

2005 DRAFTING REQUEST

Bill

Received: **11/27/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Nicholas Zavos**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies: **RCT**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Authorizing wardens to kill certain dogs

Instructions:

Redraft 2003 LRB-0523

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>
/?	rkite 11/27/2004	jdyer 11/29/2004		_____			
/P1			rschluet 11/29/2004	_____	lnorthro 11/29/2004		
/1	rkite 01/31/2006	jdyer 01/31/2006	pgreensl 01/31/2006	_____	sbasford 01/31/2006	mbarman 02/01/2006	

FE Sent For:

<END>

↪ Not Needed

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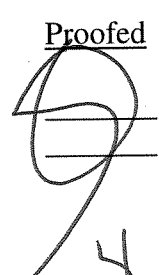
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/?	rkite	PI 11/29 jld					

FE Sent For:   **<END>**

CORRESPONDENCE/MEMORANDUM

DATE: October 21, 2004

TO: Terry C. Anderson – Director, Legislative Council

FROM: Michael A. Lutz – LS/5 - DNR *ML*

SUBJECT: Remedial Legislation Proposal - Dogs

In creating exceptions to the general prohibition on intentionally killing a dog, s. 174.01(2), Stats., states as follows:

INAPPLICABLE TO OFFICERS, VETERINARIANS AND PERSONS KILLING THEIR OWN DOG. This section does not apply to an officer acting in the lawful performance of his or her duties under s. 29.931(2)(b), 95.21, 173.23(1m)(c), (3) or (4) or 174.02(3) or to a veterinarian killing a dog in a proper and humane manner or to a person killing his or her own dog in a proper and humane manner.

The section of the above provision exempting officers covered under s. 29.931(2)(b), Stats., from penalties for killing a dog is not the proper cross reference. Section 29.931(2)(b), Stats., states:

(b) Any perishable property seized by the department or its wardens may be sold at the highest available price and the proceeds of the sale turned in to court for disposition as the court directs.

The applicable reference that should be used in s. 174.01(2), Stats., is s. 29.921(7), Stats., which in authorizing the destruction of dogs by conservation wardens states as follows:

(7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running, injuring, causing injury to, or killing any deer, other than farm-raised deer, or destroying game birds, their eggs or nests, if immediate action is necessary to protect the deer or game birds, their nests or eggs, from injury or death.

It seems clear that the reference to s. 29.931(2)(b) is incorrect. The proper reference in s. 174.01(2) should be to s. 29.921(7), Stats. I have attached a draft of LRB-0523/P1 from the last legislative session, which correctly incorporates our suggestion.

cc: Rick Prosis – LS/5
Tim Andryk – LS/5
Tom VanHaren – LE/5
RemedialLegislation.Dogs

Soon

1014/P1
LRB-0523/P1
RNK:kmj:jjf
Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS -
PWF
please

Regen

- 1 AN ACT *to amend* 174.01 (2) of the statutes; **relating to:** the authority of a
- 2 warden to kill certain dogs that injure wildlife (suggested as remedial
- 3 legislation by the Department of Natural Resources). ✓

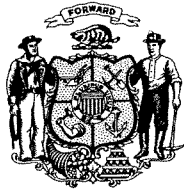
Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may intentionally kill a dog only if the person is threatened with serious bodily harm by the dog and if other restraining actions failed or immediate action is necessary. The prohibition does not apply to certain officials, including conservation wardens, in the performance of ~~certain of~~ their duties. Current law contains an incorrect statutory reference in referring to the applicability of the prohibition to conservation wardens. This bill corrects that statutory reference. ✓

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council. ✓

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Natural Resources and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.



(Soon)

State of Wisconsin
2005 - 2006 LEGISLATURE

RM run
LRB-1014/1
RNK:jld:rs

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Regen

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Under current law, with certain exceptions, a person may intentionally kill a dog only if the person is threatened with serious bodily harm by the dog and if other restraining actions failed or immediate action is necessary. The prohibition does not apply to certain officials, including conservation wardens, in the lawful performance of their duties. Current law contains an incorrect statutory reference in referring to the applicability of the prohibition to conservation wardens. This bill corrects that statutory reference.

For further information, see the [✓]NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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Northrop, Lori

From: Veum, Rachel
Sent: Tuesday, January 31, 2006 4:25 PM
To: LRB.Legal
Cc: Dyke, Don; Rose, Laura
Subject: LRB-1014/1

Hello,

Please jacket LRB-1014/1 for introduction in the Senate?? If you have any questions, please feel free to contact me, Laura Rose, or Don Dyke. Thank you!

Rachel A. Veum

Wisconsin Legislative Council Staff
One East Main Street, Suite 401
Madison, WI 53703
(608) 266-1947
rachel.veum@legis.state.wi.us