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SFA



BILL ANALYSIS

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House Bill 5843 (as reported without amendment)
Sponsor: Representative James McNutt
House Committee: Agriculture
Senate Committee: Farming, Agribusiness and Food Systems

Date Completed: 11-5-98

RATIONALE

The Dog Law requires that by every March 1 the owner of a dog at least six months of age apply for a dog license to the county, township, or city treasurer where the owner resides. As part of a pilot project, the Midland County Treasurer has issued for the past two years an optional three-year license that expires when a dog's rabies license expires. Some people believe that statutory authority to sell three-year licenses should be extended to all counties, and that other licensing provisions in the 80-year-old law should be updated.

CONTENT

The bill would amend the Dog Law to make the following changes in the Law's licensing provisions:

- **Require a dog owner to apply for a license annually by March 1, unless a county board of commissioners adopted a resolution establishing a licensing schedule under which a dog could be licensed yearly or every third year.**
- **Lower from six months to four months the age of a dog that must be licensed.**
- **Require a certificate for rabies vaccination, as part of a license application, to state the month and year the vaccination would expire.**
- **Prohibit a license from being issued under a county's new licensing schedule if a dog's rabies vaccination would expire one month before the license expired.**
- **Delete current license fee provisions and permit a county board of commissioners, instead, to set license fees in the county budget at a level sufficient to pay county expenses for administering the Law as it**

pertains to dogs.

Dog Licenses

Currently, by March 1 of each year the owner of any dog at least six months old must apply in writing to the treasurer of the county, township, or city where the owner resides for a license for each dog owned or kept by the owner. The bill would require the licensure of a dog at least four months old.

Currently, a county board of supervisors by resolution may extend the time to apply for a license until June 1 of any year. Under the bill, unless a county board of commissioners adopted a resolution on licensing (described below), an owner would have to apply for a license annually by March 1.

Under the bill, a township treasurer, city treasurer, or city clerk could enter into an agreement with the county treasurer for the county treasurer to perform the duties under the Law of the township treasurer, city treasurer, or city clerk.

County Resolution

During the 60-day period before the beginning of the county's fiscal year, a county board of commissioners could adopt a resolution providing when the owner of a dog that was required to be licensed would have to apply for a license. Before adopting the resolution, the county board would have to obtain the county treasurer's written approval of the resolution.

The resolution would have to require that the owner apply for a license by one of the following dates: March 1 every year or every third year, at the

owner's option; the last day of the month of the dog's current rabies vaccination, every year; or, the last day of the month of the dog's current rabies vaccination or of the anniversary of the dog's current rabies vaccination, every third year. Alternatively, the resolution could require that the owner apply for a license by one of the following, at the owner's option: the last day of the month of the dog's current rabies vaccination every year; or the last day of the month of the dog's current rabies vaccination or of the anniversary of the dog's current rabies vaccination, every third year.

A resolution would have to include necessary provisions for conversion to a new licensing schedule. The resolution could extend the effective period of outstanding licenses but could not shorten the effective period of outstanding licenses or prorate license fees.

Vaccination Certificate

Currently, a license application must be accompanied by a valid certificate of a dog's vaccination for rabies. Under the bill, the certificate also would have to state the month and year of the expiration of the rabies vaccination, in the veterinarian's opinion. If the dog's current rabies vaccination would expire more than one month before the date on which the license would expire, the license could not be issued under the bill's provisions that a county resolution could permit a dog owner to apply yearly or every third year for a license by the last day of the month of the dog's current rabies vaccination. The owner of a dog that was required to be licensed would have to keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the U.S. Department of Agriculture.

License Fees

The bill would delete current provisions that establish license fees of \$1 for male and unsexed dogs, and \$2 for female dogs, licensed before March 1, and twice those amounts for dogs licensed on or after March 1; and that permit a county board of supervisors to increase or reduce license fees as needed to bring in sufficient funds to pay the necessary fees and damages caused by dogs.

The bill would require, instead, that an owner when applying for a license, pay the license fee provided for in the county budget. A county board of commissioners could set license fees in the county budget at a level sufficient to pay all the county's

expenses of administering the Law as it pertains to dogs.

For a spayed or neutered dog, the license fee, if any, would have to be set lower than the license fee for a dog that was not spayed or neutered. In addition, the license fee could be set higher for a delinquent application than for a timely application.

Unlicensed and Young Dogs

The bill would delete current provisions on unlicensed four-month-old dogs and reduced license fees for applications made after July 10. Under the bill, in a county where an owner would have to apply for a license annually by March 1 or where a county board of commissioners adopted a resolution permitting an owner to apply for a license by March 1 every year or every third year, at the owner's option, the following would apply:

- A person who became the owner of a dog that was at least four months old and was not already licensed, would have to apply for a license within 30 days. A person who owned a dog that would become four months old and that was not already licensed would have to apply for a license within 30 days after the dog became four months old.
- If a person applied for a license under these provisions after July 10, the license fee would have to be one-half the fee provided for in the bill.

Licenses

Under the Act, each license issued must be dated and bear a serial number corresponding to the number on the metal tag furnished to the owner as well as bear the name of the county issuing the tag and license and provide a full description of the dog. The bill would revise these provisions by requiring a license to display an expiration date, which would have to be either one year or three years after the date by which the license had to be obtained under a county resolution. The bill also would require, instead of permit, county or township treasurers to issue dog licenses in a manner prescribed by the county treasurer.

A county treasurer currently is required to keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his or her county. The record must contain the name and address of the person to whom each license is issued. Under the bill, the record also

would have to contain the expiration date of each license.

Legislative Analyst: L. Arasim

In addition, a county treasurer is required to locate all unlicensed dogs and compile a list of these dogs, which must be delivered to the county sheriff and prosecuting attorney. Under the bill, the list would have to be delivered only to the prosecuting attorney.

MCL 287.266 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A number of changes are needed in the licensing provisions of the Dog Law in order to meet the needs of today's consumer and to improve public safety by ensuring that licensed dogs possess current rabies vaccinations. Dog licenses currently can be sold for dogs whose rabies vaccination expires before the license expires. The bill would promote public safety by ensuring that a properly licensed dog had a current rabies vaccination for the life of the license. Currently, township and city treasurers are required to sell dog licenses. Under the bill, township and city treasurers would have the option to enter into an agreement with county treasurers to allow all license sales by a county treasurer, or his or her authorized agent, such as a veterinarian. The bill would provide statutory authority for what reportedly is a common practice in some counties where a city or township treasurer or a city clerk does not sell licenses, but delegates this responsibility to the county treasurer. The county treasurer, then, authorizes the sale of licenses at local veterinarian offices so a dog owner can purchase a license when the dog is vaccinated. In addition, the bill would permit a county board of commissioners to adopt a resolution establishing a licensing schedule under which a dog could be licensed yearly or every third year. By permitting a three-year dog license, the bill would offer counties an alternative in licensing dogs while retaining as an option the current one-year license. In general, the bill would promote convenience in the purchase of a license, increase authority to ensure that a dog was properly vaccinated against rabies during the life of the license, and permit one- and three-year licensing options that would allow a county to sell licenses based on local consumer needs and availability of county staff.

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The bill could generate an indeterminate increase in revenues for local units of government, depending on the amount of fees set to cover administration of the Law. It also could reduce administrative costs by allowing for a three-year versus a one-year dog license.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.