

1979 Assembly Bill 751

Date published: May 16, 1980

CHAPTER 289, Laws of 1979
(Vetoed in Part)

AN ACT to repeal 174.01, 174.10 (title) and (1) to (3b) and 174.13 (1) and (5); to renumber ~~29.05 (9)~~ 95.21 (1) and (2), 174.06 (2) (a) and (e) and 174.10 (4); to renumber and amend 174.06 (intro.), (2) (intro.) and (b) to (d), (3) and (4) and **Vetoed** 174.07 (2) and (4); to amend 20.115 (2) (h), 29.05 (7), 95.21 (title), and (3), as **in Part** renumbered, 174.05, 174.06 (title) and (1), 174.07 (1) and (3), 174.08, 174.09 (2) and 174.13 (2) and (3); to repeal and recreate 174.01; and to create 20.115 (2) (j), ~~29.05 (9)~~ 29.425, 29.427, 95.21 (1), (2) and (4) to (10), 174.001, 174.042, 174.046, 174.052, 174.053 (title) and (3) (title), 174.065, 174.07 (1) (e) and (f) and (2) (title), (a) and (c) and 174.15 (title) of the statutes, relating to establishing a rabies control program, limiting possession and sale of certain wild animals, revising liability for damage caused by dogs, revising dog license requirements and fees, making related changes, making an appropriation and creating and revising penalties.

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

SECTION 1. 20.115 (2) (h) of the statutes is amended to read:

20.115 (2) (h) *Sale of supplies.* All moneys received from the sale of publications and other informational material, and vaccines, identification tags, seals and tools for live-stock and poultry, to be used for the purchase and sale of ~~such~~ those materials and supplies, ~~including 35% of the moneys received for dog license fees under s. 174.09 for furnishing dog tags to counties.~~

SECTION 1m. 20.115 (2) (j) of the statutes is created to read:

20.115 (2) (j) *Dog licenses, rabies control and related services.* All moneys received by the state treasurer under s. 174.09 (1) to provide dog license tags and forms under s. 174.07 (2), to perform other program responsibilities under ch. 174, to administer the

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

SECTION 2. 29.05 (7) of the statutes is amended to read:

29.05 (7) (title) SEIZURE AND CONFISCATION OF APPARATUS, ETC; SALE OF PERISHABLE PROPERTY. (a) ~~They~~ The department and its wardens shall seize and hold subject to the order of the court for the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by this chapter to be a public nuisance, which they have probable cause to believe is being used in violation of this chapter, an administrative rule promulgated under this chapter or ss. s. 346.94 (6) and or (6m), 940.24, 941.20, 941.22 and or 947.047, and if. If it is proven that the same is, or has been within 6 months previous to the seizure, the apparatus, appliance, vehicle or device was used in violation of this chapter or ss. an administrative rule promulgated under this chapter or s. 346.94 (6) and or (6m), 940.24, 941.20, 941.22 and or 947.047, the same it shall be confiscated if the court so directs in its order for judgment.

(b) Any seizure of perishable property made seized by the department or its wardens may be sold at the highest available price, and the proceeds of the sale turned into court to await disposition of the proceeds as the court directs. ~~It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, if they deem it advisable and necessary. [It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, if they deem it advisable and necessary.]~~

Vetoed
in Part

~~SECTION 3. 29.05 (9) of the statutes is renumbered 29.05 (10).~~

~~SECTION 4. 29.05 (9) of the statutes is created to read:~~

~~29.05 (9) DESTRUCTION OF DOGS. The department or its wardens may kill any dog assaulting, injuring or causing injury to deer, game birds or the nest or eggs of game birds if the circumstances require immediate action and other restraining actions against the dog are not adequate or appropriate.~~

Vetoed
in Part

SECTION 5. 29.425 and 29.427 of the statutes are created to read:

29.425 Possession and sale of live game animals and fur-bearing animals. (1) DEFINITIONS. As used in this section:

(a) "Control temporarily" means to possess an animal for a limited period of time for one of the following purposes:

1. Removal or transportation of an animal from one location to a more appropriate location.
2. Restraint or transportation of an animal for treatment or medical care.
3. Restraint or transportation of an animal for game censuses, surveys or other purposes authorized by the department.

(b) "Possess" means to own, restrain, keep in captivity or transport an animal.

(2) POSSESSION. (a) *Restrictions.* No person may possess any live game animal or fur-bearing animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585 except to control an animal temporarily.

(b) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live game animal or fur-bearing animal.

(3) **SALE.** (a) *Restrictions.* No person may sell any live game animal or fur-bearing animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

(b) *Record.* A person who sells any live game animal or fur-bearing animal shall keep a record of each sale, the name and address of the purchaser, the type of authorization or license held by the purchaser and its number, if any, the date of sale and a description of the animal. The record shall be kept for 2 years after the sale and shall be open to inspection by the department.

(c) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit the sale of any live game animal or fur-bearing animal.

(4) **HUNTING AND TRAPPING.** A person who hunts or traps any game animal or fur-bearing animal shall kill the animal when it is taken and make it part of the daily bag or shall release the animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585.

(5) **PENALTY.** A person who violates this section shall forfeit not less than \$100 nor more than \$1,000.

29.427 Possession, sale, release and destruction of live skunks. (1) **DEFINITIONS.** As used in this section:

(a) "Control temporarily" means to possess a skunk for a limited period of time for one of the following purposes:

1. Removal or transportation of a skunk from one location to a more appropriate location.
2. Restraint or transportation of a skunk for game censuses, surveys or other purposes authorized by the department.

(b) "Domestic skunk" means a skunk raised on a fur animal farm licensed under s. 29.575.

(c) "Possess" has the meaning designated under s. 29.425 (1) (b).

(d) "Wild skunk" means any skunk except a domestic skunk.

(2) **POSSESSION.** (a) *Restrictions on possession of wild skunks.* No person may possess any live wild skunk unless authorized under s. 29.55 except to control the skunk temporarily.

(b) *Restrictions on possession of domestic skunks.* No person may possess any live domestic skunk unless authorized under s. 29.55 or 29.575 except to control the skunk temporarily.

(c) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live wild or domestic skunk.

(3) **SALE.** (a) *Restrictions on sale of wild skunks.* No person may sell any live wild skunk unless authorized under s. 29.55 and unless the person to whom the skunk is sold is also authorized under s. 29.55.

(b) *Restrictions on sale of domestic skunks.* No person may sell any live domestic skunk unless authorized under s. 29.55 or 29.575 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

(c) *Record.* A person who sells any live skunk shall keep a record of the sale as required under s. 29.425 (3) (b).

(d) *Return of domestic skunks.* A person who sells any live skunk shall inform the purchaser that the release of a skunk is illegal and that the seller will accept the return of the skunk.

(e) *Local prohibition.* The governing body of a county, city, village or town may, by ordinance, prohibit the sale of any live skunk.

(4) **DESCENDING.** No person may operate on a live wild skunk to remove its scent glands unless the person who possesses the skunk is authorized under s. 29.55. A veterinarian to whom a person brings a live wild skunk for removal of its scent glands or for other treatment shall notify that person that possession of a live skunk is illegal and shall notify the department.

(5) **RELEASE.** No person may release a domestic skunk into the environment.

(6) **DESTRUCTION.** A person may kill at any time a wild skunk which is a nuisance to activities authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585. A person who kills an adult wild skunk with young shall attempt to kill the young skunks.

(7) **PENALTY.** A person who violates this section shall forfeit not less than \$100 nor more than \$1,000.

SECTION 6. 95.21 (title) of the statutes is amended to read:

95.21 (title) Rabies control program.

SECTION 7. 95.21 (1) and (2) of the statutes are renumbered 95.21 (3) (a) and (b), and 95.21 (3), as renumbered, is amended to read:

95.21 (3) (title) **DISTRICT QUARANTINE.** (a) (title) *Dogs confined.* ~~Whenever any~~ If a district shall be is quarantined for rabies, all dogs within ~~said the~~ district shall be kept securely confined ~~or, tied or held in leash, leashed~~ or muzzled. Any dog not so confined ~~or, tied or, leashed or muzzled~~ is declared to be a public nuisance and may be impounded; ~~and the sheriff and his deputies and every constable, marshal, other police officer or a duly authorized humane society.~~ All officers shall actively ~~co-operate~~ cooperate in ~~rendering said the enforcement of the quarantine effective.~~ The clerk of every town, city or village wholly or partly within the quarantine ~~area~~ district shall promptly post in at least 3 public places in ~~his the~~ town, city or village, such notices of quarantine ~~as may be furnished him~~ by the department for posting.

(b) (title) *Exemption of vaccinated dog from district quarantine.* ~~Dogs~~ A dog which have been vaccinated is immunized currently against rabies shall be as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of sub. (1) for a period of one year following vaccination, provided the dog has been kept isolated for the 10 days immediately following vaccination par. (a) if a rabies vaccination tag or substitute tag is attached to the dog's collar.

SECTION 8. 95.21 (1), (2) and (4) to (10) of the statutes are created to read:

95.21 (1) **DEFINITIONS.** As used in this section:

(a) "Isolation facility" means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

(b) "Officer" means a peace officer, full-time health officer, humane officer, warden, an employe designated by the department or other person designated by the governing body of the county, city, village or town.

(c) "Owner" includes a person who owns, harbors, keeps or controls an animal.

(d) "Peace officer" has the meaning designated under s. 939.22 (22).

(e) "Veterinarian" has the meaning designated under s. 453.02 (2).

(f) "Warden" has the meaning designated under s. 24.01 (11).

(2) **RABIES VACCINATION REQUIRED FOR DOGS.** (a) *Requirement for vaccination.* The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the

dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(b) *Issuance of certificate of rabies vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health, education and welfare and the city, village or town where the dog is required to be licensed.

(c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated whichever occurs first.

(e) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian. The collecting official under s. 174.065 shall issue a rabies vaccination tag to a person who presents a current certificate of vaccination or other valid evidence of vaccination from a veterinarian in another state. The collecting official may not charge a fee for this tag.

(f) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times but this requirement does not apply to a show dog during competition, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under sub. (2) (a).

(g) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(h) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

(4) **QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES.** (a) *Quarantine or sacrifice of dog or cat.* An officer may order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) *Sacrifice of other animals.* An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies. If livestock is killed under this paragraph, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under this chapter for livestock destroyed because of unknown or unidentified diseases. If the decision is made

by an employe of the department, the indemnity shall be paid from the appropriation under s. 20.115 (2) (b). If the decision is made by another officer, the indemnity shall be paid from the dog license fund.

(5) **QUARANTINE OF DOG OR CAT.** (a) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(b) *Ten-day observation period.* The custodian of an isolation facility or the owner shall keep a dog or cat which is ordered to be quarantined in strict isolation under the supervision of a veterinarian for at least 10 days. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the 10th day and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of the 10-day observation period.

(c) *Extended observation period for a dog or cat exposed to a rabid animal.* If a dog or cat is suspected to have been in contact with a rabid animal, the observation period may be extended unless the owner agrees to have the animal killed. If the dog or cat is not currently immunized against rabies, the officer may order the owner to keep the animal in strict isolation for an additional 170 days and the owner shall have the animal vaccinated against rabies between 145 and 155 days after the beginning of the original observation period. If the dog or cat was immunized against rabies, the officer may order the owner to have the animal revaccinated as soon as possible and to keep the animal leashed or confined for an additional 60 days. If a veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies during the extended observation period, the animal may be released from quarantine at the end of that period.

(d) *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(6) **DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.

(7) **COOPERATION OF VETERINARIAN.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(8) **RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

(9) **LOCAL PROGRAMS.** This section does not prohibit or restrict a county, city, village or town from imposing a rabies control program with more restrictive provisions.

(10) **PENALTIES.** (a) *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required under sub. (2) (a) may be required to forfeit not less than \$50 nor more than \$100.

(b) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 60 days or both.

(c) *Other violation.* A person who violates any provision of this section not specified under pars. (a) and (b) may be required to forfeit up to \$50.

SECTION 8m. 174.001 of the statutes is created to read:

174.001 Definitions. As used in this chapter, unless the context indicates otherwise:

- (1) "Collar" means a band, strip or chain placed around the neck of a dog.
- (2) "Department" means the department of agriculture, trade and consumer protection.
- (3) "Livestock" means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.
- (4) "Officer" has the meaning designated under s. 95.21 (1) (b).
- (5) "Owner" includes any person who owns, harbors or keeps a dog.

SECTION 9. 174.01 of the statutes is repealed and recreated to read:

174.01 Restraining action against dogs. (1) **RESTRAINING ACTION.** Restraining action with respect to a dog includes:

- (a) *Notifying owner.* Notifying the dog's owner and requesting that the owner capture and restrain the dog;
- (b) *Notifying officer.* Notifying an officer and requesting that the officer capture and restrain the dog;
- (c) *Capturing the dog.* Capturing and restraining the dog; and
- (d) *Killing the dog.* Killing the dog if the circumstances require immediate action.

(2) **DOG ASSAULTING OR INJURING A PERSON.** A person may take restraining action with respect to a dog if the dog assaults, injures or causes injury to a person while the dog is off the property of its owner.

(3) **DOG ASSAULTING OR INJURING LIVESTOCK.** A person may take restraining action with respect to a dog if the dog assaults, injures or causes injury to livestock while the dog is off the property of its owner.

(4) **DOG SUSPECTED OF BEING INFECTED WITH RABIES.** A person who suspects that a dog is infected with rabies or has been exposed to rabies infection shall notify an officer who shall take appropriate action as required under s. 95.21 (4).

SECTION 9m. 174.042 and 174.046 of the statutes are created to read:

174.042 Dogs running at large and untagged dogs subject to impoundment; penalties.

(1) **DOG RUNNING AT LARGE.** A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(2) **UNTAGGED DOG.** A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(3) **DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT.** Any officer may and a humane officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(4) **PENALTIES.** If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

174.046 Impoundment. (1) **POUND.** A county board may provide a pound for strays or unwanted dogs in the county. A county board may designate a humane society or other organization to provide a pound for strays or unwanted dogs in the county. A county pound or a humane society or other organization designated to provide a pound may receive payment from the dog license fund for expenses incurred in the collecting, caring for and disposing of dogs and may receive surplus from the dog license fund as provided under s. 174.09 (2).

(2) **DELIVERY.** A person who captures and restrains a dog shall notify or deliver the dog to the county pound or humane society or other organization designated to provide a pound, or if there is none in the county, to any officer.

(3) **ATTEMPT TO NOTIFY OWNER.** (a) The pound, humane society, organization or officer who is notified or to whom a dog is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort.

(b) The officer or pound who is notified or to whom a dog is delivered shall check the lost and found column of the local daily newspapers having general circulation in the community to determine if a dog is advertised which answers the description of the dog.

(4) **RECORDS.** The officer or pound who is notified or to whom a dog is delivered shall keep a record of each dog, giving a description of the dog, the dates of its impoundment, if any, and the disposition of the dog. If the dog is kept by or released to a person the record shall include the name, address and date of delivery of the dog. This record is a public record.

(5) **IMPOUNDMENT FEE.** In counties having a population of 500,000 or more and in counties in which the county board requires an impoundment fee, the owner of an impounded dog shall pay an impoundment fee to the officer or pound to whom the dog was delivered. The minimum impoundment fee is \$1 but the county board may increase this fee by resolution. All impoundment fees shall be paid to the county treasurer and credited to the dog license fund.

(6) **BOARDING FEE.** The owner of an impounded dog shall pay the officer or pound to whom the dog was delivered a boarding fee for each day or fraction of a day that a dog is impounded. The officer or pound shall establish the boarding fee but this fee may not exceed the actual average daily cost for boarding and caring for the dog. Boarding fees may be retained to pay expenses incurred by the officer or pound.

(7) **RELEASE OF DOG TO OWNER OR REPRESENTATIVE.** The officer or pound to whom a dog is delivered may release the dog to its owner or a representative of the owner if:

(a) The owner or representative gives his or her name and address;

(b) The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.

(c) The owner or representative pays the boarding fees and any impoundment fee for the dog.

(8) **RELEASE OF DOG TO PERSON OTHER THAN OWNER.** The officer or pound to whom a dog is delivered may release the dog to a person other than the dog's owner if:

(a) The owner is unknown or does not claim the dog within 7 days after the dog is delivered to the officer or pound;

(b) The person to whom the dog is released gives his or her name and address;

(c) The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies unless evidence is presented that the dog is licensed and vaccinated; and

(d) The person to whom the dog is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the dog.

(9) **SACRIFICE OR USE FOR HUMANE PURPOSES IF DOG IS UNCLAIMED.** A dog which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog. The minimum impoundment period is for 7 days after the dog is delivered to the officer or pound. The officer or pound may extend the impoundment period if release of the dog to the owner or a person other than the owner appears likely. The officer or pound may dispose of an unclaimed dog by releasing it as provided under s. 174.13, or if the dog is not released as provided under s. 174.13, by disposing of the dog in a proper and humane manner.

SECTION 10. 174.05 of the statutes is amended to read:

174.05 Dog license tax. (1) (title) **REQUIREMENT** ~~Every~~ The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year ~~(the word "owner" when used in ch. 174 in relation to property in, or possession of, dogs includes every person who owns, harbors or keeps a dog), shall annually, or within 30 days from on or before the date such the dog becomes 5 months of age, at the time and in the manner provided by law for the payment of personal property taxes, pay his the dog license tax and obtain a license therefor.~~

(2) (title) **TAX.** ~~Such The minimum dog license tax shall not be less than \$1 is \$2 for each a neutered male dog, and or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$2 \$5 for each an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1 of the license year.~~

(3) (title) **ADDITIONAL TAX.** The governing body of any county may by a majority vote of the members present at any regular meeting raise ~~any or all such the~~ minimum dog license ~~taxes tax on dogs within its jurisdiction~~ and the governing body of any town, village or city may by resolution ~~increase the amount of such~~ raise the minimum dog license tax on dogs within its jurisdiction. ~~Such The additional tax shall~~ may not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to under s. 174.09 (2), and shall be levied and collected in the same manner as other dog license taxes.

(4) (title) **LICENSE YEAR.** The license year ~~shall commence~~ commences on January 1 and ~~end ends~~ on the following December 31.

(5) (title) **LATE FEES.** The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the town, village or city in which the license was issued. The governing body of any county, town, village or city may, when setting the amount of the tax, provide that all persons any person purchasing a dog licenses license for a dog 5 months of age or over after April 1 shall pay an increased additional late fee sufficient to cover the cost of collecting such delinquent taxes, but such increase shall not exceed \$2 per dog license.

SECTION 11. 174.052 of the statutes is created to read:

174.052 Publication of the dog license requirement and rabies vaccination requirement.

(1) JANUARY NOTICE. The county board of each county shall cause a class 1 notice under ch. 985 to be published between January 1 and January 15 of each year in a newspaper having general circulation in the county notifying the public that rabies vaccinations and dog licenses are required under the statutes.

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

SECTION 12. 174.053 (title) and (3) (title) of the statutes are created to read:

174.053 (title) Kennel licenses.

(3) (title) APPLICABILITY OF OTHER REQUIREMENTS.

SECTION 13. 174.06 (title) of the statutes is amended to read:

174.06 (title) Listing.

SECTION 14. 174.06 (intro.) of the statutes is renumbered 174.065 (3) and amended to read:

174.065 (3) (title) COLLECTION OF DELINQUENT DOG LICENSE TAXES. ~~Dog Delinquent dog~~ license taxes shall ~~may~~ be collected in the same manner as in s. 74.11 for the collecting of personal property taxes.

SECTION 15. 174.06 (1) of the statutes is amended to read:

174.06 (1) (title) RESPONSIBILITY TO LIST. Every town, village and city shall annually ascertain by diligent inquiry the dogs owned or kept within the assessment district or county.

(2) (title) LISTING OFFICIAL; GENERALLY. In a city or village the listing official is the municipal clerk. ~~In the case of a town, the town board shall designate a person to list the dogs in the town. Any municipal clerk or town board designee to be the listing official.~~

(3) (title) COMPENSATION. A listing official who is not a full-time, salaried municipal employe shall receive as compensation 15 cents for each dog listed, to be audited and allowed by the county board as other claims against the county and to be paid out of the dog license fund. ~~Any municipal clerk or town board designee~~ A listing official who is a full-time, salaried municipal employe shall receive ~~the 15 cents this compensation~~ from the county board but shall be required to pay ~~this sum~~ the compensation into the town, village or city treasury.

(4) (title) COOPERATION WITH LISTING OFFICIAL. Every person shall answer frankly and fully all questions asked by the ~~clerk or town board designee~~ listing official relative to the ownership or keeping of dogs within the district or county. ~~Such clerk or town board designee~~

(5) (title) RECORDS. The listing official shall enter in the records for personal property assessments, or in a separate record ~~for the town~~, all dogs in the district or county subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, breed and color of each ~~such~~ dog. ~~Such clerk or town board designee~~ The listing official shall make in triplicate a list of the owners of all dogs assessed.

SECTION 16. 174.06 (2) (intro.) of the statutes is renumbered 174.06 (6) and amended to read:

174.06 (6) (title) KENNEL RECORDS. ~~The clerk or town board designee~~ listing official shall make in triplicate a list of the names of persons owning and operating kennels and the number of dogs kept in each.

SECTION 17. 174.06 (2) (a) of the statutes is renumbered 174.001 (2m).

SECTION 18. 174.06 (2) (b) of the statutes is renumbered 174.053 (1) and amended to read:

174.053 (1) (title) KENNEL LICENSE OPTION. Any person who keeps or operates a kennel may in lieu, instead of the license tax for each dog required by this chapter, apply to the town, city or village treasurer collecting official for a kennel license for the keeping or operating of such the kennel. For such the kennel ~~he the person~~ shall pay a license tax of ~~\$20~~ \$25 for the license year. ~~With such kennel license~~ Upon payment of the required kennel license tax and, if required by the governing body of the county, city, village or town, upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the treasurer collecting official shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

SECTION 19. 174.06 (2) (c) of the statutes is renumbered 174.053 (2) and amended to read:

174.053 (2) (title) KENNEL LICENSE TAGS. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The ~~licensee owner or keeper~~ of a kennel shall keep at all times ~~keep one of such tags a kennel license tag~~ attached to the collar of each dog over 5 months old kept by ~~him the owner or keeper~~ under a kennel license. ~~Such~~ but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing any a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or show.

SECTION 20. 174.06 (2) (d) of the statutes is renumbered 174.07 (2) (d) and amended to read:

174.07 (2) (d) The department of ~~agriculture, trade and consumer protection~~ shall furnish county clerks with suitable kennel tags and blank licenses for distribution to the ~~several town, village and city treasurers collecting officials.~~

SECTION 21. 174.06 (2) (e) of the statutes is renumbered 174.053 (3).

SECTION 22. 174.06 (3) of the statutes is renumbered 174.06 (7) and amended to read:

174.06 (7) (title) LIST DELIVERY. The ~~town board designee or village or city clerk listing official~~ shall deliver one copy of the list under sub. ~~(1)~~ (5) or ~~(2)~~ (6) to the county clerk, one copy to the town, village or city treasurer collecting official, and retain one copy for his or her files.

SECTION 23. 174.06 (4) of the statutes is renumbered 174.06 (8) and amended to read:

174.06 (8) (title) ASSESSMENT OR TAX ROLL. Dog licenses need not be entered on any assessment or tax roll other than the lists prepared by the ~~clerk or town board designee listing official~~ under subs. ~~(1)~~ (5) and ~~(2)~~. ~~Such~~ (6). These lists may be deemed property assessment and tax rolls for all tax collection purposes.

SECTION 24. 174.065 of the statutes is created to read:

174.065 Collection. (1) COLLECTING OFFICIAL. The collecting official is the city, village or town treasurer or other tax collecting officer or a person deputized by the treasurer or tax collecting official.

SECTION 25. 174.07 (1) of the statutes is amended to read:

174.07 (1) (title) ISSUANCE OF LICENSES. (b) (title) Licenses. Upon payment of the required dog license tax ~~on any dog and, if required by the governing body of the county, city, village or town, upon presentation of evidence that the dog is currently immunized against rabies,~~ the collecting officer official shall ~~execute complete~~ and issue to the taxpayer owner a license for such ~~the dog which shall be bearing a serial number and in the form prescribed by the department of agriculture, trade and consumer protection and shall state stating~~ the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, spayed ~~and or~~ unspayed, ~~neutered or unneutered,~~ breed and color of the dog licensed, ~~and.~~

(c) (title) Copies. ~~The collecting official shall keep a duplicate copy of the license shall be kept on file. In counties having a population of 500,000 or more, the collecting officer official shall immediately send forthwith to the county clerk or whatever agency the county board may direct, a triplicate copy of the license. At the same time~~

(d) (title) Tag. ~~After issuing the license the officer collecting official shall deliver to the licensee owner a tag of durable material which shall bear bearing the same serial number as the license, the name of the county in which issued and the license year. The department shall contract for and have prepared and furnished annually to the county clerk of each county a sufficient number of such tags. The cost of making and furnishing such tags and the cost of printing all forms shall be paid by the several counties out of the dog license fund. The collecting officer shall assess and collect an additional fee of \$1 from every owner of a dog 5 months of age, where such owner has failed and neglected to obtain a license prior to March 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or where such owner has failed and neglected to obtain a license within 30 days after the dog has reached licensable age. All moneys so received or collected by any collecting officer shall be paid to the local treasurer as revenue of the town, village or city in which the license was issued.~~

SECTION 26. 174.07 (1) (e) and (f) of the statutes are created to read:

174.07 (1) (e) *Tags to be attached.* The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on the dog for which the license is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.

(f) *Duplicate tags.* A new tag with a new number shall be furnished to the owner by a collecting official in place of the original tag upon presentation of the license. The collecting official shall then endorse the new tag number on the license and shall keep a record in the file.

SECTION 27. 174.07 (2) of the statutes is renumbered 174.07 (2) (b) and amended to read:

174.07 (2) (b) The ~~several county clerks shall distribute said tags and license blanks to the several town, village and city treasurers or other tax collecting officials in proper amounts together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar with the tag attached shall at all times be kept on the dog for which the license is issued. A new tag with a new number shall be furnished to the licensee by the town, village or city treasurer or his deputy in place of the original tag upon presentation of the license and proof of the loss of the original tag. The treasurer or his deputy shall then endorse the new tag number on such license and shall keep a record thereof upon the register.~~

SECTION 28. 174.07 (2) (title), (a) and (c) of the statutes are created to read:

174.07 (2) (title) PROVISION AND DISTRIBUTION OF BLANKS AND TAGS. (a) The department shall contract for and have prepared and furnished annually to the county clerk of each county a sufficient number of tags. The cost of making and furnishing the tags and the cost of printing all forms shall be paid by the counties out of the dog license fund.

(c) The department shall provide and the clerk shall distribute triplicate or quadruplicate copy license blanks to any collecting official who makes such a request.

SECTION 29. 174.07 (3) of the statutes is amended to read:

174.07 (3) (title) FILING AND ACCOUNTING. (a) (title) *Copies*. ~~Every town, village or city treasurer or other tax~~ A collecting officer or person deputized official shall, at the time of issuing a license, make a complete duplicate upon the stub portion of the license blank before delivering the license. A copy of each license shall be kept in a file maintained by the collecting official. In counties having a population of 500,000 or more, the collecting official shall send immediately to the county clerk or whatever agency the county board may direct an additional copy of the license.

(b) (title) *Return of tags and licenses*. ~~The officer~~ collecting official shall annually, ~~at the time provided by law for returning to the county treasurer delinquent personal property taxes, by December 15~~ return to the county clerk all unused tags of the preceding license year, together with license books and all duplicate licenses of the preceding year. The county clerk shall carefully check the returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county clerk have been accounted for, and to enable the county clerk to do that the county clerk shall charge each ~~town, village or city treasurer or other tax~~ collecting officer official with all tags and blank licenses furnished or delivered and credit those returned. In case of discrepancy, the county clerk shall notify the department of ~~agriculture, trade and consumer protection~~.

(c) (title) *Reimbursement*. ~~The local treasurer shall~~ collecting official may retain 10 cents for each license issued as ~~reimbursement~~ compensation for the service, if not a full-time, salaried municipal employee. If the ~~local treasurer~~ collecting official is a full-time, salaried municipal employe ~~the 10 cents~~ this compensation shall be paid into the treasury of the town, village or city. The department of agriculture, trade and consumer protection shall provide triplicate copy licenses for each town, village or city treasurer or other tax collecting officer located in counties having a population of 500,000 or more.

SECTION 30. 174.07 (4) of the statutes is renumbered 174.07 (1) (a) and amended to read:

174.07 (1) (a) (title) *License required*. ~~In every city and village, a~~ A dog license shall be is necessary for the keeping of any dog over 5 months of age as of January 1 of each year and within 30 days from the date any dog becomes 5 months of age. The police shall cause to be disposed of as provided by law all unlicensed dogs which are required to be licensed.

SECTION 31. 174.08 of the statutes is amended to read:

174.08 *License fees paid to county treasurer*. ~~Every town, village or city treasurer or other tax~~ collecting officer official shall pay all dog license taxes ~~received by such officer, after deducting to the town, village or city treasurer or other tax collecting officer who shall deduct any additional tax which may have been levied by the municipal governing body, and pay the remainder~~ to the county treasurer at ~~such~~ the time as settlement is made with the county treasurer for collections of personal property taxes, and shall at the same time report in writing to the county clerk the licenses issued. ~~Such~~ The report shall be in the form prescribed by the department of ~~agriculture, trade and consumer protection, which, and the forms shall be furnished by the several county clerks.~~

SECTION 32. 174.09 (2) of the statutes is amended to read:

174.09 (2) Expenses necessarily incurred by the county in purchasing and providing books, forms and other supplies required in the administering of the dog license law and expenses incurred by the county under s. 95.21 (4) (b) and (8) shall be paid out of said the dog license fund. The amount remaining thereafter in said the fund after deducting these expenses shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals ~~on account~~ because of damages done by dogs during the license year for which the taxes were paid. Any surplus in excess of \$1,000 ~~or such greater sum as may be determined by the county board,~~ which may remain from the dog license taxes of any license year, shall on March 1 of the succeeding year ~~belong and be credited and~~ paid by the county treasurer to the towns, villages and cities of ~~his the~~ county for their use in the proportion in which said the towns, villages and cities ~~shall have contributed and paid to the fund out of which said the surplus arises.~~ In cities having police pension funds the money so credited shall belong to such funds. ~~In all other cases it shall be used as the governing body of the town, village or city shall determine.~~

SECTION 33. 174.10 (title) and (1) to (3b) of the statutes are repealed.

SECTION 34. 174.10 (4) of the statutes is renumbered 174.15.

SECTION 34m. 174.13 (1) of the statutes is repealed.

SECTION 35. 174.13 (2) and (3) of the statutes are amended to read:

174.13 (2) ~~Notwithstanding any provisions of this chapter to the contrary, any humane officer, constable, village marshal, city police officer, or person or organization who by virtue of deputized authority or contract with a municipality~~ Any officer or pound which has custody of an unclaimed or unredeemed live dog, as defined in section 174.10, shall dispose of may release the same dog to the university of Wisconsin system, the medical college of Wisconsin, inc., or to any other educational institution of higher learning chartered under the laws of the state and accredited to the university of Wisconsin system, upon requisition thereof by such the institution. Such The requisition shall be in writing, shall bear the signature of an authorized agent, and shall state that ~~such the dog or dogs are~~ is requisitioned for scientific or educational purposes. If a requisition is made for a greater number of dogs than is available at a given time, the ~~proper person shall officer or pound may~~ supply those immediately available and shall may withhold from other disposition all unclaimed ~~and unredeemed~~ dogs coming into ~~his the officer's or pound's~~ custody until the requisition ~~has been~~ is fully discharged, excluding ~~therefrom~~ impounded dogs as to which ownership is established within a reasonable period. A dog left by its owner for disposition is ~~not to be regarded as considered~~ an unclaimed or unredeemed dog under this chapter section. If operated by a ~~municipality~~ county, city, village or town, the ~~officer or pound shall be~~ is entitled to the payment of \$1 for each dog ~~so~~ requisitioned. An institution making ~~such a~~ requisition shall provide for the transportation of the dog ~~or dogs secured by virtue thereof.~~

(3) ~~Every person or organization having~~ An officer or pound which has custody of unclaimed or unredeemed dogs shall maintain a record of all such impounded dogs, together with an identifying description of each such animal, the date impounded and the date disposed of in any manner. Such record shall be a public record records as provided under s. 174.046. The department of health and social services shall have authority to inspect all records required by this section at the place in which they are usually kept, to make such investigation or inquiries as may be necessary to assure the carrying out of the purpose of this section, and may make any rules necessary to such end.

SECTION 35m. 174.13 (5) of the statutes is repealed.

SECTION 36. 174.15 (title) of the statutes is created to read:

174.15 (title) Penalty.

SECTION 37. Rabies control media campaign. (1) The department of agriculture, trade and consumer protection, the department of health and social services, the department of natural resources and the university of Wisconsin system-extension shall cooperate in conducting a rabies control media campaign for one year following the publication of this act.

(2) This media campaign shall:

- (a) Publicize the dangers of rabies infection;
- (b) Publicize the symptoms and warning signs of rabies infection and how to avoid these dangers;
- (c) Publicize the requirements of this act;
- (d) Publicize the need for counties and municipalities to establish rabies vaccination clinics;
- (e) Publicize the current pet overpopulation problem and resultant need for people to spay and neuter their pets; and
- (f) Publicize the problems caused by irresponsible pet ownership, including, but not limited to, dog-at-large and dog pack problems and disease transference problems.

(3) The department of agriculture, trade and consumer protection, the department of health and social services, the department of natural resources and the university of Wisconsin system-extension shall attempt to minimize costs under this media campaign by utilizing public service announcements, announcements prepared by the national disease prevention center and other free materials and media services.

SECTION 38. Transition provision; rabies vaccination. The owner of a dog 5 months of age or older which was not vaccinated against rabies in the previous 3 years shall have the dog vaccinated against rabies by a veterinarian on or before March 1, 1980, within 30 days after the dog reaches 5 months of age, or within 30 days after the dog is obtained or brought into this state, whichever is later.

SECTION 39. Program citations. (1) In the list of program responsibilities specified for the department of agriculture, trade and consumer protection under section 15.131 (intro.) of the statutes, references to sections "174.07", "174.08" and "174.11" are deleted; and reference to "ch. 174" is inserted.

(2) In the list of program responsibilities for the laboratory of hygiene under section 15.911 (2) of the statutes, reference to section "95.21 (6)" is inserted.

SECTION 40. Cross reference changes. In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
59.07 (69)	174.01 and 174.10	174.01 and 174.042
174.06 (3)	subs. (1) and (2)	sub. (1) and s. 174.065 (2)
174.06 (4)	subs. (1) and (2)	sub. (1) and s. 174.065 (2)
174.13 (5)	174.10	174.046

SECTION 41. Effective dates. (1) Except as provided under subsection (2), this act takes effect on January 1, 1981.

(2) The treatment or creation of section 95.21 (title), (1), (2) (b) to (g), (4) to (8) and (10) (b) of the statutes by this act and SECTIONS 37 and 38 of this act take effect on the day following publication.