



State of Wisconsin
2023 - 2024 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 409**

November 3, 2023 - Offered by Senator COWLES.

1 **AN ACT** *to create* 93.95 of the statutes; **relating to:** creating an online,
2 interactive carbon calculator for farmers.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection to develop and maintain, or contract with a nonprofit or certain institutions of higher education to develop or maintain, an online, interactive carbon calculator that can be used by farmers in this state to determine the carbon emissions produced directly and indirectly from their agricultural activities. The bill requires the calculator to be online no later than January 1, 2025. If DATCP contracts with a third party to develop or maintain the calculator, the third party must ensure that all input factor values, calculations, processes, and formulas used in the calculator are transparent and easily accessible by the calculator's users and by DATCP.

Under the bill, information submitted by a user of the carbon calculator, and a user's calculated carbon emissions, must be kept confidential and are not subject to open records requests. In addition, the bill prohibits DATCP, county conservation committees, and any other governmental unit from using any of the information provided to the calculator and users' calculated carbon emissions for any purpose if

that information is capable of identifying the farmer or the exact location of the land associated with that information.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 93.95 of the statutes is created to read:

2 **93.95 Online carbon calculator for farmers.** (1) The department shall
3 develop and maintain an online, interactive carbon calculator that may be used by
4 farmers in this state to determine the carbon emissions produced directly and
5 indirectly from their agricultural activities. The calculator shall allow users to input
6 different factors including, at a minimum, soil type, soil history, tillage systems,
7 crops planted, fertilizer and pesticide use, harvest and storage systems, types of
8 livestock, use and distribution of manure, product delivery systems, conservation
9 measures in place, and types of vehicles used.

10 (2) The department may contract with a 3rd party that is a nonprofit entity or
11 an institution of higher education, as defined in s. 39.395 (1), to implement this
12 section. Any such contract shall require the 3rd party to ensure that all input factor
13 values, calculations, processes, and formulas used in the calculator are transparent
14 and easily accessible by the calculator's users and by the department.

15 (3) The department and any contracted 3rd party shall keep confidential all
16 information provided by users and users' calculated carbon emissions. Information
17 provided by a user and a user's calculated carbon emissions are not subject to the
18 right of public inspection and copying under s. 19.35 (1). No governmental unit of
19 this state, including the department and any county conservation committee, may
20 use any of the information provided to the calculator or a user's calculated carbon

1 emissions for any purpose if that information is capable of identifying the farmer or
2 the exact location of the land associated with that information.

3 **SECTION 2. Nonstatutory provisions.**

4 (1) DEADLINE. The department of agriculture, trade and consumer protection
5 shall complete and make available online the carbon calculator required under s.
6 93.95 no later than January 1, 2025.

7 (2) FUNDING REQUEST. The department of agriculture, trade and consumer
8 protection shall submit to the joint committee on finance for consideration under s.
9 13.10 a request for funding from the environmental fund for developing and
10 maintaining the carbon calculator required under s. 93.95 or for costs associated
11 with contracting with a 3rd party to develop and maintain the carbon calculator
12 under s. 93.95. If the department contracts with a 3rd party under s. 93.95, the
13 department may not submit a request for funding under this subsection until the
14 request-for-proposals period is closed.

15 (END)