

## 2003 SENATE BILL 97

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

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*Analysis by the Legislative Reference Bureau*

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***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 to provide dog license tags and forms under s. 174.07 (2), to perform

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1 other program responsibilities under ch. 174, to administer the rabies control  
2 program under s. 95.21, to help administer the rabies control media campaign, and  
3 to carry out humane activities under s. 93.07 (11) and ch. 173. All moneys received  
4 under ss. 95.21 (9) (c), 173.27, and 174.09 (1) and (3) shall be credited to this  
5 appropriation.

6 **SECTION 2.** 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Act 16  
7 and 2003 Wisconsin Act .... (this act), is repealed and recreated to read:

8 20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys  
9 received under ss. 95.21 (9) (c), 173.27, 173.40, and 174.09 (1) and (3), to provide dog  
10 license tags and forms under s. 174.07 (2), to perform other program responsibilities  
11 under ch. 174, to administer the rabies control program under s. 95.21, to help  
12 administer the rabies control media campaign, and to carry out activities under s.  
13 93.07 (11) and ch. 173.

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

15 174.001 (2j) “Intergovernmental commission” means an intergovernmental  
16 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a  
17 county with a population of 500,000 or more for the purpose of providing animal  
18 control services.

19 **SECTION 4.** 174.052 of the statutes is amended to read:

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

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

6           **SECTION 5.** 174.052 (3) of the statutes is created to read:

7           174.052 **(3)** NOTICE IN CERTAIN POPULOUS COUNTIES. In a county in which an  
8 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall  
9 cause the notices under subs. (1) and (2) to be published.

10           **SECTION 6.** 174.06 (3) of the statutes is renumbered 174.06 (3) (a) and amended  
11 to read:

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

20           **SECTION 7.** 174.06 (3) (b) of the statutes is created to read:

21           174.06 **(3)** (b) In a county in which an agreement under s. 174.10 (2) is in effect,  
22 the intergovernmental commission shall pay the compensation required under par.  
23 (a).

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

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1           174.065 (1) COLLECTING OFFICIAL. The collecting official is any city, village, or  
2 town treasurer or other tax collecting officer or any person deputized by the treasurer  
3 or tax collecting official, unless the common council or village or town board provides  
4 by ordinance or resolution for the appointment of a different person. Veterinarians  
5 and humane societies may voluntarily become collecting officials for a city, village,  
6 or town if the governing body of the city, village, or town by resolution or ordinance  
7 provides that veterinarians and humane societies may be collecting officials for the  
8 city, village, or town. In a county in which an agreement under s. 174.10 (2) is in  
9 effect, the intergovernmental commission is also a collecting official for a city, village,  
10 or town if the governing body of the city, village, or town by resolution or ordinance  
11 provides that the intergovernmental commission is a collecting official.

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

13           174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an  
14 agreement under s. 174.10 (2) is in effect, all of the following apply:

15           1. The department shall provide tags and, upon request, license forms to the  
16 intergovernmental commission, rather than to the county clerk.

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

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

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

22           174.07 (3) (b) *Return of tags and licenses.* ~~The Except as provided in par. (bm).~~  
23 the collecting official shall annually by December 31 return to the county clerk all  
24 unused tags of the current license year, together with license books and all duplicate  
25 licenses of the current year. The county clerk shall carefully check the returned tags,

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1 duplicate licenses, and license forms to ascertain whether all tags and license forms  
2 that were furnished by the county clerk have been accounted for, ~~and to.~~ To enable  
3 the county clerk to do that, the county clerk shall charge each collecting official with  
4 all tags and license forms furnished or delivered and credit those returned. In case  
5 of discrepancy, the county clerk shall notify the department.

6 **SECTION 11.** 174.07 (3) (bm) of the statutes is created to read:

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

11 **SECTION 12.** 174.08 of the statutes is renumbered 174.08 (1) and amended to  
12 read:

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

21 **SECTION 13.** 174.08 (2) of the statutes is created to read:

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

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1           **SECTION 14.** 174.09 of the statutes is amended to read:

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

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

25           **SECTION 15.** 174.09 (3) of the statutes is created to read:

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1           174.09 (3) In a county in which an agreement under s. 174.10 (2) is in effect,  
2           the intergovernmental commission shall maintain the dog license fund, consisting  
3           of the dog license taxes. The intergovernmental commission shall pay 5% of the  
4           minimum dog license tax provided for under s. 174.05 (2) to the department and shall  
5           expend the remainder of the dog license fund for the purposes of administering the  
6           dog license law, providing a pound for dogs, and paying claims allowed under s.  
7           174.11. If on March 1 there is remaining in the dog license fund a surplus from the  
8           dog license taxes of the previous license year that exceeds 5% of the dog license taxes  
9           collected in that license year, the intergovernmental commission shall return the  
10          excess to the towns, villages, and cities of the county in the proportion in which the  
11          towns, villages, and cities contributed to the fund in that license year.

12           **SECTION 16.** 174.10 of the statutes is created to read:

13           **174.10 Dog licensing in populous counties.** (1) In this section,  
14          “municipality” means a city, village, or town.

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

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

24           **SECTION 17.** 174.11 (1) of the statutes is amended to read:

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

17           **SECTION 18.** 174.11 (2) of the statutes is renumbered 174.11 (2) (a) and  
18 amended to read:

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

23           (b) Except as provided in par. (c), the county clerk shall submit to the county  
24 board at its first meeting, following the receipt of any such claim, all claims filed and  
25 reported, and the claims shall be acted upon and determined by the county board as



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1 other claims are determined and acted upon. The Except as provided in par. (c), the  
2 amount of damages filed and reported to the county clerk shall be prima facie proof  
3 of the actual damages sustained, but evidence may be taken before the county board  
4 relative to the claims as in other cases, and appeals from the action of the county  
5 board shall lie as in other cases.

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

9 **SECTION 19.** 174.11 (2) (c) of the statutes is created to read:

10 174.11 **(2)** (c) In a county in which an agreement under s. 174.10 (2) is in effect,  
11 the intergovernmental commission shall act upon and determine all claims filed and  
12 reported under sub. (1).

13 **SECTION 20.** 174.11 (4) of the statutes is amended to read:

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

25 **SECTION 21.** 174.12 (1) of the statutes is amended to read:

