

07hr_JCR-AR_CRule_07-107_pt03c



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

1 **NOTE:** The department will notify a farm-raised deer keeper whenever a wild
2 deer found or killed within 5 miles of the keeper's farm-raised deer herd
3 tests positive for chronic wasting disease. Ninety days is generally a
4 "reasonable time" to install a double protective barrier, for purposes of
5 par. (c), although winter construction limitations may justify a longer
6 "reasonable time."

7 **SECTION 54.** ATCP 10.58 is created to read:

8 **ATCP 10.58 Farm-raised deer; separation from diseased wild deer.** For
9 purposes of ss. ATCP 10.53(7)(a)(4) and 10.56(4)(c), a double protective barrier means
10 one of following systems, or a combination of any of the following systems, which fully
11 encloses a farm-raised deer herd and is approved by the department:

12 (a) A double fence that meets all of the following requirements:

- 13 1. Each fence is at least 8 feet high at every point.
14 2. The 2 fences are at least 10 feet but not more than 16 feet apart at every point.

15 (b) A solid barrier that is at least 8 feet high at every point.

16 **SECTION 55.** ATCP 10.60(1) is renumbered ATCP 10.60(1m) and amended to read:

17 ATCP 10.60(1m) "Fish farm" means a facility or group of facilities, all located on a
18 single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs or
19 holds live fish. "Fish farm" does not include a wild source.

20 **SECTION 56.** ATCP 10.60(1) is created to read:

21 ATCP 10.60(1) "Contiguous parcels" means land parcels that are adjacent or that share a
22 common boundary. "Contiguous parcels" includes parcels that are separated only by a river,
23 stream, section line, public road, private road, or railroad or utility right of way.

24 **SECTION 57.** ATCP 10.60(4)(note) is repealed.

25 **SECTION 58.** ATCP 10.61(1)(intro.) and (note, first paragraph) are amended to read:

1 ATCP 10.61(1)(intro.) REGISTRATION CERTIFICATE REQUIRED. Except as provided in
2 sub. (2), no person may operate a fish farm for any of the following purposes without ~~an~~ a
3 current annual registration certificate from the department that identifies that fish farm:

4 **NOTE (first paragraph):** A Wisconsin department of natural resources (DNR) stocking
5 permit is needed to stock fish into the waters of the state. However, a DNR
6 stocking permit is not needed to stock fish into a fish farm registered under sub.
7 ~~(2)~~ (1). See s. 29.736, Stats.
8

9 **SECTION 59.** ATCP 10.61(2)(intro.) is amended to read:

10 ATCP 10.61(2)(intro.) EXEMPTIONS. A person may do any of the following without a
11 registration certificate under sub. ~~(2)~~ (1):

12 **SECTION 60.** ATCP 10.61(3) is repealed and recreated to read:

13 ATCP 10.61(3) REGISTRATION TYPE. (a) A fish farm registration certificate under sub.
14 (1) shall specify whether the fish farm is registered as a type 1, type 2 or type 3 fish farm.
15 Except as provided in par. (g), the registration type may vary from year to year.

16 (b) Except as provided in par. (d), a fish farm operator may not sell or distribute
17 live fish or fish eggs from that fish farm unless the fish farm is registered as a type 2 or
18 type 3 fish farm.

19 (c) Except as provided in par. (d), the operator of a fish farm that receives any
20 fish or fish eggs obtained from a wild source may not sell or distribute any live fish or
21 fish eggs from that fish farm unless the fish farm is registered as a type 3 fish farm.

22 (d) The operator of a registered fish farm may do any of the following, regardless of
23 whether that fish farm is registered as a type 1, type 2 or type 3 fish farm:

24 1. Allow public fishing at the fish farm, including public fishing for a fee.

1 2. Ship live fish or fish eggs from the fish farm to a food processing plant, retail
2 food establishment or restaurant, for processing or direct sale to consumers, provided that
3 the receiving entity does not do any of the following:

4 a. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale
5 to consumers.

6 b. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other
7 purpose.

8 c. Sell or distribute unprocessed fish or fish eggs to consumers at any place other
9 than the food processing plant, retail food establishment or restaurant at which the entity
10 first receives them.

11 d. Discharge to waters of the state any untreated water used to hold or process any of the
12 fish or fish eggs.

13 e. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting,
14 municipal solid waste disposal, or other means approved by the department.

15 (e) A fish farm operator may, by paying the type 2 registration fee under sub. (7), re-
16 register a fish farm as a type 2 fish farm during a registration year for which it was originally
17 registered as a type 1 fish farm. The previous type 1 registration fee payment does not count
18 toward payment of the type 2 fish farm registration fee.

19 (f) A person may, by paying the type 3 registration fee under sub. (7), re-register a fish
20 farm as a type 3 fish farm during a registration year for which it was originally registered as a
21 type 1 or type 2 fish farm. The previous type 2 registration fee payment does not count toward
22 payment of the type 3 fish farm registration fee.

1 (g) A fish farm operator may not register, as a type 1 or type 2 fish farm, a fish farm that
2 was previously registered as a type 3 fish farm unless one of the following conditions is met:

3 1. The fish farm operator first removes all fish and fish eggs from the fish farm and
4 disinfects the fish farm.

5 2. A qualified fish health inspector issues a fish health certificate under s. ATCP 10.65
6 that covers all of the fish and fish eggs on the fish farm. The fish health certificate shall further
7 certify that all fish or fish eggs received onto the fish farm from a wild source in the immediately
8 preceding 12 months were accompanied by a fish health certificate that included all of the
9 certifications required under s. ATCP 10.65(4)(b).

10 **SECTION 61.** ATCP 10.61(3)(note) is repealed.

11 **SECTION 62.** ATCP 10.61(5) amended to read:

12 ATCP 10.61(5) ~~PERSONS OPERATING~~ REGISTERING 2 OR MORE FISH FARMS. A
13 ~~person who operates 2 or more fish farms shall obtain a separate annual~~ registration
14 ~~certificate is required for each fish farm registered~~ under sub. (1) ~~for each fish farm.~~ A
15 person may obtain annual registration certificates for 2 or more fish farms by filing a
16 single annual application under sub. (6) and paying a ~~single~~ for each registration
17 certificate the applicable annual fee under sub. (7). A registration certificate is not
18 transferable between persons or locations.

19 **SECTION 63.** ATCP 10.61(5)(note) is repealed and recreated to read:

20 **NOTE:** See ss. ATCP 10.60(1) and (1m). A fish farm operator may register, as a single
21 fish farm, all fish farm facilities that are located on the same land parcel or on
22 contiguous land parcels. Fish farm facilities located on non-contiguous land
23 parcels must be registered as separate fish farms. A fish farm operator may
24 choose to register fish farm facilities as separate fish farms, even though the
25 facilities comply with sub. (5m).
26

1 SECTION 64. ATCP 10.61(5m) is created to read:

2 ATCP 10.61(5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION. (a) A
3 person may obtain separate registration certificates for 2 or more fish farms located on the same
4 or contiguous land parcels if the fish farms are medically separated. Fish farms are medically
5 separated if all of the following apply:

6 1. Fish and fish eggs in each fish farm are effectively separated from fish and fish
7 eggs in every other fish farm.

8 2. Bio-security procedures, including procedures to prevent the commingling of
9 fish, fish eggs, or water that may bear disease organisms, effectively prevent disease
10 transmission between the fish farms.

11 3. The department finds that the fish farms comply with subds. 1. and 2., based
12 on an inspection under par. (c).

13 (b) Each registered fish farm under par. (a) is considered a separate fish farm for
14 purposes of disease control and movement. Fish and fish eggs moved between any of the
15 registered fish farms shall be accompanied by a valid health certificate under s. ATCP
16 10.65(4)(c). The fish farm operator shall keep a record, under sub. (10)(a), related to each
17 movement of fish or fish eggs between any of the registered fish farms.

18 (c) Before the department issues separate registration certificates under par. (a) for fish
19 farms located on the same land parcel or contiguous land parcels, the department shall inspect
20 the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee
21 of \$400 for each day, or portion of a day, needed to complete the inspection. A single fee covers
22 all of the inspected fish farms. No inspection is required for the renewal of an existing fish farm
23 registration if the department has previously inspected the fish farm under this paragraph.

1 **SECTION 65.** ATCP 10.61(6) and (7) are repealed and recreated to read:

2 ATCP 10.61(6) **APPLYING FOR A REGISTRATION CERTIFICATE.** To obtain an annual fish
3 farm registration certificate under sub. (1), a fish farm operator shall submit an application to the
4 department on a form provided by the department. The application shall include all of the
5 following:

6 (a) The operator's name, address and telephone number.

7 (b) The following information for each fish farm that the operator wishes to register:

8 1. The fish farm location, including county, town, section, fire number, and geographic
9 coordinates if known.

10 2. The livestock premises code assigned to the fish farm under s. ATCP 17.02(7).

11 3. A statement indicating whether the operator wishes to register the fish farm as a type
12 1, type 2 or type 3 fish farm.

13 4. Applicable fees required under sub. (7).

14 5. The name, address and telephone number of the individual responsible for
15 administering the fish farm.

16 6. The species of fish or fish eggs hatched or kept at the fish farm.

17 7. A description of the fish farm facilities.

18 8. A description of the fish farming activities conducted at the fish farm.

19 9. A statement indicating whether wild source fish or fish eggs are received at or shipped
20 from the fish farm facility.

21 10. A statement indicating whether the operator is registering any other fish farms
22 located on the same land parcel or a contiguous land parcel.

1 (c) A statement indicating whether the fish farm operator engages in any of the following
2 activities:

3 1. Buying, trading or importing fish or fish eggs for resale, processing or exchange
4 within this state, other than solely for breeding, bait or human consumption.

5 2. Distributing fish or fish eggs, other than fish or fish eggs produced on the operator's
6 fish farm, from any place in this state to any place outside this state.

7 (d) Other relevant information required by the department.

8 (7) REGISTRATION FEES. (a) Except as provided in par. (c), a fish farm operator shall
9 pay the following annual fish farm registration fees, as applicable:

10 1. A nonrefundable fee of \$37.50 for a type 1 fish farm, or a total nonrefundable fee of
11 \$50 for 2 or more type 1 fish farms.

12 2. A total nonrefundable fee of \$125 for up to 5 type 2 or type 3 fish farms, \$150 for
13 more than 5 but not more than 10 type 2 or type 3 fish farms, \$200 for more than 10 but not more
14 than 20 type 2 or type 3 fish farms, and \$300 for more than 20 type 2 or type 3 fish farms.

15 (b) A fish farm operator who proposes to register 2 or more fish farms located on the
16 same land parcel or contiguous land parcels shall pay the inspection fee required under sub.
17 (5m)(c) after the department conducts the inspection and bills the fee to the operator.

18 (c) Primary and secondary school districts are exempt from registration fees under par.
19 (a).

20 (d) A fish farm operator shall pay the full annual registration fee under par. (a) for a fish
21 farm that is registered for any portion of a registration year.

22 (e) A fish farm operator shall pay, in addition to the annual registration fee under par.
23 (a), a surcharge equal to the amount of that fee if the department determines that, within 365

1 days prior to submitting a registration application under sub. (6), the operator operated the fish
2 farm without a registration certificate required under sub. (1) or (3). Payment of the surcharge
3 does not relieve the operator of any other penalty or liability that may result from the violation,
4 nor does it constitute evidence of a violation.

5 **SECTION 66.** ATCP 10.61(12) and (note) are created to read:

6 ~~ATCP 10.61(12) REGISTRANT RESPONSIBILITY.~~ A person who registers a fish
7 farm under sub. (1) shall ensure that fish farm operations comply with relevant provisions
8 of this chapter. This subsection does not relieve other persons of liability for violations
9 of this chapter.

10 **NOTE:** If the Wisconsin Department of Natural Resources (DNR) registers as
11 the operator of a privately-owned "cooperator" fish farm under sub. (1),
12 DNR is responsible for ensuring that all operations of that fish farm
13 comply with this chapter (the private operator may also be held
14 responsible if that operator violates this chapter).
15

16 **SECTION 67.** ATCP 10.62(2)(b)3. and (c)3. are created to read:

17 ATCP 10.62(2)(b)3. All of the dead fish and offal from the buildings are
18 disposed of by means of rendering, composting, municipal solid waste disposal, or other
19 means approved by the department.

20 (c)3. All of the dead fish and offal from the receiving facility are disposed of by
21 means of rendering, composting, municipal solid waste disposal, or other means
22 approved by the department.

23 **SECTION 68.** ATCP 10.62(3)(c) is amended to read:

24 ATCP 10.62(3)(c) A description of the fish or fish eggs that the permit holder
25 may import from the source identified under par. (b). The description shall include the

1 species of fish or fish eggs, ~~the quantity of each species,~~ and the size of fish of each
2 species.

3 **SECTION 69.** ATCP 10.63(2) is amended to read:

4 ATCP 10.63(2) DISEASED FISH. No person may introduce live fish or fish eggs
5 into waters of the state or distribute live fish or fish eggs for sale as bait if that person
6 knows, or has reason to know, that those fish or fish eggs are infected with or show
7 clinical signs of any reportable disease under s. ATCP 10.66.

8 **SECTION 70.** ATCP 10.64(1) and (2) are amended to read:

9 ATCP 10.64(1) VALID HEALTH CERTIFICATE REQUIRED. ~~No~~ Except as provided in sub.
10 (3), no person may move any live fish or fish eggs between fish farms in this state or from a fish
11 farm to any other location in this state, unless those fish or fish eggs are covered by a valid health
12 certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health
13 certificate based on an inspection of the fish or fish eggs, or of the farm from which they
14 originate. A health certificate does not cover a movement that occurs after the health certificate
15 expires.

16 (2) DISEASED FISH. No person may move any live fish or fish eggs between fish farms in
17 this state, or from a fish farm to any other location in this state, if that person knows, or has
18 reason to know, that those fish or fish eggs are infected with or show clinical signs of any
19 reportable disease under s. ATCP 10.66.

20 **SECTION 71.** ATCP 10.64(3) is created to read:

21 ATCP 10.64(3) EXEMPTIONS. Subsection (1) does not apply to any of the following:

1 (a) Fish or fish eggs moved between fish farms registered under s. ATCP 10.61 by the
2 same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP
3 10.61(10). This exemption does not apply to any of the following:

4 1. The movement of fish or fish eggs from a type 3 fish farm to a type 1 or type 2 fish
5 farm.

6 2. The movement of fish or fish eggs between fish farms that are required under s. ATCP
7 10.61(5m) to be medically separated.

8 (b) Fish or fish eggs moved to a food processing plant, retail food establishment or
9 restaurant for processing or direct sale consumers, provided that the receiving entity does not do
10 any of the following:

11 1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale
12 to consumers.

13 2. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other
14 purpose.

15 3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other
16 than the food processing plant, retail food establishment or restaurant at which the entity
17 first receives them.

18 4. Discharge to waters of the state any untreated water used to hold or process any of the
19 fish or fish eggs.

20 5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting,
21 municipal solid waste disposal, or other means approved by the department.

1 **ATCP 10.645 Bait fish from wild sources.** No bait dealer who is required to
2 hold a license under s. 29.509, Stats., may distribute for use as bait any of the following
3 fish or fish eggs of a species that the federal bureau has found to be susceptible to viral
4 hemorrhagic septicemia (VHS) unless the fish or fish eggs are covered by a valid fish
5 health certificate that complies with s. ATCP 10.65:

6 (1) Fish or fish eggs collected from a wild source within the 12 month period
7 immediately preceding the distribution date.

8 (2) Fish or fish eggs from a type 3 fish farm.

9 **NOTE:** A “wild source” under s. ATCP 10.645 includes a wild source in this
10 state or outside this state. Fish and fish eggs imported from other states
11 (including bait fish and fish eggs) must also comply with import
12 requirements under s. ATCP 10.62. Species that the federal bureau has
13 found to be susceptible to viral hemorrhagic septicemia are listed at
14 www.aphis.usda.gov/vs/aqua/. Section ATCP 10.645 applies to additional
15 species if and when the federal bureau finds that those species are
16 susceptible. DATCP will identify susceptible species (per USDA
17 findings) in the fish health certificate form under s. ATCP 10.65.

18 **SECTION 73.** ATCP 10.65(1) is amended to read:

19 ATCP 10.65(1) GENERAL. A fish health certificate under s. ATCP 10.61(3)(g)2.,
20 10.62(3)(f), 10.63(1), or 10.64(1) or 10.645 shall comply with this section.

21 **SECTION 74.** ATCP 10.65(4) and (4m) are repealed and recreated to read:

22 ATCP 10.65(4) CERTIFICATE CONTENTS. (a) A fish health certificate under s.
23 ATCP 10.62(3)(f) shall certify that the fish and fish eggs in the inspected shipment, or at
24 the inspected fish farm, are free of all of the following:

25 1. Visible signs of contagious or infectious disease.

1 2. Infectious hematopoietic necrosis, viral hemorrhagic septicemia (VHS) and
2 whirling disease (*Myxobolus cerebralis*) if an import shipment covered by the health
3 certificate includes salmonids.

4 3. White sturgeon iridovirus if an import shipment covered by the health
5 certificate includes sturgeon.

6 4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the
7 health certificate includes fish or fish eggs from a state or province where that disease is
8 known to occur.

9 5. Other diseases, if any, specified on the certificate form. The certificate form
10 shall identify the species for which, and circumstances under which, the disease-free
11 certification is required.

12 (b) Except as provided in s. ATCP 10.655, a fish health certificate issued under s.
13 ATCP 10.61(3)(g)2. or 10.63(1) shall certify that the fish and fish eggs in the inspected
14 shipment, or at the inspected fish farm, are free of all of the following:

15 1. Visible signs of contagious or infectious disease.

16 2. Whirling disease (*Myxobolus cerebralis*) if a fish farm or shipment covered by
17 the health certificate includes salmonids.

18 3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish
19 eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic
20 septicemia (VHS), and the fish or fish eggs are from a wild source or a type 3 fish farm.

21 **NOTE:** A “wild source” under subd. 3. includes a wild source in this state or
22 outside this state. Fish and fish eggs imported from other states (including
23 s. ATCP 10.62. Species that the federal bureau has found to be
24 susceptible to viral hemorrhagic septicemia are listed at
25 www.aphis.usda.gov/vs/aqua/. Subdivision 3. applies to additional species
26

1 if and when the federal bureau finds that those species are susceptible.
2 DATCP will identify susceptible species (per USDA findings) in the fish
3 health certificate form under s. ATCP 10.65.
4

5 4. Other diseases, if any, specified on the certificate form. The certificate form
6 shall identify the species for which, and circumstances under which, the disease-free
7 certification is required.

8 (c) A fish health certificate issued under s. ATCP 10.64(1) shall certify that the
9 fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all
10 of the following:

11 1. Visible signs of contagious or infectious disease.

12 2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish
13 eggs of species that the federal bureau has found to be susceptible to viral hemorrhagic
14 septicemia (VHS), and the fish or fish eggs are from a wild source or type 3 fish farm.

15 **NOTE:** A "wild source" under subd. 2. includes a wild source in this state or
16 outside this state. Fish and fish eggs imported from other states (including
17 bait fish and fish eggs) must also comply with import requirements under
18 s. ATCP 10.62. Species that the federal bureau has found to be
19 susceptible to viral hemorrhagic septicemia are listed at
20 www.aphis.usda.gov/vs/aqua/. Subdivision 2. applies to additional species
21 if and when the federal bureau finds that those species are susceptible.
22 DATCP will identify susceptible species (per USDA findings) in the fish
23 health certificate form under s. ATCP 10.65.

24 3. Other diseases, if any, specified on the certificate form. The certificate form
25 shall identify the species for which, and circumstances under which, the disease-free
26 certification is required.

27 (d) A fish health certificate issued under s. ATCP 10.645 shall certify that the
28 fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all
29 of the following

- 1 1. Visible signs of contagious or infectious disease.
- 2 2. Viral hemorrhagic septicemia (VHS).
- 3 3. Other diseases, if any, specified on the certificate form. The certificate form
- 4 shall identify the species for which, and circumstances under which, the disease-free
- 5 certification is required.

6 **NOTE:** A fish health certificate is required under s. ATCP 10.645 whenever a
7 bait dealer distributes as bait any of the following fish or fish eggs of a
8 species that the federal bureau has found to be susceptible to VHS:
9

- 10 • Fish or fish eggs collected from a wild source (in Wisconsin or
- 11 elsewhere) within the 12 month period immediately preceding the
- 12 distribution date.
- 13
- 14 • Fish or fish eggs from a type 3 fish farm.

15 (e) A fish health certificate shall include test results from a qualified laboratory to
16 confirm the statements under pars. (a) to (d) if those test results are required by the
17 certificate form.

18 (f) Fish egg inspection under this subsection may be based on brood stock
19 inspection and, if testing is required by the certificate form, testing of the brood stock.

20 **NOTE:** A certificate form that includes requirements under par. (a)5., (b)4.,
21 (c)3., (d)3., (e) or (f) constitutes an order under s. 93.07(10), Stats., which
22 is subject to review in a contested case hearing under ch. 227, Stats., and
23 ch. ATCP 1 unless the department adopts those requirements by rule. If a
24 health certificate does not comply with instructions on the certificate form,
25 the health certificate is invalid.

26 (4m) EXPIRATION DATE. (a) Except as provided in par. (b):

27 1. A health certificate based on an inspection under sub. (3)(a) expires 30 days
28 after it is issued unless the department by written notice specifies a different expiration

1 2. A health certificate based on an inspection under sub. (3)(b) expires one year
2 after it is issued unless the department by written notice specifies a different expiration
3 date.

4 (b) A health certificate covering a fish farm, or covering a shipment of fish or
5 fish eggs, is automatically voided if any fish or fish eggs not covered by a valid health
6 certificate are added to that fish farm or shipment.

7 **SECTION 75.** ATCP 10.65(4m)(note) is created to read:

8 **NOTE:** A shipment of fish or fish eggs that is covered by more than one fish
9 health certificate must be delivered prior to the expiration of ANY of the
10 fish health certificates covering fish or fish eggs in that shipment.

11 **SECTION 76.** ATCP 10.65(5)(b)4. is repealed and recreated to read:

12 ATCP 10.65(5)(b)4. Special disease concerns that are not adequately addressed
13 by the health certificate. These may include special disease concerns related to the
14 species of fish or fish eggs, or the source from which the fish or fish eggs originate.

15 **SECTION 77.** ATCP 10.655 is created to read:

16 **ATCP 10.655 Fish reintroduced into their original wild source. (1) HEALTH**
17 **CERTIFICATE CONTENTS; EXEMPTION.** Sections ATCP 10.65(4)(b)2. and 3. do not apply to
18 the reintroduction of fish or fish eggs to the same lake from which they or the eggs from
19 which they were hatched were collected, or to the same point or a downstream point in
20 the same river system from which they or the eggs from which they were hatched were
21 collected, if all of the following apply:

22 (a) The state veterinarian or designee issues a permit under sub. (2) authorizing
23 the reintroduction.
24

1 (b) The collection and reintroduction are approved, in writing, by the Wisconsin
2 department of natural resources.

3 (c) The reintroduction is designed to increase or rehabilitate a population of
4 desirable sport fish species.

5 (d) The fish or fish eggs are reintroduced within 30 days after they are collected,
6 or within 30 days after the fish are hatched, whichever is later.

7 (e) The fish or fish eggs are not commingled with fish or fish eggs from any other
8 source.

9 (2) PERMIT. A permit under sub. (1)(a) may authorize one or more
10 reintroductions under sub. (1), subject to conditions specified in the permit. A permit
11 shall be based on a complete application under sub. (3). The state veterinarian, or the
12 state veterinarian's designee, shall grant or deny an application under sub. (3) within 30
13 days after the department receives a complete application.

14 (3) PERMIT APPLICATION. A person applying for a permit under sub. (2) shall
15 submit the application in writing. The application shall include all of the following:

16 (a) The correct legal name and address of the applicant.

17 (b) The location from which the fish or fish eggs will be collected.

18 (c) The location at which the fish or fish eggs will be reintroduced.

19 (d) The purpose for the reintroduction.

20 (e) Documentation showing that the Wisconsin department of natural resources
21 has approved the collection and reintroduction under sub. (1)(b).

22 (f) Documentation indicating that the reintroduction will comply with other
23 requirements under sub. (1)(c) to (e).

1 (g) Other relevant information required by the department.

2 (4) PERMIT RECORD. The department shall keep, for at least 5 years, a record of
3 each permit issued under sub. (2).

4 **SECTION 78.** ATCP 10.66(1)(b) is repealed and recreated to read:

5 ATCP 10.66(1)(b) Any fish disease identified in *Appendix B*.

6 **SECTION 79.** ATCP 10.66(1)(c) to (L) are repealed.

7 **SECTION 80.** ATCP 10.75 is amended to read:

8 **ATCP 10.75 Goats; Johne's disease.** The state program for Johne's disease in
9 goats is equivalent to the program for bovine animals in ss. ATCP 10.15 ~~to 10.19~~, 10.16,
10 and 10.18 to 10.20, except that test eligible animals in the goat program shall be 18
11 months of age or older.

12 **SECTION 81.** ATCP 10.85 is created to read:

13 **ATCP 10.85 Llama and alpaca imports.** No person may import a llama or
14 alpaca into this state unless the llama or alpaca is accompanied by a valid certificate of
15 veterinary inspection. The certificate shall include the official individual identification of
16 the llama or alpaca.

17 **SECTION 82.** ATCP 10.90(1) is amended to read:

18 ATCP 10.90(1) DEPARTMENT MAY ISSUE ORDER. The department may issue a
19 temporary animal hold order whenever the department has reason to believe that animals
20 may have been illegally ~~imported~~ moved, or may have been exposed to an infectious,
21 contagious or communicable disease. A temporary animal hold order may prohibit the
22 movement of animals for up to 90 days while the department investigates the suspected
23 illegal ~~import~~ movement or disease exposure. The department may issue the order

1 without prior notice or hearing. The department may, for good cause, extend the order
2 for up to 90 days.

3 SECTION 83. ATCP 10.91(title) and (1)(intro.) are amended to read:

4 ATCP 10.91 Destruction or removal of animals illegally ~~imported~~ moved.

5 (1) SUMMARY ORDER. The department may, without prior notice or hearing, order the
6 destruction or removal from this state of animals ~~imported~~ moved into or within this state
7 if any of the following apply:

8 SECTION 84. ATCP 10.92(1)(r) is created to read:

9 ATCP 10.92(1)(r) Sell, move or dispose of any live animal that has been tested
10 for a disease identified in *Appendix A or B* before the result of that test is known.

11 SECTION 85. Chapter ATCP 10 *Appendix B* is repealed and recreated in the
12 following form:

Chapter ATCP 10

APPENDIX B

Diseases Reported Within 10 Days

Multiple species diseases

Anthrax
Echinococcosis/hydatidosis
Heartwater
Leptospirosis
New world screwworm (*Cochliomyia hominivorax*)
Old world screwworm (*Chrysomya bezziana*)
Paratuberculosis also known as Johne's Disease
Q Fever

Fish diseases

Channel catfish virus
Enteric septicemia of catfish
Epizootic haematopoietic necrosis
Infectious haematopoietic necrosis
Largemouth bass virus
Mycobacteriosis infection
Oncorhynchus masou virus disease
Proliferative kidney disease
Spring viraemia of carp
Streptococcus iniae
Viral haemorrhagic septicaemia
Whirling disease (*Myxobolus cerebralis*)
White sturgeon iridovirus

Sheep and goat diseases

Caprine and ovine brucellosis (excluding *B. ovis*)
Caprine arthritis/encephalitis
Contagious agalactia
Contagious caprine pleuropneumonia
Enzootic abortion of ewes (ovine chlamydiosis)
Maedi-visna
Nairobi sheep disease
Ovine epididymitis (*Brucella ovis*)
Ovine pulmonary adenomatosis
Salmonellosis (*S. abortusovis*)
Scrapie

Swine diseases

Atrophic rhinitis of swine
Enterovirus encephalomyelitis
Porcine cysticercosis
Porcine reproductive and respiratory syndrome
Transmissible gastroenteritis
Trichinellosis

Bee diseases

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Lagomorph diseases

Myxomatosis
Rabbit hemorrhagic disease

Cattle diseases

Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Dermatophilosis
Enzootic bovine leukosis
Haemorrhagic septicaemia
Malignant catarrhal fever
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-borne)

Equine diseases

Contagious equine metritis
Dourine
Epizootic lymphangitis
Equine infectious anemia
Equine influenza
Equine piroplasmiasis
Equine rhinopneumonitis
Equine viral arteritis
Glanders
Horse mange
Horse pox
Japanese encephalitis
Surra (*Trypanosoma evansi*)
Venezuelan equine encephalomyelitis

Avian diseases

Avian chlamydiosis
Avian infectious bronchitis
Avian infectious encephalomyelitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*M. gallisepticum*)

Duck virus enteritis
Duck virus hepatitis
Fowl cholera

Orinthosis (psittacosis)
Mycoplasma gallisepticum infection
Paramylovirus infections of poultry other than Newcastle disease
Salmonellosis
Infectious laryngotracheitis
Fowl pox
Fowl typhoid
Marek's disease
Infectious bursal disease (Gumboro disease)

Mollusc diseases

Haplosporidiosis (H. nelsoni or H. costale)
Bonamiosis
Marteiliosis
Mikrocytosis (Mikrocytos mackini)
Perkinsosis

Diseases of other animal species

Leishmaniosis

1 **SECTION 86.** ATCP 12.02(1) is amended to read:

2 ATCP 12.02(1) LICENSE REQUIRED. No person may operate an animal market
3 without an annual license from the department. A separate license is required for each
4 animal market. The license shall bear a the livestock premises code issued ~~to the license~~
5 ~~holder~~ under s. ATCP 17.02(7) for the animal market. An annual license expires on June
6 30. A license is not transferable between persons or animal markets.

7 **SECTION 87.** ATCP 12.02(5) is repealed.

8 **SECTION 88.** ATCP 12.02(8)(j) is created to read:

9 ATCP 12.02(8)(j) Transport and handle animals in a safe and humane manner.

10 **SECTION 89.** ATCP 12.03(6) is repealed.

11 **SECTION 90.** ATCP 12.03(9)(i) is created to read:

12 ATCP 12.03(9)(i) Transport and handle animals in a safe and humane manner.

13 **SECTION 91.** ATCP 12.04(2)(c)3. and (5) are repealed.

14 **SECTION 92.** ATCP 12.045(1) and (note) are repealed and recreated to read:

15 ATCP 12.045(1) ANNUAL REGISTRATION STICKER REQUIRED. (a) No animal
16 market operator, animal dealer or animal trucker may operate an animal transport vehicle
17 unless each side of the vehicle bears one part of a 2-part annual vehicle registration
18 sticker issued by the department. An annual vehicle registration sticker expires on June
19 30.

20 (b) The department may issue an annual vehicle registration sticker under par. (a)
21 to a licensed animal market operator, animal dealer or animal trucker who owns or
22 operates the vehicle. If a license holder owns a vehicle operated by another license

1 holder, the license holder that owns the vehicle shall obtain the vehicle registration
2 sticker under par. (a).

3 (c) If a registrant under par. (b) controls the operation of the animal transport
4 vehicle for less than the full registration year, the registrant shall record the name and
5 address of each person who controlled the operation of the vehicle at any time during the
6 year, and the time period during which that person controlled that operation. The
7 registrant shall retain the record for at least 5 years, and shall make it available to the
8 department for inspection and copying upon request.

9 **NOTE:** Subsection (1) applies to animal transport vehicles operated by animal
10 market operators, animal dealers and animal truckers, regardless of who
11 owns the animals transported in those vehicles.

12
13 Under sub. (1)(c), if a registrant leases an animal transport vehicle to or
14 from another person for part of the registration year, the registrant must
15 record the name and address of the other party to the lease, and the time
16 period of the lease.

17 **SECTION 93.** ATCP 12.045(3)(a) and (4) are amended to read:

18 ATCP 12.045(3)(a) A person shall pay an a non-refundable annual fee of \$10 for
19 each vehicle registration sticker under this section.

20 (4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny
21 an application under sub. (2) within 30 business days after the department receives a
22 complete application or, if a person submits the application with a license application
23 under s. ATCP 12.02, 12.03 or 12.04, by the license action deadline. The department
24 shall issue a 2-part registration sticker for each registered vehicle. ~~The department shall~~
25 ~~issue a registration sticker in 2 parts, each of which shall contain the same unique~~
26 ~~registration number and the year of issuance. Each part of the 2-part registration sticker~~
27 shall identify the registration year for which the 2-part registration sticker is issued.

1 **SECTION 93m.** ATCP 12.045(3)(a), as affected by CR 07-061 effective July 1,
2 2009, is amended to read:

3 ATCP 12.045(3)(a) A person shall pay ~~an~~ a non-refundable annual fee of \$20 for
4 each vehicle registration sticker under this section.

5 **SECTION 94.** ATCP 12.05(4) is amended to read:

6 ATCP 12.05(4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal
7 market operator receives any sheep, the animal dealer or ~~[animal]~~ animal market operator
8 shall immediately record the official individual identification of that sheep, if any. If a
9 sheep has no official individual identification when received by an animal dealer or
10 animal market operator, the animal dealer or animal market operator shall immediately
11 identify that sheep with an official individual identification if that identification is
12 required under s. ATCP 10.70.

13 **SECTION 95.** ATCP 12.05(6) is created to read:

14 ATCP 12.05(6) IDENTIFICATION OF GOATS. Whenever an animal dealer or animal
15 market operator receives any goats, the animal dealer or market operator shall
16 immediately record the official individual identification of that goat, if any. If a goat has
17 no official individual identification when received by an animal dealer or market
18 operator, the animal dealer or market operator shall immediately identify that goat with
19 an official individual identification if that identification is required under s. ATCP 10.77.

20 **SECTION 96.** ATCP 12.06(1)(bc) is amended to read:

21 ATCP 12.06(1)(bc) The livestock premises code, if any, of the premises from
22 which the animal was received and the livestock premises code, if any, of the premises to
23 which the animal is shipped or delivered.

1 **SECTION 97.** ATCP 12.08(6) is amended to read:

2 ATCP 12.08(6) Fail to provide, within 10 days following the receipt of a written
3 request from the department, any relevant report or document relating to the
4 transportation of animals or any official individual identification of an animal purchased,
5 sold or transported. The department may extend the compliance deadline under this
6 subsection for good cause shown.

7 **SECTION 98.** ATCP 17.01(8) and (28) are amended to read:

8 ATCP 17.01(8) "Bovine animal" means beef cattle, dairy cattle, or American
9 bison of any age or sex.

10 (28) "Poultry" means domesticated fowl commonly used for human food,
11 including domesticated chickens, turkeys, geese, ducks, guinea fowl ~~and, squab, ratites~~
12 and captive game birds. ~~"Poultry" does not include ratites or captive game birds.~~

13 **SECTION 99.** ATCP 17.02(1) and (note) are amended to read:

14 ATCP 17.02(1) GENERAL. A person may not keep livestock at a location in this
15 state unless that location is registered under this section. There is no fee to register. A
16 registration expires on the third December 31 ~~of each year, except as otherwise provided~~
17 ~~in-sub (2)(e) after it is issued.~~

18 **NOTE:** Once a person completes an initial registration, subsequent annual
19 registrations will be relatively simple. The department will send the
20 registrant a renewal application form (or directions on how to renew on-
21 line) ~~each year prior to the renewal deadline.~~ The renewal transaction may
22 be conducted by mail, online or by e-mail if an e-mail address has been
23 provided. The renewal application form will include pre-printed
24 information obtained from the last previous year's registration. The
25 registrant may renew the registration by returning the pre-printed form
26 with corrections, if any. There is no fee for an initial or renewal
27 registration.

28
29 **SECTION 100.** ATCP 17.02(2)(a)(note) is amended to read:

1 **NOTE:** For example, if *Person A* feeds and cares for livestock owned by *Person*
2 *B*, on premises owned by *Person C*, any one of those persons may register
3 the premises (the others need not). ~~But operators identified in par. (e)~~
4 ~~must register the premises that they operate, and may not delegate their~~
5 ~~registration responsibilities to others.~~

6
7 **SECTION 101.** ATCP 17.02(2)(b) is amended to read:

8 ATCP 17.02(2)(b) A person may not register a premises that is currently
9 registered by another person. The department may transfer a current registration from the
10 current registrant to another person if the department finds that the other person is
11 ~~required to register the premises under par. (e)~~ licensed to operate the premises under
12 other applicable law, is more directly engaged in operating the premises, or can provide
13 more definitive knowledge of livestock movements to and from the premises. The
14 department shall notify the current registrant and give the current registrant a chance to
15 comment before transferring a registration to another person.

16 **SECTION 102.** ATCP 17.02(2)(c) is repealed and recreated to read:

17 ATCP 17.02(2)(c) If a person keeps livestock at any location as part of an
18 operation for which that person is required to hold another license, registration or permit
19 from the department, that person may register that location as part of the person's initial
20 application for that other license, registration or permit.

21 **SECTION 103.** ATCP 17.02(2)(c)(note) is created to read:

22 **NOTE:** For example, if a person holds or is required to hold a dairy farm license
23 under s. ATCP 60.02(2), a deer farm registration under s. ATCP 10.46(1),
24 a fish farm registration under s. ATCP 10.61(1), an animal market license
25 under s. ATCP 12.02, an animal dealer license under s. ATCP 12.03, an
26 animal trucker license under s. ATCP 12.04, a meat establishment license
27 under s. ATCP 55.03(1), an equine quarantine station permit under s.
28 ATCP 10.37(3), or a rendering establishment or other license under s.
29 location as part of the person's initial application for that other license,
30 registration or permit. Subsequent license renewal applications must
31

1 include the livestock premises registration number assigned under this
2 chapter.

3
4 **SECTION 104.** ATCP 17.02(4)(bm) is created to read:

5 ATCP17.02(4)(bm) The registrant's county.

6 **SECTION 105.** ATCP 17.02(4)(d) is amended to read:

7 ATCP 17.02 (4)(d) The address of the primary premises location, including
8 county.

9 **SECTION 106.** ATCP 17.02(4)(h)1. and 8. to 10. are repealed and recreated to
10 read:

11 ATCP 17.02(4)(h)1. Bovine animals. The registrant shall indicate whether the
12 bovine animals are beef cattle, dairy cattle or bison.

13 8. Llamas, alpacas or other camelids.

14 9. Fish.

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

16 **SECTION 107.** ATCP 17.02(4)(h)11. and 12. are repealed.

17 **SECTION 108.** ATCP 17.02(5)(d) is amended to read:

18 ATCP 17.02(5)(d) If a person submits a registration application under sub. (2)(c)
19 as part of that person's application for another license, permit or registration ~~identified in~~
20 ~~sub. (2)(e)~~, the department shall grant or deny the registration application within the time
21 period prescribed for department action on the other license, permit or registration
22 application. The denial, suspension or revocation of another license, permit or
23 registration does not affect a premises registration under this section.

24 **SECTION 109.** ATCP 17.02(6)(a) is amended to read:

1 ATCP 17.02(6)(a) Whenever the department grants a registration application
2 under sub. (3), the department shall immediately issue ~~an annual~~ a registration certificate
3 to the registrant. The registration certificate shall bear an expiration date that complies
4 with sub. (1). The department shall issue the registration certificate in hard-copy or
5 printable electronic form, depending on the method of registration.

6 **SECTION 110. EFFECTIVE DATES.**

7 (1) Except as provided in subs. (2) to (4), this rule takes effect on the first day of
8 the month following publication in the Wisconsin administrative register, as provided
9 under s. 227.22(2)(intro.).

10 (2) The treatment of s. ATCP 10.22(9)(b) by SECTION 17m of this rule takes effect on
11 July 1, 2009.

12 (3) The treatment of s. ATCP 10.46(7)(b) and (c) by SECTION 28m of this rule takes
13 effect on July 1, 2009.

14 (4) The treatment of s. ATCP 12.045(3)(a) by SECTION 93m of this rule takes effect on
15 July 1, 2009.

16 **SECTION 111. INITIAL APPLICABILITY.** The treatment of s. ATCP 10.46(3) by
17 this rule first applies to registration certificates issued for the first registration year
18 beginning on or after the effective date of this rule.

Dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Rodney W. Wiseman, Director