

**Vetoed
In Part**

167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by a nonresident person in any city, town, or village if the nonresident person intends to use the fireworks outside of this state and is transporting the fireworks to a location outside of this state.

SECTION 2881am. 167.10 (3) (bm) of the statutes is amended to read:

167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or village, the person remains in that city, town, or village for a period of at least 12 hours.

SECTION 2881an. 167.10 (4) of the statutes is amended to read:

167.10 (4) ~~OUT-OF-STATE AND IN-STATE SHIPPING. SHIPPING AND TRANSPORTING.~~ This section does not prohibit a resident wholesaler or jobber from selling fireworks to a nonresident person outside of this state or to a person or group granted a permit under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the fireworks sold under this subsection shall package and ship the fireworks in accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2), and (11), common motor carrier, contract motor carrier, or private motor carrier.

SECTION 2881ap. 167.10 (8) (b) of the statutes is amended to read:

167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person who violates ~~this section, an ordinance adopted under sub. (5) sub. (6m) (a), (b), or (c); a rule promulgated under sub. (6m) (e); or a court order under par. (a) may be seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only the fireworks that are the subject of a violation of this section, an ordinance adopted under sub. (5), or a court order under par. (a) may be destroyed after conviction for a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.~~

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

173.40 Pet dealers, pet breeders, kennels, and animal shelters. (1) **DEFINITIONS.** In this section:

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

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

(c) "Animal shelter" means any of the following:

1. A facility that is used to impound or harbor at least 25 seized, stray, abandoned, or unwanted dogs, cats, or other animals in a year and that is operated by this state,

a political subdivision, or a veterinarian licensed under ch. 453.

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

(d) "Humane care" includes the provision of adequate heating, cooling, ventilation, sanitation, shelter, and medical care consistent with the normal requirements of an animal's size, species, and breed, adequate food, and adequate water.

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

1. An animal shelter.

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

(em) "Livestock" means cattle, horses, swine, sheep, goats, deer, llamas, and related species, including game species.

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

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

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

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

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

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

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

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

(3) **LICENSE FEES.** The department shall promulgate rules specifying fees that must be paid by applicants for

licenses under sub. (2). A fee paid under this subsection is not refundable if the department denies the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

174.05 (2) **TAX.** The minimum dog license tax is \$3 \$4.50 for a neutered male dog or spayed female dog, upon

presentation of evidence that the dog is neutered or spayed, and \$8 \$10.00 for 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.

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

174.053 Kennel Multiple dog licenses. (1) ~~KENNEL MULTIPLE DOG LICENSE OPTION.~~ Any person who keeps or operates a kennel more than one dog may, instead of the license tax for each dog required by this chapter, apply to the collecting official for a kennel multiple dog license for the keeping or operating of the kennel of the dogs. Such person shall pay for the license year a license tax of ~~\$35~~ \$45.50 for a kennel of 12 or fewer dogs and an additional ~~\$3~~ \$4.50 for each dog in excess of 12. Upon payment of the required kennel multiple dog license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the kennel multiple dog license and a number of tags equal to the number of dogs authorized to be kept in the kennel by the person.

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(2) ~~KENNEL MULTIPLE DOG LICENSE TAGS.~~ Kennel Multiple dog 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 owner or keeper of a kennel dogs for which a multiple dog license has been issued shall keep at all times a kennel multiple dog license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, 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.~~ An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. 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 dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a kennel multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel owner's or keeper's premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

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

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

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

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

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

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

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

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

174.07 (1) (c) Copies. The collecting official shall keep a duplicate copy of the license on file. In counties having a population of 500,000 or more, the collecting official shall immediately send to the county clerk or whatever agency the county board may direct, a triplicate copy of the license. A collecting official who is not the official to whom license taxes are paid under s. 174.08 shall provide a copy of each license issued to the official to whom license taxes are paid under s. 174.08.

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

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

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

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

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

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

SECTION 2882m. 175.50 of the statutes is created to read:

175.50 Use of passive alcohol sensors. (1) In this section:

(a) "Law enforcement officer" means a Wisconsin law enforcement officer, as defined in s. 175.46 (1) (g).

(b) "Passive alcohol sensor" means a device that is used to determine the presence of alcohol in the air but that does not require a person to breathe directly into it through a mouthpiece, tube, or similar device.

(2) A law enforcement officer may not use a passive alcohol sensor for the purpose of detecting the presence of alcohol in a person's breath unless the person consents to its use.

SECTION 2883. 177.06 (3) (b) of the statutes is amended to read:

177.06 (3) (b) Assess a service charge after December 31 of the ~~2nd~~ calendar year covered in the report filed under s. 177.17 concerning that property.

SECTION 2884. 177.06 (4) of the statutes is amended to read:

177.06 (4) Any property described in sub. (1) that is automatically renewable is matured for purposes of sub. (1) upon the expiration of its initial time period, or after one year if the initial period is less than one year, except that in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given or one year from the date of the last consent, whichever is longer. If, at the time provided for delivery in s. ~~177.19~~ 177.17 (4) (a), a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

SECTION 2885. 177.10 (1) (intro.) of the statutes is amended to read:

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