

05hr_CRule_06-009_AC-Ag_pt02



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**

Dan Kapanke

Wisconsin State Senator - 32nd District



July 7, 2006

Secretary Rod Nilsestuen
Department of Agriculture, Trade, and Consumer Protection
P.O. Box 8911
Madison, WI 53718-8911

Dear Secretary Nilsestuen:

SUBJECT: Meeting Request on Clearinghouse Rule 06-009

Dear Secretary Nilsestuen:

By this letter, I am requesting a meeting with the Secretary of the Department of Agriculture, Trade, and Consumer Protection regarding the following clearinghouse rule:

06-009	Relating to Animal Diseases and Movement, and Affecting Small Business
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Pursuant to s. 227.19 (4) (b) 1.a., this will extend our review period for another 30 days from today's date. The extra time to consider this rule will be very helpful.

I look forward to discussing this issue with you and will have my staff contact your office to schedule this meeting.

Sincerely,

A handwritten signature in cursive script that reads "Dan Kapanke".

Dan Kapanke
Senator
32nd District
Chair, Senate Committee on Agriculture and Insurance

CC: David Lovell – Legislative Council, 401 East Main
Jeff Renk – Assistant Chief Clerk
~~Representative Alvin Ott – 323 North State Capitol~~



Ruby, Erin

From: Rep.Ott
Sent: Thursday, June 15, 2006 10:20 AM
To: Rep.Ainsworth; Rep.Gronemus; Rep.Hines; Rep.Loeffelholz; Rep.Molepske; Rep.Nerison; Rep.Parisi; Rep.Petrowski; Rep.Steinbrink; Rep.Suder; Rep.Towns; Rep.Vruwink; Rep.WilliamsM; Rep.Ziegelbauer; 'Rep.Ziegelbauer(1)'
Cc: Anderson, John; Bauknecht, Jason; Berken, Nathan; 'Christopher, Marc'; Cross, William; Deering, Bonnie; Emerson, Anne; Gaston, Geoff; Hilton, Stephanie; Holsinger, Eric; Hutkowski, Hariah; Junck, Linda; Kostelic, Luanne; Kraak, Maureen; Langan, Casey; Loomans, Scott; Mueller, Virginia (Legislature); Parrott, Douglas; Patronsky, Mark; 'Peterson, Eric'; Pfohl, Mike; 'Polzin, Cindy'; Redell, Carol; Shea, Heather; Whitmore, Lori; Zutz, Toby; OBrien, John; Perlich, John H.
Subject: Clearinghouse Rule Referred to Assembly Committee on Agriculture
Attachments: Scan001.PDF

The following Clearinghouse Rule has been referred to the Assembly Committee on Agriculture for a 30 day review period:

Clearinghouse Rule 06-009: Relating to animal disease and movement.

A copy of the DATCP rule memo is attached. The rule text is over 200 pages in length. Please contact my office if you would like a copy of the rule, or if you have any questions.

The 30 day deadline for committee review is Monday, July 17, 2006.



Scan001.PDF (472 KB)

DATE: June 15, 2006

TO: Erin Ruby

Committee on Agriculture

FROM: Patrick E. Fuller, Assembly Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

CLEARINGHOUSE RULE 06-009

AN ORDER to repeal chapter ATCP 11 and ATCP 12.02 (8) (g) (note); to amend ATCP 1.03 (1) (a) 11. and 12., 12.01 (1m), (1w), (3), (8x), (18), (19), (19) (note) and (27), 12.02 (3) (note), (4) (a) (intro.) and (c), (7) (a) and (10), 12.03 (4) (note), (5) (a) and (c) and (8) (a), 12.04 (2) (c) 3., (3) (note), (4) (a) and (c) and (7) (a), 12.045 (2) (note), (3) (c), (4) and (6) (note), 12.05 (1) (a) (note), (1) (b) (note), (2) (b) (note) and (4), 12.06 (1) (h), 12.05 (4), (10) and (19) (intro.), chapter ATCP 17 (introductory note), ATCP 17.01 (19) and (20), and 17.02 (2) (c) 3. and 8.; to repeal and recreate chapter ATCP 10, ATCP 12.01 (3) and 12.08 (2); and to create ATCP 12.01 (18) (note), 12.06 (1) (bc) and 12.08 (25) and (26), relating to animal diseases and movement, and affecting small business.

Submitted by **Department of Agriculture, Trade and Consumer Protection.**

Report received from Agency on **June 8, 2006.**

To committee on **Agriculture.**

Referred on **Thursday, June 15, 2006.**

Last day for action - **Monday, July 17, 2006.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs choose to do so, you are not required by law or rule to send a copy of the text of the rule to each member at this time. Instead, your notice could state that members should contact you if they wish to receive a hard copy of the rule. Another option would be to email the rule to members. (**Please note that the text of Rules beginning with the prefix "01" is available online in the Clearinghouse Rules infobase in FOLIO.**) Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Kay Inabnet (6-5550) or your Legislative Council attorney. If you wish to learn more on this subject, read *Review of Administrative Rules* which is part of the Legislative Council's Wisconsin Legislator Briefing Book series, section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.



Ruby, Erin

From: Barbara Bishop [southdowns@mbgenetics.com]
Sent: Sunday, July 30, 2006 1:40 PM
To: Rep.Ott
Subject: Concern about ATCP 10

Dear Mr. Ott:

Our family has a registered Southdown sheep operation near Rio. Starting in April I have been in touch with the Wisconsin state veterinarian staff about Wisconsin not being fully compliant with the National Scrapie Eradication Program in order to move breeding sheep to other states. Producers in states that are not Fully Consistent by Sept. 30, 2006 can not ship sheep across state lines, except to slaughter.

Wisconsin has met all the requirements to be fully consistent with the exception that there is no current state regulation/law regarding individual identification of sheep moving within Wisconsin. Current Federal regulations require that all sheep, other than sheep under 18 months of age going to slaughter, that move across state lines have an official scrapie ear tag. Now, the Federal government is requiring states to have this individual animal identification requirement for in-state sheep movement in order for them to be Fully Consistent. This rule is not a problem for sheep producers as we already use federal scrapie tags on all breeding sheep that leave our farms. State fair, county fairs, and junior shows across the state have already been requiring these tags for several years. Our state laws had simply not been updated regarding scrapie tags, and the revisions are not part of ATCP 10.

The State Veterinarian has indicated that this requirement for individual animal identification for sheep moving within Wisconsin is in a very large rule (CR06-009) that also contains many other changes in animal health regulations. **He anticipates that the rule will become effective September 1, 2006 if there are no large concerns raised by the legislature. However, if there are concerns on the part of some legislators, implementation of the bill could be delayed.** Delay of implementation of the bill past Sept. 30, 2006 will halt movement of sheep, other than those going to slaughter, across state lines. This will halt sales of breeding sheep and movement of show sheep to other states.

It is crucial for ATCP 10 to be approved before Sept. 30, 2006, so that movement of sheep out of Wisconsin is not interrupted. A major concern to those of us who are seed stock producers is movement of sheep from Wisconsin to the North American International Livestock Exposition (NAILE) in Louisville, KY to be held Nov. 10-17, 2006. Many sheep from Wisconsin are exhibited at this show and sold at seed stock sales that are held during the NAILE, and it is important for these flocks to be represented. Wisconsin has many of the top sheep breeders in the United States. If ATCP 10 is not soon approved, it will create a significant financial hardship for the sheep breeders in Wisconsin.

Please let me know if there is anything that we can do as sheep producers to help speed the process for ATCP 10. I very much appreciate your help on this matter.

Sincerely,

Barbara Bishop

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Barbara L. Bishop
W4628 Hall Rd.
Rio, WI 53960
PH: 920-992-6183
FAX: 920-992-6727

07/31/2006