

05hr_ab0136_AC-Ag_pt01



Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Vote Record Committee on Agriculture

Date: 4/28/05

Moved by: Ainsworth Seconded by: Vruwink

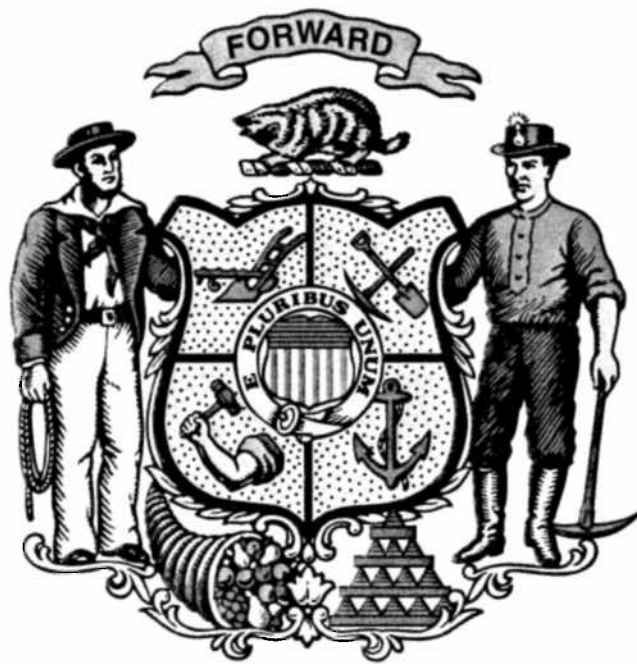
AB 1316 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 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 Lee Nerison	<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 J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robert Ziegelbauer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joseph Parisi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>12</u>	<u>1</u>	<u>3</u>	<u> </u>

Motion Carried Motion Failed



State Representative

TERRY MUSSER

92nd Assembly District



Chair, Assembly Committee on Veterans & Military Affairs

MAR 04 2005

APM
Let's schedule hearing w/ next meeting
APM

March 04, 2005

Alvin Ott, Chair
Assembly Committee on Agriculture
323 North – State Capitol

Dear Al,

I recently introduced Assembly Bill 136, which was referred to your Committee on Agriculture on February 24, 2005.

AB-136 relates to representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

I am requesting that you schedule a public hearing for AB-136 as soon as possible.

Thank you.

Sincerely,

Terry Musser
State Representative
92nd Assembly District

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Fax: 608-282-3692 Rep.Musser@legis.state.wi.us

Home Office: W13550 Murray Road, Black River Falls, WI 54615 608-488-2955

**ALBERTS & ASSOCIATES
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Madison, WI 53713-1897
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WISCONSIN COUNTIES ASSOCIATION

Send Notice to Nicole &
Yumuta + Assoc.

nicole@jtenuta.com



2005 Assembly Bill 136—Labeling of Wild Rice

**REMARKS OF REPRESENTATIVE TERRY MUSSER TO THE
ASSEMBLY COMMITTEE ON AGRICULTURE**

April 28, 2005, in Room 417 North (the G.A.R. Room), State Capitol, 10:30 a.m.

Good morning. I would like to thank Representative Ott for scheduling a hearing on Assembly Bill 136, relating to the labeling of wild rice. As many of you know, I am the chair of the Joint Legislative Council's Special Committee on State-Tribal Relations. That committee originally developed AB 136. Because it did not pass last session, I have reintroduced it this session under my own name.

Before I describe the bill, I will give you some background, which will also explain why the Special Committee on State-Tribal Relations was concerned about this topic.

Wild rice is a very important resource for most American Indian tribes in Wisconsin, for cultural, historical, and economic reasons. Many members of these tribes harvest wild rice by traditional methods, for their own use and to sell. Some non-tribal individuals do the same. In addition, there are two other sources of wild rice sold in Wisconsin. Some is cultivated on farms and harvested by combine, mainly in California and Minnesota; and some is harvested mechanically from wild stands, a practice in Canada.

Because the traditional process of harvesting wild rice by hand is much more labor intensive than mechanized cultivation and harvesting, the cost of production, and so the retail price of wild-grown, hand-harvested wild rice is several times greater than cultivated or mechanically harvested wild rice. The price difference puts the sellers of hand-harvested wild rice at a competitive disadvantage if the buyer does not have information about the source of the wild rice.

Wisconsin currently has laws relating to the labeling of wild rice that is offered for sale. However, current law applies only to a wholesaler or supplier. Current law does not address how blends of wild-grown and cultivated wild rice are to be labeled. It also does not address the method of harvesting or the place of origin.

Assembly Bill 136 replaces these provisions with a comprehensive statute that requires that labels, signs, and other representations about wild rice offered for sale inform consumers: (1) if the wild rice is cultivated; (2) if it is a blend of wild-grown and cultivated wild rice; and (3) if it is machine harvested. The bill also requires disclosure of the proportion of wild-grown rice that is in blends and the state or province where the wild rice was grown. The bill applies to retailers as well as wholesalers. Note that, unlike the earlier versions, this bill does *not* apply to packaged food products that contain less than 60% wild rice.

A very similar proposal was introduced in the 2001 session by the Joint Legislative Council on the recommendation of the Special Committee. The Assembly Committee on Agriculture recommended the bill, and the Assembly passed it on a voice vote. It was very late in the legislative session, though. The Senate did not take up the bill and it died. The Joint Legislative Council reintroduced the bill as Assembly and Senate companions last session. Both bills received favorable recommendations from the standing committees, but neither bill made it to the floor.

This session, I have reintroduced the bill myself. I ask the Assembly Committee on Agriculture to again give the bill a favorable recommendation.

Again, I would like to thank Representative Ott for scheduling a hearing on the bill.

Musser:

This is a "Truth Or
Advertising" Bill



Assembly Republican Majority

Bill Summary

Contact: Erin Ruby, Office of Rep. Al Ott

AB 136: Labeling of Wild Rice Sold in Wisconsin

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

By Representative Musser.

Date: February 2, 2006

BACKGROUND

Under current law, a wholesaler or supplier must label cultivated wild rice as "paddy-grown" unless the wild rice is blended with other rice. Current law also prohibits a wholesaler or supplier from labeling wild rice as "100% natural wild rice" if it contains any cultivated wild rice. Current law does not address how blends of wild-grown and cultivated wild rice are to be labeled. It also does not address the method of harvesting or the place of origin.

Wild rice is a very important cultural, historical, and economic resource for most American Indian tribes in Wisconsin. Many members of these tribes – and some non-tribal individuals – harvest wild rice by traditional methods, both for their own use and to sell. In addition, there are two other sources of wild rice sold in Wisconsin. Some is cultivated on farms and harvested by combine, mainly in California and Minnesota; and some is harvested mechanically from wild stands, a practice in Canada.

The traditional process of harvesting wild rice by hand is much more labor intensive than mechanized cultivation and harvesting, therefore, the retail price of wild-grown, hand-harvested wild rice is several times greater than cultivated or mechanically harvested wild rice.

SUMMARY OF AB 136

Assembly Bill 136, changes the law related to the labeling of wild rice sold in this state. Under this bill, any labels, signs, and other representations about wild rice offered for sale must inform consumers: (1) if the wild rice is cultivated; (2) if it is a blend of wild-grown and cultivated wild rice; and (3) if it is machine harvested.

The bill also requires a person who sells a blend of wild-grown and cultivated wild rice to label the wild rice as being a blend and indicate the percentages that are wild-grown and cultivated. Finally, the bill requires wild rice to be labeled with the state or province in which the wild rice was grown. The requirements in the bill apply to both retailers and wholesalers of wild rice.

These requirements do not apply to packaged food products that contain wild rice if the products contain at least 40 percent other food products.

This bill imposes forfeitures (civil monetary penalties) for violations of its requirements. The maximum forfeiture is \$500 for a first violation and \$1,000 for a subsequent violation.

FISCAL EFFECT

A fiscal estimate prepared by the Department of Agriculture, Trade and Consumer Protection, indicates a one-time increase in costs to the Department of \$6,000 to \$21,000 for rulemaking activities prescribed under the bill. The Department does, however, anticipate it will be able to absorb that cost within its current budget.

PROS

1. AB 136 is a "Truth-In-Advertising" bill. The bill requires accurate representation of the product being sold.
2. The bill will ensure fair access to the market for those who incur a higher cost of production by harvesting wild rice in a traditional fashion.

CONS

1. Retailers would now be subject to requirements only wholesalers previously had to meet regarding labeling and representation of wild rice.

SUPPORTERS

Rep. Terry Musser, author; Gary Sherman, 74th Assembly District; Keeley Moll, Wisconsin Department of Agriculture, Trade & Consumer Protection; Joe Strohl, Menominee Indian Tribe.

OPPOSITION

No one registered or testified in opposition to Assembly Bill 136.

HISTORY

Assembly Bill 136 was introduced on February 24, 2005, and referred to the Assembly Committee on Agriculture. A public hearing was held on April 28, 2005. On April 28, 2005, the Committee voted 12-0-3 [Representatives Suder, Gronemus and Sinicki were absent] to recommend passage of AB 136.