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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 812

Relating to: registration of livestock premises and granting rule-making authority.

By Representatives Gronemus, Ott, Vruwink, M. Williams, Molepske, Loeffelholz, Balow, Plouff, Kestell, Hines and Suder; cosponsored by Senators Schultz, Lassa, Brown, Kedzie and Hansen.

February 05, 2004 Referred to Committee on Agriculture.

February 19, 2004 **PUBLIC HEARING HELD**

Present: (13) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink and Molepske.

Absent: (2) Representatives Suder and Hebl.

Appearances For

- Secretary Rod Nilsestuen, DATCP, Madison
- Dr. Robert Ehlenfeldt, DATCP, Madison
- Bill Oemichen, WI Federation of Cooperatives, Madison
- Deb Reinhart, Wisconsin Livestock Identification Consortium, New Holstein
- Karen Endres, Dairy Business Association, Waunakee
- Paul Zimmerman, WI Farm Bureau Federation, Madison
- R.F. (Dick) Hauser, Wisconsin Cattlemen's Association, Richland Center
- Deborah Gay, Wisconsin Pork Association, Reeseville
- Don Hamm, National Farmers Organization, Fredonia
- Jolene Plautz, Wisconsin State Horse Council, Merrill

Appearances Against

- Dave Matthes, Wisconsin Independent Livestock Dealers Association, Viola

Appearances for Information Only

- John Exner, Midwest Food Processors Association, Madison
- Todd Flemming, Equity Livestock, Baraboo
- George Roemer, Equity Livestock, Baraboo

Registrations For

- Brad Legreid, WI Dairy Products Association, Middleton
- Robert Fourdraine, Wisconsin Livestock Identification Consortium, Verona
- Keri Retallick, Wisconsin Pork Association, Lancaster
- Patrick Fitzgibbons, Peck Meat Packing, Milwaukee
- Richard Keller, Wisconsin Farmers Union, Mt. Horeb
- Christopher Sosnay, Wisconsin Bankers Association
- Leslie Grendahl, WI Veterinary Medical Association, Madison
- John Umhoefer, WI Cheesemakers Association, Madison

Registrations Against

- None.

February 19, 2004

EXECUTIVE SESSION HELD

Present: (13) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink and Molepske.

Absent: (2) Representatives Suder and Hebl.

Moved by Representative Ott, seconded by Representative M. Williams that **Assembly Substitute Amendment LRB s0372** be recommended for introduction.

Ayes: (13) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink and Molepske.

Noes: (0) None.

Absent: (2) Representatives Suder and Hebl.

**INTRODUCTION OF ASSEMBLY SUBSTITUTE
AMENDMENT LRB s0372 RECOMMENDED, Ayes 13, Noes 0**

Moved by Representative Gronemus, seconded by Representative Petrowski that **Assembly Substitute Amendment LRB s0372** be recommended for adoption.

Ayes: (13) Representatives Ott, M. Williams, Ainsworth, Petrowski, Kestell, Hines, Loeffelholz, Towns, Gronemus, Plouff, Balow, Vruwink and Molepske.

Noes: (0) None.

Absent: (2) Representatives Suder and Hebl.

ASSEMBLY SUBSTITUTE AMENDMENT LRB s0372
ADOPTION RECOMMENDED, Ayes 13, Noes 0

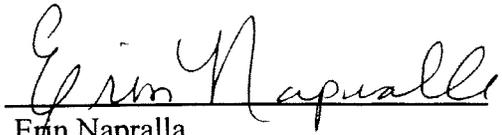
Moved by Representative Gronemus, seconded by Representative
M. Williams that **Assembly Bill 812** be recommended for passage.

Ayes: (13) Representatives Ott, M. Williams,
Ainsworth, Petrowski, Kestell, Hines,
Loeffelholz, Towns, Gronemus, Plouff,
Balow, Vruwink and Molepske.

Noes: (0) None.

Absent: (2) Representatives Suder and Hebl.

PASSAGE RECOMMENDED, Ayes 13, Noes 0


Erin Napralla
Committee Clerk

Vote Record Committee on Agriculture

Date: 2/19/04

Moved by: Ott

Seconded by: Williams

AB 812 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt LRB 50372
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>13</u>	<u>-</u>	<u>2</u>	<u> </u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/19/04

Moved by: Gronemus

Seconded by: Petrovski

AB 812 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt LRB 50372

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 Petrovski	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>13</u>	<u>-</u>	<u>2</u>	<u> </u>

Motion Carried

Motion Failed

Vote Record Committee on Agriculture

Date: 2/19/24

Moved by: Gronemus

Seconded by: Williams

AB 812 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>13</u>	<u>-</u>	<u>2</u>	<u> </u>

Motion Carried Motion Failed





MEMORANDUM

DATE: February 18, 2004

TO: Wisconsin Senate and Assembly Agriculture Committee Members

FROM: John D. Exner, CAE, President/Legal Counsel 

RE: A.B. 812 - Animal Premise Identification

The Midwest Food Processors Association, Inc. (MWFPA), is supportive of the concept of animal premise identification and efforts to effectively administer animal health crisis situations, especially in light of the recent situations. We want to acknowledge the efforts of the authors in making significant improvements to A.B. 812 from the last draft version. The legislation truly reflects the DATCP need and desire to have an enabling statute to address the expected federal mandates concerning animal and premise registration. We thank everyone involved in the effort.

The MWFPA can support the bill with two relatively minor changes concerning the request for information and the implementation date. The first change would be to delete or modify the ability to require "any relevant information required by the Department" in Section 2, line 5 on page 3, creating 95.51(2)(b)5. While we recognize the need for some flexibility in the information required, this provision is overreaching.

The second requested change is with regard to Section 4, Effective Dates. Our suggestion is designed to allow flexibility if federal mandates move faster or slower than the Nov. 1, 2005 or 16 months after publication date. We suggest the following exception to the effective date under Section 4:

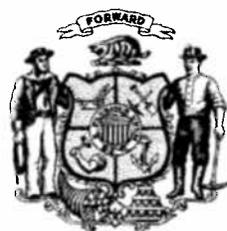
(2) If applicable standards from the federal department of agriculture mandate an earlier or later implementation date, all provisions of this act except Section 3(1) will become effective on that date.

Thank you for the opportunity to provide input on this important issue. If you have any questions or concerns, please feel free to contact me.

EXPERTISE AND INFLUENCE TO POWER YOUR FOOD BUSINESS



WISCONSIN STATE LEGISLATURE





Testimony of: Deb Gay for the Wisconsin Pork Association

Before: The Senate Committee on Agriculture Financial Institutions and Insurance and the Assembly Committee on Agriculture

Date: February 19, 2004

Regarding: **Support of Assembly Bill 812, Livestock Premises Identification Legislation**

Good morning Chairman Schultz, Chairman Ott and committee members. Thank you for allowing me to testify today on AB 812. My name is Deb Gay. I am the President of the Wisconsin Pork Association and I am appearing here today in support of AB 812 on behalf of the Association. My husband Fred and I have been active pork producers since 1974. We currently operate a farrow-to-feeder pig operation in Dodge County and we also have active interest in a similar operation in Walworth County.

The Wisconsin Pork Association would like to thank Representative Gronemus for all of her hard work on this very important legislation. In addition, we would also like to express our appreciation for the time and attention that both Representative Ott and Senator Schultz have devoted to this issue. We also appreciate the work of Secretary Nilsestuen and his staff on this issue.

The Wisconsin Pork Association supports AB 812 and the implementation of a livestock premises identification system in Wisconsin that is consistent with the national system developed by the United States Department of Agriculture. However, we have three concerns with this legislation that we would like to bring to your attention.

First, we are concerned that the **effective date** of this legislation as written could allow the State of Wisconsin to implement a system before USDA has finalized the national standards. AB 812 says that the legislation takes effect 16 months after publication. What happens if the USDA has not finalized its recommendations at that time? Or, what if USDA finishes its work sooner and Wisconsin has to wait to implement its system? Accordingly, we suggest that the effective date section of AB 812 be amended to tie the bill's effective date more closely with USDA's implementation national standards.

Second, we are concerned about the provision in **line 5, page 3**, of the bill, which allows the Department of Agriculture, Trade and Consumer Protection to collect "**any other relevant information required by the department**" as a part of the registration process. We believe that

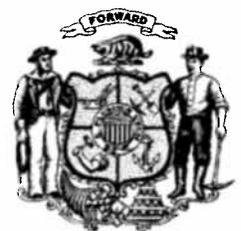
this is too broad and should perhaps be amended such that the department may collect any other information as required or recommended by USDA.

Finally, we want to restate our concerns with regard to the **confidentiality** of information collected as a part of this program. The members of the Wisconsin Pork Association want to be assured that no personal identifying information can, or will, be released to the public as a result of this program, unless extenuating public health and safety circumstances exist.

Thank you very much for allowing me to testify today. I would be happy to answer any questions.



WISCONSIN STATE LEGISLATURE



WISCONSIN CATTLEMEN'S ASSOCIATION

Testimony of: R. F. (Dick) Hauser for the Wisconsin Cattlemen's Association

Before: The Senate Committee on Agriculture Financial Institutions and Insurance
and the Assembly Committee on Agriculture

Date: February 19, 2004

Regarding: **Support of Assembly Bill 812, Livestock Premises Identification
Legislation**

Good morning Chairman Schultz, Chairman Ott and committee members. My name is Dick Hauser, and I am the V. P. Government Relations for the Wisconsin Cattlemen's Association. Thank you for allowing me to testify today on AB 812. The Wisconsin Cattlemen's Association supports AB 812.

First, I want to express the Wisconsin Cattlemen's Association's gratitude to Representative Gronemus for all of her attention to this legislation. In addition, we would also like commend Representative Ott, Senator Schultz and Secretary Nilsestuen for their work on this issue.

This is a great example of how the system should work. A few weeks back I appeared before the Assembly Ag committee in opposition to this bill for a number of reasons, most of which have been corrected. There are those who would advocate that the owner of livestock should bear the cost of the system. I would respectfully disagree. It is generally understood that this identification system is necessary to protect the public health and the economic viability of a large industry. Therefore the administration of this program should be a general public expense. It must be further understood that the producer will still have considerable expense within his/her operation for the implementation of this new program.

The Wisconsin Cattlemen's Association then and now supports animal identification, the implementation of a nationwide livestock premises identification and Wisconsin's adoption of that system. However, we have three concerns with AB 812.

First, the **effective date** of this legislation states that it would take effect 16 months after publication. We are concerned that this date could be sooner than, or later than, USDA's finalization of national premises identification standards. Accordingly, we suggest that you consider revising the effective date to track or reflect USDA's finalization of the national recommendations to ensure that Wisconsin can implement a system along the national timeline.

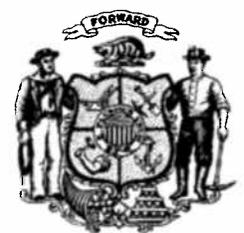
Second, the Wisconsin Cattlemen's Association is concerned that no matter what system of livestock premises identification is implemented in Wisconsin, the **confidentiality** of producer information is protected. We understand that under certain circumstances where human health and safety are concerned that information may have to be released, but we want to reiterate our concern about the protection of our personal information.

Finally, on **line 5, page 3**, of the bill, the Department of Agriculture, Trade and Consumer Protection is permitted to collect "**any other relevant information required by the department**" as a part of the registration process. We believe that this section should be either removed or substantially amended, as it allows the department to collect any information, regardless of whether the information is recommended by USDA national standards and it could lead to increased administrative burden for Wisconsin producers.

Thank you very much for allowing me the opportunity to testify today.



WISCONSIN STATE LEGISLATURE





Wisconsin Federation of Cooperatives

131 West Wilson Street, Suite 400, Madison, WI 53703
Phone: 608.258.4400 Fax 608.258.4407 www.wfcmac.org wfcmac@wfcmac.org

Date: February 19, 2004
To: Members, Assembly Committee on Agriculture and
Senate Committee on Agriculture, Financial Institutions and Insurance
From: Bill Oemichen, President & CEO *Bill Oemichen*
RE: Wisconsin Federation of Cooperatives Support for AB 812

Thank you for providing the Wisconsin Federation of Cooperatives (WFC) with the opportunity to express our support for Assembly Bill 812. Since the hearing was held in the Assembly Agriculture Committee on January 8 on the prior draft of this legislation, substantial changes were made to that draft to address concerns that were raised by various organizations. If Wisconsin is to take advantage of all the work done to date on establishing a premise ID pilot program and move forward, we will have to enact legislation mandating participation by our livestock producers. This will help ensure that Wisconsin keeps a proactive position in the "networked" national effort envisioned to ultimately enable animal health officials to trace back disease outbreaks in animals within 48 hours.

Today over 35 entities representing most aspects of our state's livestock industry are represented in the membership of the Wisconsin Livestock Identification Consortium (WLIC). At the WLIC annual meeting February 6, 2004, a motion passed that expressed overwhelming support for AB 812, while acknowledging the desire to seek four specific changes to the bill.

The deletion of the prior premise fees in the legislation and the substitution of requests for federal funding, and a GPR budget request for the 2005-07 biennial budget has removed substantial industry opposition to previous versions of the legislation, while leaving the funding likelihood very much uncertain. We pledge that we will work hard to replicate the success that WFC and others have had in working the Congressional Agricultural Appropriations process to obtain funding for the Wisconsin WLIC pilot development project as we seek the financing for program administration. To date, WFC and others have been successful in obtaining \$2.75 million over three years from federal appropriations to support the efforts of WLIC.

The premise identification and rulemaking authority being sought in AB 812 moves Wisconsin in the right direction by establishing a foundation for an animal trace back system and this foundation can have significant value nationally as well. WLIC has carefully moved forward with USDA and those working on the US Animal Identification Plan (USAIP). More than 70 national and state associations, organizations and governments have worked together as the USAIP has been developed. The USAIP recommends that all states have a premises identification system in place by July, 2004, or as soon as possible. Wisconsin is moving forward now with our voluntary pilot premises registration program. We will insist that the Department of Agriculture, Trade & Consumer Protection include broad representation in its rulemaking once this legislation is passed into law since our state needs the full cooperation of representatives of all animal species to make a premise identification or animal identification program work successfully.

Finally, I want to highlight the provisions on page four regarding confidentiality. We believe the confidentiality of information provided by producers is of paramount importance because the release of proprietary and trade secret information would break down the confidence producers would have in the state premises identification program. We note the bill includes specific language that makes clear producer information will not be released except under very limited circumstances or as otherwise provided by state law.

WFC urges you to advance AB 812 so that this important legislation will have an opportunity to clear all hurdles before time expires in the rapidly concluding legislative session. Thank you for your consideration of the views of the Wisconsin Federation of Cooperatives.



WISCONSIN STATE LEGISLATURE



Assembly Republican Majority

Bill Summary

AB 812: Registration of Livestock Premises

Relating to: registration of livestock premises and granting rule-making authority.

By Representatives Gronemus, Ott, Vruwink, M. Williams, Molepske, Loeffelholz, Balow, Plouff, Kestell, Hines and Suder, cosponsored by Senators Schultz, Lassa, Brown, Kedzie and Hansen.

Date: February 24, 2004

BACKGROUND

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) conducts various activities to protect animal health and food safety. Additionally, DATCP makes indemnity payments to owners of animals the department orders killed to control animal disease.

The recent BSE outbreak in Canada and discovery of a single case in the U.S. has focused attention on the need for a quick and accurate animal health trace-back system. National efforts are underway to develop a system capable of identifying all animals and premises potentially exposed to a disease within 48 hours. The first step under the national plan is for each state to establish a system of identifying all premises where livestock are held. It is more difficult to respond to an animal disease outbreak if we do not know who is in the livestock business.

SUMMARY OF AB 812 (AS AMENDED BY COMMITTEE)

Assembly Bill 812 requires people who keep livestock (cattle, bison, horses, goats, poultry, sheep, swine, deer and any other kind of animal the department identifies by rule) to register the location where they keep such animals with DATCP. Owners of animals who do not register will not be eligible for indemnity payments if DATCP orders their animals to be killed to control an animal disease. Statutory penalties may also apply. DATCP may promulgate rules specifying exemptions based on number, type or locations where livestock are kept.

DATCP must assign a unique, federally allocated premises code to each location where livestock are kept. The department must maintain a database containing the codes and related information. DATCP can, however, contract with a third party for this purpose.

In general, any information collected by DATCP under this bill must be kept confidential and is not subject to open records requirements. The information may only be disclosed with the authorization of the registrant, to the USDA, or to any person or agency if DATCP believes the release is necessary to control disease or protect public health and safety. The department must also promulgate rule relating to the release of aggregate information – database information, which could possibly be used to summarize market trends.

Assembly Bill 812 requires DATCP to seek federal funding for the administration of the premises registration system. The bill also directs the department to make a budget request for the 2005-07 biennial budget bill.

AMENDMENTS

Assembly Substitute Amendment 1 to Assembly Bill 812 makes three changes to the original bill. First, it removes the requirement to register a location housing more than 20 poultry and more than five equine. Under the substitute amendment, locations with any poultry or equine must register (subject to exemptions created by rule). Secondly, it limits the type of information the department can collect by removing a provision to allow DATCP to collect any other relevant information. Finally, the substitute amendment prohibits the contract agent that administers the system from releasing any information that could be used to summarize market trends (aggregate information) and requires DATCP to promulgate rules relative to the department releasing any such information.

FISCAL EFFECT

A fiscal estimate prepared by the Department of Agriculture, Trade and Consumer Protection indicates the department does not have the infrastructure and resources to administer the program, and expects to contract with another organization or agency to facilitate cost effective program administration and database maintenance. The department will require additional funding for design, implementation and administration of the premises registration program. The bill provides no funding for the program but directs the department to seek federal funding. The bill also directs the department to make a budget request for the 2005-07 biennial budget bill, which would likely only be done in the event no federal funds are received.

Although the department plans to contract for maintenance of the premises registration database, the registration system will need to be linked to the department's current information system. Funds will be needed to develop this link. It is anticipated that promulgation of rules will require significant effort and cost. Total one time costs to upgrade current information systems and promulgate rules is estimated at \$114,900. Total continuing annual cost for contracting with an outside agent that already has the IT infrastructure needed to administer the program is estimated at \$1,106,300. The amount would rise to \$1,353,900 if the department were to directly administer the entire program.

PROS

1. Assembly Bill 812, the creation of a premises registration system, is the first step in working in tandem with the federal government to establish a system to ensure 48 hour trace-back of animals in the event of an animal disease outbreak.
2. Beyond animal health implications, having a system to locate and ultimately trace-back animals is vital in maintaining consumer confidence in our domestic food supply.
3. With passage of this bill, Wisconsin is in a position to lead the way in crafting a national system of individual animal identification.
4. Assembly Bill 812 does not add another fee onto our agricultural producers and ensures confidentiality of producer information.

CONS

1. Producers who must currently receive a license from DATCP will be able to incorporate their premises registration into that existing process. However, the registration will be additional paperwork for producers who do not currently have a DATCP licensing requirement.

2. If federal funds are not received for the administration of the premises registration system, GPR funds or fees may be needed to administer the program.

SUPPORTERS

Rep. Barbara Gronemus, author; Sen. Dale Schultz, lead co-sponsor; Secretary Rod Nilsestuen, DATCP; Dr. Robert Ehlenfeldt, DATCP; Bill Oemichen, WI Federation of Cooperatives; Deb Reinhart, Wisconsin Livestock Identification Consortium; Karen Endres, Dairy Business Association; Paul Zimmerman, WI Farm Bureau Federation; R.F. (Dick) Hauser, Wisconsin Cattlemen's Association; Deborah Gay, Wisconsin Pork Association; Don Hamm, National Farmers Organization; Jolene Plautz, Wisconsin State Horse Council; Brad Legreid, WI Dairy Products Association; Robert Fourdraine, Wisconsin Livestock Identification Consortium; Keri Retallick, Wisconsin Pork Association; Patrick Fitzgibbons, Peck Meat Packing; Richard Keller, Wisconsin Farmers Union; Christopher Sosnay, Wisconsin Bankers Association; Leslie Grendahl, WI Veterinary Medical Association; and John Umhoefer, WI Cheesemakers Association.

OPPOSITION

Dave Matthes, Wisconsin Independent Livestock Dealers Association.

HISTORY

Assembly Bill 812 was introduced on February 5, 2004, and referred to the Assembly Committee on Agriculture. A public hearing and executive session was held on February 19, 2004, where the Committee voted 13-0-2 [Reps. Suder and Hebl were absent] to recommend passage of AB 812 as amended.

CONTACT: Erin Napralla, Office of Rep. Al Ott



Good morning, my name is Dave Matthes. Some of you will remember me from our last hearing on this bill, for those of you don't, I'm a fourth generation Livestock Dealer at the same location. I own a Century Farm 80 miles west of here and have been a resident of our fine state all my life. I have been involved international, interstate, and intrastate shipment of livestock for past 30 years. I served on the Wisconsin Beef Council for eight years, and I have been asked to sit in on various DATCP advisory councils over the years. I thoroughly understand the "producer to packer" movement and the on farm practice of the livestock industry in this state and feel that I can be considered a legitimate resource in these areas.

I am honored to be invited here today to share input on behalf of myself as well as The Wisconsin Independent Livestock Dealers Association. I have been the President of this organization for the past 16 years and I feel that it is important to say that we represent every major sale barn and most of the major livestock dealers in this state. We are the servants and businessmen who will be asked to collect and pass on the information contained in this bill and any other future attachments of it. And more importantly, we are main link in this industry concerning this bill. The majority of the movement of the livestock in this state will go through us.

First of all we will go on record to say that we are in favor of the *concept* of a "premise registration" bill, And I feel that we are all here with the same goal in mind,..... to create a working law that everyone will be satisfied with. This bill as written now shows haste and is way too vague to become good law. Our organization feels that it leaves many questions unanswered and we are concerned with the language pertaining to *cost and funding, vague rule making authority, and most important CONFIDENTIALITY*. We feel that we can offer some good ideas and constructive input into this bill.

Although this is a very simple concept "just ask the people who own animals to register". Once we take a good look at it, the issues become very complex, with

exemptions, possible amendments, cost, funding, and confidentiality. We feel that to rush into this with only a month or so overview and the fact the federal government is in the process of establishing its own program that might include redundancies and funding,...could prove to be a bit hasty. And we are curious as to what seems to be the urgency of immediate action, without proper time for everyone to view, absorb, and to make educated decisions to turn into good law. I have been following the national news very closely, on both television and in the newspapers. It's been a long time since there has been any coverage on this or other related issues. Except in our local Ag papers where there have been interviews with DATCP or the WLIC. We feel that their statements of what might happen if we don't do something immediately, offers negative impact on our state meat industry and is doing more harm than good. It suggests that food safety be at risk until something is done. We feel Wisconsin has been offering the highest quality of food product now and in the past. And the real facts show that to be true.

I would like to offer some suggestions in the provisions under Registration (line 8 of page 2.) go done to line 15-sec (b) we are fine with lines 17-21 and page 3, lines 1-4. But line 5 number 5. Any other relevant information required by the department. *This is way too broad and vague in nature.* And if left in you might as well strike the previous 4 requirements, because that pretty well covers anything and everything. And leaves the door wide open to change whole concept of this provision and shows that there has not been enough conversation to know what we want write into law. I would suggest that line 5 page 3 be stricken.

On page 3, line 8 I am wondering why also the exemption is written so that the department makes the rules to exempt certain animals or types of locations. We already established who should comply or not. If was to be left in, it could be simplified by ending at line 10.....sub. (2) It allows for

creating new rules without the input of the key players in the industry to approve or object.

Then going to page 5, line 1 (7) RULES. The department may promulgate rules for the administration of this section. Wow! It almost seems as though this was put in to defeat the bill. Is there anyone that feels good about a law that says a single entity such as DATCP should have the authority to add new rules anytime about anything, to fit any situation? Because right now is a perfect example of they are being lead by not knowing all the facts. And we do understand it might have to come before a committee before it can be enforced. But the problem we have with that is that in the past we've found that those committees generally made up of Ag people that might be positively affected by the change. Line 1 and 2 of page 5 should be stricken. Possibly after some consideration we might think of *more specific* rules that we need or might apply to this section.

Page 5 Lines 3 and 4 Contract Agent. The whole purpose of this bill is to locate the animals previously stated in this bill. For the sole purpose of DATCP and animal safety, not that complicated and broad in nature. The information collected for that purpose is very personal and confidential. And is for DATCP's eyes only. WLIC keeps talking about this broad-based information package we need to collect. But I don't understand the need for other information other than premise registration. That's what we are here today writing laws on.

Page 4.....Confidentiality, everyone in our industry that has seen this bill has huge problem with this portion of the bill. I would like to offer some input as well as suggestions. We are fine with this section from line 1-13. Line 143. Any agent of the department under sub. (8) Page 5 line 3 The department may contract with any agent to administer the registration program under this section on behalf of the department. It is common knowledge of the intended contract agent under this provision. We suggest that we appropriate enough money to hire enough staff and to incorporate a database to house within

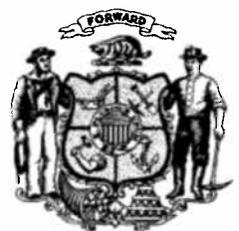
DATCP. Here's why, and I have all the documentation with me to collaborate my statements.

In the beginning the Holstein Ass. Started an ID system here in Wis. Called F.A.I.R. They had implemented a tag and reader system that was introduced to a sale barn in northern Wis. Neil Hammerschmidt headed this program. It was costly and the Ass. Either ran out of money or decided to defer it to another group. WLIC was formed. There was interest from breed registries, some tagging companies, data base groups, computer and technologies people, and semen companies and the original ID group, CRI also came on board. (Page 2) of no.1 Promises weren't made but concepts were offered to allow to a database that might enhance their business. Page 1 of no.1 (Should be read) CRI graciously allowed WLIC to hold its meeting in their building. And they then allowed them to use their office spaces and their computers and database. They then became a lending institution for WLIC. (Yellow copy no.2 page3) Federal and state monies were also granted at this time and the WLIC was up and running. Since then the monies have gone the other way. WLIC now pays CRI for contracted services, \$3,000.00 a month office rent and \$7500.00 quarterly in salary to CRI's Steve Rassmussen. (Blue sheet no. 3). Where the tie to and the concerns of this issue are coming to.... Is this. Since the beginning and right up to now the WLIC is still selling the use of established added-value service providers. (No. 4 page 1) We feel that it was inappropriate to work with or encourage state officials and legislators to enhance wording in state law. While they were already offering their own version of premise registration that might conflict with a version yet to be decided on. Within their system of premise registration they talk of being required to up date site information for location, tracking the movement of livestock, ID data in accordance with protocols established, and modified from time to time. They also talk not being liable for data errors or hackers because those things can happen. (No. 4 page2) And most importantly

the speak of the use of aggregated information(No4 page3 read from script). This why there is a confidentiality problem. They are working to closely with CRI and we feel that CRI is one of the Midwest's most aggressive AG based businesses at this time. In 1993 it began as DHIA or AG source and 21st Century Genetics, in 1995 Noba, another semen source came on, and in 1996 CRI voted to bring in Federated Genetics. In 1999 South St. Paul or Central Livestock was voted in. Since then they acquired Albany Livestock, Sioux Falls Lstk, West Fargo Lstk, and Zumbrota Lstk. Along with the addition of DVA that includes video auctions held at 10 Livestock Auction Markets in 7 different states. They opened up a Farm System Division in Minn. And South Dakota that installs Harvestores, Dairy parlors, and feedlot systems. CRI most recently in our state put a move on to acquire the largest livestock marketing agency. Knowing this, and knowing it is WLIC's intent to allow the use of *Aggregated information* as an added value to it's providers, along with their close connections to CRI, it's understandable our concerns for confidentiality. We feel that the whole story is not being told intently to expedite the passage of a law that would better position private interest groups. Out of state groups such as Central could have information of movement of livestock, amounts and types of livestock being moved, without any state law burden. This would cripple our livestock industry not enhance it others have been leading you to believe. We are asking you now to give this some thought and some time to reference all the material. To use all your tools available, Wisconsin's Livestock markets and dealers are here to help and answer any questions concerning these or any other livestock issues. We are not against a premise registration bill, but we feel this one needs more time and thought right now. History is a great educational tool. Not too long ago another non-profit group came before you, and all they wanted was Bingo.



WISCONSIN STATE LEGISLATURE



Deborah Reinhart
Talking Points for Legislative Hearing
(Key Message to legislators: Support this legislation)

- Speaking as a representative of the Wisconsin Livestock Identification Consortium and from a dairy producer's perspective –
- We ask for your support of the legislation for premises registration.
- Here in Wisconsin we've experienced first hand the impact an animal disease outbreak can have on public confidence.
- Over the past year, both monkey pox and chronic wasting disease have made headlines.
- More devastating for cattlemen was the recent case of BSE discovered in Washington State.
- Every dairy and beef producer in the country has felt its impact first hand.
- It brought home, like nothing else could, the importance of a national animal identification and trace back program.
- As a dairy producer, recent events have affected how and if we can sell our animals and for what price. *(expand on producer perspective)*
- Animal identification is a multi-phase process. It begins with registration of any premises where livestock are raised, marketed, processed or held for any period of time.
- Premises registration is the vital first step in developing a timely trace back system. Without a data base of locations where livestock are produced, raised and held, our industry will continue to be unprepared.
- WLIC is a proactive, grassroots organization which represents multi-species and has wide support of industry groups, USDA and the state and federal government.
- For the past two years, WLIC members have been actively involved in the development of "the" national plan---the U.S. Animal Identification Plan--- known as USAIP.
- USAIP's goal is:
 - "To achieve a trace back system that can identify all animals and premises potentially exposed to an animal with a Foreign Animal Disease within 48 hours after discovery."
- WLIC is working closely with DATCP to develop the key components of the national plan on a state basis.
- The enabling legislation before you for premises registration is vital to setting the foundation for state implementation of an animal identification and trace back program.
- *At the February 6th WLIC annual meeting the membership passed a resolution to support AB812 and encouraged the adoption of 4 amendments that were provided to the author of the AB812.*
- We as members of WLIC are committed to the goal of the Consortium to develop an animal identification and information system.
- We need your help and support to make this goal a reality.
- Thank you

My name is George Roemer, a dairy farmer from southeast Wisconsin and the District I representative for the Board of Directors of Equity Cooperative Livestock Sales Association. I also chair the executive credit committee for the Equity Livestock Credit Corporation.

Equity Livestock operates 13 multi-species auction markets. Twelve of these facilities are located in Wisconsin and one facility in Iowa. For the year 2003 the co-op marketed in excess of 1 million head of livestock. The livestock had a gross sales value of 440 million dollars. The majority of the livestock moved through one of our 30 weekly sales. The owners of the livestock and the cooperative are approximately 45,000 patron members strong.

Premise and Animal ID are of the utmost importance to our cooperative. It is important that the system be farmer friendly to use and that the systems developed will not impede the speed and flow of the livestock in the system. The system developed should be easily accessible to the authorized users and be able to achieve 48 hour disease trace-back.

We support an effort to track livestock and where the livestock is raised for the betterment of the whole animal agriculture industry in the areas of economic growth for producers, safe and wholesome products for our consumers and the control of animal diseases that could devastate animal agriculture within the state of Wisconsin and nationally.

With our support also come concerns that we would like you to consider in evaluating Bill LRB-3171/5 today.

Our concerns are as follows:

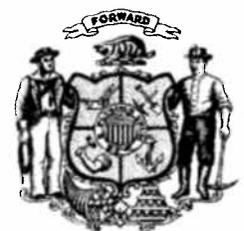
- A. We believe the state of Wisconsin should not pass legislation that is enacted before a federal program is enacted concerning premise and animal ID. We are of the thoughts that the state legislation and national plans should be synergistic so that we do not cause an economic hardship and impede commerce because surrounding states may not have the same regulation platform or time-line.
- B. The language in the bill that gives a wide latitude to the Department of Ag in the process of writing rules and other state laws and would impede commerce and put livestock producers at an economic disadvantage.
- C. Our last concern and issue is that information must remain confidential. The language on PG4 Lines 17-22 where the department may ask for additional information to pass on to other agencies in our opinion doesn't give confidence of confidentiality.

Finally, any third party administrators of the premise system must be bound by strict confidentiality agreements and must take extreme safeguards to make sure they do not give any unfair business advantages to their affiliates.

For these reasons we would like to see language instituted that would eliminate these concerns and we will be able to stand in complete support to Bill LRB-3171/5.



WISCONSIN STATE LEGISLATURE



Leveraging Federal Investment in Wisconsin As A Building Block For A National Animal Identification System

The Goal

The goal is to develop a national animal identification system that enables animal health officials to trace back diseased animals within 48 hours.

Three phases of development are needed to achieve this goal.

- **Phase I:** Developing state systems to collect locations where animals are raised/held (*premises registration*)
- **Phase II:** Creating state systems to identify individual animals or groups of animals (*animal identification*)
- **Phase III:** Linking state premise registration and animal identification systems to track animal movement from place to place from birth to slaughter (*animal tracking*)

National identification is a networked system with an established set of standards and defined data elements. These standards will allow diverse state systems designed to meet the unique needs of different segments of the animal agriculture industry to share agreed-to information in a way that is compatible and cost-effective.

A *networked system* provides the flexibility to meet *multiple needs*:

- producers proprietary needs to maintain confidential production data for management and marketing purposes
- animal health officials needs to trace back diseased animals within 48 hours in order to contain and eradicate disease outbreaks and protect food safety.

Wisconsin Pilots Premise Registration

Wisconsin has piloted a premises registration system that works for multiple species and is based on lessons learned in the development of Canada's system, which creates the potential for a North American system over time.

After years of discussion among industry leaders, the Wisconsin Livestock Identification Consortium was organized in 2001. Today, the consortium is made up of 50 livestock industry groups and businesses as well as representatives of the U.S. Department of Agriculture, APHIS VS, Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), and the University of Wisconsin.

WLIC launched its premises registration in October 2003. To date, USDA has invested \$1.75 million to develop and launch WLIC's premises registration system. The

Wisconsin Department of Agriculture, Trade and Consumer Protection provided start up funds and significant staff support.

U.S. Animal Identification Plan (USAIP)

In 2002, more than 70 national and state organizations representing the diversity of animal agriculture across the U.S. helped prepare the first draft of a national plan to develop the capability to locate all premises with direct contact to foreign animal disease within 48 hours of discovery.

Building on this effort, USDA established the U.S. Animal Identification Steering Committee and Development Team in early 2003. This group drafted the U.S. Animal Identification Plan, currently under discussion.

Wisconsin actively participated in the development of the U.S. Animal Identification Plan. Experience gained from developing WLIC's premises registration system and other pilot systems provided "lessons learned" that make the U.S. Animal Identification Plan practical and cost-effective to implement.

Enact Premise Registration in Wisconsin

With the discovery of BSE in Washington, agricultural interests across the country have come to realize what Wisconsin has known for years. Developing a national animal identification system is both urgent and important.

The USAIP calls for each state to develop its own system to meet its own needs. Knowing this, Wisconsin must continue moving forward. Passing mandatory premise registration is the next critical step.

BSE has cost U.S. beef producers \$200 million in lost exports already. A nominal annual registration fee pales in comparison to the value of lost sales due to the inability to track diseased animals.

The fastest path to a functioning national animal identification system is to continue developing Wisconsin's system as we work closely with our federal partners. We urge you ask your legislator to:

- Support mandatory premise registration, recognizing that operating the system will require continuing investment from federal, state and private interests.

WISCONSIN LIVESTOCK IDENTIFICATION CONSORTIUM

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To view the U.S. Animal Identification Plan, go to:

<http://www.usaip.info/>

To voluntarily register your livestock premise, go to:

<http://www.wiid.org>