



LEGISLATIVE update

February 2022

Information provided by Jordan Lamb, DeWitt, LLP.

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Ag Groups Push for Passage of Two Ag Water Quality Bills (2021 Assembly Bill 727 / Senate Bill 677 and 2021 Assembly Bill 728 / Senate Bill 678)

Senator Rob Cowles and Representative Joel Kitchens have authored two bills that address several agricultural water quality issues.

AB 727 / SB 677 creates a pilot grant program to promote nitrogen optimization; funds a hydrogeologist position; and creates a cover crop insurance premium rebate program. Specifically, the bill provides \$2 million for a commercial nitrogen optimization grant program requiring DATCP to award grants of up to \$50,000 to farmers who implement projects to optimize commercial nitrogen use. It also provides funding for a 3-year project position for one full-time hydrogeologist for the Wisconsin Geological and Natural History Survey focusing on depth-to-bedrock information at the county and local level. Finally, the legislation creates a cover crop insurance premium rebate program under which farmers may receive \$5 per acre to help offset the costs to plant cover crops. This rebate program is funded at \$400,000 per year.

AB 728 / SB 678 makes important updates to two rural water quality programs. This legislation expands eligibility for applicants under DNR's well compensation grant program to increase access to grants to improve rural drinking water contamination including nitrate contamination. The bill removes the current law requirement that livestock use the well and lowers the nitrate contamination threshold for grant eligibility. (Note: This grant program was funded with \$2.4 million in the 2021-23 budget bill.) The legislation also expands eligibility for DATCP producer-led watershed grants to allow grants to be made to producer-led groups consisting of farmers located in adjacent watersheds. Currently, the groups are restricted to farmer groups from the same watershed.

Both of these bills are widely supported by numerous agricultural and commodity groups because they support farmer-led conservation initiatives rather than imposing new farm regulations. Farmer-led initiatives, like DATCP's producer-led watershed grant program, has proven to be an effective way to encourage on-farm conservation changes.

Gray Wolf Protections Restored – WI Hunt Suspended

On February 10, 2022, a U.S. District Court restored Endangered Species Act Protections for gray wolves in all lower 48 states, except for the northern Rocky Mountains Region. The judge ruled that the U.S. Fish and Wildlife Service failed to prove that wolf populations can be sustained without being relisted in the Endangered Species Act.

- The effect of this ruling is that the wolf hunt in Wisconsin is indefinitely suspended.
- In addition, permits issued to landowners allowing lethal removal of wolves as a result of wolf conflicts are invalid. (The DNR will contact permit holders directly.)
- Further, the DNR is also not authorized to use lethal control as part of its conflict management program. Non-lethal tools remain available to address wolf conflict situations.
- Training dogs to track and trail wolves is prohibited. Dog hunters may no longer pursue wolves for training purposes.

The DNR has stated that it remains committed to assisting landowners that experience wolf conflicts. If you suspect wolves in the depredation of livestock, pets, or hunting dogs, or if wolves are exhibiting threatening or dangerous behavior, contact USDA-Wildlife Services staff immediately. In northern Wisconsin call 1-800-228-1368 or 715-369-5221. In southern Wisconsin call 1-800-433-0663 or 920-324-4514. For more on wolves in Wisconsin, visit the DNR website for additional information on wolf management and wolf conflict abatement.

Legislation to Allow Transfer of Farm Implements Outside of Probate is Introduced

2021 Senate Bill 893 / Assembly Bill 948 (Senator Joan Ballweg / Representative John Macco) would create a mechanism to transfer ownership of farm implements upon death outside of the probate process. Probate is a process in which the courts assist in the transfer of assets after a person's death. This frequently creates an extended period of time where these assets are inaccessible by the beneficiary until final determinations are made. For Wisconsin farmers, when a death occurs under current law, the beneficiary can receive the farmland shortly after through transfer on death (TOD), but the farming equipment used to continue production must go through the probate process thereby placing a halt on any work being done. SB 893 allows "farming implements" to be transferred through the TOD process.

ATCP 50 Rule Revision is Underway – Soil & Water Resource Management

The Department of Agriculture, Trade and Consumer Protection (DATCP) has initiated a process to update aspects of Wis. Admin. Code ATCP 50, Soil and Water Resource Management. According to the agency, a significant component of DATCP's rule revision process includes extensive outreach to diverse stakeholder groups to collect and incorporate the perspectives of agricultural, environmental, and local, state and federal agencies working in conservation programming across Wisconsin into our rule revisions. DATCP scheduled a virtual stakeholder meeting Feb. 24, 2022 to provide information on Implementing the Silurian Bedrock Performance Standard. Information about the rulemaking and links to the stakeholder meetings are available on the rulemaking website: https://datcp.wi.gov/Pages/Programs_Services/ATCP50RuleChanges.aspx. This rulemaking process will continue throughout 2022.

Speaker Vos Creates Special Committee on Supply Chain

Speaker Vos has created a Special Committee on Trade and Supply Chains. The Committee will, "focus on the relationship between the labor shortage and supply chain interruptions and the impacts and barriers this creates for businesses and consumers. The committee will examine the disruptions in production and distribution of products over the past two years, the lack of workers in the labor market, and Wisconsin's role in recovering." Rep. Rob Brooks will chair the committee. Other committee members appointed include Rep. Alex Dallman, Rep. Nancy VanderMeer, Rep. Dave Armstrong, Rep. John Spiros, Rep. Warren Petryk, Rep. Michael Schraa, Rep. Gordon Hintz, Rep. Samba Baldeh, and Rep. Kristina Shelton.


The Committee held an initial informational hearing on February 10, 2022, in order to solicit feedback from the public on harmful governmental policies, barriers to employment and supply chain issues. The Committee would also like the public to identify potential solutions to these problems. It is expected they will continue their work even after the legislature adjourns.


Investment in Statewide Meat Talent Development Announced


On January 11, 2022, Governor Tony Evers, together with DATCP announced up to \$5 million in meat talent development assistance. This funding will be used to attract and provide financial support to students in Wisconsin meat processing training programs, as well as support program development and connect the meat processing industry with potential employees.



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