

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: 03/27/2002

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: NO

Pre Topic:

SCC:.....Engel - CN8203,

Topic:

Dog licensing in Milwaukee County

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>
/?	traderc 03/29/2002	csicilia 03/29/2002		_____			
/1			haugeca 03/29/2002	_____	lrb_docadmin 03/29/2002		

FE Sent For:

<END>

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: 03/27/2002

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: NO

Pre Topic:

SCC:.....Engel - CN8203,

Topic:

Dog licensing in Milwaukee County

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>
1/?	traderc	1 q. 3/29 02	ck 329	ck 329 JP			

FE Sent For:

<END>

SENATE BUDGET AMENDMENT

Agency name: Shared Revenue and Tax Relief

RET

Related Fiscal Bureau papers and motions: None

Description: Include provisions of SB 402, as passed the Senate relating to the Milwaukee Area Domestic Animal Control Commission (MADACC). SB 402 modifies the administrative responsibilities for pet license revenue to give MADACC the administrative functions currently performed by the office of the Milwaukee County Clerk. SB 402 passed the Senate on February 26th and messaged to the Assembly. The Assembly never referred the bill to committee and the bill died at the conclusion of the regular session.

Fiscal effect: None for State, Milwaukee County municipalities save \$38,000 annually.

Attachments: SB 402 and SA 1 to SB 402
Memo describing provisions of SB 402

CN ~~8~~ 8203

Senate Bill 402 – Milwaukee Area Domestic Animal Control Commission

Milwaukee County municipalities have joined together to reorganize and bring more efficiency to the way animal control services are provided in the County. The Milwaukee Area Domestic Animal Control Commission has been in operation since August of 1999. The Commission was established under authority already provided in Chapter 66 of the statutes relating to intergovernmental cooperation commissions.

- The purpose of MADACC is to provide: shelter, care and disposition of stray dogs and cats, the search and recovery of lost pets, county quarantine services of biting animals for rabies observation, referral services for wildlife problems, and to promote responsible pet ownership through client education and the licensing of dogs and cats.
- MADACC is currently is funded by the 19 municipalities in Milwaukee County from their annual budget appropriations. Milwaukee County later reimburses municipalities for payments made to MADACC from pet license revenue collected by municipalities and transferred to the county.
- Senate Bill 402 proposes changes in the pet licensing statutes that would only apply in Milwaukee County for the purpose of facilitating the transfer of responsibility for pet licensing revenue functions from Milwaukee County to MADACC. Essentially, the bill is removing a layer of government from pet licensing and animal control services that no longer is required.
- The proposal is supported by the Milwaukee County Intergovernmental Cooperation Council - a longstanding advisory group comprised of representatives of all 19 municipalities within Milwaukee County.

The Senate has adopted a simple amendment that makes two changes. The amendment allows municipalities to retain late penalties on pet licenses and it delays the effective date of the bill to allow Milwaukee County to make the transition away from their current administrative functions.

2001 SENATE BILL 402

January 29, 2002 - Introduced by Senators GROBSCHMIDT and BURKE, cosponsored by Representatives PLALE, DUFF, SINICKI, LA FAVE and POCAN. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT to renumber and amend** 174.05 (5), 174.06 (3), 174.08 and 174.11 (2);
2 **to amend** 20.115 (2) (j), 174.052, 174.065 (1), 174.07 (3) (b), 174.09, 174.11 (1),
3 174.11 (4), 174.12 (1) and 174.12 (2); **to repeal and recreate** 20.115 (2) (j); and
4 **to create** 174.001 (2j), 174.05 (5) (b), 174.052 (3), 174.06 (3) (b), 174.07 (2) (e),
5 174.07 (3) (bm), 174.08 (2), 174.09 (3), 174.10 and 174.11 (2) (c) of the statutes;
6 **relating to:** dog licensing and claims for damage that is caused by dogs in
7 certain populous counties.

Analysis by the Legislative Reference Bureau

Under current law, cities, villages, and towns (municipalities) are responsible for licensing dogs. Counties also have responsibilities related to dog licensing, such as distributing tags to the municipalities and maintaining a fund consisting of license fee revenues to pay for administering the dog licensing law, to pay for caring for stray and unwanted dogs, and to pay claims for damages caused by dogs to domestic animals.

Under this bill, if all of the municipalities in a county with a population of 500,000 or more (Milwaukee County) form an intergovernmental commission for the purpose of providing animal control services, the county and the intergovernmental commission may enter into an agreement under which the intergovernmental commission assumes the county's responsibilities related to dog licensing. The bill

**SENATE AMENDMENT 1,
TO 2001 SENATE BILL 402**

February 20, 2002 - Offered by COMMITTEE ON UNIVERSITIES, HOUSING, AND
GOVERNMENT OPERATIONS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 8: delete lines 8 to 23.

3 **2.** Page 12, line 3: delete "the day after publication" and substitute "January
4 1, 2003".

5 (END)

2001

Date (time) needed SOA

LRB b 2820 1 1

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

RTD : ajs :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

SA ✓

DN Note

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated; amend the substitute amendment as follows:

#. Page .13., line .10.: after that line insert:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

6 2820/1

SENATE BILL 402

also allows the intergovernmental commission to issue dog licenses for any municipality that authorizes the intergovernmental commission to do so.

Under current law, if on March 1 of any year, there is a surplus in excess of \$1,000 in the dog license fund from the license payments of the previous year, the county must pay the excess over \$1,000 to an organization providing a pound for the county or, if there is no such organization, must return the excess to the municipalities.

Under this bill, if an intergovernmental commission has assumed Milwaukee County's responsibilities related to dog licensing, and if on March 1 of any year there is a surplus in the dog license fund from the license payments of the previous year in excess of 5% of the amount of those payments, the intergovernmental commission must return the excess over 5% to the municipalities.

For further information see the *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:

27hc

✓ 1 SECTION 27hc 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 to provide dog license tags and forms under s. 174.07 (2), to perform
4 other program responsibilities under ch. 174, to administer the rabies control
5 program under s. 95.21, to help administer the rabies control media campaign, and
6 to carry out humane activities under s. 93.07 (11) and ch. 173. All moneys received
7 under ss. 95.21 (9) (c), 173.27, and 174.09 (1) and (3) shall be credited to this
8 appropriation.

27hd

9 ✓ SECTION 27hd 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Acts 16
10 and (this act), is repealed and recreated to read:

11 20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys
12 received under ss. 95.21 (9) (c), 173.27, 173.40, and 174.09 (1) and (3), to provide dog
13 license tags and forms under s. 174.07 (2), to perform other program responsibilities
14 under ch. 174, to administer the rabies control program under s. 95.21, to help

SENATE BILL 402

1 administer the rabies control media campaign, and to carry out activities under s.

2 93.07 (11) and ch. 173. "
#, Page 176, line 20: after that line insert:

3 SECTION 4. 174.001 (2j) of the statutes is created to read:

4 174.001 (2j) "Intergovernmental commission" means an intergovernmental
5 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a
6 county with a population of 500,000 or more for the purpose of providing animal
7 control services.

8 SECTION 4. 174.05 (5) of the statutes is renumbered 174.05 (5) (a) and amended
9 to read:

10 174.05 (5) (a) The collecting official shall assess and collect a late fee of \$5 from
11 every owner of a dog 5 months of age or over, if the owner failed to obtain a license
12 prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable
13 dog or if the owner failed to obtain a license on or before the dog reached licensable
14 age. ~~All Except as provided in par. (b), all late fees received or collected shall be paid~~
15 into the local treasury as revenue of the town, village, or city in which the license was
16 issued. The governing body of any county, town, village, or city may, when setting
17 the amount of the tax, provide that any person purchasing a dog license for a dog 5
18 months of age or over after April 1 shall pay an additional late fee.

19 SECTION 5. 174.05 (5) (b) of the statutes is created to read:

20 174.05 (5) (b) In a county in which an agreement under s. 174.10 (2) is in effect,
21 a collecting official other than the intergovernmental commission shall pay the late
22 fee to the intergovernmental commission. The intergovernmental commission shall
23 deposit the late fee into the dog license fund.

24 SECTION 6. 174.052 of the statutes is amended to read:

SENATE BILL 402

1 **174.052 Publication of the dog license requirement and rabies**
2 **vaccination requirement. (1) JANUARY NOTICE.** The Except as provided in sub.
3 (3), the county board of each county shall cause a class 1 notice under ch. 985 to be
4 published between January 1 and January 15 of each year in a newspaper having
5 general circulation in the county notifying the public that rabies vaccinations and
6 dog licenses are required under the statutes.

7 **(2) MARCH NOTICE.** The Except as provided in sub. (3), the county board of each
8 county shall cause a class 1 notice under ch. 985 to be published between March 1
9 and March 15 of each year in a newspaper having general circulation in the county
10 notifying the public that rabies vaccinations and dog licenses are required under the
11 statutes and that late fees may be assessed after April 1.

12 ^{342 pf}
SECTION 174.052 (3) of the statutes is created to read:

13 **174.052 (3) NOTICE IN CERTAIN POPULOUS COUNTIES.** In a county in which an
14 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
15 cause the notices under subs. (1) and (2) to be published.

16 ^{342 ph}
SECTION 174.06 (3) of the statutes is renumbered 174.06 (3) (a) and amended
17 to read:

18 **174.06 (3) (a)** ~~A~~ Except as provided in par. (b), a listing official who is not a
19 full-time, salaried municipal employee shall receive as compensation 50 cents for
20 each dog listed, or a greater amount established by the county board by ordinance
21 or resolution, to be audited and allowed by the county board as other claims against
22 the county and to be paid out of the dog license fund. A listing official who is a
23 full-time, salaried municipal employee shall receive this compensation from the
24 county board but shall be required to pay the compensation into the town, village,
25 or city treasury.

SENATE BILL 402

342 PJ

1

SECTION ~~W.~~ 174.06 (3) (b) of the statutes is created to read:

2

174.06 (3) (b) In a county in which an agreement under s. 174.10 (2) is in effect,

3

the intergovernmental commission shall pay the compensation required under par.

4

(a).

342 PL

5

SECTION ~~W.~~ 174.065 (1) of the statutes, as affected by 2001 Wisconsin Act 16,

6

is amended to read:

7

174.065 (1) COLLECTING OFFICIAL. The collecting official is any city, village, or

8

town treasurer or other tax collecting officer or any person deputized by the treasurer

9

or tax collecting official, unless the common council or village or town board provides

10

by ordinance or resolution for the appointment of a different person. Veterinarians

11

and humane societies may voluntarily become collecting officials for a city, village,

12

or town if the governing body of the city, village, or town by resolution or ordinance

13

provides that veterinarians and humane societies may be collecting officials for the

14

city, village, or town. In a county in which an agreement under s. 174.10 (2) is in

15

effect, the intergovernmental commission is also a collecting official for a city, village,

16

or town if the governing body of the city, village, or town by resolution or ordinance

17

provides that the intergovernmental commission is a collecting official.

18

342 pn

SECTION ~~W.~~ 174.07 (2) (e) of the statutes is created to read:

19

174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an

20

agreement under s. 174.10 (2) is in effect, all of the following apply:

21

1. The department shall provide tags and, upon request, license blanks to the

22

intergovernmental commission, rather than to the county clerk.

23

2. The intergovernmental commission shall pay the costs out of the dog license

24

fund.

SENATE BILL 402

1 3. The intergovernmental commission shall distribute tags and license blanks
2 to the other collecting officials.

3 ^{342 pp}
SECTION ~~14~~ 174.07 (3) (b) of the statutes is amended to read:

4 174.07 (3) (b) *Return of tags and licenses.* ~~The~~ Except as provided in par. (bm).
5 the collecting official shall annually by December 31 return to the county clerk all
6 unused tags of the current license year, together with license books and all duplicate
7 licenses of the current year. The county clerk shall carefully check the returned tags,
8 duplicate licenses, and license blanks to ascertain whether all tags and license
9 blanks which were furnished by the county clerk have been accounted for, ~~and to~~.
10 To enable the county clerk to do that, the county clerk shall charge each collecting
11 official with all tags and blank licenses furnished or delivered and credit those
12 returned. In case of discrepancy, the county clerk shall notify the department.

13 ^{342 pr}
SECTION ~~14~~ 174.07 (3) (bm) of the statutes is created to read:

14 174.07 (3) (bm) *Certain populous counties.* In a county in which an agreement
15 under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental
16 commission shall return unused tags, license books, and duplicate licenses to the
17 intergovernmental commission.

18 ^{342 pt}
SECTION ~~14~~ 174.08 of the statutes is renumbered 174.08 (1) and amended to
19 read:

20 174.08 (1) ~~Every~~ Except as provided in sub. (2). every collecting official shall
21 pay all dog license taxes to the town, village, or city treasurer or other tax collecting
22 officer who shall deduct any additional tax ~~which~~ that may have been levied by the
23 municipal governing body and pay the remainder to the county treasurer at the time
24 settlement is made with the county treasurer for collections of personal property
25 taxes, and shall at the same time report in writing to the county clerk the licenses

SENATE BILL 402

1 issued. The report shall be in the form prescribed by the department, and the forms
2 shall be furnished by the county clerks.

3 ^{342pv} SECTION 174.08 (2) of the statutes is created to read:

4 174.08 (2) In a county in which an agreement under s. 174.10 (2) is in effect,
5 a collecting official who is not the intergovernmental commission shall pay all dog
6 license taxes to the intergovernmental commission and shall report the licenses
7 issued to the intergovernmental commission.

8 ^{342px} SECTION 174.09 of the statutes is amended to read:

9 **174.09 Dog license fund; how disposed of and accounted for.** (1) The
10 Except as provided in sub. (3), the dog license taxes so paid to the county treasurer
11 shall be kept in a separate account and shall be known as the "dog license fund" and
12 shall be appropriated and disbursed for the purposes and in the manner following:
13 Within 30 days after receipt of the same, the county treasurer shall pay into the state
14 treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license
15 taxes which shall have been received by the county treasurer.

16 (2) Expenses Except as provided in sub. (3), expenses necessarily incurred by
17 the county in purchasing and providing books, forms, and other supplies required in
18 the administering of the dog license law, expenses incurred by the county under s.
19 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane
20 society or other organization designated to provide a pound for collecting, caring for,
21 and disposing of dogs may be paid out of the dog license fund. The amount remaining
22 in the fund after deducting these expenses shall be available for and may be used as
23 far as necessary for paying claims allowed by the county to the owners of domestic
24 animals because of damages done by dogs during the license year for which the taxes
25 were paid. Any surplus in excess of \$1,000 which may remain from the dog license

SENATE BILL 402

1 taxes of any license year shall on March 1 of the succeeding year be paid by the county
2 treasurer to the county humane society or other organization designated by the
3 county board to provide a pound. If there is no humane society or other organization
4 designated to provide a pound, these funds shall be paid to the towns, villages, and
5 cities of the county for their use in the proportion in which the towns, villages, and
6 cities contributed to the fund out of which the surplus arises.

7 ^{342pz} SECTION 17. 174.09 (3) of the statutes is created to read:

8 174.09 (3) In a county in which an agreement under s. 174.10 (2) is in effect,
9 the intergovernmental commission shall maintain the dog license fund, consisting
10 of the dog license taxes and late fees. The intergovernmental commission shall pay
11 5% of the minimum dog license tax provided for under s. 174.05 (2) to the department
12 and shall expend the remainder of the dog license fund for the purposes of
13 administering the dog license law, providing a pound for dogs, and paying claims
14 allowed under s. 174.11. If on March 1 there is remaining in the dog license fund a
15 surplus from the dog license taxes of the previous license year that exceeds 5% of the
16 dog license taxes collected in that license year, the intergovernmental commission
17 shall return the excess to the towns, villages, and cities of the county in the
18 proportion in which the towns, villages, and cities contributed to the fund in that
19 license year. ^{342qb}

20 SECTION 18. 174.10 of the statutes is created to read:

21 **174.10 Dog licensing in populous counties.** (1) In this section,
22 "municipality" means a city, village, or town.

23 (2) If all of the municipalities in a county with a population of 500,000 or more
24 form an intergovernmental commission by contract under s. 66.0301 (2) for the
25 purpose of providing animal control services, the county and the intergovernmental

SENATE BILL 402

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

4 (3) If a county and an intergovernmental commission enter into an agreement
5 under sub. (2), the intergovernmental commission shall provide a copy of the
6 agreement to the department.

7 SECTION ^{342gd}19. 174.11 (1) of the statutes is amended to read:

8 174.11 (1) The owner of any domestic animal, including a ranch mink, when
9 it is proven that a dog forcibly entered an enclosure in which the mink was kept,
10 which is attacked, chased, injured, or killed by a dog may, within 3 days after the
11 owner has knowledge or notice thereof, file a written claim for damages with the
12 clerk of the town, village, or city in which the damage occurred or, if it occurred in
13 a town or village, with the chairperson of such town or the president of such village.
14 The form of the claim may be prescribed by the department of agriculture, trade and
15 consumer protection. Upon presentation of a claim the supervisors of the town, the
16 board of trustees of the village, or the common council of the city, or a committee
17 appointed for that purpose by the supervisors, the board of trustees, or the common
18 council shall promptly investigate the claim and may subpoena witnesses,
19 administer oaths, and take testimony relative to the claim and shall within 30 days
20 after the filing of the claim make, certify, and return to the county clerk or, in a county
21 in which an agreement under s. 174.10 (2) is in effect, to the intergovernmental
22 commission the claim, a report of the investigation, the testimony taken, and the
23 amount of damages suffered by the owner of the domestic animal.

24 SECTION ^{342gf}20. 174.11 (2) of the statutes is renumbered 174.11 (2) (a) and
25 amended to read:

SENATE BILL 402

1 174.11 (2) (a) The form of the report and certification under sub. (1) may be
2 prescribed by the department of agriculture, trade and consumer protection, and
3 shall be subscribed by the supervisors, board, or committee making the report and
4 certification. The

5 **(b) Except as provided in par. (c), the county clerk shall submit to the county**
6 **board at its first meeting, following the receipt of any such claim, all claims filed and**
7 **reported, and the claims shall be acted upon and determined by the county board as**
8 **other claims are determined and acted upon. The Except as provided in par. (c), the**
9 **amount of damages filed and reported to the county clerk shall be prima facie proof**
10 **of the actual damages sustained, but evidence may be taken before the county board**
11 **relative to the claims as in other cases, and appeals from the action of the county**
12 **board shall lie as in other cases.**

13 **(d) On appeal from the action of the county board or, in a county in which an**
14 **agreement under s. 174.10 (2) is in effect, from the action of the intergovernmental**
15 **commission, the trial shall be by the court without a jury.**

16 SECTION ^{342gh} ~~21~~ 174.11 (2) (c) of the statutes is created to read:

17 174.11 (2) (c) In a county in which an agreement under s. 174.10 (2) is in effect,
18 the intergovernmental commission shall act upon and determine all claims filed and
19 reported under sub. (1).

20 SECTION ^{342gj} ~~22~~ 174.11 (4) of the statutes is amended to read:

21 174.11 (4) Subject to sub. (5), the county board or, in a county in which an
22 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
23 allow, as the amount of a claim for a domestic animal, including a ranch mink, killed
24 by a dog, the amount determined to be the fair market value of the domestic animal,
25 including a ranch mink, on the date the death occurred. Subject to sub. (5), the

SENATE BILL 402

1 county board or, in a county in which an agreement under s. 174.10 (2) is in effect,
2 the intergovernmental commission shall allow, as the amount of a claim for a
3 domestic animal, including a ranch mink, injured by a dog, the amount determined
4 to be the total of the costs resulting from the injury including a loss in fair market
5 value but the total amount of the claim may not exceed the fair market value. No
6 claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

7 SECTION ^{3422L}20. 174.12 (1) of the statutes is amended to read:

8 174.12 (1) The allowance by ~~the~~ a county of any claim for damages done by dogs
9 ~~shall work~~ constitutes an assignment to the county of the cause of the action of the
10 claimant for which the claim is filed, and the county may sue and recover from the
11 owner of the dog or dogs doing the damages the full amount thereof and which shall
12 not be limited to the sum paid the claimant by the county. The allowance under s.
13 174.11 (2) (c) by an intergovernmental commission of any claim for damages done by
14 dogs constitutes an assignment to the intergovernmental commission of the cause
15 of the action of the claimant for which the claim is filed, and the intergovernmental
16 commission may sue and recover from the owner of the dog or dogs doing the damages
17 the full amount thereof and which shall not be limited to the sum paid the claimant
18 by the intergovernmental commission. Before any claim shall be allowed by ~~the~~ a
19 county or an intergovernmental commission on account of damages done by dogs, the
20 claimant shall furnish satisfactory proof that the damage was not done in whole or
21 in part by any dog owned, kept, or harbored by the claimant.

22 SECTION ^{3422M}21. 174.12 (2) of the statutes is amended to read:

23 174.12 (2) No claim shall be allowed by ~~the~~ a county board or an
24 intergovernmental commission at less than the amount so certified and reported,
25 unless the claimant shall first be notified that such action is contemplated and shall

SENATE BILL 402

1 have been given a reasonable opportunity to be heard and to offer further evidence
2 in support of the claimant's claim. " " ←

3 ~~SECTION 25. Effective dates. This act takes effect on the day after publication,~~
4 ~~except as follows:~~

5 (1) The repeal and rcreation of section 20.115 (2) (j) of the statutes takes effect
6 on February 1, 2004.

Insert
7 →

(END)

ONote

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2820/lins
RCT.....

1. Page 445, line 5: after that line insert:

“(1)²² DOG LICENSING IN POPULOUS COUNTIES. The treatment of sections 174.001 (2j), 174.065 (1), 174.07 (2) (e) and (3) (b) and (bm), 174.10, 174.11 (1) and (4), and 174.12 (1) and (2) of the statutes, the renumbering and amendment of sections 174.06 (3), 174.08, and 174.11 (2) of the statutes, the amendment of sections 20.115 (2) (j), 174.052 and 174.09 of the statutes, and the creation of sections 174.052 (3), 174.06 (3) (b), 174.08 (2), 174.09 (3) and 174.11 (2) (c) of the statutes take effect on January 1, 2003.

(1)²² DOG LICENSING APPROPRIATION. The repeal and recreation of section 20.115 (2) (j) of the statutes takes effect on February 1, 2004.”.

LPS- somehow
I lost the
content of this
insert. It will
have to be typed
from scratch.
I'm sorry
Sedey

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

b 2820/dn
LRB2Budadj01/dn

RCT ✓
y's

* A Wisconsin court could find that ^{the proposal} portions of this legislation constitute ^{this proposal} a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as a single-subject legislation. If so, ~~those portions~~ cannot validly be enacted as part of this bill, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created two tests to determine whether a bill is "private or local." One test applies to bills that are specific as to persons, places, or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

* ~~Portions of this bill are~~ ^{This proposal is} general on ~~their~~ ^{its} face but applicable only to a particular class. Under the *Brookfield* test, ~~those portions are~~ ^{it is} unconstitutional unless all of the following are true:

1. The classification is based upon substantial distinctions that make one class really different from another.
2. The classification is germane to the purpose of the law.
3. The class is open to additional members.
4. The law applies equally to all members of the class.
5. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

In regard to the first part of the test, note that the *Brookfield* court and the *Davis* court disagreed on whether there are substantial distinctions between first class cities and other cities. Therefore, it is difficult to predict the potential for and outcome of any court action on this legislation. You may wish to consider introducing this proposal as a separate bill.

Query for: Document: LRB2Budadj01/dn

RCT

✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2820/1dn
RCT:cjs:ch

March 29, 2002

A Wisconsin court could find that this proposal constitutes a "private or local bill," which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as a single-subject legislation. If so, the proposal cannot validly be enacted as part of this bill, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created two tests to determine whether a bill is "private or local." One test applies to bills that are specific as to persons, places, or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

This proposal is general on its face but applicable only to a particular class. Under the *Brookfield* test, it is unconstitutional unless all of the following are true:

1. The classification is based upon substantial distinctions that make one class really different from another.
2. The classification is germane to the purpose of the law.
3. The class is open to additional members.
4. The law applies equally to all members of the class.
5. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

In regard to the first part of the test, note that the *Brookfield* court and the *Davis* court disagreed on whether there are substantial distinctions between first class cities and other cities. Therefore, it is difficult to predict the potential for and outcome of any court action on this legislation. You may wish to consider introducing this proposal as a separate bill.

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



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2820/1
RCT:cjs:ch

SCC:.....Engel - CN8203, Dog licensing in Milwaukee County

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 13, line 10: after that line insert:

3 "SECTION 27hc. 20.115 (2) (j) of the statutes is amended to read:

4 20.115 (2) (j) *Dog licenses, rabies control, and related services.* The amounts

5 in the schedule to provide dog license tags and forms under s. 174.07 (2), to perform

6 other program responsibilities under ch. 174, to administer the rabies control

7 program under s. 95.21, to help administer the rabies control media campaign, and

8 to carry out humane activities under s. 93.07 (11) and ch. 173. All moneys received

9 under ss. 95.21 (9) (c), 173.27, and 174.09 (1) and (3) shall be credited to this

10 appropriation.

1 **SECTION 27hd.** 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Acts
2 16 and (this act), is repealed and recreated to read:

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

9 **2.** Page 176, line 20: after that line insert:

10 **“SECTION 342pb.** 174.001 (2j) of the statutes is created to read:

11 174.001 (2j) “Intergovernmental commission” means an intergovernmental
12 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a
13 county with a population of 500,000 or more for the purpose of providing animal
14 control services.

15 **SECTION 342pd.** 174.052 of the statutes is amended to read:

16 **174.052 Publication of the dog license requirement and rabies**
17 **vaccination requirement.** (1) JANUARY NOTICE. The Except as provided in sub.
18 (3), the county board of each county shall cause a class 1 notice under ch. 985 to be
19 published between January 1 and January 15 of each year in a newspaper having
20 general circulation in the county notifying the public that rabies vaccinations and
21 dog licenses are required under the statutes.

22 (2) MARCH NOTICE. The Except as provided in sub. (3), the county board of each
23 county shall cause a class 1 notice under ch. 985 to be published between March 1
24 and March 15 of each year in a newspaper having general circulation in the county

1 notifying the public that rabies vaccinations and dog licenses are required under the
2 statutes and that late fees may be assessed after April 1.

3 **SECTION 342pf.** 174.052 (3) of the statutes is created to read:

4 174.052 (3) NOTICE IN CERTAIN POPULOUS COUNTIES. In a county in which an
5 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
6 cause the notices under subs. (1) and (2) to be published.

7 **SECTION 342ph.** 174.06 (3) of the statutes is renumbered 174.06 (3) (a) and
8 amended to read:

9 174.06 (3) (a) ~~A~~ Except as provided in par. (b), a listing official who is not a
10 full-time, salaried municipal employee shall receive as compensation 50 cents for
11 each dog listed, or a greater amount established by the county board by ordinance
12 or resolution, to be audited and allowed by the county board as other claims against
13 the county and to be paid out of the dog license fund. A listing official who is a
14 full-time, salaried municipal employee shall receive this compensation from the
15 county board but shall be required to pay the compensation into the town, village,
16 or city treasury.

17 **SECTION 342pj.** 174.06 (3) (b) of the statutes is created to read:

18 174.06 (3) (b) In a county in which an agreement under s. 174.10 (2) is in effect,
19 the intergovernmental commission shall pay the compensation required under par.
20 (a).

21 **SECTION 342L.** 174.065 (1) of the statutes, as affected by 2001 Wisconsin Act
22 16, is amended to read:

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

1 by ordinance or resolution for the appointment of a different person. Veterinarians
2 and humane societies may voluntarily become collecting officials for a city, village,
3 or town if the governing body of the city, village, or town by resolution or ordinance
4 provides that veterinarians and humane societies may be collecting officials for the
5 city, village, or town. In a county in which an agreement under s. 174.10 (2) is in
6 effect, the intergovernmental commission is also a collecting official for a city, village,
7 or town if the governing body of the city, village, or town by resolution or ordinance
8 provides that the intergovernmental commission is a collecting official.

9 **SECTION 342pn.** 174.07 (2) (e) of the statutes is created to read:

10 174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an
11 agreement under s. 174.10 (2) is in effect, all of the following apply:

12 1. The department shall provide tags and, upon request, license blanks to the
13 intergovernmental commission, rather than to the county clerk.

14 2. The intergovernmental commission shall pay the costs out of the dog license
15 fund.

16 3. The intergovernmental commission shall distribute tags and license blanks
17 to the other collecting officials.

18 **SECTION 342pp.** 174.07 (3) (b) of the statutes is amended to read:

19 174.07 (3) (b) *Return of tags and licenses.* The Except as provided in par. (bm),
20 the collecting official shall annually by December 31 return to the county clerk all
21 unused tags of the current license year, together with license books and all duplicate
22 licenses of the current year. The county clerk shall carefully check the returned tags,
23 duplicate licenses, and license blanks to ascertain whether all tags and license
24 blanks which were furnished by the county clerk have been accounted for, and to
25 To enable the county clerk to do that, the county clerk shall charge each collecting

1 official with all tags and blank licenses furnished or delivered and credit those
2 returned. In case of discrepancy, the county clerk shall notify the department.

3 **SECTION 342pr.** 174.07 (3) (bm) of the statutes is created to read:

4 174.07 (3) (bm) *Certain populous counties.* In a county in which an agreement
5 under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental
6 commission shall return unused tags, license books, and duplicate licenses to the
7 intergovernmental commission.

8 **SECTION 342pt.** 174.08 of the statutes is renumbered 174.08 (1) and amended
9 to read:

10 174.08 (1) ~~Every~~ Except as provided in sub. (2), every collecting official shall
11 pay all dog license taxes to the town, village, or city treasurer or other tax collecting
12 officer who shall deduct any additional tax ~~which~~ that may have been levied by the
13 municipal governing body and pay the remainder to the county treasurer at the time
14 settlement is made with the county treasurer for collections of personal property
15 taxes, and shall at the same time report in writing to the county clerk the licenses
16 issued. The report shall be in the form prescribed by the department, and the forms
17 shall be furnished by the county clerks.

18 **SECTION 342pv.** 174.08 (2) of the statutes is created to read:

19 174.08 (2) In a county in which an agreement under s. 174.10 (2) is in effect,
20 a collecting official who is not the intergovernmental commission shall pay all dog
21 license taxes to the intergovernmental commission and shall report the licenses
22 issued to the intergovernmental commission.

23 **SECTION 342px.** 174.09 of the statutes is amended to read:

24 **174.09 Dog license fund; how disposed of and accounted for.** (1) The
25 Except as provided in sub. (3), the dog license taxes so paid to the county treasurer

1 shall be kept in a separate account and shall be known as the “dog license fund” and
2 shall be appropriated and disbursed for the purposes and in the manner following:
3 Within 30 days after receipt of the same, the county treasurer shall pay into the state
4 treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license
5 taxes which shall have been received by the county treasurer.

6 (2) ~~Expenses~~ Except as provided in sub. (3), expenses necessarily incurred by
7 the county in purchasing and providing books, forms, and other supplies required in
8 the administering of the dog license law, expenses incurred by the county under s.
9 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane
10 society or other organization designated to provide a pound for collecting, caring for,
11 and disposing of dogs may be paid out of the dog license fund. The amount remaining
12 in the fund after deducting these expenses shall be available for and may be used as
13 far as necessary for paying claims allowed by the county to the owners of domestic
14 animals because of damages done by dogs during the license year for which the taxes
15 were paid. Any surplus in excess of \$1,000 which may remain from the dog license
16 taxes of any license year shall on March 1 of the succeeding year be paid by the county
17 treasurer to the county humane society or other organization designated by the
18 county board to provide a pound. If there is no humane society or other organization
19 designated to provide a pound, these funds shall be paid to the towns, villages, and
20 cities of the county for their use in the proportion in which the towns, villages, and
21 cities contributed to the fund out of which the surplus arises.

22 **SECTION 342pz.** 174.09 (3) of the statutes is created to read:

23 174.09 (3) In a county in which an agreement under s. 174.10 (2) is in effect,
24 the intergovernmental commission shall maintain the dog license fund, consisting
25 of the dog license taxes and late fees. The intergovernmental commission shall pay

1 5% of the minimum dog license tax provided for under s. 174.05 (2) to the department
2 and shall expend the remainder of the dog license fund for the purposes of
3 administering the dog license law, providing a pound for dogs, and paying claims
4 allowed under s. 174.11. If on March 1 there is remaining in the dog license fund a
5 surplus from the dog license taxes of the previous license year that exceeds 5% of the
6 dog license taxes collected in that license year, the intergovernmental commission
7 shall return the excess to the towns, villages, and cities of the county in the
8 proportion in which the towns, villages, and cities contributed to the fund in that
9 license year.

10 **SECTION 342qb.** 174.10 of the statutes is created to read:

11 **174.10 Dog licensing in populous counties.** (1) In this section,
12 “municipality” means a city, village, or town.

13 (2) If all of the municipalities in a county with a population of 500,000 or more
14 form an intergovernmental commission by contract under s. 66.0301 (2) for the
15 purpose of providing animal control services, the county and the intergovernmental
16 commission may enter into an agreement under which the intergovernmental
17 commission assumes the county’s responsibility for activities related to dog
18 licensing.

19 (3) If a county and an intergovernmental commission enter into an agreement
20 under sub. (2), the intergovernmental commission shall provide a copy of the
21 agreement to the department.

22 **SECTION 342qd.** 174.11 (1) of the statutes is amended to read:

23 174.11 (1) The owner of any domestic animal, including a ranch mink, when
24 it is proven that a dog forcibly entered an enclosure in which the mink was kept,
25 which is attacked, chased, injured, or killed by a dog may, within 3 days after the

1 owner has knowledge or notice thereof, file a written claim for damages with the
2 clerk of the town, village, or city in which the damage occurred or, if it occurred in
3 a town or village, with the chairperson of such town or the president of such village.
4 The form of the claim may be prescribed by the department of agriculture, trade and
5 consumer protection. Upon presentation of a claim the supervisors of the town, the
6 board of trustees of the village, or the common council of the city, or a committee
7 appointed for that purpose by the supervisors, the board of trustees, or the common
8 council shall promptly investigate the claim and may subpoena witnesses,
9 administer oaths, and take testimony relative to the claim and shall within 30 days
10 after the filing of the claim make, certify, and return to the county clerk or, in a county
11 in which an agreement under s. 174.10 (2) is in effect, to the intergovernmental
12 commission the claim, a report of the investigation, the testimony taken, and the
13 amount of damages suffered by the owner of the domestic animal.

14 **SECTION 342qf.** 174.11 (2) of the statutes is renumbered 174.11 (2) (a) and
15 amended to read:

16 174.11 (2) (a) The form of the report and certification under sub. (1) may be
17 prescribed by the department of agriculture, trade and consumer protection, and
18 shall be subscribed by the supervisors, board, or committee making the report and
19 certification. The

20 (b) Except as provided in par. (c), the county clerk shall submit to the county
21 board at its first meeting, following the receipt of any such claim, all claims filed and
22 reported, and the claims shall be acted upon and determined by the county board as
23 other claims are determined and acted upon. The Except as provided in par. (c), the
24 amount of damages filed and reported to the county clerk shall be prima facie proof
25 of the actual damages sustained, but evidence may be taken before the county board

1 relative to the claims as in other cases, and appeals from the action of the county
2 board shall lie as in other cases.

3 (d) On appeal from the action of the county board or, in a county in which an
4 agreement under s. 174.10 (2) is in effect, from the action of the intergovernmental
5 commission, the trial shall be by the court without a jury.

6 **SECTION 342qh.** 174.11 (2) (c) of the statutes is created to read:

7 174.11 (2) (c) In a county in which an agreement under s. 174.10 (2) is in effect,
8 the intergovernmental commission shall act upon and determine all claims filed and
9 reported under sub. (1).

10 **SECTION 342qj.** 174.11 (4) of the statutes is amended to read:

11 174.11 (4) Subject to sub. (5), the county board or, in a county in which an
12 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
13 allow, as the amount of a claim for a domestic animal, including a ranch mink, killed
14 by a dog, the amount determined to be the fair market value of the domestic animal,
15 including a ranch mink, on the date the death occurred. Subject to sub. (5), the
16 county board or, in a county in which an agreement under s. 174.10 (2) is in effect,
17 the intergovernmental commission shall allow, as the amount of a claim for a
18 domestic animal, including a ranch mink, injured by a dog, the amount determined
19 to be the total of the costs resulting from the injury including a loss in fair market
20 value but the total amount of the claim may not exceed the fair market value. No
21 claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

22 **SECTION 342qL.** 174.12 (1) of the statutes is amended to read:

23 174.12 (1) The allowance by ~~the~~ a county of any claim for damages done by dogs
24 ~~shall work~~ constitutes an assignment to the county of the cause of the action of the
25 claimant for which the claim is filed, and the county may sue and recover from the

1 owner of the dog or dogs doing the damages the full amount thereof and which shall
2 not be limited to the sum paid the claimant by the county. The allowance under s.
3 174.11 (2) (c) by an intergovernmental commission of any claim for damages done by
4 dogs constitutes an assignment to the intergovernmental commission of the cause
5 of the action of the claimant for which the claim is filed, and the intergovernmental
6 commission may sue and recover from the owner of the dog or dogs doing the damages
7 the full amount thereof and which shall not be limited to the sum paid the claimant
8 by the intergovernmental commission. Before any claim shall be allowed by ~~the a~~
9 county or an intergovernmental commission on account of damages done by dogs, the
10 claimant shall furnish satisfactory proof that the damage was not done in whole or
11 in part by any dog owned, kept, or harbored by the claimant.

12 **SECTION 342qn.** 174.12 (2) of the statutes is amended to read:

13 174.12 (2) No claim shall be allowed by ~~the a~~ county board or an
14 intergovernmental commission at less than the amount so certified and reported,
15 unless the claimant shall first be notified that such action is contemplated and shall
16 have been given a reasonable opportunity to be heard and to offer further evidence
17 in support of the claimant's claim.”

18 **3.** Page 445, line 5: after that line insert:

19 “(1qq) DOG LICENSING IN POPULOUS COUNTIES. The treatment of sections 174.001
20 (2j), 174.065 (1), 174.07 (2) (e) and (3) (b) and (bm), 174.10, 174.11 (1) and (4), and
21 174.12 (1) and (2) of the statutes, the renumbering and amendment of sections 174.06
22 (3), 174.08, and 174.11 (2) of the statutes, the amendment of sections 20.115 (2) (j),
23 174.052, and 174.09 of the statutes, and the creation of sections 174.052 (3), 174.06

1 (3) (b), 174.08 (2), 174.09 (3), and 174.11 (2) (c) of the statutes take effect on January
2 1, 2003.

3 (1qr) DOG LICENSING APPROPRIATION. The repeal and recreation of section 20.115
4 (2) (j) of the statutes takes effect on February 1, 2004.”.

5 (END)