

2003 ASSEMBLY BILL 812

February 5, 2004 – Introduced by Representatives GRONEMUS, OTT, VRUWINK, M. WILLIAMS, MOLEPSKE, LOEFFELHOLZ, BALOW, PLOUFF, KESTELL, HINES and SUDER, cosponsored by Senators SCHULTZ, LASSA, BROWN, KEDZIE and HANSEN. Referred to Committee on Agriculture.

- 1 **AN ACT to create** 95.36 (10) and 95.51 of the statutes; **relating to:** registration
2 of livestock premises and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) conducts various activities to protect animal health and food safety.

This bill requires certain persons who keep livestock in this state to register with DATCP. For the purposes of this bill, “livestock” means cattle and bison, horses, goats, poultry, sheep, swine, deer, and any other kind of animal that DATCP identifies by rule. To be covered by this bill, a person keeping poultry must have more than 20 animals and a person keeping horses must have more than five animals.

The bill requires DATCP to assign a premises code to each location where livestock are kept and to maintain a data base containing the codes and related information. Information provided to DATCP under this bill must generally be kept confidential, except for information that is required to be provided under other laws. The bill authorizes DATCP to contract with an agent to administer the livestock premises registration program.

Under current law, DATCP makes payments to owners of animals that DATCP orders killed to control animal disease. Current law specifies several situations in which owners are not eligible for these payments. Under this bill, the owner of an animal that DATCP orders to be killed to control animal disease is not eligible for a payment from DATCP if the person did not register as required by the bill.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 95.36 (10) of the statutes is created to read:

2 95.36 **(10)** If the owner of the animal has failed to comply with s. 95.51 (2).

3 **SECTION 2.** 95.51 of the statutes is created to read:

4 **95.51 Livestock premises registration. (1) DEFINITION.** In this section,
5 “livestock” means bovine animals, equine animals, goats, poultry, sheep, swine,
6 farm–raised deer, and any other kind of animal that the department identifies by
7 rule for the purposes of this section.

8 **(2) REGISTRATION.** (a) Except as provided under sub. (3m), no person may do
9 any of the following at a location in this state unless that person registers that
10 location with the department:

11 1. Keep any bovine animals, goats, sheep, swine, or farm–raised deer.

12 2. Keep more than 20 poultry.

13 3. Keep more than 5 equine animals.

14 4. Keep any other kind of livestock that the department identifies by rule.

15 (b) A person shall register under par. (a) on a form provided by the department
16 and shall provide all of the following information:

17 1. The registrant’s legal name and any trade names under which the registrant
18 keeps livestock in this state.

19 2. The registrant’s business address.

20 3. The address of each location at which the registrant keeps livestock in this
21 state.

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1 4. The type of livestock kept at each location under subd. 3. and the type of
2 livestock operation, using standards and guidelines from the national animal
3 identification plan developed by the animal and plant health inspection service of the
4 federal department of agriculture, to the extent practicable.

5 5. Any other relevant information required by the department.

6 **(3)** COORDINATION. A person to whom sub. (2) applies may comply with sub. (2)
7 as part of the registration process under s. 95.55 or 95.68 or the licensing process
8 under s. 97.22.

9 **(3m)** EXEMPTIONS. The department may promulgate rules specifying
10 exemptions from sub. (2), including exemptions based on the number or type of
11 livestock kept by a person or on the type of locations where a person keeps livestock.

12 **(4)** PREMISES CODE. (a) The department shall assign a unique identification
13 code to each location registered under sub. (2) (a). The department shall use a
14 uniform system to assign codes that is reasonably designed to facilitate animal
15 health and disease control, interstate consistency, and interstate commerce. The
16 department shall use a system that complies with any applicable standards
17 established by the animal and plant health inspection service of the federal
18 department of agriculture. The department shall use premises codes that are
19 federally allocated for premises in this state.

20 (b) The department shall establish and maintain an electronic data base
21 related to livestock premises in this state. The department shall include in the data
22 base the premises code assigned to each location under par. (a) and the registration
23 information under this section that is associated with that premises code. The
24 department may include in the data base global positioning system coordinates and
25 other information that the department considers appropriate.

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1 **(5) CONFIDENTIALITY.** (a) Information that a person is required to provide to the
2 department under sub. (2) is not subject to public inspection under s. 19.35. Except
3 as provided in pars. (b) and (c), the department may not disclose information
4 provided under sub. (2) to any other person or agency.

5 (b) Paragraph (a) does not apply to information that a person is required to
6 provide to the department under other laws.

7 (c) The department may disclose information that a registrant provides under
8 sub. (2) to any of the following:

9 1. A person to whom the registrant authorizes disclosure.

10 2. The animal and plant health inspection service of the federal department of
11 agriculture, if the animal and plant health inspection service agrees not to disclose
12 the information except in situations in which the department is authorized to
13 disclose the information under subd. 1. or 4.

14 3. Any agent of the department under sub. (8).

15 4. Another person or agency if the department believes that the release is
16 necessary to prevent or control disease or to protect public health, safety, or welfare.
17 The department may disclose information under this subdivision subject to any
18 confidentiality requirements that the department determines are appropriate under
19 the circumstances.

20 (d) Any agent of the department under sub. (8) may not disclose information
21 provided under sub. (2) except to a person to whom the registrant or the department
22 authorizes disclosure.

23 **(6) FUNDING.** The department shall seek federal funding for the administration
24 of this section.

