

Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

October 22, 2010

5 Days until Dairy Policy Summit! Register Today! The **Dairy Policy Summit** will cover 10 hot topics that can impact the future of dairy businesses. Industry experts and panelists (22 total speakers!) will focus intensely on **immigration reform, milk price reform, animal welfare, food safety issues, water and air regulations facing Wisconsin, international market bottlenecks, livestock siting** and MORE.

The dairy industry continues to change and evolve – and it's up to you to shape the outcome of its evolution. The amount of information needed to make the right decision is overwhelming. For these reasons PDPW invites you to actively participate in this two-day policy summit.

Visit http://www.pdpw.org/library/event_brochures/Dairy_Policy_Summit_flier_2010.pdf for the flyer outlining the details of the **Dairy Policy Summit**. It is NEVER too late, register today. PDPW will accept walk-ins...The important thing is that we see you at this valuable dairy event. Register online at www.pdpw.org or call 800-947-7379.

DATCP Likely to Review Livestock Facility Siting Rule (ATCP 51)

By Jordan Lamb -- DeWitt Ross & Stevens

The Department of Agriculture, Trade and Consumer Protection (DATCP) has published a Scope Statement indicating their desire to promulgate amendments to Wisconsin's Livestock Facility Siting Rule. The Scope must be approved by the DATCP Board before DATCP can move forward with rule promulgation.

The Scope Statement indicates that DATCP initiated this first statutorily required 4-year review of the siting law in 2010. The Department has received over 860 comments at the public listening sessions regarding the siting law. The Scope Statement indicates that the DATCP anticipates spending 18 months drafting the rule. The rule revisions will consider the recommendations of the technical expert committee that was appointed earlier this year to review the standards.

Treatment of Threatened Bat Species May Affect Forestry Activities

By Jordan Lamb -- DeWitt Ross & Stevens

The Department of Natural Resources has requested that four species of cave bats be added to Wisconsin's threatened species list. The Department indicated to the Natural Resources Board at their September meeting that the addition of these four bat species was necessary to begin to combat the decline in the bat populations nationally and to address the "immediate threat of white-nose syndrome" in Wisconsin. According to the Department, white-nose syndrome is a disease that has been linked to the death of "over one-million bats since 2007 and threatens to cause the extinction of several bat species in the near future."

If these four new species are added, the DNR will revise their broad incidental take permit to address takings of these bats. Accordingly, the Department has proposed a revised incidental take permit, which allows for the incidental taking of bats as a result of certain activities. However, the proposed permit would restrict forestry activities within 1 km of a waterbody or wetland. The permit states that, “No snags or dying trees may be cut from June 1 – August 31” within 1 km of a waterbody or wetland. In addition, bats must be excluded from buildings in order for buildings with bats to be eligible to be demolished between June 1 – August 31. The Department is taking comments on the proposed incidental take permit until November 4, 2010. The Department is also taking public comments on the proposed rule adding the four bat species to the threatened list until November 29th. For more information visit http://dnr.wi.gov/news/BreakingNews_Lookup.asp?id=1885.

Reminder: Elections on November 2nd

By Jordan Lamb -- DeWitt Ross & Stevens

Wisconsin’s statewide elections will be held on Tuesday, November 2nd. Wisconsin has an open seat in our Governor’s chair. Republican, Scott Walker, will face Democrat, Tom Barrett, in the general election. Walker is the current Milwaukee County Executive and Barrett is the current Mayor of Milwaukee making this race for governor an “all Milwaukee” race.

In the State Senate, 17 of the 33 seats are up for re-election in 2010. In the Wisconsin Assembly, all 99 seats are up. The Democrats currently control the State Senate by an 18-15 margin and also control the State Assembly by a margin of 51-46 (with two independents). That means that the balance of power shifts in the Senate if the Republicans take 2 seats. The Assembly could flip if the Republicans take 4 seats.

If you are unsure where to vote, you can go to the State of Wisconsin Voter Public Access web site at <https://vpa.wi.gov/> to determine your polling place and to view a sample ballot for your district.

Capitol Link Details

The PDPW *Capitol Link* monthly e-newsletter is sponsored by DeWitt Ross & Stevens law firm. DeWitt Ross & Stevens is a Wisconsin law firm whose members are leaders in their areas of practice and in their communities. Founded in 1903, today there are more than 80 attorneys in their Madison and Milwaukee offices. Nominated by peers as top lawyers nationally and locally, DeWitt’s attorneys offer numerous services including strategic counseling, advocacy, collaboration, alternative dispute resolution, negotiation, mediation, lobbying, and litigation.

This newsletter is a periodic publication produced by PDPW and DeWitt Ross & Stevens. The information provided in this newsletter is provided for educational and informational purposes only. PDPW does not attempt to influence legislation or administrative rules at any level. The contents of this newsletter are intended for general information purposes only and should not be construed as legal advice or legal opinion on any specific situation. You are urged to consult an attorney concerning your own situation and any legal questions you may have.

Jordan Lamb is a partner at DeWitt Ross & Stevens’ Capitol Square office in Madison. Jordan’s law practice focuses on government relations and administrative law. She concentrates on legislative drafting, legislative research, and facilitating communication between clients and state government including administrative agencies and the State Legislature. Ms. Lamb also offers litigation support for administrative law issues. Jordan can be contacted at 608-252-9358 or at jkl@dewittross.com. For more information about DeWitt Ross & Stevens, go to www.dewittross.com.



Brought to you by:
Professional Dairy Producers of Wisconsin
N5776 County Road D, Suite 1
Fond du Lac, WI 54937
Phone: 800-947-7379
mail@pdpw.org
www.pdpw.org