

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: traderc

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Addl. Drafters:

Subject: **Agriculture - animals**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1098,

Topic:

Delete pet dealers, etc.

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 06/16/2001	jdye 06/16/2001		_____			
/1			haugca 06/16/2001	_____	lrb_docadmin 06/16/2001		

FE Sent For:

<END>

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1?	traderc	1 6/16 jld	Chk 6/16	Chk 6/16 PG			

FE Sent For:

<END>

IN ~~and~~

Delete Freestanding Motion 1245, which would provide \$135,500 PR in 2001-2002 and \$271,100 PR in 2002-2003 for 5.0 animal health inspectors, 1.0 animal health consultant supervisor and 1.0 program assistant to inspect pet dealers, pet breeders, animal shelters and kennels.

CN1098

In

DATCP -- TRADE AND CONSUMER PROTECTION

Dog License Fees and Regulation of Pet Breeders, Pet Dealers, Animal Shelters and Kennels

Motion:

Move to provide \$135,500 PR in 2001-02 and \$271,100 PR in 2002-03 for 5.0 animal health inspectors, 1.0 animal health consultant supervisor and 1.0 program assistant to inspect pet dealers, pet breeders, animal shelters and kennels.

Increase the minimum dog license tax from \$3 to \$4.50 for a neutered male dog or spayed female dog and from \$8 to \$10 for an unsprayed or unneutered dog. Allow persons who keep more than one dog (rather than only persons who keep dogs for breeding, sale or sporting) to apply for a multiple dog license. Increase the multiple dog license tax from \$35 to \$45.50 for 12 or fewer dogs and increase from \$3 to \$4.50 the amount required for each dog in excess of 12. Allow a dog owner or keeper to transfer a multiple dog license tag from a dog that is no longer owned or kept to another dog, only if the other dog is currently immunized against rabies. Further, require the county treasurer to pay \$1 for each license issued for a neutered or spayed dog, \$1.50 for each license issued for a nonneutered or nonspayed dog, \$10 for each multiple dog license issued and \$1 for each dog in excess of 12 for which a multiple dog license is issued to the state (rather than 5% of the total current law minimum tax amount).

Specify that any city, village or town treasurer or other tax collecting official, or any person deputized by the treasurer or tax collecting official, may collect the license fees, unless an ordinance or resolution appoints a different person. Further, allow veterinarians and humane societies to voluntarily become collecting officials if authorized by the governing body of a city, village or town by resolution or ordinance. If a collecting official is not the town, village or city treasurer or other deputized tax collecting officer, require the collecting official to provide a copy of each license issued to the town, village or city treasurer or other deputized tax collecting officer. Further, increase the allowance to be retained by a collecting official from 25¢ to 75¢ for each license issued. Specify that a copy of a currently required list of all dogs in the district subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog be sent to the town, village or city treasurer or other deputized tax collecting officer.

Require DATCP to appoint an advisory committee represented by a variety of interests

related to animals, in order to advise the Department on rules promulgated under the following provisions. The effective date of the following provisions would be the first day of the 30th month beginning after publication. Convert the dog license, rabies control and related services PR annual appropriation to continuing, and include revenues from proposed pet dealer, pet breeder, animal shelter and kennel licenses. Require DATCP to promulgate rules specifying fees for these licenses and provide that the fees are not refundable if DATCP denies the license. Further, require these nontransferable licenses to expire on October 31 of each even-numbered year. Before issuing an initial license, and at least once during each biennial licensing period thereafter, require DATCP to inspect each licensed location and allow DATCP, at any reasonable time, to enter and inspect any facility at which a person is required to have a license.

Prohibit a person from operating an animal shelter without a DATCP license for each separate location at which an animal shelter is operated, unless the Department issues an interim permit that authorizes operation until DATCP can make an initial inspection. Define an animal shelter as either: (a) a facility that is used to impound or harbor at least 25 seized, stray, abandoned, or unwanted dogs, cats or other animals in a year and that is operated by the state, a political subdivision or a veterinarian licensed by the Veterinary Examining Board, or (b) a facility that is operated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, that is used to shelter at least 25 animals in a year, and that is operated by a humane society, an animal welfare society or a nonprofit association.

Prohibit a person from operating a kennel without a DATCP license for each separate location at which a kennel is operated, unless the Department issues an interim permit that authorizes operation until DATCP can make an initial inspection. Define a kennel as a facility where dogs or cats are kept for 24 hours or more for boarding, training or similar purposes for compensation, except a kennel would not include an animal shelter or a facility owned or operated by a licensed veterinarian solely for the provision of veterinary care.

Prohibit a pet dealer (a person who sells at least 25 mammals or birds, other than livestock or poultry, as pets in a year) from operating without a DATCP license for each separate location at which they conduct such business, unless the Department issues an interim permit that authorizes operation until DATCP can make an initial inspection. Further, prohibit a pet breeder (one who sells at least 25 dogs or cats for resale as pets in a year, except a breeder does not include a pet dealer) from operating without a DATCP license for each separate location at which they conduct such business, unless the Department issues an interim permit that authorizes operation until DATCP can make an initial inspection.

Allow DATCP to promulgate rules specifying minimum standards for animal shelter and kennel facilities and facilities at which pet dealers and pet breeders operate, and specifying any of the following for persons required to obtain an animal shelter, kennel, pet dealer or pet breeder license: (a) minimum requirements for humane care; (b) requirements relating to the transportation of animals; (c) grounds for license revocation; (d) grounds for DATCP to issue orders prohibiting the selling or moving of an animal; (e) minimum ages for the sale of animals; (f) reinspection fees to be charged when a DATCP inspection reveals conditions that require correction and

reinspection; (g) requirements for record keeping; and (h) requirements relating to space and opportunity for exercise to be provided to animals.

Establish penalties for persons required to obtain an animal shelter, kennel, pet dealer or pet breeder license. Provide that a person who operates without a required license may be fined not more than \$10,000 or imprisoned for not more than nine months, or both. For other violations of these provisions or rules promulgated under these provisions, a person may be required to forfeit not more than \$1,000 for the first offense and between \$200 and \$2,000 for the second or any subsequent offense within five year; if the violation involves the keeping of animals, each animal to which a violation occurred would constitute a separate violation.

Note:

The motion would include a number of the provisions of 2001 Assembly Bill 278 relating to dog licenses and the licensing of animal shelters, kennels, pet dealers and pet breeders, as modified to change fees and to incorporate changes responding to comments made at an April 17, 2001, hearing of the Assembly Committee on Small Business and Consumer Affairs relating to categories of required licenses and collecting officials for the dog license tax. Fees from increased dog license taxes would be estimated to generate an additional \$351,200 PR annually for DATCP (only \$263,400 PR-Rev would be anticipated in the first year).

[Change to Base: \$406,600 PR, 7.0 PR positions and \$614,600 PR-REV]

[Change to Bill: \$406,600 PR, 7.0 PR positions and \$614,600 PR-REV]

LFB:.....Schug - Pet dealer, pet breeders, animal shelters, kennels

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

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

2 **1.** Page 477, line 11: delete lines 11 to 18 and substitute:

3 “**SECTION 412b.** 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~~ All moneys received under ss. 95.21 (9) (c), 173.27, 173.40, and 174.09
6 (1), to provide dog license tags and forms under s. 174.07 (2), to perform other
7 program responsibilities under ch. 174, to administer the rabies control program
8 under s. 95.21, to help administer the rabies control media campaign, and to carry
9 out humane activities under s. 93.07 (11) and ch. 173. ~~All moneys received under ss.~~
10 ~~95.21 (9) (c), 173.27 and 174.09 (1) shall be credited to this appropriation.”.~~

11 **2.** Page 1339, line 16: after that line insert:

1 “SECTION 2881b. 173.40 of the statutes is created to read:

2 **173.40 Pet dealers, pet breeders, kennels, and animal shelters. (1)**

3 DEFINITIONS. In this section:

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

7 (b) “Adequate water” means potable water that is accessible to an animal and
8 is sufficient in amount to maintain the animal in good health.

9 (c) “Animal shelter” means any of the following:

10 1. A facility that is used to impound or harbor at least 25 seized, stray,
11 abandoned, or unwanted dogs, cats, or other animals in a year and that is operated
12 by this state, a political subdivision, or a veterinarian licensed under ch. 453.

13 2. A facility that is operated for the purpose of providing for and promoting the
14 welfare, protection, and humane treatment of animals, that is used to shelter at least
15 25 animals in a year, and that is operated by a humane society, an animal welfare
16 society, or a nonprofit association.

17 (d) “Humane care” includes the provision of adequate heating, cooling,
18 ventilation, sanitation, shelter, and medical care consistent with the normal
19 requirements of an animal’s size, species, and breed, adequate food, and adequate
20 water.

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

24 1. An animal shelter.

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

3 (em) “Livestock” means cattle, horses, swine, sheep, goats, deer, llamas, and
4 related species, including game species.

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

8 (fm) “Pet breeder” means a person who sells or offers to sell at least 25 dogs or
9 cats for resale as pets in a year, except that “pet breeder” does not include a pet dealer.

10 (g) “Pet dealer” means a person who sells, or offers to sell at retail, exchanges,
11 or offers for adoption at least 25 mammals, other than livestock, as pets in a year.

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

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

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

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

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

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

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

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

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

12 (a) Minimum standards for animal shelter and kennel facilities and facilities
13 at which pet dealers and pet breeders operate.

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

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

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

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

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

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

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

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

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

8 (b) 1. Except as provided under par. (a), a person who violates this section or
9 a rule promulgated under this section may be required to forfeit not more than \$1,000
10 for the first offense and may be required to forfeit not less than \$200 nor more than
11 \$2000 for the 2nd or any subsequent offense within 5 years.

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

14 **SECTION 2881c.** 174.001 (2m) of the statutes is repealed.

15 **SECTION 2881d.** 174.05 (2) of the statutes is amended to read:

16 174.05 (2) **TAX.** The minimum dog license tax is ~~\$3~~ \$4.50 for a neutered male
17 dog or spayed female dog, upon presentation of evidence that the dog is neutered or
18 spayed, and ~~\$8~~ \$10.00 for an unneutered male dog or unspayed female dog, or
19 one-half of these amounts if the dog became 5 months of age after July 1 of the license
20 year.

21 **SECTION 2881e.** 174.053 of the statutes is amended to read:

22 **174.053 Kennel Multiple dog licenses.** (1) ~~KENNEL MULTIPLE DOG LICENSE~~
23 ~~OPTION.~~ Any person who keeps ~~or operates a kennel~~ more than one dog may, instead
24 of the license tax for each dog required by this chapter, apply to the collecting official
25 for a ~~kennel multiple dog license~~ for the keeping or operating of the kennel of the

1 dogs. Such person shall pay for the license year a license tax of \$35 \$45.50 for ~~a~~
2 ~~kennel~~ of 12 or fewer dogs and an additional \$3 \$4.50 for each dog in excess of 12.
3 Upon payment of the required ~~kennel~~ multiple dog license tax and upon presentation
4 of evidence that all dogs over 5 months of age are currently immunized against
5 rabies, the collecting official shall issue the ~~kennel~~ multiple dog license and a number
6 of tags equal to the number of dogs authorized to be kept ~~in the kennel~~ by the person.

7 (2) ~~KENNEL MULTIPLE DOG LICENSE TAGS~~. ~~Kennel~~ Multiple dog license tags shall
8 be made in a form so that they may be readily distinguishable from the individual
9 license tags for the same year. The owner or keeper of ~~a kennel~~ dogs for which a
10 multiple dog license has been issued shall keep at all times a ~~kennel~~ multiple dog
11 license tag attached to the collar of each dog over 5 months old kept by the owner or
12 keeper under a ~~kennel~~ multiple dog license, but this requirement does not apply to
13 a dog during competition or training, to a dog securely confined indoors, to a dog
14 while hunting, or to a dog securely confined in a fenced area. ~~These tags may be~~
15 ~~transferred from one dog to another within the kennel whenever any dog is removed~~
16 ~~from the kennel~~. An owner or keeper may transfer a multiple dog license tag from
17 a dog that the owner or keeper no longer owns or keeps to another dog if the other
18 dog is currently immunized against rabies. The rabies vaccination tag or substitute
19 tag shall remain attached to the dog for which it is issued at all times, but this
20 requirement does not apply to a dog during competition or training, to a dog securely
21 confined indoors, to a dog while hunting, or to a dog securely confined in a fenced
22 area. No dog bearing a ~~kennel~~ multiple dog license tag shall be permitted to stray
23 or to be taken anywhere outside the limits of the ~~kennel~~ owner's or keeper's premises
24 unless the dog is in leash or temporarily out for the purposes of hunting, breeding,
25 trial, training, or competition.

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

4 **SECTION 2881f.** 174.06 (6) of the statutes is amended to read:

5 **174.06 (6) ~~KENNEL~~ MULTIPLE DOG LICENSE RECORDS.** The listing official shall
6 make in triplicate a list of the names of persons ~~owning and operating kennels~~
7 holding multiple dog licenses and the number of dogs kept ~~in each~~ by each of those
8 persons.

9 **SECTION 2881g.** 174.06 (7) of the statutes is amended to read:

10 **174.06 (7) LIST DELIVERY.** The listing official shall, by September 15, deliver one
11 copy of the list under sub. (5) or (6) to the county clerk, and one copy to the ~~collecting~~
12 official to whom license taxes are paid under s. 174.08, and retain one copy for his
13 or her files.

14 **SECTION 2881h.** 174.065 (1) of the statutes is amended to read:

15 **174.065 (1) COLLECTING OFFICIAL.** The collecting official is the any city, village,
16 or town treasurer or other tax collecting officer or ~~a~~ any person deputized by the
17 treasurer or tax collecting official, unless the common council or village or town board
18 provides by ordinance or resolution for the appointment of a different person.
19 Veterinarians and humane societies may voluntarily become collecting officials for
20 a city, village, or town if the governing body of the city, village, or town by resolution
21 or ordinance provides that veterinarians and humane societies may be collecting
22 officials for the city, village, or town.

23 **SECTION 2881i.** 174.07 (1) (c) of the statutes is amended to read:

24 **174.07 (1) (c) Copies.** The collecting official shall keep a duplicate copy of the
25 license on file. In counties having a population of 500,000 or more, the collecting

1 official shall immediately send to the county clerk or whatever agency the county
2 board may direct, a triplicate copy of the license. A collecting official who is not the
3 official to whom license taxes are paid under s. 174.08 shall provide a copy of each
4 license issued to the official to whom license taxes are paid under s. 174.08.

5 **SECTION 2881j.** 174.07 (2) (d) of the statutes is amended to read:

6 174.07 (2) (d) The department shall furnish county clerks with suitable ~~kenel~~
7 multiple dog license tags and blank licenses for distribution to the collecting officials.

8 **SECTION 2881k.** 174.07 (3) (c) of the statutes is amended to read:

9 174.07 (3) (c) *Reimbursement.* The collecting official may retain ~~25~~ 75 cents,
10 or a greater amount established by the county board by ordinance or resolution, for
11 each license issued as compensation for the service, if not a full-time, salaried
12 municipal employee. If the collecting official is a full-time, salaried municipal
13 employec this compensation shall be paid into the treasury of the town, village, or
14 city.

15 **SECTION 2881L.** 174.09 (1) of the statutes is amended to read:

16 174.09 (1) The dog license taxes ~~so~~ paid to the county treasurer shall be kept
17 in a separate account and shall be known as the “dog license fund” ~~and shall be~~
18 ~~appropriated and disbursed for the purposes and in the manner following:~~ fund.”
19 Within 30 days after receipt of the ~~same~~ dog license taxes the county treasurer shall
20 pay into the state treasury ~~5% of the minimum tax as provided for~~ \$1 for each license
21 issued under s. 174.05 (2) of all dog license taxes which shall have been received by
22 the county treasurer for a neutered or spayed dog, \$1.50 for each license issued under
23 s. 174.05 (2) for a dog that has not been neutered or spayed, \$10 for each multiple dog
24 license issued under s. 174.053 (1), and \$1 for each dog in excess of 12 for which a
25 multiple dog license is issued under s. 174.053 (1).”

1 **3.** Page 1739, line 6: after that line insert:

2 “(3k) **ADVISORY COMMITTEE.** The department of agriculture, trade and consumer
3 protection shall appoint a committee under section 227.13 of the statutes to advise
4 the department concerning rules required to be promulgated under section 173.40
5 of the statutes, as created by this act. The department shall ensure that the members
6 of the committee represent a variety of interests related to animals.”.

7 **4.** Page 1816, line 24: after that line insert:

8 “(4k) **PET DEALERS, PET BREEDERS, KENNELS, AND ANIMAL SHELTERS.** The treatment
9 of sections 20.115 (2) (j) and 173.40 of the statutes takes effect on the first day of the
10 30th month beginning after publication.”.

11

(END)

2001

Date (time)
needed

soon

LRB b. 1015 11

AMDT TO BUDGET SUB AMDT

Ret : jld : _____

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

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

AMENDMENTS

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: create -> item: -> m: -> \$inc-dec

#. Page 109, line 12: in(de)crease the dollar amount for fiscal year 2001-02 by \$, 135,500 . . . and in(de)crease the dollar amount for fiscal year 2002-03 by \$, 271,100 . . . [to . . . crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . . crease funding for . . . to reflect . . . the elimination of part regulation provisions and to decrease the authorized FTE by 2.0 P.R. positions]

#. Page, line: in(de)crease the dollar amount for fiscal year 2001-02 by \$, and in(de)crease the dollar amount for fiscal year 2002-03 by \$, [to . . . crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . . crease funding for]*.

In the component bar, for a "frozen" amendment item (used in amendments to amendments):
For the item text, execute: create -> item: -> afterline [or the applicable item]
For the "frozen" item text, execute: create -> item: -> frz: -> m: -> \$inc-dec

#. Page, line: Page, line: in(de)crease the dollar amount for fiscal year 2001-02 by \$, and in(de)crease the dollar amount for fiscal year 2002-03 by \$, [to . . . crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . . crease funding for]*.

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

#. Page 294, line 14: delete lines 14 to 21. ✓

#. Page 965, line 5: delete the material beginning with that line and ending with page 972, line 7. ✓

#. Page 1300, line 8: delete lines 8 to 12. ✓

#. Page 1417, line 6: delete lines 6 to 8. ✓

(End)

SDC:.....Keckhaver – CN1098, Delete pet dealers, etc.

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 109, line 12: decrease the dollar amount for fiscal year 2001–02 by
3 \$135,500 and decrease the dollar amount for fiscal year 2002–03 by \$271,100 to
4 reflect the elimination of pet regulation provisions and to decrease the authorized
5 FTE positions by 7.0 PR positions.

6 **2.** Page 294, line 14: delete lines 14 to 21.

7 **3.** Page 965, line 5: delete the material beginning with that line and ending
8 with page 972, line 7.

9 **4.** Page 1300, line 8: delete lines 8 to 12.

