

Chapter ATCP 17

LIVESTOCK PREMISES REGISTRATION

ATCP 17.01 Definitions.
 ATCP 17.02 Livestock premises; registration required.
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ATCP 17.04 Contract agent.
 ATCP 17.05 Receiving livestock from unregistered locations.

Note: This chapter is adopted under authority of ss. 93.07 (1), 93.07 (10), 95.51 (3m) and (7), 95.55 (6), 95.68 (8), 95.69 (8), 95.71 (8), 95.72 (5), 97.22 (8), and 97.42 (4), Stats. This rule interprets ss. 93.07 (10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22, and 97.42, Stats. A person who violates this chapter is subject to applicable penalties and remedies provided in ss. 93.06 (7) and (8), 95.99, 97.72, and 97.73, Stats. According to s. 95.36 (10), Stats., a violator may also be disqualified from receiving livestock indemnities for which that person might otherwise be eligible under ch. 95, Stats., if the department condemns livestock for disease control purposes.

ATCP 17.01 Definitions. In this chapter:**(1) "Address"** means one of the following:

- (a) A street address.
- (b) Township, range, and section numbers, if the location has no street address.
- (c) Geographic coordinates, if the location has no street address and no township, range, and section numbers.

(8) "Bovine animal" means beef cattle, dairy cattle, or American bison of any age or sex.

(9) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, that are raised in captivity. "Captive game birds" does not include poultry or ratites, but does include birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20, or 169.21, Stats.

(10) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. "Cervid" includes all farm-raised deer.

(11) "Clinic" means a place where livestock are kept primarily for purposes of health care or rehabilitation.

(12) "Confidential information" means information that the department is required, under s. 95.51, Stats., and this chapter, to keep confidential.

(13) "Contiguous" means adjacent, or separated only by a transportation corridor, stream, or like feature.

(14) "Contract agent" means a person who acts on behalf of the department, pursuant to a written contract with the department.

Note: The department may contract with an agent to process registrations under this chapter, and to manage registration information on behalf of the department. The contract agent must comply with this chapter and the agent's contract with the department. The contract must include provisions specified in this chapter, including provisions related to confidentiality of information collected under this chapter. See ss. ATCP 17.03 and 17.04.

(17) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

Note: The department's contract agent may act on behalf of the department, to the extent authorized under this chapter and the agent contract. See s. ATCP 17.04.

(18) "Farm-raised deer" has the meaning given in s. 95.001 (1) (ag), Stats., but does not include a cervid kept by an institution accredited by the association of zoos and aquariums.

(20) "Fish farm" means a facility, at which a person hatches fish eggs or keeps live fish, which is required to be registered under s. ATCP 10.61.

(21) "Individual" means a human being.

(22) "Keep livestock" means to own, feed, house, confine, or care for livestock, or to exercise legal or physical control over livestock. "Keep livestock" does not include the quarantine or

confinement of livestock by the department or by the United States department of agriculture.

Note: At any given time, several persons may be "keeping" the same livestock. For example, livestock owned by *Person A* might be fed and cared for by *Person B* on property owned and maintained by *Person C*.

(23) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, captive game birds, South American camelids, ratites, and fish from a fish farm.

(24) "Livestock exhibition" means a state, county, or district fair, or an event at which livestock from different premises are exhibited to the public at a common location.

(25) "Location" means a parcel of real estate in this state, or a group of 2 or more contiguous parcels of real estate in this state, on which livestock are kept.

(27) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity.

(28) "Poultry" means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl, squab, ratites, and captive game birds.

(29) "Premises" means a location that a person registers under a single premises code.

(30) "Premises code" means a code issued under s. ATCP 17.02 (7).

(32) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rheas.

(33) "Register" means to apply for and obtain from the department a premises registration certificate under s. ATCP 17.02.

(36) "Slaughter establishment" means a facility to slaughter animals that is licensed and inspected by the department or USDA.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (19) and (20) Register September 2006 No. 609, eff. 10-1-06; CR 06-028: am. (1) (c) Register November 2006 No. 611, eff. 12-1-06; CR 07-107: am. (8) and (28) Register November 2008 No. 635, eff. 12-1-08; CR 13-063: am. (9), r. (19) Register April 2014 No. 700, eff. 5-1-14; correction in (16) made under s. 13.92 (4) (b) 7., Stats., Register September 2018 No. 753; CR 18-018: r. (2) to (7), am. (10), r. (15), (16), r. and recr. (18), am. (20), (23), (24), r. (26), am. (29), r. (31), am. (33), r. (34), (35), am. (36), Register July 2019 No. 763, eff. 8-1-19.

ATCP 17.02 Livestock premises; registration required. (1) **GENERAL.** (a) Except as provided in par. (b), a person may not keep livestock at a location in this state unless that location is registered under this section. There is no fee to register. A registration expires every third July 31 after July 31, 2013.

Note: Once a person completes an initial registration, subsequent registrations will be relatively simple. The department will send the registrant a renewal application form (or directions on how to renew) prior to the renewal deadline. The renewal transaction may be conducted by phone, mail, online, or by e-mail if an e-mail address has been provided. There is no fee for an initial or renewal registration.

(b) An individual may keep livestock at a location in this state without registering the location under par. (a), provided all of the following apply:

1. The individual files with the department an affidavit swearing or affirming that the individual is a member of, and follows, an established religion whose tenets and teachings include a sincerely held religious belief opposing registration of a livestock premises as required by s. 95.51 (2), Stats.

2. The individual provides the name and requested contact information of a religious leader who can verify that the religion's tenets and teachings oppose registering a livestock premises.

3. The individual files the information required under par. (c).

4. If additional livestock types are obtained, the individual agrees to contact the department within 7 days to state what livestock are being kept.

(c) In addition to the requirements under par. (b), an individual shall file with the department, on a form provided by the department, all the following information:

1. The individual's complete name and spouse's complete name, if married.

2. The individual's mailing address.

3. The address where livestock are kept, if different than the mailing address.

4. The individual's county of residence and the county of the livestock premises.

5. The individual's telephone number, or if the individual does not own a telephone, the telephone number of a contact who can reach the individual in an emergency, if available.

6. The type of livestock operation.

7. The type of livestock or livestock carcasses kept on the premises.

Note: A person may obtain a form from the department using the information below:

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

(2) WHO MUST REGISTER. (a) If 2 or more persons are involved in keeping livestock at the same location, one of those persons shall register that location. A person is not required to register a location that is currently registered by another person. A premises registration by one person does not prevent other persons from keeping livestock on the registered premises.

Note: For example, if *Person A* feeds and cares for livestock owned by *Person B*, on premises owned by *Person C*, any one of those persons may register the premises (the others need not). Likewise, if *Person X* pastures livestock on land that *Person Y* owns and also uses to pasture livestock, either person may register that pasture (the other need not).

(b) A person may not register a premises that is currently registered by another person. The department may transfer a current registration from the current registrant to another person if the department finds that the other person is licensed to operate the premises under other applicable law, is more directly engaged in operating the premises, or can provide more definitive knowledge of livestock movements to and from the premises. The department shall notify the current registrant and give the current registrant a chance to comment before transferring a registration to another person.

(c) A person who keeps livestock at multiple locations shall register each of those locations as a separate premises so each location has its own premises code.

(3) HOW TO REGISTER. A person shall register in one of the following ways:

(a) By applying on-line at <https://www.datcp.wi.gov/>.

(b) By filing an application with the department on a form provided by the department.

(c) By calling either the department or the department's contract agent.

Note: A person may obtain an application form from the department using the information below and may submit the completed form to the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

(4) INFORMATION REQUIRED. A registration application under sub. (3) shall include all of the following information:

(a) The registrant's legal name, and any trade names under which the registrant keeps livestock in this state.

(b) The registrant's mailing address.

(bm) The registrant's county.

(c) The registrant's telephone number.

(d) The address of the primary premises location, including county.

Note: See s. ATCP 17.01 (1). A street address is preferred.

(f) The name and telephone number of at least one individual who has knowledge of livestock and livestock carcass movements to and from the premises.

(g) The types of livestock operations conducted on the premises. The registrant shall designate one or more of the following:

1. Farm or production unit.

2. Market or livestock collection point.

3. Slaughter establishment.

4. Rendering or carcass collection point.

5. Clinic.

6. Livestock exhibition.

7. Quarantine facility.

8. Other. The registrant shall specify the type or types of operations.

(h) The types of livestock or livestock carcasses kept on the premises. The registrant shall designate one or more of the following:

1. Bovine animals. The registrant shall indicate whether the bovine animals are beef cattle, dairy cattle, or bison.

2. Swine.

3. Sheep.

4. Goats.

5. Horses or other equine animals.

6. Farm-raised deer.

7. Poultry.

8. Llamas, alpacas, or other camelids.

9. Fish from a fish farm.

10. Other. The registrant shall specify the type or types of livestock.

(5) DEPARTMENT ACTION ON REGISTRATION APPLICATION. (a) The department shall grant or deny a registration application under sub. (3) within 30 days after the department receives a complete registration application.

Note: The department will normally grant or deny an on-line application at the time of the on-line application. If the department grants an on-line application, the department will issue a printable electronic registration certificate to the applicant.

(b) The department may deny a registration application if the application is incorrect or incomplete, or if the location identified in the application is currently registered. The department shall state the reason for the denial.

(c) If the department denies an application because the location identified in the application is already registered, the department shall disclose to the applicant the premises code assigned to that registered location. The denial does not prevent the applicant from keeping livestock at the registered location or from registering other locations.

(6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a registration application under sub. (3), the department shall issue a registration certificate to the registrant. The registration certificate shall bear an expiration date that complies with sub. (1). The department shall issue the registration certificate in hard-copy or printable electronic form.

Note: A person who registers on-line will normally receive a printable electronic registration certificate at the time of the on-line registration.

(b) A registration certificate under par. (a) shall include a premises code assigned under sub. (7).

(c) A registration certificate covers the location identified in the approved registration application.

(7) **PREMISES CODE.** Whenever the department grants a registration application under sub. (3), the department shall assign a unique code to the location identified in that application. The premises code shall be generated by the United States Department of Agriculture. A premises code may not be transferred to another location.

Note: A premises code, once assigned to a location, normally continues with that location even if the registrant changes. If the premises location is subdivided among new registrants, the premises code assigned to that location will be retired, and a new premises code will be assigned to each new location created by the subdivision.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3. and 8. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1), (2) (b), (4) (d), (5) (d) and (6) (a), r. and recr. (2) (c), (4) (h) 1. and 8. to 10, cr. (4) (bm), r. (4) (h) 11. and 12. Register November 2008 No. 635, eff. 12-1-08; CR 12-024: renum. (1) to (1) (a) and am., cr. (1) (b), (c) Register May 2013 No. 689, eff. 6-1-13; CR 18-018: r. and recr. (2) (c), am. (3) (intro.), (a), (b), cr. (3) (c), r. (4) (e), am. (4) (f), (h) 9., (5) (a), (b), (c), r. (5) (d), am. (6) (a), (c), r. (6) (d), am. (7), Register July 2019 No. 763, eff. 8-1-19.

ATCP 17.03 Confidential information. (1) GENERAL. Except as provided in subs. (2) to (4), premises registration information received by the department or its contract agent under s. ATCP 17.02 is confidential and may not be disclosed to any other person or agency.

Note: A premises code is not confidential because it is not received from the registrant but is issued by the department. A premises code, by itself, does not reveal any information received from a registrant.

(2) **INFORMATION REQUIRED BY OTHER LAWS.** Subsection (1) does not apply to information that a person is required to provide to the department under other law. This subsection does not authorize disclosure of information that is protected from disclosure under other law.

Note: For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law, s. 95.51, Stats., remains open to public inspection. But premises registration information required for the first time under s. 95.51, Stats., or this chapter must be kept confidential.

(3) **AUTHORIZED DISCLOSURE.** The department may disclose, to any of the following, information that a registrant provides under s. ATCP 17.02:

(a) A person to whom the registrant authorizes disclosure.

(b) The animal and plant health inspection service of the United States department of agriculture, if the animal and plant health inspection service agrees not to disclose the information except in situations in which the department is authorized to disclose the information.

(c) The department's contract agent, subject to this section and s. ATCP 17.04.

(d) To another person or agency, or to the public, if the department believes that the release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to protect public health, safety, or welfare. The department may disclose information under this paragraph subject to any confidentiality requirements that the department considers necessary under the circumstances.

(4) **AGGREGATE INFORMATION.** (a) The department may create aggregate information, such as maps and statistics, from registration information obtained under s. ATCP 17.02. Except as provided in par. (b), the department may disclose that aggregate information to another person or agency, or to the public.

(b) The department may not disclose aggregate information under par. (a) that does any of the following, unless that information qualifies for disclosure under sub. (2) or (3):

1. Discloses the street address, section number, geographic coordinates of any premises, or the identity of any registrant.

2. Makes it possible to deduce with certainty the street address, section number, or geographic coordinates of any premises, or the identity of any registrant.

Note: For example, the department may not disclose a detailed map that permits readers to deduce with certainty the street address, section number, or geographic coordinates of any premises, or the identities of registrants whose premises are portrayed by points on the map. However, the department may disclose less detailed maps.

(5) **DISCLOSURE BY CONTRACT AGENT.** The department may authorize its contract agent to disclose, on behalf of the department, information that the department is authorized to disclose under this section, except that the department may not authorize its contract agent to release aggregate information.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-028: am. (4) (b) Register November 2006 No. 611, eff. 12-1-06.

ATCP 17.04 Contract agent. (1) GENERAL. The department may contract with an agent to process registrations, manage registration information, and perform other functions on behalf of the department under this chapter. The contract agent shall comply with this chapter and the contract.

(2) **CONTRACT.** A contract under sub. (1) shall specify applicable terms and conditions, including all of the following:

(a) The services that the contract agent will perform for the department, and the price for which the contract agent will perform those services.

(b) The scope of authority that the department delegates to the contract agent for the purpose of performing the services under par. (a), and relevant limits on that authority.

(c) The registration process and forms approved under sub. (3), if the contract agent will process registrations on behalf of the department.

(d) Terms related to information disclosure and confidentiality, including the terms specified in sub. (4).

(e) Terms related to information management, including the terms specified in sub. (5).

(f) Terms related to contract agent actions that may affect or impair the administration of this chapter, including the terms specified in subs. (6) to (8).

(g) Provisions related to contract termination, including the terms specified in sub. (9).

(h) Standard contract terms required by the state of Wisconsin.

(3) **APPROVED REGISTRATION PROCESS.** A contract agent that processes livestock premises registrations on behalf of the department shall use a process and forms approved by the department. The hard-copy or on-line registration process shall be conducted under the name of the department, not the contract agent. The contract agent may not supplement or modify the registration process or forms, or charge any registration fee, without the department's written approval. The contract agent may not make solicitations or promotional communications to registrants in connection with the registration process, other than communications that the department requires for purposes of registration under this chapter.

(4) **DISCLOSURE OF INFORMATION; CONFIDENTIALITY.** (a) A contract agent may not use or disclose any information that it acquires as the department's contract agent under this chapter without the department's written approval.

(b) A contract agent shall specifically identify the individuals who, on behalf of the contract agent, may have access to confidential information. Each of those individuals shall sign a personal confidentiality agreement with the department and shall comply with that agreement. No other persons employed or affiliated with the contract agent may have access to confidential information.

(c) No contract agent or individual affiliated with a contract agent may use or disclose information in violation of this chapter, the agency contract, or an individual confidentiality agreement under par. (b).

(5) **MANAGING INFORMATION.** A contract agent that holds information under this chapter on behalf of the department shall do all of the following:

(a) Comply with applicable state standards related to the storage, handling, and disposition of state records. A contract agent may not dispose of information collected or held under this chap-

ter, except as authorized by the department pursuant to a state records disposal authorization under s. 16.61, Stats.

(b) Handle and maintain electronic records according to applicable standards in ch. Adm 12.

(6) COLLECTING OTHER INFORMATION. (a) A contract agent may not collect any information under color of its agency agreement with the department, without the department's written authorization to collect that information.

(b) Paragraph (a) does not prohibit a contract agent from doing any of the following on its own behalf, and not as an agent of the department:

1. Contacting registrants that it identifies from sources other than registrations under this chapter.

2. Soliciting and receiving information voluntarily provided by registrants that the contract agent identifies under subd. 1. The contract agent shall disclose, to each registrant from whom it requests information, that the information is not required by state law and is not being collected on behalf of the department.

(c) A contract agent who collects information under par. (b) shall keep that information separate from any confidential information that the contract agent keeps on behalf of the department.

(7) PROHIBITED PRACTICES. A contract agent may not do any of the following:

(a) Under color of its agency contract with the department, and without the department's written authorization, ask a registrant for permission to use or release confidential information.

(b) Represent, directly or by implication, that it is acting within its authority as the department's contract agent unless that representation is true.

(8) ETHICS. (a) A contract agent shall avoid any conflict of interest that may affect the integrity of the livestock premises registration program under this chapter, or the contract agent's faith-

ful performance of its obligations. The contract agent shall disclose to the department any actual or potential conflict of interest.

(b) A contract agent may not use for private financial or business advantage confidential information that it acquires under this chapter as an agent of the department.

(c) No individual having access to confidential information under this chapter may use that information for personal financial advantage or for the financial advantage of any person or organization with which he or she is affiliated.

(9) CONTRACT TERMINATION. (a) The department may terminate a contract under sub. (1) at any time, with or without cause.

(b) If a contract under sub. (1) expires or is terminated by either party, the contract agent shall promptly return to the department all of the information that the contract agent holds on behalf of the department.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 18-018: am. (3) Register July 2019 No. 763, eff. 8-1-19.

ATCP 17.05 Receiving livestock from unregistered locations. **(1) PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of sale, exhibition, or slaughter, livestock from a location that is required to be registered under s. ATCP 17.02 or an equivalent law in another state, unless that location is registered according to this chapter or an equivalent law in the other state.

(2) APPLICATION CONTINGENT UPON RECIPROCITY. Subsection (1) does not apply to any person, or to any receipt of livestock for a purpose identified in sub. (1), unless the United States department of agriculture or all of the states surrounding Wisconsin prohibit persons in those surrounding states from receiving livestock for that purpose from unregistered locations in this state that are required to be registered under s. ATCP 17.02. The surrounding states are Minnesota, Iowa, Illinois, and Michigan.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.