



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 133 [2003 Senate Bill 97]	Intergovernmental Commission Option for Assuming County Dog Licensing-Related Activities
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 133, among other things, allows an intergovernmental commission that meets certain criteria to assume the county's responsibility for dog licensing-related activities in a county with a population of 500,000 or more (currently Milwaukee County).

Background on County Dog Licensing-Related Activities

Under *current law*, counties have certain responsibilities related to dog licensing, in addition to cities, villages, and towns. For example, the Department of Agriculture, Trade, and Consumer Protection (DATCP) annually furnishes dog license tags to county clerks, and counties pay for these tags out of a dog license fund that they administer. A collecting official collects dog license fees and pays all dog license taxes to the town, village, or city treasurer or other tax collecting officer, who then deducts any additional tax which may have been levied by the municipal governing body and pays the remainder to the county treasurer at the time settlement is made with the county treasurer for collections of personal property taxes. In addition to using the dog license fund to pay for administering the dog licensing law, counties use the fund to pay for damages caused by dogs to domestic animals, and to pay for expenses incurred by the county pound or by a humane society or other organization designated to provide for collecting, caring for, and disposing of dogs.

Criteria for Assuming a County's Responsibility for Dog Licensing-Related Activities

Current law permits a municipality, unless specifically prohibited by statute, to contract with other municipalities for "the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law." [s. 66.0301 (2), Stats.] **2003 Wisconsin Act 133** defines an "intergovernmental commission" as formed by contract under s. 66.0301 (2), Stats., by all of the municipalities (cities, villages, and towns) in a county with a population of 500,000 or more for the purpose of providing animal control services. The Act authorizes such an intergovernmental

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

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

Dog License Fund Expenditures and Use of Surpluses

Under *current law*, dog license taxes are paid to the county treasurer as described in the background section above, and within 30 days after receipt, the county treasurer pays into the state treasury 5% of the minimum tax as established by statute of all dog license taxes received by the county treasurer. After deducting certain expenses, the county may use the amount remaining in the fund to pay claims it allows to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid. The county treasurer must pay any surplus in excess of \$1,000 that remains from the dog license taxes of any license year on March 1 of the succeeding year to the county humane society or other organization designated by the county board to provide a pound. If no such organization is designated, the county must pay the surplus funds to the municipalities of the county in proportion to their contributions to the fund.

2003 Wisconsin Act 133 creates an exception to the above paragraph for a county in which an intergovernmental commission, as defined in the Act (see previous section), has entered into an agreement with the county to assume the county's responsibility for activities related to dog licensing. In such a county, the intergovernmental commission must maintain the dog license fund, pay 5% of the minimum dog license tax as established by statute to DATCP, and expend the remainder of the fund to administer the dog license law, provide a pound for dogs, and pay claims it allows to the owners of domestic animals because of damages done by dogs. If there is a surplus remaining in the dog license fund on March 1 from the dog license taxes of the previous license year that exceeds 5% of the dog license taxes collected in that license year, the intergovernmental commission must return the excess over 5% to the municipalities of the county in proportion to their contributions to the fund in that license year.

Effective Date: 2003 Wisconsin Act 133 takes effect on January 1, 2004, except that the repeal and recreation of s. 20.115 (2) (j), Stats. (which appropriates money to DATCP for dog licenses, rabies control and related services) takes effect on February 1, 2004.

Prepared by: Mary Offerdahl, Staff Attorney

March 11, 2004

MO:tlu

Vote Record
Committee on Homeland Security, Veterans and Military Affairs and Government Reform

Date: 5/28/03

Moved by: Breske

Seconded by: Zien

AB _____

SB 97

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
 Adoption
 Confirmation
 Concurrence
 Indefinite Postponement
 Introduction
 Rejection
 Tabling
 Nonconcurrence

Committee Member

Senator Ronald Brown, Chair

Aye

No

Absent

Not Voting

Senator David Zien

Senator Scott Fitzgerald

Senator Robert Wirch

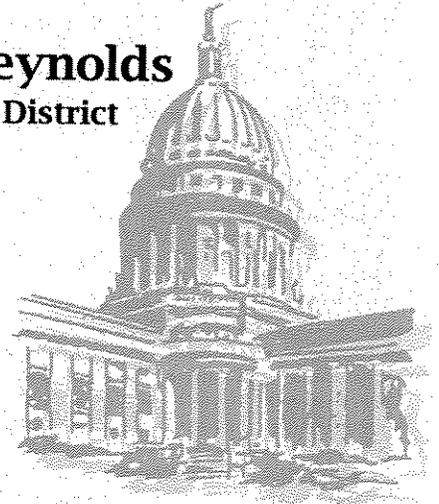
Senator Roger Breske

Totals: 5 0 0 0

Motion Carried

Motion Failed

State Senator Tom Reynolds
5th Senate District



April 15, 2003

The Honorable Ron Brown
Wisconsin State Senate
State Capitol, Room 104 South
Madison, Wisconsin 53707

Dear Senator Brown,

I would like to very respectfully ask for a hearing and action before the Committee on Homeland Security, Veterans and Military Affairs and Government Reform on Senate Bill 97 relating to the Milwaukee Area Domestic Animal Control Commission (MADACC).

This bill is limited to Milwaukee County (counties with a population greater than 500,000) and would allow MADACC to assume the county's responsibilities relating to pet licensing.

Generally, current law requires that the responsibilities for licensing certain pets are shared with the county and local governments. In Milwaukee County, all of the municipalities have formed an intergovernmental agency (MADACC) that is responsible for animal control. Despite the agreement, the law requires that certain pet license fees be paid to the county. The county then passes a portion of those fees to MADACC, less an administrative charge.

This creates extra bureaucracy and extra expense to license holders since Milwaukee County adds extra administrative costs to process the fee. This proposal is also supported by the Milwaukee County Intergovernmental Cooperation Council (an advisory group composed of all 19 Milwaukee County municipalities) and MADACC Board (resolutions attached).

If you or your staff have any questions, please feel free to contact Adam Peer in my office. Thank you in advance for your consideration.

Sincerely,

Tom Reynolds
State Senator
Fifth Senate District

TGR:asp

cc: The Honorable Jeff Stone, Eighty-Second Assembly District



STAFF MEMORANDUM
OFFICE OF WISCONSIN
STATE SENATOR TOM REYNOLDS

TO: INTERESTED PARTIES

From: Adam Peer, Senior Policy Advisor

Date: May 23, 2003

RE: Public Hearing on Senate Bill 97 and Cat Licenses

Public Hearing and Executive Session

Senate Bill 97 has been scheduled for a public hearing and possible executive action by the Senate Committee on Homeland Security, Veteran and Military Affairs, and Government Reform on **Wednesday, May 28, 2003 at 10:00 A.M. in room 330 Southwest of the State Capitol.**

The committee members are:

Senator Ronald Brown, Chair

<http://www.legis.state.wi.us/senate/sen31/sen31.html>

Senator Scott Fitzgerald

<http://www.legis.state.wi.us/senate/sen13/sen13.html>

Senator Robert Wirch

<http://www.legis.state.wi.us/senate/sen22/sen22.html>

Senator Roger Breske

<http://www.legis.state.wi.us/senate/sen12/sen12.html>

MAY 27 2003

Written testimony is the best way to submit your thoughts and opinion for the committee to consider even if you are personally appearing at the public hearing. Our office would be happy to distribute your comments for you if you forward them to our office in advance.

Cat Licensing

Our office has been asked by interested parties if Senate Bill 97 could be expanded to include the licensing of cats. According to the drafting attorney, she believes that current law would already allow an intergovernmental agreement for cat license due to the broad language used in that section. It is only because of the specific treatment of dogs in many chapters of the statutes that this legislation is needed.

We are requesting a memo from the Legislative Council that discusses this issue. It is the senator's intent to allow intergovernmental agreements to be formed to license cats. Depending on response from the Legislative Council, the senator may offer an amendment to Senate Bill 97 or seek an opinion from the attorney general.

If you have any questions or concerns, please feel free to contact me. Thank you very much for your interest in this legislation.



Peer, Adam

From: Ronald Hayward [Ronald.Hayward@westmilwaukee.org]
Sent: Tuesday, May 27, 2003 11:26 AM
To: adam.peer@legis.state.wi.us
Subject: Senate Bill 97

To members of Senate Comm. on Homeland Security, Veteran and Military Affairs, and Government Reform,

I am writing in support of Sen. Bill 97 as Chief Presiding Officer for the Milwaukee Domestic Animal Control Commission (MADACC). Our agency handles the day to day domestic animal control for Milwaukee County and one of the many responsibilities is seeing that the cats and dogs that are routinely handled are properly licensed. The MADACC is supported and supervised by all 19 Governments within our County, and monies collected for dog and cat licenses are currently handled by the County. [Treasurers and Clerks office]. This Bill will eliminate those offices and MADACC will then be responsible for that duty. Last year, MADACC did not receive the monies due all Municipalities for the sale of pet licenses until the month of September. That is way to long to wait for something owed from the previous year. We look for your support and passage of this Bill.

Sincerely,

Hayward, Village President
of the Operations Comm. for MADACC

Ron
President

MADACC was formed with a specific purpose and to address a specific problem facing our communities. However, we believe that this organizational structure will serve as a model for many other cooperative efforts in the years ahead.

Under Wisconsin State Statutes, section 174, the County Treasurer is designated as the payee of dog license fees charged and collected by the individual municipalities. From the fees collected, the County Treasurer is required to make a 5% annual remittance to the State of Wisconsin and reimburse the County Clerk for costs and expenses incurred in providing tags and other supplies to local municipalities. Dog license funds remaining after remittance of the above payments are then forwarded to the Milwaukee Area Animal Control Commission.

The changes as proposed under Senate Bill 97 are very simple. It basically allows the Milwaukee Area Animal Control Commission to assume Milwaukee County's responsibilities related to dog and cat licensing.

It streamlines the licensing process and directly places the responsibilities with the entity that provides for animal control services.

We respectfully request your support of this bill.

Thank you

Sincerely,

Timothy T. Seider

Timothy T. Seider
Chairman, Intergovernmental Cooperation Council of Milwaukee County
Mayor, City of Greenfield

Bayside-Brown Deer-County of Milwaukee-Cudahy-Fox Point-Franklin-Glendale-Greendale
Greenfield-Hales Corners-Milwaukee-Oak Creek-River Hills-St. Francis-Shorewood
South Milwaukee-Wauwatosa-West Allis-West Milwaukee-Whitefish Bay



STAFF MEMORANDUM
OFFICE OF WISCONSIN
STATE SENATOR TOM REYNOLDS

TO: MEMBERS
SENATE COMMITTEE ON HOMELAND SECURITY, VETERAN & MILITARY
AFFAIRS, AND GOVERNMENT REFORM

From: Adam Peer, Senior Policy Advisor

Date: May 27, 2003

**RE: 2003 Senate Bill 97 Milwaukee Area Domestic Animal Control Commission (MADACC)
Legislation**

Generally, current law requires that the responsibilities for licensing certain pets are shared with the county and local governments. In Milwaukee County, all of the municipalities have formed an intergovernmental agency (Milwaukee Area Domestic Animal Control Commission [MADACC]) that is responsible for animal control. Despite the agreement, the law requires that certain pet license fees be paid to the county. The county then passes a portion of those fees to MADACC, less an administrative charge.

This creates extra bureaucracy and extra expense to license holders since Milwaukee County adds extra administrative costs to process the fee. This proposal is also supported by the Milwaukee County Intergovernmental Cooperation Council (an advisory group composed of all 19 Milwaukee County municipalities) and MADACC Board (resolutions attached)

This bill is limited to Milwaukee County (counties with a population greater than 500,000) and would allow MADACC to assume the county's responsibilities relating to pet licensing. For greater detail on this bill, please see the LRB Analysis.

ASP:asp:sk



Digitally
signed by
Adam B.
Peer
Date:
2003.05.27
14:51:58
-0400
Please see
the
method of this
document
located at
the Capitol in
the City of
Madison

INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY

c/o City of Greenfield, 7325 West Forest Home Avenue, Greenfield, Wisconsin 53220

RESOLUTION IN SUPPORT of LRB 2034

Whereas, The Intergovernmental Cooperation Council of Milwaukee County (ICC) is comprised of the Mayors and Village Presidents of the municipalities within Milwaukee County, and the Milwaukee County Executive, and

Whereas, The nineteen members of the ICC meet regularly to share information and discuss cooperative municipal service proposals that would provide mutual benefits to the residents of their communities, and

Whereas, In 1999, members of the ICC established the Milwaukee Area Domestic Animal Control Commission (MADACC), and

Whereas, MADACC was jointly established by the municipalities to provide animal control services including the shelter, care and disposition of stray dogs and cats, and recovery of lost pets for residents of Milwaukee County, and

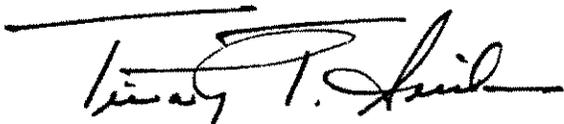
Whereas, LRB 2034 would transfer pet licensing revenue functions from Milwaukee County to the animal control commission (MADACC), and

Whereas, Under the bill, if all municipalities in a county form an intergovernmental commission for the purpose of providing animal control services, the county and the commission may enter into an agreement under which the commission assumes the county's responsibilities related to licensing; now, therefore, be it

Resolved, that the Intergovernmental Cooperation Council of Milwaukee County supports LRB 2034 and urges the Wisconsin State Legislature to adopt the provisions of the bill in order to improve efficiency and reduce costs for municipal residents, and be it,

Further resolved, that this bill represents an important step toward the completion of a long-term project that successfully provides municipal animal control services on an area-wide, cooperative basis.

Adopted: March 10, 2003



Timothy T. Seider, Chairman

Bayside-Brown Deer-County of Milwaukee-Cudahy-Fox Point-Franklin-Glendale-Greendale
Greenfield-Hales Corners-Milwaukee-Oak Creek-River Hills-St. Francis-Shorewood
South Milwaukee-Wauwatosa-West Allis-West Milwaukee-Whitefish Bay



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR TOM REYNOLDS
FROM: Mark C. Patronsky, Senior Staff Attorney
RE: Authority to Issue Cat Licenses in Milwaukee County
DATE: May 28, 2003

This memorandum is in response to your request for my opinion as to whether there is authority, in Milwaukee County, for an intergovernmental agreement regarding cat licensing. The nature of the intergovernmental agreement for cat licensing would be similar to that contemplated in 2003 Senate Bill 97, relating to dog licensing and claims for damage that is caused by dogs in Milwaukee County. Senate Bill 97 authorizes the cities and villages within Milwaukee County to form an intergovernmental commission to provide animal control services, and it authorizes the county and the intergovernmental commission to enter into an agreement in which the commission assumes the county's responsibilities related to dog licensing.

Intergovernmental cooperation is authorized under s. 66.0301, Stats. This statute provides that "any municipality may contract with other municipalities...for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, *each may act under the contract to the extent of its lawful powers and duties...*" (emphasis added).

The current statutes related to dogs provide that cities, villages, and towns are responsible for licensing dogs, and counties have other responsibilities related to dog licensing, such as distributing tags and maintaining a fund from license revenues to pay for the care of stray dogs and to pay claims for damages caused by dogs to domestic animals. See ch. 174, Stats. As a result of the limitations in the statutes on dog licensing, the italicized language in the previous paragraph does not permit full intergovernmental cooperation in dog licensing matters. Senate Bill 97 addresses this issue.

The only statute related to cat licensing is s. 59.79 (12), Stats., which authorizes Milwaukee County to enact an ordinance requiring licenses for cats.

(12) Licenses for cats. Enact an ordinance requiring licenses for cats.
The ordinance may require a person who owns or keeps a cat within the

county's boundaries to pay a license fee, obtain a license tag and otherwise control the cat. An ordinance enacted under this subsection shall require the owner of a cat to present evidence that the cat is currently immunized against rabies before a license may be issued. All proceeds from cat licenses shall be used for licensing, regulating and impounding cats.

Cities and villages within Milwaukee County have home rule authority and may adopt ordinances on matters of local concern, which would include the licensing of cats. Thus, it is reasonable to conclude that current law would authorize intergovernmental cooperation for cat licensing in Milwaukee County.

However, questions regarding local regulatory authority are often subject to different interpretations. The scope of intergovernmental cooperation may be affected by the nature of the local regulatory authority. Counsel for Milwaukee County and the cities and villages in Milwaukee County should be consulted in this matter.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MCP;jal:ksm;wu

INTERGOVERNMENTAL COOPERATION COUNCIL OF MILWAUKEE COUNTY

c/o City of Greenfield, 7325 West Forest Home Avenue, Greenfield, Wisconsin 53220

RESOLUTION IN SUPPORT of LRB 2034

Whereas, The Intergovernmental Cooperation Council of Milwaukee County (ICC) is comprised of the Mayors and Village Presidents of the municipalities within Milwaukee County, and the Milwaukee County Executive, and

Whereas, The nineteen members of the ICC meet regularly to share information and discuss cooperative municipal service proposals that would provide mutual benefits to the residents of their communities, and

Whereas, In 1999, members of the ICC established the Milwaukee Area Domestic Animal Control Commission (MADACC), and

Whereas, MADACC was jointly established by the municipalities to provide animal control services including the shelter, care and disposition of stray dogs and cats, and recovery of lost pets for residents of Milwaukee County, and

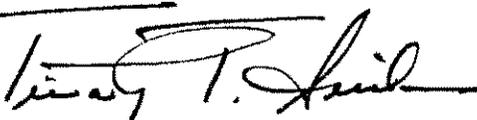
Whereas, LRB 2034 would transfer pet licensing revenue functions from Milwaukee County to the animal control commission (MADACC), and

Whereas, Under the bill, if all municipalities in a county form an intergovernmental commission for the purpose of providing animal control services, the county and the commission may enter into an agreement under which the commission assumes the county's responsibilities related to licensing; now, therefore, be it

Resolved, that the Intergovernmental Cooperation Council of Milwaukee County supports LRB 2034 and urges the Wisconsin State Legislature to adopt the provisions of the bill in order to improve efficiency and reduce costs for municipal residents, and be it,

Further resolved, that this bill represents an important step toward the completion of a long-term project that successfully provides municipal animal control services on an area-wide, cooperative basis.

Adopted: March 10, 2003



Timothy T. Seider, Chairman

Bayside-Brown Deer-County of Milwaukee-Cudahy-Fox Point-Franklin-Glendale-Greendale
Greenfield-Hales Corners-Milwaukee-Oak Creek-River Hills-St. Francis-Shorewood
South Milwaukee-Wauwatosa-West Allis-West Milwaukee-Whitefish Bay

Milwaukee Area Domestic Animal Control Commission

3839 W. Burnham St.
West Milwaukee, WI 53215
(414) 649-8640 FAX (414) 649-8651

RESOLUTION IN SUPPORT of LRB 2034

Whereas, The Milwaukee Area Domestic Animal Control Commission Board of Directors is comprised of representatives of the municipalities within Milwaukee County, and

Whereas, In 1999, members of the ICC established the Milwaukee Area Domestic Animal Control Commission (MADACC), and appointed members to the Board of Directors, and

Whereas, MADACC was jointly established by the municipalities to provide animal control services including the shelter, care and disposition of stray dogs and cats, and recovery of lost pets for residents of Milwaukee County, and

Whereas, LRB 2034 would transfer pet licensing revenue functions from Milwaukee County to the animal control commission (MADACC), and

Whereas, Under the bill, if all municipalities in a county form an intergovernmental commission for the purpose of providing animal control services, the county and the commission may enter into an agreement under which the commission assumes the county's responsibilities related to licensing; now, therefore, be it

Resolved, that the Board of Directors of the Milwaukee Area Domestic Animal Control Commission supports LRB 2034 and urges the Wisconsin State Legislature to adopt the provisions of the bill in order to improve efficiency and reduce costs for municipal residents, and be it,

Further resolved, that this bill represents an important step toward the completion of a long-term project that successfully provides municipal animal control services on an area-wide, cooperative basis.

Adopted: March 10, 2003



Ronald Hayward, Chairman