

**YourNameGoesHere**  
**YourAddressGoesHere, YourCity, YourStateAndZip**  
Via U.S.P.S. First Class Mail

---

**Notice of Appearance and  
Memorandum in Support of House Bill 1151**

“Prohibiting the state from establishing or participating in an animal identification system”

---

Public Hearing on Feb. 21, 2007, before the  
**House Committee on Agriculture and Natural Resources**  
State of Washington, 60<sup>th</sup> Legislature, 2007 Regular Session

**STATEMENT OF FACTS**

1. LET THE RECORD SHOW that Mr. Bruno Schmidt (hereinafter “Respondent”), hereby respectfully appears before the Committee.
2. LET THE RECORD SHOW that Respondent is domiciled in this state, of legal age, without legal disability, appears in his personal capacity, in Good Faith, and has no known conflict of interest with said proposed legislation.
3. LET THE RECORD SHOW that Respondent enjoys animal husbandry, farming and related activities. WHEREAS, Respondent has a vested interest in the enactment of this proposed legislation.
4. LET THE RECORD SHOW that the state currently performs under one or more contract(s), a.k.a. “Cooperative Agreement(s)”, entered into and under the supervision of the U.S. Department of Agriculture, activities that include but are not limited to the implementation of the National Animal Identification System, or certain aspects thereof, in this state.
5. LET THE RECORD SHOW that the state, pursuant to said contract(s), has already received certain funding from the U.S. Department of Agriculture that this proposed legislation seeks to discontinue. WHEREAS, the state has a conflict of interest in light of the receipt of said funding or the promise thereof.
6. LET THE RECORD SHOW that the state, pursuant to said contract(s), has contracted with and offered compensation to one or more person(s) or organization(s) for the purpose of participating in and/or to carry out some of said activities that this proposed legislation seeks to discontinue. WHEREAS, any such person or organization has a conflict of interest in light of said contracts, or the promise thereof.

**MEMORANDUM IN SUPPORT OF BILL**

7. LET THE RECORD SHOW that Respondent holds that the state’s establishment of or participation in any program or system purported to identify and/or register and/or track premises, animals, or activities in connection therewith, whether voluntary or mandatory, constitutes a trespass upon Respondent’s FUNDAMENTAL RIGHT to property and impairs Respondent’s right to contract. WHEREAS, Respondent supports enactment of said proposed legislation
8. In re: New Section, Sec. 1: LET THE RECORD SHOW that Respondent agrees with and fully supports the legislature’s findings of fact, conclusions of fact, and legislative intent.
9. In re: New Section, Sec. 2: LET THE RECORD SHOW that Respondent agrees with and supports the legislature’s definitions expressed by clauses (1) through (6). As regards clause (7), Respondent suggests to replace the term “verification” with “validation” throughout the entire bill.  
Reasoning: Because the legal definition of “verification” implies “supported by oath or affirmation”, Respondent holds that the term “validation” would be a better way to express the bill’s legislative intent.
10. In re: New Section, Sec. 3: LET THE RECORD SHOW that Respondent fully supports the legislative intent and the specific provisions of clauses (1) through (4).

11. In re: New Section, Sec. 4: LET THE RECORD SHOW that Respondent fully supports the legislative intent, namely the state's ability to respond to, control and eradicate a known disease in a specific specie of livestock.
12. In re: New Section, Sec. 5: LET THE RECORD SHOW that Respondent fully supports the legislative intent, namely the state's ability to maintain any of the pre-existing livestock identification, brand registration and inspection programs authorized under applicable state law.
13. In re: New Section, Sec. 6: LET THE RECORD SHOW that Respondent fully supports the legislative intent and specific provisions of clauses (1) through (4).
14. In re: New Section, Sec. 6: LET THE RECORD SHOW that Respondent proposes to add the following provisions:
  15. New Clause (5): Any person [domiciled in this state] registered in the National Animal Identification System by the director shall have the right to remain registered with or withdraw from said system consistent with other provisions of this section.  
Reasoning: Unless this bill provides for a person's direct interaction with the National Animal Identification System, some persons would be permanently locked into the National Animal Identification System.
  16. New Clause (6): Any person [domiciled in this state] wishing to register in the National Animal Identification System shall have the right to do so consistent with other provisions of this section.  
Reasoning: Unless this bill provides for a person's direct interaction with the National Animal Identification System, some persons would be permanently shut out of the National Animal Identification System.
17. In re: New Section, Sec. 7: LET THE RECORD SHOW that Respondent fully supports the legislative intent and specific provisions of clauses (1) through (4).
18. In re: New Section, Sec. 7: LET THE RECORD SHOW that Respondent supports the legislature's intent and provisions expressed by clauses (1) through (3). Respondent proposes to expand clause (4) as follows (emphasis added):
  19. Expanded Clause (4): Failure **or refusal** to participate in a premises registration or animal identification program, or the providing of services to persons who are not participants in a premises registration or animal identification program, shall not be a crime, **nor** an element of any crime, **nor a civil infraction**, **nor** evidence of any negligence or gross negligence on the part of any livestock owner or provider of goods or services.  
Reasoning: With this expansion, the director would be prevented from levying civil penalties against non-participating persons.
20. In re: New Section, Sec. 7: LET THE RECORD SHOW that Respondent proposes to add the following provisions:
  21. New Clause (5): Failure **or refusal** to participate in a premises registration or animal identification program shall not be construed as, nor shall it be used, as evidence of a person's legal incompetence, or legal disability, or indicate a lack of social responsibility as a citizen of this state.  
Reasoning: Under this provision and absent an appropriate court order, the state would be barred from appointing a receiver over said person's affairs, property and/or livestock.

### REQUEST FOR COMMITTEE ACTION

22. Respondent respectfully requests that the Committee reconcile the above suggestions with the bill's original provisions, and promptly forward the reconciled bill to the legislature for enactment into law.

### DECLARATION

Respondent hereby declares that the forgoing is true and correct according to personal knowledge and belief.

Dated: February 15, 2007

/s/ **YourNameGoesHere**, Respondent