

 **05hr\_ab1209\_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)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Vote Record Committee on Agriculture

Date: 5/2/06

Moved by: Hines

Seconded by: Vruwink

AB 1209

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 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 Gabe Loeffelholz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 John Steinbrink	<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"/>
<b>Totals:</b>	<u>12</u>	<u>-</u>	<u>3</u>	<u>    </u>

Motion Carried

Motion Failed

## Vote Record Committee on Agriculture

Date: 5/2/06

Moved by: Hines

Seconded by: Vruwink

AB 1209

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt a 8115

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>
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<b>Totals:</b>	<u>12</u>	<u>-</u>	<u>3</u>	<u>  </u>

Motion Carried

Motion Failed

## Vote Record Committee on Agriculture

Date: 5/2/06

Moved by: Hines

Seconded by: Vruwink

AB 1209 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt a 3115

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 \_\_\_\_\_

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 Introduction     Rejection     Tabling     Nonconcurrence

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<b>Totals:</b>	<u>12</u>	<u>-</u>	<u>3</u>	<u>  </u>

Motion Carried

Motion Failed



Department of Natural Resources  
TESTIMONY on AB 1209  
By: Thomas Van Haren  
May 2, 2006

Departments Position: **Neutral – Appearing for information purposes only**

Thank you Mr. Chairman and members of the committee.

My name is Tom Van Haren and I am a Conservation Warden with the DNR's Bureau of Law Enforcement.

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I am appearing on behalf of the department today for informational purposes only.

Current law does not allow a deer farm owner to apply for, or be registered as a deer farm for white-tailed deer, until the owner first holds a Fence Inspection Certificate issued by our agency. Current law also does not allow a deer farmer to keep farm-raised white-tailed deer in an enclosure unless ALL of the deer are held within a fence that has been inspected and certified by our department.

Our department has been unable to issue a fence inspection certificate to the deer farm to which this bill applies because of the deer held in this enclosure are not confined or restricted to an area that is fully enclosed by a fence for which Wisconsin has regulatory control over. In other words, Wisconsin DNR can not certify a fence that is not located within this state.

It is our understanding that the intent of this bill is to provide a means for this specific deer farm, which consists of land in both Wisconsin and Michigan which are all enclosed within the same perimeter fence, to become legal to operate in this state.

The department understands and supports such an action PROVIDED the owner is required to follow the same procedures and meet the same fencing standards that all other Wisconsin deer farmers are required to meet, including applying for and receiving a fence inspection certificate.

The department feels that section 2 of this bill is unclear as to whether or not the deer farm owner must still apply for and receive a fence inspection certificate for the portion of the fence that is located in Wisconsin, or if the owner is simply exempt from this requirement. We understand that this bill would still require the facility to meet the Wisconsin or Michigan fencing requirement, whichever is more stringent. We are unsure if the fence must first be inspected to assure that it is in compliance, and if so, which agency will be responsible for inspecting the fence since the new requirement, that they comply with the DNR's fencing standards is created under Chapter 95 which is enforced by the Dept. of AG and not s. 90.21, which is enforced by DNR.

The department would prefer to see an amendment to the proposed language in section 2 of this bill, to clarify that the DNR can and still shall issue a fence certificate for the portion of the deer farm fence that is located within this state.

The suggested amendment would keep the application, inspection, certification and future monitoring of the Wisconsin portion of the fence consistent with how the department handles all other deer farm fences, while still providing a means for this facility to receive a fence certificate from the DNR and to register their deer farm with the Dept. of AG.

Keeping the application and certification process for the portion of this fence that is located in Wisconsin consistent with our current procedures will be important if this deer farm seeks an exemption from Wisconsin's standard double fencing requirement.

There are basically 3 ways to be exempt from the need for a double fence:

1. The fence is a solid fence.
2. The Farm is enrolled in the DATCP CWD Monitoring program.
3. The Farm complies with the DNR's Deer Herd Harvest Plan.

The deer Harvest Plan program is administered in conjunction with the DNR's Fence Inspection and Certification program.

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**The Authority to regulate non-white-tailed deer & elk farms in this state was transferred to DATCP in 1995, under 1995 Wis. Act 79. Authority over White-tailed deer farms, other than the fences was transferred to DATCP effective 1-1-03 under 2001 Wis. Act 56. (Captive Wildlife Bill)**

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Wisconsin Whitetailed Deer Fence Cert. Issued as of 5-10-05:

Current certificate holders (80+ acres) that have opted for the **Deer Harvest Plan = 46**

This leaves 18 deer farms that are 80+ acres in size that must either be in DATCP CWD Monitoring Program, Double Fenced or for which we have not issued a fence certificate to as of yet (likely because we are working through fence compliance problems with them).

Deer farms of less than 10 acres	=	367	
Deer farms of 10 or more acres but less than 80	=	86	
Deer farms of 80 acres or more	=	<u>64</u>	
<b>Total</b>	=	<b>517</b>	

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# **Assembly Republican Majority**

## **Bill Summary**

**CONTACT:** Erin Ruby, Office of Rep. Al Ott

### **AB 1209: Deer Farm Fencing Requirement Exemption**

Relating to: fenced areas of farm-raised deer that are located both in this state and in an adjoining state.

By Representatives Meyer, Friske, Gard and Mursau, cosponsored by Senator Breske.

**Date:** May 4, 2006

### **BACKGROUND**

The Wilderness, a 6000 acre private hunt/fish facility, is located in both Vilas County, Wisconsin and Iron County, Michigan.

Under current law, no person may operate a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). Before being registered with DATCP, a deer farm owner must receive a Fence Inspection Certificate from the Department of Natural Resources (DNR). To receive a fence certificate, the fence must be in compliance with DNR fencing requirements.

State law requires deer farms in Wisconsin to be entirely fenced in. Current law does not, however, account for a facility such as The Wilderness, which is located in two states. While the entire perimeter of this property is fenced, under a strict interpretation of current law, the portion of the fence located in Michigan cannot be recognized by the DNR for the purposes of issuing a Fence Inspection Certificate, thereby precluding the facility from registering with DATCP.

### **SUMMARY OF AB 1209 (AS AMENDED BY COMMITTEE)**

Assembly Bill 1209 exempts the owner of a deer farm that is located in two states from having to have the entire area in this state fenced, if certain requirements are met. These requirements include meeting the applicable fencing requirements of this state or the adjoining state, whichever are more stringent, as determined by DNR and complying with the disease prevention laws of this state or the adjoining state, whichever are more stringent, as determined by DATCP. Also, the deer farm owner must have any deer that dies from natural causes or harvesting on the deer farm tested for CWD and must have the results submitted to DATCP and to DNR. Moreover, a deer farm owner must report any incidents of deer escaping from the farm to DATCP and to DNR and may not release any deer from the farm into the wild in this state.

### **AMENDMENTS**

**Assembly Amendment 1** to Assembly Bill 1209 clarifies that the DNR will still be responsible for issuing a Fence Inspection Certificate for the portion of the deer farm fence located within Wisconsin [adopted 12-0-3 (Reps. Loeffelholz, Gronemus and Steinbrink were absent)].

### **FISCAL EFFECT**

A fiscal estimate prepared by the Legislative Fiscal Bureau indicates an annual reduction in revenue of \$10 for each of the next ten years. As amended, however, AB 1209 would have no fiscal impact as the deer farm owner will still have to obtain a Fencing Inspection Certificate (\$100, valid for 10 years).

### **PROS**

1. AB 1209 will correct an oversight in the current law related to deer farms and animal health for a facility that crosses state borders.
2. Without AB 1209, The Wilderness, which currently has a fully fenced parameter, would be required to fence an area, over a mile in length, along the Wisconsin/Michigan border to be in compliance with state law.

### **CONS**

1. AB 1209 may not be well received by other registered deer farmers in Wisconsin. These farmers may view AB 1209 as precedent setting and may subsequently undertake efforts to weaken the state's fencing requirements.

### **SUPPORTERS**

Rep. Dan Meyer, author; Sen. Roger Breske, lead co-sponsor; Steve Parent, The Wilderness; Keeley Moll, Wisconsin Department of Agriculture, Trade & Consumer Protection; Marc Bentley, Schneider National.

### **OPPOSITION**

No one testified or registered in opposition to AB 1209.

### **HISTORY**

Assembly Bill 1209 was introduced on April 27, 2006, and referred to the Assembly Committee on Agriculture. A public hearing was held on May 2, 2006. On May 2, 2006, the Committee voted 12-0-3 [Reps. Loeffelholz, Gronemus and Steinbrink were absent] to recommend passage of AB 1209 as amended.



Dear Chairman Ott & Members:

AB 1209 ?  
Date ?

My name is Steve Parent. I reside at 5024 Vanlanen Road, New Franken, WI. I am here today on behalf of The Wilderness, a 6000 acre, private hunt/fish facility located in Vilas County, WI and Iron County, MI. This property has been a Member's Only hunt/fish facility for over 40 years.

With the recent discovery of CWD in the State of Wisconsin, there have been a number of new laws and rules put in place that have had a significant impact on the operation of our facility. These legislative actions have upgraded fence specifications and have put in place animal testing requirements in an effort to control and eradicate animal disease threatening our valuable natural resource. The Wilderness supports these initiatives and applauds this body and other accountable State agencies for their aggressive actions in this regard.

The Wilderness has also taken an aggressive position regarding this risk. Our 17.4 mile long fence is 12' high, constructed with creosote poles and a 9 gage interwoven fence, far exceeds the requirements of both Wisconsin and Michigan. We have consistently followed the more stringent of the animal testing requirements of the two states in which we reside. We have worked hard to maintain a positive working relationship with all Michigan and Wisconsin State agencies with regulatory responsibility for our property.

We are asking your help with our problem. Although we meet all the requirements for an adequately fenced facility and proper animal testing, we cannot get a proper fence permit because the Wisconsin Department of Natural Resources is not permitted, under current law, to look into the State of Michigan to recognize the fence. This legislation exempts the requirement to have the Wisconsin portion of the property fully fenced if we meet all of the conditions outlined in the bill.

1. The person is keeping farm-raised deer in the fenced area on the effective date of this subdivision.
2. The fenced area located in this state complies with the applicable fencing requirements under ss.90.20 and 90.21, or the fencing requirements of the adjoining state, whichever are more stringent, as determined by the Department of Natural Resources.
3. The person complies with all of the rules promulgated under this section for the prevention of disease in farm-raised deer or all such laws of the adjoining state, whichever are more stringent, as determined by the Department of Agriculture, Trade and Consumer Protection.
4. The person has the carcass of each farm-raised deer that dies, in either state, inside the fenced area, from being harvested or from natural causes

tested for chronic wasting disease and has the test results submitted to the Department of Agriculture, Trade and Consumer Protection and to the Department of Natural Resources.

5. The person notifies the Department of Agriculture, Trade and Consumer Protection and the Department of Natural Resources of the escape of any deer from the portion of the fenced area that is located in this state immediately upon discovering the escape.
6. The person does not release into this state any deer from the fenced area.

This legislation as written, meet the needs of The Wilderness and satisfies the concerns of the Wisconsin Department of Agriculture and Wisconsin Department of Natural Resources. It recognizes that The Wilderness is meeting the spirit of the current law. We have a fenced facility that meets the most stringent requirements of both States, and we have animal testing that meets the most stringent requirements of both States.

We are appreciative of Representative Dan Meyer and Senator Roger Breske for introducing this bill, and we respectfully request that you support them in passing this legislation.

Respectfully submitted,

Steve Parent



Rep. Meyer

Date?

## Testimony on Assembly Bill 1209

Chairman Ott and Members:

Thank you for the opportunity to testify today on Assembly Bill 1209.

Assembly Bill 1209 was drafted to address a very narrow problem concerning one deer farm in Wisconsin.

The Wilderness is a property located in both Michigan and Wisconsin. The Wisconsin portion lies in my Assembly district in Vilas County. This facility is a deer farm that was unable to renew certification for a state fencing permit since the passage of legislation to control Chronic Wasting Disease.

State law requires deer farms in Wisconsin to be fenced in entirely. While this property is entirely fenced in, the fence encompasses land in both states. The strict interpretation of the law as administered by the Department of Agriculture, Trade and Consumer Protection requires additional fencing along the state line, even though the entire property is fenced in.

Assembly Bill 1209 resolves this situation by allowing a deer farm that lies on a state border to qualify for a fencing certificate if it meets a number of conditions, including the more stringent animal disease testing requirements of the two states.

DATCP was involved in the drafting of this bill and worked cooperatively to help shape its final form. I commend them for their work on trying to resolve this issue.

It is my hope that you will approve Assembly Bill 1209 and send it to the Assembly floor so that Wisconsin can maintain its strong testing standards across all the state's deer farms.

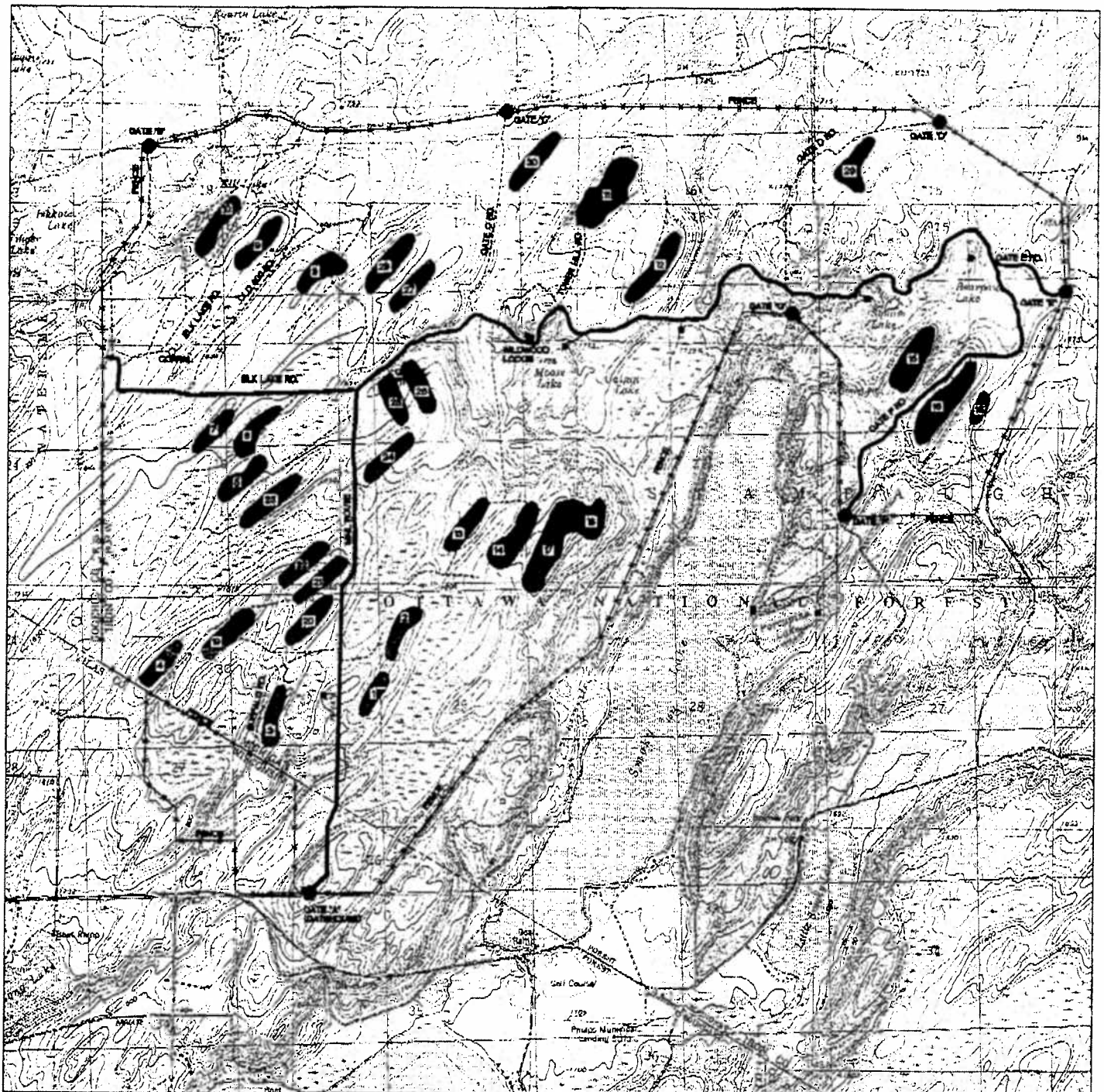
Thank you.

Steve Parent

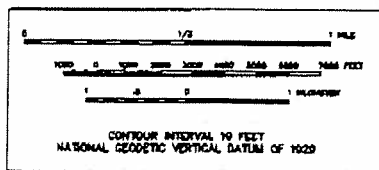




AB 1209?



# THE WILDERNESS



**SYMBOL LEGEND:**

■	CABIN	x	GRANITE PIT
—————	ROAD: MAJOR — INSIDE SMOKY LAKE PROPERTY	■	CLEAR CUT
.....	ROAD: MINOR — INSIDE SMOKY LAKE PROPERTY	●	GATE LOCATION
—+—+—+—	FENCE (PROPERTY LINE)		