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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Agriculture...

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)

Assembly

Record of Committee Proceedings

Committee on Agriculture

Assembly Bill 868

Relating to: the siting and expansion of certain livestock facilities, local zoning ordinances relating to livestock facilities, creating a Livestock Facility Siting Review Board, and granting rule-making authority.

By Representatives Ward, Ott, Gronemus, Vruwink, Gard, Gunderson, Hahn, Towns, Weber, Powers, Pettis, Olsen, Van Roy, Loeffelholz, Ainsworth, Kestell, Suder, Hundertmark and Nass; cosponsored by Senators Schultz, Brown, M. Meyer, Harsdorf, Jauch, S. Fitzgerald, Kanavas and Zien.

February 19, 2004 Referred to Committee on Agriculture.

February 23, 2004 **PUBLIC HEARING HELD**

Present: (11) Representatives Ott, M. Williams, Petrowski, Kestell, Suder, Hines, Loeffelholz, Towns, Plouff, Vruwink and Molepske.

Absent: (4) Representatives Ainsworth, Gronemus, Balow and Hebl.

Appearances For

- State Representative David Ward, 37th Assembly District
- State Senator Dale Schultz, 17th Senate District
- Secretary Rod Nilsestuen, DATCP , Madison
- Nick Neher, DATCP, Madison
- R.F. (Dick) Hauser, Wisconsin Cattlemen's Association, Richland Center
- Ron Buholzer, Wisconsin Cheese Makers Association, Monroe
- John Umhoefer, Wisconsin Cheese Makers Association, Madison
- Mark O'Connell, Wisconsin Counties Association, Madison
- Dick Gorder, Wisconsin Farm Bureau, Mineral Point
- Sue Beitlich, Wisconsin Farmers Union, Chippewa Falls
- Bill Oemichen, Wisconsin Federation of Cooperatives, Madison
- John Lader, Wisconsin Pork Association, Janesville
- Jerry Derr, Wisconsin Towns Association, Columbus
- Kent Woods, Wisconsin Towns Association
- Greg Steele, Agstar Financial Services, River Falls
- Karen Endres, Alto Dairy, Waunakee

- Gary Sipiorski, Citizens State Bank of Loyal, Abbotsford
- John Vosters, Dairy Business Association, Kaukauna
- Norval Dvorak, Dvorak Beef Farms LLC, Manitowoc
- Kyle Gordon, Gordondale Farms, Nelsonville
- Kenneth Buelow, Holsum Dairy, Hilbert
- Brian Gerrits, Lake Breeze Dairy, DePere
- Mike Larson, Larson Acres, Evansville
- John Haskins, Majestic View Dairy, Lancaster
- Scott & Carrie Matsche, Matsche Farms, Inc., Birnamwood
- Dan Rasmussen, Modern Dairy Systems LLC, Kaukauna
- Don Hamm, National Farmers Organization, Fredonia
- Case Jorresteyn, New Horizons Agriculture, Madison
- John Pagel, Pagels Ponderosa Dairy, Kewaunee
- Doug Simon, Trega Foods, Inc., Weyauwega
- Dan Brick, Town of Holland, Greenleaf
- Ken Heiman, Marshfield
- Dennis Schopf, Sturgeon Bay
- John Vrieze, Baldwin
- John Rosenow, Cochrane
- Larry Dufek, New Franken
- Jerrold Meissner, Chili
- Bill Pielsticker, Lodi
- Cris Peterson, Grantsburg
- Kenneth Levzow, Rio

Appearances Against

- Tony Ends, Churches' Center for Land & People, Brodhead
- Janice Tetzlaff, Citizens for Responsible Agriculture & Clean Environment, Mishicot
- Michael Taddy, Citizens for Responsible Agriculture & Clean Environment, Maribel
- Ann Zelinski, Citizens for Responsible Agriculture & Clean Environment, Maribel
- Shirley Mecha, Citizens for Responsible Agriculture & Clean Environment, Maribel
- Jack Simono, Citizens for Responsible Agriculture & Clean Environment, Two Rivers
- Joyce Cisler, Citizens for Responsible Agriculture & Clean Environment, Whitelaw
- John Peck, Family Farm Defenders, Madison
- Andrew Hanson, Midwest Environmental Advocates, Madison
- Betty Wolcott, The Woodlands; Sisters of St. Francis Assisi, Osseo
- Katrina Becker, Madison

- Sarah Lloyd, Cambria
- Hiroshi & Arlene Kanno, Wisconsin Dells
- Lester Cherney, Whitelaw
- Harvey Zeman, Maribel
- Maureen Blaney Flietner, Hilbert
- Russ Tooley, Cleveland
- Donald Nelson, Wisconsin Dells
- Anita Nelson, Wisconsin Dells
- Steve Books, Mt. Horeb
- David Engel, Soldiers Grove
- Tom Hermann, Egg Harbor
- Tony Schultz, Athens
- Shelley Hamel, Westfield
- Marilyn Verick, Cleveland

Appearances for Information Only

- Patrick Laughrin, Calumet County Land & Water Conservation Committee, Hilbert
- Richard Castelnuovo, DATCP, Madison
- Jennifer Keuning, UW-Extension, Kewaunee
- Scott Gunderson, UW-Extension, Manitowoc
- Michael Theo, Wisconsin Realtors Association, Madison
- Tom Larson, Wisconsin Realtors Association, Madison
- Mark Sleger, Poynette
- Mark Davis, Rio

Registrations For

- Senator Ted Kanavas, 33rd Senate District
- Christopher Sosnay, Wisconsin Bankers Association, Madison
- Bob Oleson, Wisconsin Corn Growers Association, Palmyra
- Brad Legreid, Wisconsin Dairy Products Association, Middleton
- Paul Zimmerman, Wisconsin Farm Bureau Federation, Madison
- Darla Sikora, Agricultural Lending, Cornell
- Dr. James Metz, Animart, Beaver Dam
- John Blaska, B-Farms, Inc, Marshall
- Robert Bauduin, Bauduin's Grandview Dairy, Casco
- Karen Bauduin, Bauduin's Grandview Dairy, Casco
- Walter Meinholz, Blue Star Dairy Farms, DeForest
- Dale Olson, Burnett Dairy Cooperative, Cushing
- Sandi Cihlar, Cihlar Farms, Mosinee
- Mike Cornette, Cornette Farm Supply, Greenleaf
- William Eberle, Dairy Business Association, Omro

- Spence Driver, Dairy Business Association, Iola
- Laurie Fischer, Dairy Business Association, Oneida
- Andrew Nytes, Dairy Business Association, Oregon
- Troy Schneider, Dairy Business Association, Chilton
- Eric Olstad, East Central Select Sires, Stoughton
- Rita Buhr, Emerald-Baldwin Dairy, Emerald
- Lee Jensen, Five Star Dairy, Elk Mound
- Jim Wittenberger, Foremost Farms USA, Reedsburg
- Howard Mack, Foremost Farms USA, Baraboo
- Gary Peterson, Four Cubs Farm, Grantsburg
- Beu Peterson, Four Cubs Farm, Grantsburg
- Corey Geiger, Hoard's Dairyman Magazine, Fort Atkinson
- Lance Schmidt, Hubbard Feeds, Inc., Hortonville
- Dean Doornink, Jon-De Farm, Baldwin
- Allan Kutz, Kutz Dairy & Dairy Business Association, Jefferson
- Ronald Kutz, Kutz Dairy & Dairy Business Association, Jefferson
- Bernie Ford, Land O' Lakes, Wausau
- Sandy Trustem, Larson Acres, Evansville
- Terri Abing, Majestic View Dairy, Lancaster
- Annette Goetsch, Pfizer Animal Health, Sheboygan Falls
- Stephen Pederson, Royal Flush Dairy, Westby
- Dan Monson, Spring Grove Dairy, Brodhead
- Eugene Abraham, Town of Jordan, Monroe
- Pat Faessler, Town of Spring Grove, Juda
- Jim Harsdorf, Trim-Bel Valley Dairy, Beldenville
- Katie Boyke, Vir-Clar Farms, Madison
- Doug Olsen, Vita-Plus, Wisconsin Rapids
- Richard Wagner, Wagner Dairy, Middleton
- Mark Wiese, Wiese Brothers Farms, Greenleaf
- Jerome Wagner, Wagner Dairy, Middleton
- Robert Gonring, West Bend Elevator, Campbellsport
- Ralph Lezvow, Rio
- Jean Dvorak, Manitowoc
- Lynn Sedelbauer, Hixton
- Ron Abing, Lancaster
- Skip Nordahl, Hixton
- Jeff Montsma, Fond du Lac
- Chuck Ripp, Dane
- Randall Greenfield, Sun Prairie
- Caroline Peterson, Grantsburg
- Gary Tauchen, Bonduel
- Laura Daniels, Mineral Point

- Becky Levzow, Rio
- Grant Grinstead, Madison
- Linda Bochert, Madison
- Nate Wagner, Middleton
- Douglas Braun, Sussex
- Michelle Philbeck, DePere
- Dan Hahn, Chilton

Registrations Against

- George Morgan, Centerville Cares, Cleveland
- Claudia Ends, Citizens Against Factory Farming, Broadhead
- Darlene Massen, Citizens Against Factory Farming, Brodhead
- Mary Ann Taddy, Citizens for Responsible Agriculture & Clean Environment, Maribel
- Marcella Straka, Citizens for Responsible Agriculture & Clean Environment, Mishicot
- Rita Kliment, Citizens for Responsible Agriculture & Clean Environment, Whitelaw
- Vernon Kliment, Citizens for Responsible Agriculture & Clean Environment, Whitelaw
- Mike Herzog, Citizens for Responsible Agriculture & Clean Environment, Manitowoc
- Irene Hessel, Citizens for Responsible Agriculture & Clean Environment, Manitowoc
- Mike Zelinski, Citizens for Responsible Agriculture & Clean Environment, Maribel
- Al Matano, Dane County Board of Supervisors, Madison
- Bill Hallstrom, Green-Rock Audubon Society, Beloit
- Felicia Lin, Midwest Environmental Advocates, Madison
- Josh Healey, Student Labor Action Coalition, Madison
- Catherine Parks Snider, Town of Dunn, Oregon
- Arnold Junk, Town of Manitowoc Rapids, Manitowoc
- Micha Ends, Brodhead
- Donna Hammond, Cleveland
- Wayne Cisler, Whitelaw
- Robert Rasmussen, Mishicot
- Paul Flietner, Hilbert
- Ruth Simpson, Madison
- Lee Brown, Madison
- Jeff Hassemer, Maribel
- Lonna Brooks, Rio
- Verne Wilke, Brodhead
- David Hamel, Westfield
- Wayne Schuette, Jr., Cleveland

- Betty Koenig, Mishicot
- Geraldine Zeman, Maribel
- Michael O'Brien, Madison
- Wanda Ashman, Madison
- Stacy Taeuber, Madison
- Ann Hassemer, Whitelaw
- Lloyd Shoulak, Mishicot
- Garth Hammond, Cleveland
- James Rasmussen, Mishicot
- Helen Rasmussen, Mishicot
- David Bender, Prairie du Sac
- Carol Enseki, Madison
- Diane Milligan, Madison
- Cara Coburn, Madison
- Jeff Leicht, Cleveland
- Donald Reif, Two Rivers
- Robert Peroutka, Two Rivers
- Milt Hassemer, Whitelaw
- Frank Hlinak, Maribel
- John Tebo, Whitelaw
- Paul Hutterer, Whitelaw
- Michael Orr, Waupaca
- John Shafer, Spring Valley
- Richard Massen, Brodhead
- Carl Scheuers, New Holstein
- Diane Schuette, Cleveland
- Lisa Fuelleman, Mt. Horeb

February 26, 2004

EXECUTIVE SESSION HELD

Present: (15) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink, Hebl and Molepske.

Absent: (0) None.

Moved by Representative Molepske, seconded by Representative Balow that **Assembly Amendment LRBa2298** be recommended for introduction.

Ayes: (3) Representatives Plouff, Balow and Molepske.

Noes: (11) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Loeffelholz, Towns, Gronemus and Vruwink.

Absent: (1) Representative Hebl.

INTRODUCTION OF ASSEMBLY AMENDMENT LRBa2298
NOT RECOMMENDED, Ayes 3, Noes 11

Moved by Representative Balow, seconded by Representative Molepske that **Assembly Amendment LRBa2323** be recommended for introduction.

Ayes: (5) Representatives Gronemus, Plouff, Balow, Vruwink and Molepske.
Noes: (9) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Loeffelholz and Towns.
Absent: (1) Representative Hebl.

INTRODUCTION OF ASSEMBLY AMENDMENT LRBa2323
NOT RECOMMENDED, Ayes 5, Noes 9

Moved by Representative Ott, seconded by Representative M. Williams that **Assembly Substitute Amendment LRBs0395** be recommended for introduction.

Ayes: (15) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink, Hebl and Molepske.
Noes: (0) None.

INTRODUCTION OF ASSEMBLY SUBSTITUTE
AMENDMENT LRBs0395 RECOMMENDED, Ayes 15, Noes 0

Moved by Representative Plouff, seconded by Representative Ainsworth that **LRBs0395** be recommended for adoption.

Ayes: (15) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink, Hebl and Molepske.
Noes: (0) None.

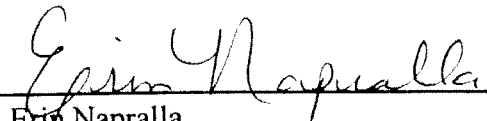
LRBs0395 ADOPTION RECOMMENDED, Ayes 15, Noes 0

Moved by Representative Ott, seconded by Representative Gronemus that **Assembly Bill 868** be recommended for passage as amended.

Ayes: (15) Representatives Ott, M. Williams,
Ainsworth, Petrowski, Kestell, Suder, Hines,
Loeffelholz, Towns, Gronemus, Plouff,
Balow, Vruwink, Hebl and Molepske.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 15, Noes 0


Erin Napralla
Committee Clerk

Vote Record Committee on Agriculture

Date: 2/26/04

Moved by: Molepske

Seconded by: Balow

AB 8168 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

^{LRB}
 A/S Amdt 2298

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>11</u>	<u>-</u>	<u>1</u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2-26-04

Moved by: Balow

Seconded by: Molepske

AB 8168

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

^{LRP}
A/S Amdt 2323

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 9 - 1

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/26/04

Moved by: Williams

Seconded by: Hines

* Rolled Into
ASA 1 *

AB 868 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt RB 2394

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>14</u>	<u>-</u>	<u>-</u>	<u>1</u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/26/24

Moved by: Williams

Seconded by: Hines

*Rolled into
ASA 1 *

AB 868

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt AB 2394

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>14</u>	<u>-</u>	<u>-</u>	<u>1</u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/26/04

Moved by: Ott

Seconded by: Williams

AB 868 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt LRB 0395
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | | | | |
|--|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>-</u>	<u>-</u>	<u>-</u>

Motion Carried Motion Failed

Vote Record Committee on Agriculture

Date: 2/21/04

Moved by: Plouff

Seconded by: Ainsworth

AB 868

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt LRB 0395

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
 Adoption
 Confirmation
 Concurrence
 Indefinite Postponement
 Introduction
 Rejection
 Tabling
 Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>-</u>	<u>-</u>	<u>-</u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/26/04

Moved by: Ott

Seconded by: Gronemus

AB 868 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
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 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

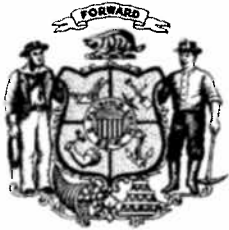
Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Representative Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>—</u>	<u>—</u>	<u>—</u>

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE



Napralla, Erin

From: OBrien, John
Sent: Monday, February 16, 2004 5:24 AM
To: Alvin Ott; Alyssa Whitney; Bob Bosold, NAFB; Charlene Rodriguez; Dan Kursevski; Dave Hansen; Dave Ward; David Lovell; Donna Doyle; Eileen O'Neill; Erin Napralla; Georgia Maxwell; Hannah Vick; Jim Massey, Editor, Country Today, Eau Claire; Joan Sanstadt, Agriview; John Manske, W.F.C.; John OBrien; John Umhoefer, WI Cheesmakers Assn.; John Wagnitz; Jonathan Klein; Julie Lassa; Keeley Moll; Mark Patronsky; Mary Lou Santovec, WI Community Banking News; Matt Phillips; Neal Kedzie; news@wisconsinagconnection.com; Nicholas Zavos; Paul Zimmerman WFBF; Peter Christianson; Phil Montgomery; Robin Ryan; Rod Nilsestuen; Roger Cliff WFBF; Ronald Brown; Sherab Lhatsang; SLonergan@weatrust.com; Suzanne Jeskewitz; Tom Jackson; wheeler@thewheelerreport.com; wisfarmer@charterinternet.net
Subject: Joint Public Hearing. Sen. Ag. Fin. Inst. & Insurance/Assembly Ag Committee



P20040223.doc



03-34531.pdf

John O'Brien, Committee Clerk
Senate Agriculture, Financial institutions and Insurance.
Senator Dale Schultz, Chair.
John.O'Brien@legis.state.wi.us
(800) 978 8008 (Toll Free In State Only)
(608) 26 6-0703

Senate/Assembly

JOINT COMMITTEE HEARING

PUBLIC HEARING

**Committee on Agriculture, Financial Institutions and
Insurance**

The committee will hold a public hearing on the following items at the time specified below:

Monday, February 23, 2004
10:00 AM
411 South

***NOTICE WILL BE AMENDED TO INCLUDE BILL NUMBER UPON
INTRODUCTION!***

LRB-3453/1

AN ACT to create 15.135 (1), 93.90 and 165.25 (4) (as) of the statutes; relating to: the siting and expansion of certain livestock facilities, local zoning ordinances relating to livestock facilities, creating a Livestock Facility Siting Review Board, and granting rule-making authority.

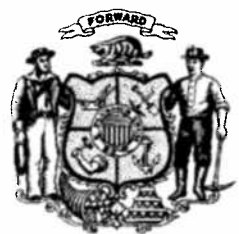
An executive session may be held on matters before the committee

Dale W. Schultz

Senator Dale Schultz
Chair



WISCONSIN STATE LEGISLATURE



Napralla, Erin

From: Rep.Ainsworth
Sent: Tuesday, February 17, 2004 12:00 PM
To: Napralla, Erin
Subject: 2-23-04 Agric. P.H.

Dear Chairman Ott:

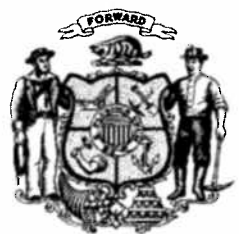
A scheduling conflict in the district will prevent me from attending the February 23rd Joint Agriculture Committee public hearing held for the purpose of discussing the livestock facilities siting legislation (LRB 3453/1). I would like to request a formal excuse from the meeting as well as officially register my support for LRB 3453/1.

Thank you,

JOHN AINSWORTH
State Representative
6th Assembly District



WISCONSIN STATE LEGISLATURE



February 19th, 2004

From: John Mueller
307 Mary ST P.O. Box 385
Cambria, WI 53923

To the Honorable Chair Representative Ott, and members of the Joint Agriculture, Financial Institutions and Insurance Committee hearing:

I am offering my testimony regarding your consideration of recommendations made by the Advisory Committee on Siting Livestock Facilities (ACSLF) which were submitted to the Department of Agriculture, Trade and Consumer Protection (DATCP) on November the 15th of last year. It is my understanding that a hearing on this matter will be held on Monday, February 23rd, 2004. As I am unable to attend this hearing in person, I ask that the Chairman accept this document as my testimony on this matter.

Although the Summary of Final Recommendations submitted by the ACSLF does pay lip service to local community concerns by stating up front:

"Counties and municipalities should continue to be the governmental entities with authority to decide whether to approve or deny a farmer's application to site a new or expand an existing livestock farm."

essentially the overall thrust of these recommendations is to weaken local zoning authority and effectively place final approval for siting large livestock facilities in the hands of DATCP and a State Review Board.

Final approval is effectively granted to DATCP and the State Review Board by the ACSLF's additional recommendations such as this one:

"A county or municipality must approve a livestock farmer's application to site a new or expand an existing livestock farm if it meets the DATCP practices and standards and is consistent with the county or municipal regulations."

In practice, many local authorities will meekly follow the DATCP standards in hopes of avoiding conflict and costly litigation engendered by yet another avenue for the appeals process. By granting DATCP the power to determine best standards and practices and granting a newly created State Review Board the power to oversee local decisions, local interpretation of zoning laws and therefore local knowledge, authority and discretion are rendered far less compelling.

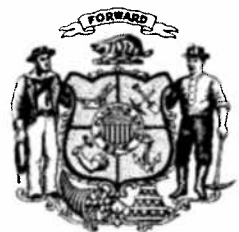
Citizens living within their particular communities will be the ones to live with any and all consequences of being in proximity to large livestock facilities. Citizens, through their testimony at local zoning hearings, by enacting local zoning law, and through representation by their locally elected officials should be the ones to decide whether or not a facility of this type and magnitude is suitable development within their own communities. These decisions are too important to be left to a governing body not intimately connected with and accountable to the local community.

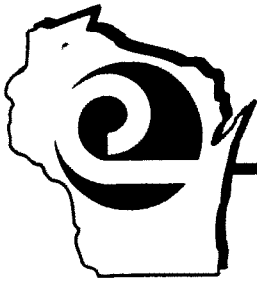
I urge you all to make no exceptions, make no decisions, and take no actions weakening local zoning controls.

Respectfully submitted February the 19th, 2004,



WISCONSIN STATE LEGISLATURE





Wisconsin Land and Water Conservation

One Point Place, Suite 101 · Madison, Wisconsin 53719

Phone (608) 833-1833 · Fax (608) 833-7179

WLWCA Homepage: www.wlwca.org

Representing Wisconsin's 72 County Land Conservation Committees and Departments

To: Senate Committee on Agriculture, Financial Institutions and Insurance
Chairman, Senator Dale Schultz
Assembly Agriculture Committee
Chairman, Representative Alvin Ott

From: Rebecca Baumann, Executive Director

Date: February 23, 2004

RE: WLWCA Comments on AB868

The Wisconsin Land and Water Conservation Association (WLWCA) appreciates the work that has been done on this legislation by Legislators and the Siting Committee.

As the state association that works with all land conservation departments and committees, we recognize and agree that agriculture and agricultural economics are integral to the welfare of the State of Wisconsin. We work and support farms of all sizes, large and small alike. We encourage the promotion and protection of agriculture and agricultural land uses through established goals in county land and management plans as well as other adopted county plans.

Counties have the authority under State Statute to create zoning ordinances, and they utilize this authority and conditional use permits to manage and control a diversity of land uses, including concentrated animal feeding operations. We believe that a strong agricultural economy can be maintained by retaining the authority of counties to manage the siting and expansion of concentrated animal feeding operations through judicious use of zoning and conditional use permits.

Recognizing that there are differing opinions as to the effect of currently propose legislation on county ordinances, we are definitely opposed to any legislation that would preempt county ordinances by limiting local authority to manage or restrict the siting or expansion of concentrated animal feeding operations through use of zoning and conditional use permits.

We are concerned about the implications of the words "scientific finding of fact", and would question whether this is a more stringent standard than "to protect public health and safety?" We do not want current local ordinances that protect public health and safety overturned due to lack of "scientific finding of fact." This does not imply that decisions should be arbitrary or capricious. Rather the question is raised concerning what new reports, financial investment, and time might be needed in each county to defend a decision based on public health and safety?

Board of Directors

Wilbur Petroskey, President · Rose Hass Lieder, Vice-President · Robert Hoesley, Secretary/Treasurer
Steve Dickinson · Marvin Fox · Roger Hahn · Ron Kruse · Robert Washkuhn

Secondly we would question whether the review board would be used to over-ride sound and fair local decisions? Acknowledging that proponents and opponents disagree on what impact this appeals board might have, we support the local process already in place and respect the right of counties to make the final decision concerning siting issues.

We look forward to continued communication and input in this process of creating statewide standards for livestock facility expansion. We are an agriculture support organization. Our mission is not one that is connected with the size of the farm. Our mission is responsible expansion that enables a sustainable agriculture future for Wisconsin. Local government officials are best suited to understand local environmental conditions and limitations. Local ordinances are the tools recognizing that each county is not the same. Rather they vary with soil conditions, slopes, water bodies and sometimes uniquely fragile ecosystems.

Minimum statewide standards are important to enable growth. But local restrictions are necessary to protect our shared natural resources.

Thank you for the opportunity to comment on this legislation, and again, we offer our ongoing support in developing a state policy that allows for maximum growth of agriculture along with maximum protection of our natural resources.

Board of Directors

Wilbur Petroskey, President • Rose Hass Lieder, Vice-President • Robert Hoesley, Secretary/Treasurer
Steve Dickinson • Marvin Fox • Roger Hahn • Ron Kruse • Robert Washkuhn

Wisconsin Land and Water Conservation Association

2003 RESOLUTION #4

**RESOLUTION OPPOSING STATE LEGISLATION SEEKING TO BYPASS
LOCAL AUTHORITY ON CONCENTRATED ANIMAL FEEDING OPERATIONS IN
WISCONSIN**

WHEREAS, Wisconsin Land and Water Conservation Association deems that agriculture and agricultural economics are integral to the welfare of the State of Wisconsin; and

WHEREAS, Wisconsin Land and Water Conservation Association encourages the promotion and protection of agriculture and agricultural land uses through established goals in counties Land and Water Management Plans as well as other adopted county plans; and

WHEREAS, Wisconsin Land and Water Conservation Association recognizes that counties have the authority under State Statute 59.69 to create local zoning ordinances to promote the health, welfare and safety of county residents, and been delegated the responsibility to exercise this authority; and

WHEREAS, through application of this zoning authority, counties now use zoning districts and conditional use permits to manage and control a diversity of land uses, including concentrated animal feeding operations.

WHEREAS, Wisconsin Land and Water Conservation Association believes that a strong agricultural economy can be maintained in Wisconsin by maintaining the authority of counties to manage the siting or expansion of concentrated animal feeding operations through judicious use of zoning and conditional use permits.

THEREFORE, be it resolved that Wisconsin Land and Water Conservation Association opposes legislation that would preempt county ordinances by limiting local authority to manage or restrict the siting or expansion of concentrated animal feeding operations through use of zoning and conditional use permits.

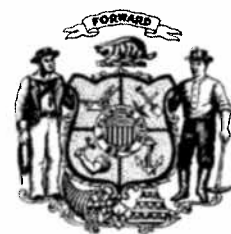
FURTHER, be it resolved that this resolution be forwarded and endorsed by the WLWCA and distributed to the Wisconsin Counties Association, the Secretary of Agriculture, Trade and Consumer Protection, the chairs of the Senate and Assembly Committees on agriculture and natural resources, and to Governor Doyle.

FURTHER, be it resolved that the Wisconsin Land and Water Conservation Association be involved in developing legislation, regulations, and the process related to siting livestock facilities.

Passed, Wisconsin Land and Water Conservation Association Annual Meeting, December 2003.



WISCONSIN STATE LEGISLATURE



**STATEMENT of
SUE BEITLICH, PRESIDENT
WISCONSIN FARMERS UNION**

**On behalf of the
WISCONSIN FARMERS UNION**

Presented to the

**ASSEMBLY COMMITTEE ON AGRICULTURE &
SENATE COMMITTEE ON AGRICULTURE, FINANCIAL
INSTITUTIONS AND INSURANCE**

**"LIVESTOCK FACILITY SITING"
AB 868**

February 23, 2004

MADISON, WI

Statement of Sue Beitlich, President of the Wisconsin Farmers Union, on behalf of the members of the Wisconsin Farmers Union, presented to the Assembly Committee on Agriculture & Senate Committee on Agriculture, Financial Institutions and Insurance February 23, 2004 at the State Capitol, Room 411N, Madison, Wisconsin.

On behalf of the nearly 3,650 family-farm members of the Wisconsin Farmers Union, thank you Senator Schultz and Representative Ott for the opportunity to testify today. I am Sue Beitlich and serve as president of the Wisconsin Farmers Union.

Wisconsin Farmers Union supports the Livestock Facility Siting legislation, AB 868, however, we would request the opportunity to comment on the rule-making language as it is drafted. AB 868 was written with recommendations from DATCP's Livestock Facility Siting Advisory Committee, and, Wisconsin Farmers Union Director Gerald Jaeger represented our organization on this important committee. Wisconsin Farmers Union is pleased with the bill, although we're somewhat disappointed there has been inadequate time to review and provide ample comments for today's hearing.

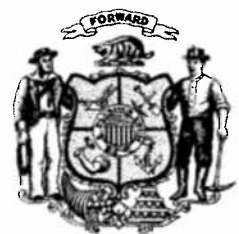
What Wisconsin Farmers Union views as the most important part of this bill is that it provides dairy farmers, as well as livestock producers of all sizes, the opportunity to thrive and to grow and not put the burden on small family farms. It is important that we keep our cheese-manufacturing infrastructure in Wisconsin and allow it to be strong. Currently we are importing 15% of our milk from outside of Wisconsin. In 2003 we lost 942 herds in Wisconsin. Without dairy farmers in Wisconsin we face the threat of closing more cheese plants. Wisconsin Farmers Union represents family farms of all sizes and we recognize the need for dairy and livestock farms to remain in operation and if desired by the family farmers, to possibly expand. So as livestock and dairy farmers look to the future to consider growing their operation or starting a brand new one, this legislation provides guidance and reassurance, as well as establishing environmental standards to preserve our natural resources.

Wisconsin Farmers Union's Board of Directors recognizes the fact that local governments want to retain control of any livestock siting efforts currently in place. This legislation ensures this will happen. Communities can choose if they do or don't require farmers to have permits if their operations go over 500 animal units. We appreciate that if counties or towns already have permit ordinances in place, those will be honored. If they have none, the state standards will apply. This takes the pressure off of counties and local units of government as the state standards would be applicable.

Wisconsin Farmers Union sees this as a step in the right direction to ensure a future of family farm agriculture in Wisconsin and ask for your support. Thank you.



WISCONSIN STATE LEGISLATURE





February 23, 2004

Joint Public Hearing
Assembly Committee on Agriculture &
Senate Committee on Agriculture, Financial Institutions and Insurance

8030 Excelsior Drive
Suite 305
Madison, WI 53717-1950

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(608) 828-4550

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(608) 828-4551

E-mail
office@wischeesemakersassn.org

Website
www.wischeesemakersassn.org

Wisconsin Cheese Makers Association Supports AB 868

Wisconsin Cheese Makers Association expresses its support for AB 868, a proposal that our members feel is crucial to the future of the dairy industry in Wisconsin. WCMA, in its 113th year, comprises 75 Wisconsin cheese and butter manufacturers and processors operating 110 facilities. (A list is attached.)

AB 868 is noteworthy for its emphasis on developing tangible standards for expanding livestock operations. These standards will give local governments a backstop of uniform, modern requirements to expect from growing dairy farms. Equally important, statewide standards will facilitate the adoption of the latest science and technology on growing dairy farms.

This bill is also noteworthy because local governments retain control of the process of planning land use, zoning land and issuing permits. The bill provides a rational structure to the permitting process and at several points allows local governments to exceed the proposed standards if necessary for public health and safety. If local governments can ultimately base their decisions on sound reasons that ensure public health and safety, then local governments remain in control of the process.

The decision to allow dairy expansion in a local area benefits from the application of soil and water science, nutrient management principles and other technical disciplines. This bill offers these disciplines through science based standards. At its strongest, the bill provides local government with good science in its decision-making process.

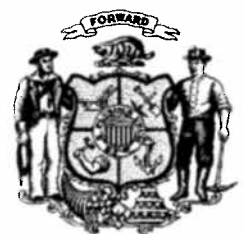
WCMA and its members support expansion of the dairy industry based on science-based standards. Growth of milk production is necessary to the viability of Wisconsin's cheese industry and the tens of thousands of solid, manufacturing jobs this industry provides to Wisconsin. Thank you.

Alto Dairy Cooperative Black Creek WI
Alto Dairy Cooperative Waupun WI
Antigo Cheese Company Antigo WI
Avanti Foods Walnut IL
Baker Cheese, Inc. St. Cloud WI
Bel Kaukauna USA Inc. Little Chute WI
BelGioioso Cheese – Chase Pulaski WI
BelGioioso Cheese, Inc. Pulaski WI
BelGioioso Cheese, Inc. Denmark WI
BelGioioso Cheese, Inc. Denmark WI
BelGioioso Cheese, Inc. Green Bay WI
Burnett Dairy Cooperative Grantsburg WI
Cascade Cheese Company Cascade WI
Cedar Grove Cheese, Inc. Plain WI
Cedar Valley Cheese, Inc. Belgium WI
Century Foods Int'l. Sparta WI
Chalet Cheese Co-op Monroe WI
Chula Vista Cheese Co. Browntown WI
Comstock Dairy Enterprises, Inc. Comstock WI
Crave Brothers Farmstead Cheese LLC Waterloo WI
CROPP Cooperative/Organic Valley Chaseburg WI
CROPP Cooperative/Organic Valley La Farge WI
Dairy Farmers of America Plymouth WI
Decatur Dairy, Inc. Brodhead WI
Deppeler Cheese Factory Monroe WI
Dupont Cheese, Inc. Marion WI
Eau Galle Cheese Factory Durand WI
Fairway Dairy & Ingredients Apple Valley MN
Franklin Cheese Monroe WI
Gad Cheese, Inc. Medford WI
Gibbsville Cheese Company, Inc. Sheboygan Falls WI
Grande Cheese Company Wyocena WI
Grande Cheese Company Lomira WI
Grande Cheese Company Brownsville WI
Grande Cheese Company Juda WI
Grande Cheese Company Rubicon WI
Grande Custom Ingredients Friendship WI
Grande Custom Ingredients Denmark WI
Grassland Dairy Products, Inc. Greenwood WI
Green Bay Cheese Company Green Bay WI
Henning Cheese Inc. Kiel WI
Hilmar Cheese Company Hilmar CA
Horizon Sales of Minnesota Eden Prairie MN
Klondike Cheese Company Monroe WI
La Grander's Hillside Dairy, Inc. Stanley WI
Lactalis USA, Inc. Belmont WI
Lactoprot USA, Inc. Blue Mounds WI
Lemke Packaging Wausau WI
Level Valley Creamery Inc. Antioch TN
Level Valley Creamery Inc. West Bend WI
Lynn Dairy, Inc. Granton WI
Maple Leaf Cheese Co-op Monroe WI
Masters Gallery Foods, Inc. Plymouth WI
MCT Dairies Inc. Appleton WI
Meister Cheese Company Muscoda WI
Montchevre Betin Inc. Belmont WI
Mullins Cheese Mosinee WI
Mullins Cheese Marshfield Division Marshfield WI
Nasonville Dairy, Inc. Marshfield WI
Northern Wisconsin Manitowoc WI
Nu-Pak, Inc. Prairie Du Chien WI
Park Cheese Company, Inc. Fond du Lac WI
Park Cheese Company, Inc. Brownsville WI
Pine River Dairy Inc. Manitowoc WI
Rondele Specialty Foods Merrill WI
Rosewood Dairy, Inc. Algoma WI
Roth Kase USA Ltd. Monroe WI
Saputo Cheese USA Almena WI
Saputo Cheese USA Reedsburg WI
Saputo Cheese USA Big Stone SD
Saputo Cheese USA Hancock MD
Saputo Cheese USA Peru IN
Saputo Cheese USA Monroe WI
Saputo Cheese USA Fond du Lac WI
Saputo Cheese USA Fond du Lac WI
Saputo Cheese USA South Gate CA
Saputo Cheese USA Tulare CA
Saputo Cheese USA Lena WI
Saputo Cheese USA New London WI
Saputo Cheese USA Hinesburg VT
Sargento Foods, Inc. Hilbert WI
Sargento Foods, Inc. Plymouth WI
Sargento Foods, Inc. Elkhart Lake WI
Sartori Food Corporation Plymouth WI

Schneider Cheese Waldo WI
Schurman's Wisc. Cheese Country Beetown WI
Shullsburg Creamery, Inc. Shullsburg WI
Silver Lewis Cheese Factory Monticello WI
Specialty Cheese Company, Inc. Lowell WI
Specialty Cheese Company – Lebanon Watertown WI
Specialty Cheese Company – Reeseville Reeseville
Swiss Valley Farms Platteville WI
Swiss Valley Farms Mindoro WI
Taylor Cheese Corp. Weyauwega WI
Torkelson's Prairie Hill Cheese Plant, Inc. Monroe WI
Trega Foods Luxemburg WI
Trega Foods Little Chute WI
Trega Foods Weyauwega WI
Valley Queen Cheese Factory, Inc. Milbank SD
Valley View Cheese / Alpine Cheese South Wayne WI
Welcome Dairy Inc. Colby WI
White Clover Dairy Inc. Kaukauna WI
Whitehall Specialties, Inc. Whitehall WI
Widmer's Cheese Cellars Theresa WI
Winona Foods, Inc. De Pere WI
Wisconsin Dairy State Cheese Co. Rudolph WI
Zimmerman Cheese South Wayne WI
Zivney Cheese, Inc. Minonk IL



WISCONSIN STATE LEGISLATURE



Please Maintain County Government's Role in Siting Large Livestock Facilities

Dear Legislative Leaders:

Monday, February 23, 2004

As members of the Dane County Board of Supervisors, we are writing to express concern about a bill that would take away local control for siting livestock factories and feedlots. A hearing will be held today on legislation designed to limit local citizens' rights to protect their health, safety and property by mandating statewide criteria for siting livestock operations, and establishing an unelected board with veto power over local units of government. We respectfully request that you address our concerns about this bill.

Livestock and farming are very important to Dane County. Ours is one of the top farming counties in Wisconsin, and yet development also is occurring rapidly. As this happens, conflicts arise that need local solutions. A small, unelected statewide board will favor those who can afford to lobby the board directly.

This measure threatens county government and control over the zoning, siting and regulation of large-scale livestock factories and feedlots. County standards are the best way for local residents to defend their right to clean air and water.

This is a particular problem in Dane County where a recent UW study showed that 60 percent of the wells in the Lake Mendota basin with livestock exceed the federal standard for nitrate pollution, which is linked to cancer in women and "blue baby" syndrome. That is significantly more than the 40 percent of the wells with contamination that do not have livestock. This is an issue of local control and, indeed, security.

Please carefully consider the following points:

- **Don't Create More Bureaucracy That Can Ignore Local Decision-makers.** This legislation calls for the creation of a state bureaucracy - that they are calling a livestock siting review board - that could overturn a local government's decision to deny or approve a permit for a livestock factory. The opinions of local residents and elected officials may be ignored by this state bureaucracy.
- **Base Decisions on Local Standards & Information.** The proposed review board will not be a board of local residents who understand their community's needs, but rather group of five unelected appointees with little knowledge about local people and their concerns. Land use decisions will no longer be made by the community members based on local conditions.
- **Protect Public Health and Safety.** This legislation requires local governments to base their decisions on minimal state standards, even though these state standards are not required to protect public health and safety. If a local government wants to enact higher standards to protect residents, it must prove that the standards are based on "scientific findings of fact." This vague definition puts even more pressure on already under-funded local governments.
- **Maintain Citizens' Right to a Fair Hearing.** Only those who live or own land within two miles of the livestock factory are allowed to appeal to the review board. This arbitrary limit discounts the fact that livestock factories can pollute air quality and contaminate waterways that extend far beyond two miles. Neighbors beyond those two miles, who must breathe polluted air and have to swim and fish in dirty water, have no right to appeal.

Until the important above issues are addressed, we must strongly oppose this measure. Thank you.

Sincerely,

Sup. Kyle Richmond Sup. Rich Pertzborn Sup. John Hendrick Sup. Penny Rollins

Sup. Brett Hulsey Sup. Kevin Kesterson Sup. Scott McDonell Sup. Chuck Erickson

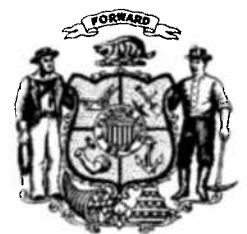
Sup. Paul Rusk Sup. Darold Lowe Sup. Don Eggert Sup. Judy Wilcox

Sup. Al Matano Sup. Robert Fyrst Sup. Andy Olsen Sup. Ech Vedder

Sup. Mark Opitz



WISCONSIN STATE LEGISLATURE



Public Testimony on the Livestock Siting Bill

Submitted February 23, 2004 by

David Engel, dairy farmer

53063 McManus Rd

Soldiers Grove WI 54655

Good morning, my name is David Engel, and I farm with my wife and four children near Soldiers Grove WI. We milk approximately 60 jersey dairy cows and raise all our young stock. We have been farming since 1981. It's been a good life, and though difficult, I am grateful for it all and would not change a minute of it, even though, as the line in the song goes, it always seems to be full of 'sweat and mud and tears and blood.'

In general, I am opposed to this bill, to the content of the bill and to the projected outcome of the bill if enacted. I am not opposed to what the proponents of the bill say they want, *ie, reasonable, fair and consistent guidelines that will help farmers and communities work through the decision making process of regulating requests for expansion of livestock operations*. However, I am opposed to the unavoidable outcome of the bill, *ie, it basically severely limits input and recourse of the majority of those who will be involved, and as such it is slanted to primarily and only help operations expand, and as such it is not reasonable nor fair, though it may be consistent*.

Given the amount of press that has been devoted to this subject since last summer--starting with the appointment of a bi-partisan Livestock Siting Task Force (LSTF)--which included several folks that I knew and who I thought would be reasonable and unbiased and from whom I was looking forward to a good, workable recommendation—I am quite surprised that a better bill was not brought forth that would reflect the greater good of us people that such bills are meant to reflect. I am not only surprised, I am disappointed.

I think we can agree that the purpose and intent of legislation and regulations (such as this bill is meant to provide) is for the *common* good, which includes the protection and safety of *all* of the residents of Wisconsin. We can sit here and discuss and argue and contemplate how some of us think bigger operations are the answer and how some of us think they are not the answer, but we all need to try to see the 'forest through the trees', as they say, and understand that what we put in place as public policy today will affect us and our children on into the future.

With that in mind, I would like to ask a few questions and make a few observations and then see where we are.

1. If larger and larger operations are the best direction for us to head in Wisconsin, then why does this bill only allow input from those living within 2 miles of an operation wanting to expand? If it's the best direction, then more of those involved need to make that decision and then see what that decision is.
2. If larger and larger operations are the best direction for us to head in Wisconsin, then why does this bill restrict the general majority of local input as stated above and by using the extremely nebulous "scientific findings of fact", reward/encourage those few who simply want to expand by restricting local input and using criteria like "scientific findings of fact?" If it is the best direction, then more of those involved need to make that decision AND those decisions cannot be limited nor only subject to a term that historically has only gotten us in trouble, mainly because those so-called "*scientific* findings of fact" are in fact tied to special financial interests and after a while—after the damage has been done--it is found that what was allowed to happen was not a good thing (witness the entire ag chemical syndrome since WWII), primarily and ironically *because* it was not a fact and it was special financial interests and not scientific at all.

3. If larger and larger operations are the best direction for us to head in Wisconsin, then why—as I have had the opportunity to observe over the past 23 years that I have been dairy farming—are we in such a bad situation relative to our eroding and disappearing dairy infrastructure, relative to the loss of farmers and rural infrastructure as reflected on main street, in the schools, etc, and relative to the overall economic condition of those of us remaining dairy farmers? The price has not improved at all, while costs have doubled, tripled and quadrupled all around. There are the same number of cows, yet 1/3 (one-third) the number of dairy farms and possibly 1/10 (one-tenth) the number of processors. And the statistical health of our communities, schools and general quality of life is frightening, in a way, given that these statistics have a direct correlation to the direction we are heading with this ‘bigger is better’ mentality of wanting larger and larger units of whatever, not only in how we farm but also in how/where we shop and how/where we have to market our farm products.

4. Finally, if larger and larger operations are the best direction for us to head in Wisconsin, then what will happen when—not if, but WHEN....--there are problems with one of those operations, a manure spill or two, other environmental degradation/occurrences, etc, or, heaven forbid and yet just as likely, one of those operations fails? If it's the best direction, then we are apparently saying that it is better to have one larger farmer than twenty smaller farmers, and we are making public policy to ensure that that is what will happen. Think about it. Public policy to ensure that fewer and fewer farmers will be around 5-10-20 years from now. Is that what we want? As above, we can see the results of such a direction to date, and it has not been, in aggregate, positive. Why would we want to put a law in place that will further such results? Is this in our general collective best interests, whether we milk 20 or 220 or 2020 cows, whether we live in town or in the country, whether we raise livestock or crops, whether we work in a factory or in an office?

There are many good people involved in this discussion. And there are many valid interests that need to be recognized. However, collectively, if we create and enact public policy to serve the interests of only a few, that is not good. And if in creating and enacting such public policy we *also* end up with problems for a majority, then that is also not good. Therefore:

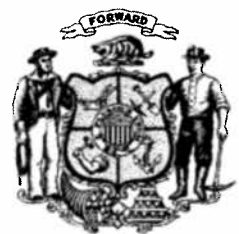
- Since this bill does not serve the greater common interest;
- Since larger farms—though in and of themselves not necessarily bad--do have inherent challenges that must be addressed to the satisfaction of and for the collective, common good and not just for the hoped-for financial well-being of a few; and,
- Since public policy must serve the greater common interest AND find a way to do it that is of benefit to the majority AND can stand the test of time AND is not built on the ‘sands’ of special financial interests...

...I urge you to NOT pass this bill and to go back to the drawing board and think more clearly of how we can work together and address the larger issue of the larger well-being of our communities and environment, and not just the well-being of larger farms. Again, larger farms and farm expansion are not necessarily bad things, but we are all in this together and this bill, unfortunately, is written to emphasize expansion and growth first and foremost from an economic perspective for one farm in a community, and it does not provide for a process that will engender, cultivate and develop cooperation from within that community, for the community. Such a process of cooperation and mutual determination is what good public policy should try to be.

Thank you for your time. I hope you will be able to effect some positive changes to this bill. We all eat, and there is a saying, ‘When only those who eat wonder where their meat comes from then it will be too late.’ Many of us know where food comes from and what it takes to produce it, thus, as participants in the processes of Mother Nature, it *behooves* us to work *with* Her, so that our efforts and our impact on Mother Nature are positive, *and* we do not lose too many more farmers.



WISCONSIN STATE LEGISLATURE



February 23, 2004

*TO: Representative Alvin Ott
Chair
Assembly Committee on Agriculture*

*FROM: Merlin Gentz
Chair
Calumet County Board*

SUBJECT: Testimony regarding LRB-3453/1

I had intended to present my testimony at the public hearing this morning (Monday, February 23, 2004) but, will not be making the trip to Madison because of the weather. Therefore, I am sending this to you via fax. If there are any questions, please feel free to contact me at 920-731-1670 or 920-205-3996. Thank you.

Testimony presented by Merlin Gentz, Calumet County Board Chairman, on February 23, 2004, before the Joint Public Hearing of the Wisconsin Assembly Committee on Agriculture & Senate Committee on Agriculture, Financial Institutions and Insurance, in respect to LRB-3453/1

Good morning and thank you for providing this opportunity for me to comment upon the proposed legislation before us. Let me begin by telling you from whence I cometh. I am currently the Chairman of the Calumet County Board. I was born and raised on a dairy farm in Dodge County, trained as an Agriculture Instructor at the University of Wisconsin - Platteville, was an agriculture educator at the high school and technical college level and concluded my professional career as a senior administrator at Fox Valley Technical College. Most of my family members are actively involved in Wisconsin Agriculture and so my roots run deep in Agriculture. As a County Board Supervisor, I represent a totally urban district within the city of Appleton. As County Board Chair, I represent a County whose Agriculture is of utmost importance to its economy. We have gone through the establishment of two large mega farms. It has been a tough journey. Out of our experiences and in an effort to assure that siting of such farms can occur in our county, and giving respect to those who live around farms in the country, we established a Livestock Siting Committee in early 2003, and charged them with making recommendations regarding animal siting ordinances in our County. They are in the final stages of their work and will be shortly making recommendations to the Calumet County Board.

Having said all of that, let me comment upon the proposed legislation. I believe the content of the bill expresses excellent thought and shows the depth of considerations which have been made. I would however suggest, that it lacks detail in the how DATCP will establish by rule, the standards for siting and expanding livestock facilities. To a local elected official, such as myself, these standards are key to what happens in my County and in every local jurisdiction across the State. State government has the responsibility of establishing the broad parameters within which local jurisdictions must operate. I would suggest that far more emphasis be placed upon how the state standards will be set. As I have said, the bill contains much good direction to those charged with setting those standards. I would suggest that you begin by looking at the makeup of what has been proposed for the Livestock Facility Siting Review Board and expand the membership to include, special interest groups like Villages and Cities and the representation in expertise in Livestock Operations and Planning and Zoning. I suggest this might be called the Livestock Facility Siting Standards Board.

If the emphasis is placed upon the Livestock Facility Siting Standards adopted through DATCP and the teeth are set in place to assure that a political subdivision, such as Calumet County, develops its ordinances in compliance with those standards, I believe we can assure that local jurisdictions can apply the standards to local conditions. Tell us where the ditches are and let us as local jurisdictions determine how we will stay on the road.

If the State Siting Standards are the focus, I question whether we would need the additional bureaucracy of the Livestock Facility Siting Review Board. Place emphasis upon the standards and how they will be established, reviewed and kept current and let the judicial system, already in place, bring closure to conflict.

In closing, assure that excellent state standards in livestock facility siting are put in place and maintained, then place trust and faith in local jurisdictions, and charge them with the responsibility of developing and maintaining ordinances which meet those state standards, as together, we strengthen an industry which is so vital and important to the economy of Wisconsin and that is Agriculture.

February 23, 2004

To: Wisconsin State Legislators

From: Brian Gerrits – Financial Manager, Lake Breeze Dairy LLC

Re: Testimony in support of LRB #3453/1 (Siting Legislation).

During the winter of 2001, five Wisconsin dairy farm families (Mark & Laurie Diederichs, Lynn & Catherine Davis, Ron & Chris Schwenck, Doug & Janice Theil, and Brian & Lynn Gerrits) initiated the planning phase of a 1,500 cow dairy called Lake Breeze Dairy LLC which is located in the township of Calumet in Fond du Lac County.

The driving thought behind the construction of the dairy was:

- To construct a dairy that would operate efficiently and profitably.
- To utilize the various talents of the members.
- To construct a dairy that could be passed on to future generations of all involved.

There were many challenges to overcome when planning a modern dairy facility of this size such as; site selection, facility design, locating cattle, securing financing, obtaining feed sources, etc.. Yet the single most frustrating challenge that faced the Lake Breeze Dairy owners was obtaining a Special Use Permit from the local township.

On May 6, 2002, Co-Owner and General Manager Mark Diederichs applied for a Special Use Permit from the Town of Calumet in hopes of beginning construction sometime in late summer or early fall of 2002. Unfortunately, what followed was a series of town meetings that would result in an outpour of emotion based on misinformation generated by a handful of people opposed to modern dairy farming.

On June 19, 2002, the Town of Calumet held a special town meeting to hear testimony from people both for and against the issuance of the Special Use Permit for Lake Breeze Dairy. After nearly 6 hours of discussion, the town board voted 4 to 1 in favor of the issuance of the permit. It had appeared at this time that planning could continue.

During the month of August, 2002, site excavation began, feed storage was constructed, and corn silage was purchased.

On September 6, 2002, a special interest group known as “The Neighbors of the Town of Calumet” filed a lawsuit against the Town of Calumet, alleging that the Town of Calumet Board did not follow proper procedures when issuing the Special Use Permit to Lake Breeze Dairy LLC, in hopes of delaying or even completely stopping construction of the dairy. By this time the owners of Lake Breeze Dairy had already spent over a half million dollars of investor capital, only to be faced with the decision of whether to continue with construction and hope for a favorable ruling in Fond du Lac County Circuit Court, or to stop construction and not risk the possible loss of additional investment capital. The Lake

Breeze Dairy owners unanimously decided to continue with construction as planned realizing that by the time a ruling was made that over 2 million dollars would be invested.

Several months later, the honorable Judge Steven Weinke ruled in favor of the Town Of Calumet Board by stating that the board had properly issued the Special Use Permit to Lake Breeze Dairy LLC.

How can situations such as this be avoided in the future?

By voting for the adoption of LRB # 3453/1, which includes the creation of a standardized process for local communities in the state of Wisconsin to follow when issuing siting permits for expanding dairy operations.

It is time for the state of Wisconsin to prove that we truly are "Americas Dairyland" by passing legislation that promotes the modernization of the states' dairy industry.

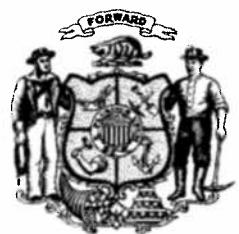
The expansion and modernization of Wisconsin's dairy farms is essential, in order remain competitive in this more nationalized market.

Respectfully submitted by;

Brian Gerrits
Financial Manager
Lake Breeze Dairy LLC
W2651 Kiel Rd.
Malone, WI 53049



WISCONSIN STATE LEGISLATURE



**Midwest Environmental
ADVOCATES**
pro bono publico

**Testimony of Andrew C. Hanson,
Staff Attorney, Midwest Environmental Advocates, Inc.**

**Before the Senate Committee on Agriculture, Financial Institutions, and Insurance
and
Assembly Committee on Agriculture**

Rm. 411-S, 10:00 am, February 23, 2004

Thank you for the opportunity to provide testimony on AB 868, relating to the siting and expansion of livestock facilities in Wisconsin. My name is Andrew Hanson, and I am a staff attorney with Midwest Environmental Advocates, Inc (“MEA”). MEA frequently receives calls from rural residents and family farmers concerned about the siting and operation of Concentration Animal Feeding Operations in Wisconsin.

Before I begin my testimony, I want to acknowledge the hard work put into this effort by the Department of Agriculture’s Livestock Siting Advisory Committee. The Committee was composed of diverse stakeholders, and focused on finding ways to balance the value of local zoning control, environmental protection, and the continued viability of agriculture in Wisconsin. Department of Agriculture Secretary Rod Nilsistuen’s and Deputy Secretary Judy Ziewacz’s efforts in convening this committee, and the committee’s efforts in producing recommendations on this difficult issue, should be commended.

I. The Statewide Siting Criteria Should Protect Public Health and Safety and Address Air and Odor Pollution.

AB 868, or the Livestock Siting Bill, appears in part to give effect to the Advisory Committee’s recommendations. This is apparent in the Livestock Siting Bill’s focus on creating statewide siting criteria. We support the concept of statewide siting criteria to the extent that

these criteria will produce an environmental and public health benefit, and to the extent that these siting criteria and standards create a floor of public health protection, rather than a ceiling.

However, we are opposed to the Livestock Siting Bill, as currently drafted, because it does not ensure that the statewide siting criteria will protect public health and safety. That requirement does not currently exist in the bill. We support an amendment to page 6, line 1 that would insert the language “Protective of public health and safety.” This added language would better reflect the intent of the policy recommendations by requiring that the statewide siting standards protect public health and safety.

Similarly, we are also concerned that the Livestock Siting Bill does not give effect to the Advisory Committee’s intent that the Department of Agriculture develop statewide criteria and best management practices for controlling air and odor pollution. The Livestock Siting Bill, as currently written, only references the Nonpoint Source Water Pollution Rules established under Chapter 281 and other statutes. However, I understand that the Advisory Committee intended that DATCP also develop rules on odor and air pollution.

To that end, we support an amendment to page 5, lines 18 – 22 that inserts the language following “facilities” on line 18: “including but not limited to air pollution standards and odor best management practices consistent with requirements contained in and rules promulgated under Chapter 285 of the Statutes.” This language will clarify that DATCP is to develop odor and air pollution standards consistent with the Department Natural Resource’s regulatory program for protecting air quality, and reflects the Advisory Committee’s intent.

II. The Statewide Siting Criteria Should Provide Minimum, Uniform Standards Applied Throughout Wisconsin.

We are also concerned that the Livestock Siting Bill will not create uniform livestock siting standards around the state. In fact, the statewide siting criteria will not actually be applied on a statewide basis. Under the current bill draft, the statewide siting criteria only apply if incorporated into a political subdivision’s zoning ordinance. *See e.g.*, p. 7, lines 12-13. This means that if a local government has not developed zoning regulations, the statewide siting

criteria do not apply. Likewise, if a local government has developed a less stringent setback requirement, the statewide siting criteria for setbacks do not apply, to the extent these setbacks are required under the current bill draft. *See e.g.*, p. 7, lines 23-25. We are concerned that this will create a patchwork of zoning ordinances around the state, some of which may provide less public health protection than the state standards and impacting some rural populations in Wisconsin more than others.

To that end, we support an amendment that deletes the language “that is incorporated in the political subdivision’s ordinances” from p. 7, lines 12-13, p. 7, and p. 8 lines 5-6. We also support an amendment that deletes the language “that is less stringent than a setback requirement under sub. (2) (a) if the setback requirement is incorporated in the political subdivision’s ordinances as a numerical standard” on p. 7, lines 23-25, p. 8, lines 22-24, and p. 9, lines 12-14.

These amendments will ensure that the statewide siting criteria will be applied across the state, in a manner not unlike the Model Shoreland Zoning regulations in Chapters NR 117 and NR 115. This will truly give producers the certainty that they need and prevent them from being penalized for doing business in an area where the statewide criteria apply. More importantly, statewide standards will also provide the needed public health and environmental protections for the public by ensuring that no matter where a family lives, they will be protected by the statewide standards.

III. The Draft Holds Local Governments to Unprecedented and Unreasonable Fact Finding Standards.

The Livestock Siting Bill undermines local zoning control in Wisconsin. We have three main concerns as they relate to local zoning control under the proposed legislation.

First, under the draft bill, it will be difficult for a local government to exceed the statewide siting standards. Specifically, a local standard must be based on “scientific findings of fact” that “show that the requirement is necessary to protect public health or safety.” *See e.g.*, p. 7, lines 19-21. The requirement of “scientific findings of fact” is unprecedented in Wisconsin

and poses too high a burden on local governments, suggesting that the basis for the standard be irrefutable. Findings of fact, of course, are reasonable. However, there are no existing Wisconsin statutes or regulations that require local governments or state agencies to regulate on the basis of "scientific findings of fact." Notably, I understand that the Advisory Committee did not intend to insert the word "scientific." We support an amendment that deletes the word "scientific" from p. 7, line 19, p. 8, line 15, p. 9, line 22, and any other relevant portion of the bill, and simply requires local governments to establish findings of fact in the record.

Similarly, we are concerned that the local government's decision-making process is severely constrained. Under the current bill, a local government must grant the permit for livestock expansion if the applicant's information, by itself, is sufficient. A local government may not look to other evidence in the record to judge the accuracy and credibility of the application, unless that other evidence is "clear and convincing." See p. 11, lines 10-11, and lines 13-14. We oppose this constriction on local decision-making, and support an amendment that deletes the phrase "without considering any other information or documentation" and the phrase "clear and convincing" from p. 11, lines 10-11 and 13-14. This requirement restricts local decision-making, and deters citizens from submitting evidence in the record that may otherwise benefit the local government and improve the siting application.

Third, we are opposed to the creation of a Livestock Facility Siting Review Board. As we stated earlier, we are supportive of statewide criteria based on health and safety, among other factors, in order to provide uniformity and to minimize land use conflicts with agriculture. There are ways to do this that do not undermine the very basic local democratic processes for which Wisconsin has been proud. Wisconsin's Shoreland Zoning law is an excellent example of a state law that sets uniform standards while preserving local control. That law sets the standards and local governments are required to implement them. The draft bill falls short of striking this delicate balance.

However, the proposed Siting Review Board is not required to grant any deference to a local government's decision, is not comprised of elected officials, will add bureaucracy and

further public controversy around livestock sitings, and will not be anymore qualified to review compliance with statewide criteria than a town or county zoning committee.

To that end, we support an amendment that deletes p. 4, lines 1-17, p. 12, line 4 starting with “the board to...” and ending on p. 13, line 5, and p. 13, line 16 to p. 14, line 4. This amendment would eliminate the Siting Review Board and preserve a citizens’ or livestock operation’s right to go to court for review of a local decision, as currently allowed under state law. The court will determine whether the local government conducted a reasonable review of the record that it is required to compile under the bill, and whether there was substantial evidence in the record to show whether a livestock operation did or did not meet the statewide siting criteria.

At the very least, we support an amendment that would eliminate the two mile requirement in the definition of “aggrieved person” for purposes of determining who can appeal a local government decision to the Siting Review Board. This amendment would delete p. 11, lines 21-25. The two mile requirement is arbitrary, novel in the law, and not based on sound science. Common experience with some of the largest livestock operations in Wisconsin has shown that there may be persons who are aggrieved that live beyond two miles from the operation, as with those who live adjacent to fields where animal waste may be applied.

We also support an amendment that would ensure that the Siting Review Board deferred to the local government’s written findings of fact in the record. This amendment would delete the following language on p. 12, line 13: “shall make its decision without deference to the decision of the political subdivision and...” Under the amendment, the Siting Review Board would simply base its decision on evidence in the record and defer to the local government’s findings of fact.

Thank you for the opportunity to provide this testimony. We urge you to consider the foregoing amendments and enact a siting law that will protect both the environment and Wisconsin’s agricultural economy.