

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Wanted: **Soon**

For: **Senate Democratic Caucus**

This file may be shown to any legislator: **NO**

May Contact: **LFB**

Subject: **Agriculture - animals**

Received By: **traderc**

Identical to LRB:

By/Representing: **Walter**

Drafter: **traderc**

Alt. Drafters: **dykmapj**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus # 2115,

Topic:

Avian disease transmission

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 06/26/99			_____			
/1	dykmapj 06/26/99	chanaman 06/27/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

FE Sent For:

<END>

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← Avian

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/?	traderc 06/26/99 dykmapj	<i>cmd</i> <i>u/27</i> <i>/i</i>		_____			

FE Sent For:

<END>

yes

SDC

Agency: Agriculture, Trade and Consumer Protection

caucus number 1505

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
FM 217	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Fm 217. Telecommunications Consumer Complaints. DATCP to submit report of complaints to appropriate standing committee in each house of the Legislature.. See attached for specifics of what should be included in the annual report and when it takes effect.

other notes

drafting instructions: Fm 217. See above.

more instructions:

caucus number 2115

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Avian Disease Transmission. Establish protocols for commercial poultry operations within 6.2 miles of one another to prevent fowl disease transmission.

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2118

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Johne's Disease. Provide \$200,000 GPR to subsidize expense of first test to farmer. Provides cost sharing similar to MN program.

other notes

drafting instructions: See above and attached

more instructions:

Agency: **Agriculture, Trade and Consumer Protection**

Number of Amendments: 3

AGRICULTURE

Avian Disease Transmission (No Motion Paper)

Amendment would establish "protocols" for commercial poultry operations siting within 6.2 miles of one another by creating 95.53 Wis. Stats. relating to: poultry disease control and providing a penalty.

~~_____~~
CN 2115

ISSUE:

Avian disease control at large poultry facilities and the safeguards necessary to protect against the spread of such diseases.

BACKGROUND:

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has broad quarantine powers under Chapter ATCP s. 11.70 of the Wisconsin Administrative Code. It also has the power to condemn and order the destruction of animals to prevent or control the spread of dangerous diseases under current law. In general, DATCP must pay indemnities to the owners of animals destroyed under this authority. (Wis. Stat. s. 95.31) In addition to quarantine and condemnation, the department also has certain authority relating to the importation or transportation of diseased animals.

PROBLEM:

The disease control regulations relating to quarantine, condemnation and transportation of diseased animals provide some level of control. None, however, are properly suited to address unique problems associated with the incidence and transmission of avian disease at large poultry operations, which are becoming more prevalent.

The lack of adequate protection against the spread of avian diseases: (1) jeopardizes the multi-million dollar investment that existing poultry producers have made in Wisconsin; (2) exposes the state to significant financial risk in the form of indemnity payments for destroyed animals, and; (3) creates a litigious atmosphere whenever and wherever a new large poultry facility is proposed.

SOLUTION:

Enact legislation that will provide the State and the poultry producers with enhanced safeguards against the spread of avian diseases. Such legislation should:

- Prohibit large operators from opening a facility until they have been certified as "clean-started" for Mycoplasma gallisepticum (MG) and Mycoplasma synoviae (MS) disease.
- Require large operators to submit biosecurity plans to DATCP before opening a facility and provide DATCP with the authority to approve, disapprove or conditionally approve such a plan.
- Require large operators to test a sample population for MG and MS at least once every 180 days.
- Require confirmatory tests be conducted if sample testing detects MG or MS.
- Require the State Veterinarian to order the depopulation of all poultry at a facility if and when confirmation tests indicate the presence of MS or MG. Clarify that large operators would not be entitled to state indemnity payments under such an order.
- Provide penalties for violations and legal rights for injured parties.

forward to Max

**MICHAEL BEST
& FRIEDRICH LLP**
Attorneys at Law

MEMORANDUM

CLIENT MATTER
50048/0020

VIA FAX: 608/264-8522

TO: Rebecca C. Tradewell, Esq.
Managing Attorney
State of Wisconsin Legislative Reference Bureau

FROM: Raymond P. Taffora, Esq. *Ray Taffora*

DATE: June 7, 1999

RE: Avian Disease Transmission Legislation

I have received and reviewed your Drafter's Note, dated May 11, 1999, regarding the proposed avian disease transmission legislation and the draft legislation. My revisions to the draft legislation are intended to clarify the scope of this legislation and to limit the number of references to a "person" in the draft (which makes the draft seem confusing). Consequently, I have reintroduced definitions for a "covered operator" and a "poultry facility" in order to clarify the draft.

With respect to your comments about the definition of "department," I agree with your statement that a definition of a "department" is unnecessary here because of Wis. Stat. § 93.01(3). Similarly, I agree that a definition of a "state veterinarian" is not required since DATCP is not required to have an animal health division and can merely delegate the duties imposed on it under this legislation to the appropriate officer.

Finally, I believe the "traffic control policies" to which you refer are covered by the requirements listed in proposed § 93.53(3)(f).

Please call me after your review of my revisions to your draft so that we may discuss and conclude these matters. Thank you.

Attachment

cc (w/ Attachment): Mr. Gregg C. Gleichert
Mr. Patrick J. Osborne
✓ Mr. William Broydrick
Mr. Thomas Liebe
James R. Troupis, Esq.
David A. Crass, Esq.

LRB Drafter's Version of Proposed Legislation

AN ACT to create 95.53 of the statutes; relating to : poultry disease control and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the department of agriculture, trade and consumer protection (DATCP) to establish and maintain quarantine and other measures relating to the importation, movement and care of animals that DATCP determines are necessary to protect the health of domestic animals.

This bill imposes requirements on certain persons that raise commercial poultrvehickens ~~or turkeys~~. The requirements apply to a person that raises 100,000 or more layer chickens, 200,000 or more broiler chickens or 55,000 or more turkeys at a facility if the facility is within 6.2 miles of one or more places, owned or operated by another person, at which a total of 10,000 or more of any species of poultry are kept and were kept before the facility reached that number of layer chickens, broiler chickens or turkeys. The requirements also apply to a person that raises 100,000 or more layer chickens, 200,000 broiler chickens or 55,000 or more turkeys at a facility if manure from the facility is spread or composted, or if other specified activities related to the facility occur, within two miles of a place at which poultry are kept that is owned by another person that keeps a total of 10,00 or more of any species of poultry.

The requirements imposed by the this bill include testing for mycoplasma gallisepticum and mycoplasma synoviae, infectious diseases of poultry, and slaughtering all poultry kept at the facility if confirmed tests show the presence of one of those diseases. The owner of the slaughtered poultry would not be eligible for any compensation for the poultry. The bill also requires a person subject to the requirements to prepare a plan to prevent the spread of poultry disease and to obtain DATCP's approval of the plan. A person that violates these requirements is subject to a forfeiture (civil penalty) of not less than \$5,000 nor more than \$1,000,000. A person that is injured or threatened with injury by a violation of the requirements imposed by the bill may sue the violator to recover damages or to obtain an injunction.

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:

SECTION 1. 95.53 of the statutes is created to read:

95.53 Poultry disease control. (1) DEFINITIONS. In this section:

(a) "Affected party" means a person that keeps a total of 10,000 or more of any species of poultry ~~and that keeps any of the poultry~~ at a place within 6.2 miles of a covered operator facility that is required to comply with sub. (3) or keeps a total of 10,000 or more of any species of poultry within 2 miles of a location at which a covered operator person spreads or composts chicken or turkey manure, transports live or dead chickens or turkeys or stores or composts dead chickens or turkeys or chicken or turkey by-products, any of which are undertaken by a covered operator originate at a facility that is required to comply with sub. (3).

(b) "Animal unit" means 100 layer chickens, 200 broiler chickens or 55 turkeys.

(c) "Covered operator" means a person who builds, locates or operates a poultry facility of 1,000 or more animal units.

(d) "Poultry facility" is a feed lot or a confinement facility where breeder, breeder replacement, spent breeder poultry, layer or broiler chickens, pullets, turkeys or any other species of poultry have been or will be introduced, fed, confined, maintained or stabled.

(e) "Sample population" means one or more birds chosen randomly for every 100 animals units kept at a poultry facility.

(2) ~~PROHIBITIONS.~~ A covered operator~~person~~ may not locate a poultry facility near an affected party unless the covered operator~~do any of the following unless the person~~ complies with sub. (3).²

~~(a) Operate a facility at which 1,000 or more animal units are kept if the facility is within 6.2 miles of one or more places, owned or operated by another person, at which a total of 10,000 or more of any species of poultry are kept and at which a total of 10,000 or more of any species of poultry were kept before the number of animal units at the facility reached 1,000.~~

~~(b) Spread or compost chicken or turkey manure, transport live or dead chickens or turkeys or store compost dead chickens or turkeys or chicken or turkey by products, any of which originate at a facility at which 1,000 or more animals units are kept, within 2 miles of a place at which poultry are kept by another person that keeps a total of 10,000 or more of any species of poultry if the other person kept poultry at that place, and kept a total of 10,000 or more of any species of poultry, before the number of animal units at the facility reached 1,000.~~

(3) REQUIREMENTS. A covered operator~~person~~ complies with this subsection ~~with respect to a facility~~ if all of the following apply:

(a) The covered operator~~person~~ populates a poultry~~the~~ facility only with chickens or turkeys that have been designated mycoplasma gallisepticum clean started and mycoplasma synoviae clean started under 9 CFR 145.24(f) and (g).

(b) The covered operator~~person~~ obtains blood samples from a sample population at the facility at least once every 180 days and has a poultry diagnostic laboratory, certified under s. 93.12, conduct a serological test that is approved by the department to detect the presence of mycoplasma gallisepticum and mycoplasma synoviae.

(c) The covered operator ~~person~~ has a poultry diagnostic laboratory, certified by the department under s. 93.12 , conduct a confirmatory test within 10 days of receipt of results of a test performed under par. (b) if those results indicate the presence of mycoplasma gallisepticum or mycoplasma synoviae.

(d) The covered operator ~~person~~ transmits the results of tests conducted under pars. (b) and (c) to the department and to any affected party by 1st class mail within 5 days of receipt.

(e) Upon the order of the department under sub. (4)(a), the covered operator ~~person~~ slaughters all poultry kept at a poultry ~~the~~ facility, disinfects all areas where the poultry have been kept and keeps those areas vacant of poultry for not less than 14 days after the date of disinfection.

(f) The covered operator ~~person~~ prepares and submits to the department a plan to prevent the spread of poultry disease that includes all of the following:

1. Clothing policies for employees.
2. Showering policies for employees.
3. Policies for disinfection of equipment.
4. Policies for the daily disposal of dead poultry.
5. Policies relating to vendors from whom the person obtains products or services.
6. Polices for fencing and signs at the facility.
7. Isolation and sanitation procedures.
8. Policies for disinfecting structures in which poultry are kept.
9. Policies concerning vaccination and medication of poultry.
10. Manure handling policies.
11. Policies concerning the transportation of poultry.

12. Policies for employe training and accountability of employes.

(g) The person obtains the approval of the department for the plan under par. (f).

(h) The person maintains records of the results of each test under pars. (b) and (c) for 5 years after the test is conducted.

(4) DUTIES OF THE DEPARTMENT. (a) If the department determines that the results of a test under sub. (3)(c) indicate the presence of mycoplasma gallisepticum or mycoplasma synoviae, the department shall immediately order the slaughter of all poultry kept at a poultry facility and supervise the disposal of the carcasses.

(b) The department shall review and approve, disapprove or conditionally approve plans submitted under sub. (3)(f). The department may require any revision to such a plan that the department determines is appropriate.

(c) The department shall retain a copy of the results of each test under sub. (3)(b) and (c) for at least 5 years after the test is conducted. The department shall retain a copy of a plan approved under par. (b) while the plan is in effect and for at least 5 years after the plan ceases to be in effect.

(5) NO INDEMNIFICATION. Notwithstanding s. 95.31(3) and (4), a covered operator person is not eligible for indemnification for poultry ordered to be slaughtered under sub. (4)(a).

(6) PENALTY. Any person that violates this section or an order issued under this section may be required to forfeit not less than \$5,000 nor more than \$1,000,000 for each violation.

(7) ENFORCEMENT. (a) The department ~~or the department of justice~~ may bring an action to recover a forfeiture under sub. (6) or to seek an injunction restraining the violation of this section or an order issued under this section.

(b) An affected party~~person~~ that is injured or threatened with injury by a violation of this section or an order issued under this section may bring an action for temporary or permanent injunction or damages. The action may not be commenced until 15 days after the day on which the affected party~~person~~ notifies the department and the covered operator~~person~~ alleged to be in violation of the intent to bring the action.

(c) An affected party~~person~~ that obtains an injunction or is awarded damages under par. (b) may recover costs and, notwithstanding s. 814.04(1), reasonable attorney fees.

SECTION 2. Initial applicability.

(1) This act first applies to a covered operator~~person~~ whose facility reaches the size of 1,000 or more animal units, as defined in section 93.53(1)(b) of the statutes, on the effective date of this subsection

1999 BILL

1 **AN ACT to create** 95.53 of the statutes; **relating to:** poultry disease control and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the department of agriculture, trade and consumer protection (DATCP) to establish and maintain quarantine and other measures relating to the importation, movement and care of animals that DATCP determines are necessary to protect the health of domestic animals.

This bill imposes requirements on certain persons that raise chickens or turkeys. The requirements apply to a person that raises 100,000 or more layer chickens, 200,000 or more broiler chickens or 55,000 or more turkeys at a facility if the facility is within 6.2 miles of one or more places, owned or operated by another person, at which a total of 10,000 or more of any species of poultry are kept and were kept before the facility reached that number of layer chickens, broiler chickens or turkeys. The requirements also apply to a person that raises 100,000 or more layer chickens, 200,000 broiler chickens or 55,000 or more turkeys at a facility if manure from the facility is spread or composted, or if other specified activities related to the facility occur, within two miles of a place at which poultry are kept that is owned by another person that keeps a total of 10,000 or more of any species of poultry.

The requirements imposed by this bill include testing for mycoplasma gallisepticum and mycoplasma synoviae, infectious diseases of poultry, and slaughtering all poultry kept at the facility if confirmed tests show the presence of one of those diseases. The owner of the slaughtered poultry would not be eligible for any compensation for the poultry. The bill also requires a person subject to the

BILL

requirements to prepare a plan to prevent the spread of poultry disease and to obtain DATCP's approval of the plan. A person that violates these requirements is subject to a forfeiture (civil penalty) of not less than \$5,000 nor more than \$1,000,000. A person that is injured or threatened with injury by a violation of the requirements imposed by this bill may sue the violator to recover damages or to obtain an injunction.

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.** 95.53 of the statutes is created to read:

2 **95.53 Poultry disease control.** (1) **DEFINITIONS.** In this section:

3 (a) "Affected party" means a person that keeps a total of 10,000 or more of any
4 species of poultry within 6.2 miles of a covered facility that is required to comply with
5 sub. (3) or within 2 miles of a location at which a person spreads or composts chicken
6 or turkey manure, transports live or dead chickens or turkeys or stores or composts
7 dead chickens or turkeys or chicken or turkey by-products any of which originate at
8 a covered facility that is required to comply with sub. (3).

9 (b) "Animal unit" means 100 layer chickens, 200 broiler chickens or 55 turkeys.

10 (c) "Covered facility" means a poultry facility at which 1,000 or more animal
11 units are kept.

12 (d) "Covered operator" means a person who operates a covered facility.

13 (e) "Poultry facility" means a facility at which chickens or turkeys are kept.

14 (f) "Sample population" means one or more birds chosen randomly for every 100
15 animal units kept at a facility.

16 **(2) PROHIBITIONS.** A covered operator may not do any of the following unless the
17 covered operator complies with sub. (3):

BILL

1 (a) Operate a covered facility if the covered facility is within 6.2 miles of one
2 or more places, owned or operated by another person, at which a total of 10,000 or
3 more of any species of poultry are kept and at which a total of 10,000 or more of any
4 species of poultry were kept before the number of animal units at the covered facility
5 reached 1,000.

6 (b) Spread or compost chicken or turkey manure, transport live or dead
7 chickens or turkeys or store or compost dead chickens or turkeys or chicken or turkey
8 by-products, any of which originate at a covered facility, within 2 miles of a place at
9 which poultry are kept by another person that keeps a total of 10,000 or more of any
10 species of poultry if that person kept poultry at that place, and kept a total of 10,000
11 or more of any species of poultry, before the number of animal units at the covered
12 facility reached 1,000.

13 **(3) REQUIREMENTS.** A covered operator complies with this subsection with
14 respect to a covered facility if all of the following apply:

15 (a) The covered operator populates the covered facility only with chickens or
16 turkeys that have been designated mycoplasma gallisepticum clean started and
17 mycoplasma synoviae clean started under 9 CFR 145.24 (f) and (g).

18 (b) The covered operator obtains blood samples from a sample population at the
19 covered facility at least once every 180 days and has a poultry diagnostic laboratory,
20 certified under s. 93.12, conduct a serological test that is approved by the department
21 to detect the presence of mycoplasma gallisepticum and mycoplasma synoviae.

22 (c) The covered operator has a poultry diagnostic laboratory, certified by the
23 department under s. 93.12, conduct a confirmatory test within 10 days of receipt of
24 the results of a test performed under par. (b) if those results indicate the presence of
25 mycoplasma gallisepticum or mycoplasma synoviae.

BILL

1 (d) The covered operator transmits the results of tests conducted under pars.
2 (b) and (c) to the department and to any affected party by 1st class mail within 5 days
3 of receipt.

4 (e) Upon the order of the department under sub. (4) (a), the covered operator
5 slaughters all poultry kept at the covered facility, disinfects all areas where the
6 poultry have been kept and keeps those areas vacant of poultry for not less than 14
7 days after the date of disinfection.

8 (f) The covered operator prepares and submits to the department a plan to
9 prevent the spread of poultry disease that includes all of the following:

- 10 1. Clothing policies for employes.
 - 11 2. Showering policies for employes.
 - 12 3. Policies for disinfection of equipment.
 - 13 4. Policies for the daily disposal of dead poultry.
 - 14 5. Policies relating to vendors from whom the covered operator obtains
15 products or services.
 - 16 6. Policies for fencing and signs at the covered facility.
 - 17 7. Isolation and sanitation procedures.
 - 18 8. Policies for disinfecting structures in which poultry are kept.
 - 19 9. Policies concerning vaccination and medication of poultry.
 - 20 10. Manure handling policies.
 - 21 11. Policies concerning the transportation of poultry.
 - 22 12. Policies for employe training and accountability of employes.
- 23 (g) The covered operator obtains the approval of the department for the plan
24 under par. (f).

BILL

1 (h) The covered operator maintains records of the results of each test under
2 pars. (b) and (c) for 5 years after the test is conducted.

3 (4) DUTIES OF THE DEPARTMENT. (a) If the department determines that the
4 results of a test under sub. (3) (c) indicate the presence of mycoplasma gallisepticum
5 or mycoplasma synoviae, the department shall immediately order the slaughter of
6 all poultry kept at the covered facility and supervise the disposal of the carcasses.

7 (b) The department shall review and approve, disapprove or conditionally
8 approve plans submitted under sub. (3) (f). The department may require any
9 revision to such a plan that the department determines is appropriate.

10 (c) The department shall retain a copy of the results of each test under sub. (3)
11 (b) and (c) for at least 5 years after the test is conducted. The department shall retain
12 a copy of a plan approved under par. (b) while the plan is in effect and for at least 5
13 years after the plan ceases to be in effect.

14 (5) NO INDEMNIFICATION. Notwithstanding s. 95.31 (3) and (4), a covered
15 operator is not eligible for indemnification for poultry ordered to be slaughtered
16 under sub. (4) (a).

17 (6) PENALTY. Any person that violates this section or an order issued under this
18 section may be required to forfeit not less than \$5,000 nor more than \$1,000,000 for
19 each violation.

20 (7) ENFORCEMENT. (a) The department may bring an action to recover a
21 forfeiture under sub. (6) or to seek an injunction restraining the violation of this
22 section or an order issued under this section.

23 (b) An affected party that is injured or threatened with injury by a violation of
24 this section or an order issued under this section may bring an action for a temporary
25 or permanent injunction or damages. The action may not be commenced until 15

BILL

1 days after the day on which the affected party notifies the department and the person
2 alleged to be in violation of the intent to bring the action.

3 (c) An affected party that obtains an injunction or is awarded damages under
4 par. (b) may recover costs and, notwithstanding s. 814.04 (1), reasonable attorney
5 fees.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to a person whose facility reaches the size of 1,000 or
8 more animal units, as defined in section 93.53 (1) (b) of the statutes, on the effective
9 date of this subsection.

10 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1077/1
RCT&PJD.....

W.P.D
please fix
topic line
or request
sheet

CMY

SDC:.....Walter - Caucus # 2115, Avian disease transmission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1012, line 20: after that line insert:

3 **SECTION 1947m.** 95.53 of the statutes is created to read:

4 **95.53 Poultry disease control.** (1) DEFINITIONS. In this section:

5 (a) "Affected party" means a person that keeps a total of 10,000 or more of any

6 species of poultry within 6.2 miles of a covered facility that is required to comply with

7 sub. (3) or within 2 miles of a location at which a person spreads or composts chicken

8 or turkey manure, transports live or dead chickens or turkeys or stores or composts

9 dead chickens or turkeys or chicken or turkey by-products any of which originate at

10 a covered facility that is required to comply with sub. (3).

1 (b) "Animal unit" means 100 layer chickens, 200 broiler chickens or 55 turkeys.

2 (c) "Covered facility" means a poultry facility at which 1,000 or more animal
3 units are kept.

4 (d) "Covered operator" means a person who operates a covered facility.

5 (e) "Poultry facility" means a facility at which chickens or turkeys are kept.

6 (f) "Sample population" means one or more birds chosen randomly for every 100
7 animal units kept at a facility.

8 (2) PROHIBITIONS. A covered operator may not do any of the following unless the
9 covered operator complies with sub. (3):

10 (a) Operate a covered facility if the covered facility is within 6.2 miles of one
11 or more places, owned or operated by another person, at which a total of 10,000 or
12 more of any species of poultry are kept and at which a total of 10,000 or more of any
13 species of poultry were kept before the number of animal units at the covered facility
14 reached 1,000.

15 (b) Spread or compost chicken or turkey manure, transport live or dead
16 chickens or turkeys or store or compost dead chickens or turkeys or chicken or turkey
17 by-products, any of which originate at a covered facility, within 2 miles of a place at
18 which poultry are kept by another person that keeps a total of 10,000 or more of any
19 species of poultry if that person kept poultry at that place, and kept a total of 10,000
20 or more of any species of poultry, before the number of animal units at the covered
21 facility reached 1,000.

22 (3) REQUIREMENTS. A covered operator complies with this subsection with
23 respect to a covered facility if all of the following apply:

1 (a) The covered operator populates the covered facility only with chickens or
2 turkeys that have been designated mycoplasma gallisepticum clean started and
3 mycoplasma synoviae clean started under 9 CFR 145.24 (f) and (g).

4 (b) The covered operator obtains blood samples from a sample population at the
5 covered facility at least once every 180 days and has a poultry diagnostic laboratory,
6 certified under s. 93.12, conduct a serological test that is approved by the department
7 to detect the presence of mycoplasma gallisepticum and mycoplasma synoviae.

8 (c) The covered operator has a poultry diagnostic laboratory, certified by the
9 department under s. 93.12, conduct a confirmatory test within 10 days of receipt of
10 the results of a test performed under par. (b) if those results indicate the presence of
11 mycoplasma gallisepticum or mycoplasma synoviae.

12 (d) The covered operator transmits the results of tests conducted under pars.
13 (b) and (c) to the department and to any affected party by 1st class mail within 5 days
14 of receipt.

15 (e) Upon the order of the department under sub. (4) (a), the covered operator
16 slaughters all poultry kept at the covered facility, disinfects all areas where the
17 poultry have been kept and keeps those areas vacant of poultry for not less than 14
18 days after the date of disinfection.

19 (f) The covered operator prepares and submits to the department a plan to
20 prevent the spread of poultry disease that includes all of the following:

- 21 1. Clothing policies for employees.
- 22 2. Showering policies for employees.
- 23 3. Policies for disinfection of equipment.
- 24 4. Policies for the daily disposal of dead poultry.

1 5. Policies relating to vendors from whom the covered operator obtains
2 products or services.

3 6. Policies for fencing and signs at the covered facility.

4 7. Isolation and sanitation procedures.

5 8. Policies for disinfecting structures in which poultry are kept.

6 9. Policies concerning vaccination and medication of poultry.

7 10. Manure handling policies.

8 11. Policies concerning the transportation of poultry.

9 12. Policies for employe training and accountability of employes.

10 (g) The covered operator obtains the approval of the department[✓] for the plan
11 under par. (f).[✓]

12 (h) The covered operator maintains records of the results of each test under
13 pars. (b) and (c) for 5 years after the test is conducted.[✓]

14 (4) DUTIES OF THE DEPARTMENT. (a) If the department determines that the
15 results of a test under sub. (3) (c) indicate the presence of mycoplasma gallisepticum[✓]
16 or mycoplasma synoviae, the department shall immediately order[✓] the slaughter of
17 all poultry kept at the covered facility and supervise the disposal of the carcasses.

18 (b) The department shall review and approve, disapprove or conditionally
19 approve plans submitted under sub. (3) (f).[✓] The department may require any
20 revision to such a plan that the department determines is appropriate.

21 (c) The department shall retain a copy of the results of each test under sub. (3)
22 (b) and (c) for at least 5 years after the test is conducted. The department shall retain[✓]
23 a copy of a plan approved under par. (b) while the plan is in effect and for at least 5
24 years after the plan ceases to be in effect.

1 / (5) NO INDEMNIFICATION. Notwithstanding s. 95.31 (3) and (4), a covered
2 operator is not eligible for indemnification for poultry ordered to be slaughtered
3 under sub. (4) (a).

4 (6) PENALTY. Any person that violates this section or an order issued under this
5 section may be required to forfeit not less than \$5,000 nor more than \$1,000,000 for
6 each violation.

7 (7) ENFORCEMENT. (a) The department may bring an action to recover a
8 forfeiture under sub. (6) or to seek an injunction restraining the violation of this
9 section or an order issued under this section.

10 (b) An affected party that is injured or threatened with injury by a violation of
11 this section or an order issued under this section may bring an action for a temporary
12 or permanent injunction or damages. The action may not be commenced until 15
13 days after the day on which the affected party notifies the department and the person
14 alleged to be in violation of the intent to bring the action.

15 (c) An affected party that obtains an injunction or is awarded damages under
16 par. (b) may recover costs and, notwithstanding s. 814.04 (1), reasonable attorney
17 fees.”.

18 2. Page 1585, line 16: after that line insert:

19 “(3) ^{a ← letter “g”} POULTRY DISEASE CONTROL. The creation of section 95.53 of the statutes
20 by this act first applies to a person whose facility reaches the size of 1,000 or more
21 animal units, as defined in section 93.53 (1) (b) of the statutes, on the effective date
22 of this subsection.”.

*Initial
APP*

23

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1077/1
RCT&PJD:cmh:ksh

SDC:.....Walter – Caucus # 2115, Avian disease transmission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1012, line 20: after that line insert:

3 “SECTION 1947m. 95.53 of the statutes is created to read:

4 **95.53 Poultry disease control. (1) DEFINITIONS.** In this section:

5 (a) “Affected party” means a person that keeps a total of 10,000 or more of any
6 species of poultry within 6.2 miles of a covered facility that is required to comply with
7 sub. (3) or within 2 miles of a location at which a person spreads or composts chicken
8 or turkey manure, transports live or dead chickens or turkeys or stores or composts
9 dead chickens or turkeys or chicken or turkey by-products any of which originate at
10 a covered facility that is required to comply with sub. (3).

1 (b) “Animal unit” means 100 layer chickens, 200 broiler chickens or 55 turkeys.

2 (c) “Covered facility” means a poultry facility at which 1,000 or more animal
3 units are kept.

4 (d) “Covered operator” means a person who operates a covered facility.

5 (e) “Poultry facility” means a facility at which chickens or turkeys are kept.

6 (f) “Sample population” means one or more birds chosen randomly for every 100
7 animal units kept at a facility.

8 **(2) PROHIBITIONS.** A covered operator may not do any of the following unless the
9 covered operator complies with sub. (3):

10 (a) Operate a covered facility if the covered facility is within 6.2 miles of one
11 or more places, owned or operated by another person, at which a total of 10,000 or
12 more of any species of poultry are kept and at which a total of 10,000 or more of any
13 species of poultry were kept before the number of animal units at the covered facility
14 reached 1,000.

15 (b) Spread or compost chicken or turkey manure, transport live or dead
16 chickens or turkeys or store or compost dead chickens or turkeys or chicken or turkey
17 by-products, any of which originate at a covered facility, within 2 miles of a place at
18 which poultry are kept by another person that keeps a total of 10,000 or more of any
19 species of poultry if that person kept poultry at that place, and kept a total of 10,000
20 or more of any species of poultry, before the number of animal units at the covered
21 facility reached 1,000.

22 **(3) REQUIREMENTS.** A covered operator complies with this subsection with
23 respect to a covered facility if all of the following apply:

1 (a) The covered operator populates the covered facility only with chickens or
2 turkeys that have been designated mycoplasma gallisepticum clean started and
3 mycoplasma synoviae clean started under 9 CFR 145.24 (f) and (g).

4 (b) The covered operator obtains blood samples from a sample population at the
5 covered facility at least once every 180 days and has a poultry diagnostic laboratory,
6 certified under s. 93.12, conduct a serological test that is approved by the department
7 to detect the presence of mycoplasma gallisepticum and mycoplasma synoviae.

8 (c) The covered operator has a poultry diagnostic laboratory, certified by the
9 department under s. 93.12, conduct a confirmatory test within 10 days of receipt of
10 the results of a test performed under par. (b) if those results indicate the presence of
11 mycoplasma gallisepticum or mycoplasma synoviae.

12 (d) The covered operator transmits the results of tests conducted under pars.
13 (b) and (c) to the department and to any affected party by 1st class mail within 5 days
14 of receipt.

15 (e) Upon the order of the department under sub. (4) (a), the covered operator
16 slaughters all poultry kept at the covered facility, disinfects all areas where the
17 poultry have been kept and keeps those areas vacant of poultry for not less than 14
18 days after the date of disinfection.

19 (f) The covered operator prepares and submits to the department a plan to
20 prevent the spread of poultry disease that includes all of the following:

- 21 1. Clothing policies for employees.
- 22 2. Showering policies for employees.
- 23 3. Policies for disinfection of equipment.
- 24 4. Policies for the daily disposal of dead poultry.

1 5. Policies relating to vendors from whom the covered operator obtains
2 products or services.

3 6. Policies for fencing and signs at the covered facility.

4 7. Isolation and sanitation procedures.

5 8. Policies for disinfecting structures in which poultry are kept.

6 9. Policies concerning vaccination and medication of poultry.

7 10. Manure handling policies.

8 11. Policies concerning the transportation of poultry.

9 12. Policies for employe training and accountability of employes.

10 (g) The covered operator obtains the approval of the department for the plan
11 under par. (f).

12 (h) The covered operator maintains records of the results of each test under
13 pars. (b) and (c) for 5 years after the test is conducted.

14 (4) DUTIES OF THE DEPARTMENT. (a) If the department determines that the
15 results of a test under sub. (3) (c) indicate the presence of mycoplasma gallisepticum
16 or mycoplasma synoviae, the department shall immediately order the slaughter of
17 all poultry kept at the covered facility and supervise the disposal of the carcasses.

18 (b) The department shall review and approve, disapprove or conditionally
19 approve plans submitted under sub. (3) (f). The department may require any
20 revision to such a plan that the department determines is appropriate.

21 (c) The department shall retain a copy of the results of each test under sub. (3)
22 (b) and (c) for at least 5 years after the test is conducted. The department shall retain
23 a copy of a plan approved under par. (b) while the plan is in effect and for at least 5
24 years after the plan ceases to be in effect.

1 (5) NO INDEMNIFICATION. Notwithstanding s. 95.31 (3) and (4), a covered
2 operator is not eligible for indemnification for poultry ordered to be slaughtered
3 under sub. (4) (a).

4 (6) PENALTY. Any person that violates this section or an order issued under this
5 section may be required to forfeit not less than \$5,000 nor more than \$1,000,000 for
6 each violation.

7 (7) ENFORCEMENT. (a) The department may bring an action to recover a
8 forfeiture under sub. (6) or to seek an injunction restraining the violation of this
9 section or an order issued under this section.

10 (b) An affected party that is injured or threatened with injury by a violation of
11 this section or an order issued under this section may bring an action for a temporary
12 or permanent injunction or damages. The action may not be commenced until 15
13 days after the day on which the affected party notifies the department and the person
14 alleged to be in violation of the intent to bring the action.

15 (c) An affected party that obtains an injunction or is awarded damages under
16 par. (b) may recover costs and, notwithstanding s. 814.04 (1), reasonable attorney
17 fees.”.

18 **2.** Page 1585, line 16: after that line insert:

19 “(3g) POULTRY DISEASE CONTROL. The creation of section 95.53 of the statutes by
20 this act first applies to a person whose facility reaches the size of 1,000 or more
21 animal units, as defined in section 93.53 (1) (b) of the statutes, on the effective date
22 of this subsection.”.

23

(END)