



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5523/1
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2019 SENATE BILL 856

February 20, 2020 - Introduced by Senators MILLER, SMITH, RISSER, ERPENBACH, LARSON, RINGHAND and SCHACHTNER, cosponsored by Representatives SHANKLAND, POPE, HEBL, ANDERSON, BILLINGS, BROSTOFF, EMERSON, FIELDS, NEUBAUER, SARGENT, SPREITZER, C. TAYLOR, ZAMARRIPA, CABRERA, CONSIDINE, DOYLE, GRUSZYNSKI, HESSELBEIN, KOLSTE, MILROY, OHNSTAD, SINICKI, STUBBS, SUBECK and VRUWINK. Referred to Committee on Agriculture, Revenue and Financial Institutions.

1 **AN ACT to amend** 92.14 (6) (gm), 281.16 (2) (a), 281.16 (3) (a) (intro.), 281.65 (7m)
2 and 281.65 (8) (f); and **to create** 20.115 (7) (d), 20.115 (7) (f), 20.370 (6) (ac),
3 93.61 and 281.65 (8) (gr) of the statutes; **relating to:** providing farmers
4 technical assistance related to water quality, organic production, and soil
5 health; increasing cost-share rates; granting rule-making authority; and
6 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill does the following regarding water quality, organic production, soil health, and county conservation staffing:

1. Authorizes two positions in the Department of Agriculture, Trade and Consumer Protection for providing technical and administrative support to producer-led watershed protection groups. Under current law, producer-led watershed protection groups conduct nonpoint source pollution abatement activities with assistance from grants from DATCP.

2. Authorizes three laboratory positions in DATCP.

3. Authorizes a position for DATCP to connect farmers with technologies that address water quality concerns.

4. Authorizes a position for DATCP to provide technical assistance to farmers to become certified as an organic operation.

5. Authorizes two positions in DATCP to implement soil health programs. The bill requires DATCP to assist farmers in promoting soil health, provide soil health

SENATE BILL 856

training to agronomists, establish a nutrient stewardship certification program, and provide grants for farmers to purchase equipment necessary for reducing surface runoff from farm fields.

6. Increases the amount of cost-sharing available, from 70 percent to up to 100 percent of costs, under the nonpoint source pollution abatement program for projects that are located in sensitive areas, as determined by the Department of Natural Resources by rule.

7. Specifically directs DNR to promulgate targeted runoff standards if statewide standards are insufficient to meet water quality standards.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.115 (7) (d) of the statutes is created to read:

2 20.115 (7) (d) *Soil and water resource management program; increased*
3 *cost-share.* A sum sufficient to provide an increased amount of cost-sharing for
4 grants and assistance for projects that are located in sensitive areas under the soil
5 and water resource management program under s. 92.14.

6 **SECTION 2.** 20.115 (7) (f) of the statutes is created to read:

7 20.115 (7) (f) *Certain technical assistance.* A sum sufficient for laboratory
8 equipment and supplies and for the assistance programs relating to water quality,
9 transitioning to organic production, and soil health under s. 93.61.

10 **SECTION 3.** 20.370 (6) (ac) of the statutes is created to read:

11 20.370 (6) (ac) *Environmental aids; nonpoint source increased cost-share.* A
12 sum sufficient to provide an increased amount of cost-sharing for grants and
13 assistance for projects that are located in sensitive areas under the nonpoint source
14 water pollution abatement program under s. 281.65.

15 **SECTION 4.** 92.14 (6) (gm) of the statutes is amended to read:

SENATE BILL 856

1 92.14 (6) (gm) A county may not provide cost-sharing funds using funds
2 provided under this section in an amount that exceeds 70 percent of the cost of a
3 project, except in cases of economic hardship, as defined by the department by rule,
4 or except for projects that will implement best management practices in sensitive
5 areas, as determined by the department of natural resources by rule.

6 **SECTION 5.** 93.61 of the statutes is created to read:

7 **93.61 Certain technical assistance. (1) WATER QUALITY.** The department
8 shall connect farmers with technologies that address water quality concerns,
9 including technologies developed by the University of Wisconsin System, private
10 sector companies, and other agricultural partners.

11 **(2) TRANSITIONING TO ORGANIC PRODUCTION.** The department shall provide direct
12 technical assistance to farmers to understand the requirements and documentation
13 necessary for obtaining certification as an organic operation.

14 **(3) SOIL HEALTH. (a)** The department shall develop technical resources to assist
15 farmers in promoting soil health, including by helping nonoperating landowners
16 understand soil health practices.

17 **(b)** The department shall provide soil health training to agronomists and
18 related agricultural professionals.

19 **(c)** The department shall establish a nutrient stewardship certification
20 program for agricultural cooperatives, fertilizer dealers, and other agricultural
21 businesses to help farmers implement soil health and nutrient management
22 principles.

23 **(d)** The department shall provide grants for farmers to purchase new or
24 innovative equipment necessary for reducing surface runoff of agricultural fertilizer
25 and manure from farm fields, including for the purchase of injectors, conservation

SENATE BILL 856

1 tillage equipment such as no-till drills, precision agriculture equipment such as flow
2 meters and data loggers, and phosphorous removal equipment such as solid
3 separators for manure.

4 **SECTION 6.** 281.16 (2) (a) of the statutes is amended to read:

5 281.16 (2) (a) The department shall, by rule, prescribe performance standards
6 for nonpoint sources that are not agricultural facilities or agricultural practices. The
7 performance standards shall be designed to achieve water quality standards by
8 limiting nonpoint source water pollution. If the department finds that substantial
9 implementation of the statewide performance standards and prohibitions by
10 nonpoint sources that are not agricultural facilities or agricultural practices will not
11 achieve water quality standards or groundwater standards, and that the
12 implementation of targeted performance standards is likely to attain water quality
13 standards or groundwater standards, the department shall, by rule, prescribe
14 targeted performance standards.

15 **SECTION 7.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

16 281.16 (3) (a) (intro.) The department of natural resources, in consultation with
17 the department of agriculture, trade and consumer protection, shall promulgate
18 rules prescribing performance standards and prohibitions for agricultural facilities
19 and agricultural practices that are nonpoint sources. The performance standards
20 and prohibitions shall be designed to achieve water quality standards by limiting
21 nonpoint source water pollution. If the department finds that substantial
22 implementation of the statewide performance standards and prohibitions by
23 nonpoint sources that are agricultural facilities or agricultural practices will not
24 achieve water quality standards or groundwater standards, and that the
25 implementation of targeted performance standards is likely to attain water quality

SENATE BILL 856

1 standards or groundwater standards, the department shall, by rule, prescribe
2 targeted performance standards. At a minimum, the statewide performance
3 standards and prohibitions shall include all of the following:

4 **SECTION 8.** 281.65 (7m) of the statutes is amended to read:

5 281.65 **(7m)** The state share of a grant for local administration under this
6 section may not exceed 70 percent of the cost of the activities for which the grant is
7 provided if the department first provides a grant to fund those activities after June
8 30, 1998, except that the department may exceed this limit for projects that will
9 implement best management practices in sensitive areas, as determined by the
10 department by rule.

11 **SECTION 9.** 281.65 (8) (f) of the statutes is amended to read:

12 281.65 **(8)** (f) A cost-sharing grant shall equal the percentage of the cost of
13 implementing the best management practice that is determined by the department
14 in providing a cost-sharing grant under sub. (4e) (a) or by the governmental unit
15 submitting the application under sub. (4c) (a) or (4e) (a) and is approved by the board,
16 except that a cost-sharing grant may not exceed 70 percent of the cost of
17 implementing the best management practice unless par. (gm) or (gr) applies.

18 **SECTION 10.** 281.65 (8) (gr) of the statutes is created to read:

19 281.65 **(8)** (gr) The department may exceed the limit under par. (f) for projects
20 that will implement best management practices in sensitive areas, as determined by
21 the department by rule.

22 **SECTION 11. Nonstatutory provisions.**

23 (1) SUPPORT FOR PRODUCER-LED WATERSHED PROTECTION GROUPS. The authorized
24 FTE positions for the department of agriculture, trade and consumer protection,
25 funded from the appropriation under s. 20.115 (7) (qf), are increased by 2.0 GPR

SENATE BILL 856

1 positions for providing an environmental analysis and review specialist and an
2 operations program associate to provide technical and administrative support to
3 producer-led watershed protection groups under s. 93.59.

4 (2) WATER QUALITY SPECIALIST. The authorized FTE positions for the department
5 of agriculture, trade and consumer protection, funded from the appropriation under
6 s. 20.115 (7) (f), are increased by 1.0 GPR position for providing a water quality
7 specialist to connect farmers with technologies that address water quality concerns
8 under s. 93.61 (1).

9 (3) ORGANIC TRANSITION SPECIALIST. The authorized FTE positions for the
10 department of agriculture, trade and consumer protection, funded from the
11 appropriation under s. 20.115 (7) (f), are increased by 1.0 GPR position for providing
12 a organic transition specialist to assist farmers under s. 93.61 (2) to understand the
13 requirements and documentation necessary for obtaining certification as an organic
14 operation.

15 (4) LABORATORY POSITIONS. The authorized FTE positions for the department of
16 agriculture, trade and consumer protection, funded from the appropriation under s.
17 20.115 (7) (f), are increased by 3.0 GPR positions for providing 2 chemists and one
18 lab supervisor.

19 (5) SOIL HEALTH SPECIALISTS. The authorized FTE positions for the department
20 of agriculture, trade and consumer protection, funded from the appropriation under
21 s. 20.115 (7) (f), are increased by 2.0 GPR positions for providing soil health
22 specialists to implement the soil health programs under s. 93.61 (3).

23 (END)