a city, village, or town may by resolution or ordinance provide that  
12 veterinarians and humane societies may not be collecting officials for the city, village,  
13 or town.

14           **SECTION 9.** 174.07 (1) (c) of the statutes is amended to read:

15           174.07 (1) (c) *Copies.* The collecting official shall keep a duplicate copy of the  
16 license on file. In counties having a population of 500,000 or more, the collecting  
17 official shall immediately send to the county clerk or whatever agency the county  
18 board may direct, a triplicate copy of the license. A collecting official who is not the  
19 official to whom license taxes are paid under s. 174.08 shall provide a copy of each  
20 license issued to the official to whom license taxes are paid under s. 174.08.

21           **SECTION 10.** 174.07 (2) (d) of the statutes is amended to read:

22           174.07 (2) (d) The department shall furnish county clerks with suitable ~~kennel~~  
23 multiple dog license tags and blank licenses for distribution to the collecting officials.

24           **SECTION 11.** 174.07 (3) (c) of the statutes is amended to read:

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1           174.07 (3) (c) *Reimbursement.* The collecting official may retain 25 75 cents,  
2 or a greater amount established by the county board by ordinance or resolution, for  
3 each license issued as compensation for the service, if not a full-time, salaried  
4 municipal employee. If the collecting official is a full-time, salaried municipal  
5 employee this compensation shall be paid into the treasury of the town, village, or  
6 city.

7           **SECTION 12.** 174.09 (1) of the statutes is amended to read:

8           174.09 (1) The dog license taxes so paid to the county treasurer shall be kept  
9 in a separate account and shall be known as the “dog license fund” and shall be  
10 appropriated and disbursed for the purposes and in the manner following: fund.”  
11 Within 30 days after receipt of the same dog license taxes the county treasurer shall  
12 pay into the state treasury 5% of the minimum tax as provided for \$2 for each license  
13 issued under s. 174.05 (2) of all dog license taxes which shall have been received by  
14 the county treasurer, \$10 for each multiple dog license issued under s. 174.053 (1),  
15 and \$2 for each dog in excess of 12 for which a multiple dog license is issued under  
16 s. 174.053 (1).

17           **SECTION 13. Nonstatutory provisions.**

18           (1) **ADVISORY COMMITTEE.** The department of agriculture, trade and consumer  
19 protection shall appoint a committee under section 227.13 of the statutes to advise  
20 the department concerning rules required to be promulgated under section 173.40  
21 of the statutes, as created by this act. The department shall ensure that the members  
22 of the committee represent a variety of interests related to animals.

23           (2) **POSITION AUTHORIZATION.** The authorized FTE positions for the department  
24 of agriculture, trade and consumer protection are increased by ~~10.0~~<sup>2.0</sup> PR positions to  
25 be funded from the appropriation under section 20.115 (2) (j) of the statutes, as

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**SECTION 13**

1 created by this act, for the purpose of regulating pet dealers, kennels, and animal  
2 shelters.

3 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
4 except as follows:

5 (1) The treatment of sections 20.115 (2) (j) and 173.40 of the statutes takes effect  
6 on the first day of the 30th month beginning after publication.

7 (END)