



JOAN BALLWEG

STATE SENATOR • 14TH SENATE DISTRICT

Senate Bill 147: Membership in County Land Conservation Committees

Senate Committee on Agriculture and Tourism

Testimony of Senator Joan Ballweg

April 20, 2023

Good afternoon, members of the committee, and thank you for hearing this legislation to help ensure farmers maintain their voice in conservation and land use issues.

Currently, each county board must create a land conservation committee. These land conservation committees are generally responsible for developing and adopting various conservation standards, advising and providing assistance to landowners to meet conservation standards, and distributing and allocating federal, state, and county funds for cost-sharing programs or other incentive programs for soil and water conservation.

Wisconsin statute directs that the county board must appoint a person from the county's U.S. Department of Agriculture Farm Service Agency (FSA) to be a member of the committee. However, in November 2021, the FSA Attorney Advisor issued a determination that FSA county commission members in Wisconsin cannot represent FSA in any official capacity in "outside groups," including committees of the county board. This determination creates confusion and differing interpretations across counties as to how they should comply with the statutory requirement to appoint an FSA member.

SB 147 removes the requirement to appoint an FSA member, and it replaces it with a requirement to appoint someone who is engaged in an "agricultural use". "Agricultural use" is currently defined in statute under the Farmland Preservation Program to include crop or forage production, keeping livestock, beekeeping, nursery, sod, or Christmas tree production, floriculture, aquaculture, fur farming, and forest management. This change will provide counties clarity to resolve the issue created by FSA's determination. It will also retain the original intent of this seat on county land conservation committees by ensuring agriculture is represented and has a voice in conservation and land use matters.

This legislation was developed with and is supported by the Wisconsin Farm Bureau Federation, Wisconsin Land and Water Conservation Association, Inc., and the Wisconsin Counties Association.

The Assembly companion bill (AB 131) passed the full Assembly on a voice vote earlier this week.

Thank you for your time and consideration of this legislation.



ELLEN SCHUTT

STATE REPRESENTATIVE • 31ST ASSEMBLY DISTRICT

April 20, 2023

Testimony on Senate Bill 147

Thank you Chair Ballweg and committee members for hearing Senate Bill 147 today. This bill clarifies state law and guarantees that farmers are represented on county land conservation committees.

Currently, each county board must have a land conservation committee. The county land conservation committee's responsibilities are related to natural resource management such as: soil and water conservation; erosion control; and nonpoint source water pollution. In order to make sure farmers are included in these discussions, current law requires a county board to appoint a member of their county's U.S. Department of Agriculture Farm Service Agency (FSA) to the committee.

In November 2021, a FSA attorney made a determination that FSA county commission members in Wisconsin cannot represent the FSA in any official capacity in any "outside groups", including the county land conservation committee. This determination created confusion and differing interpretations across counties as to how they should comply with the statute.

This bill will remove the FSA requirement and instead, allow a county board to appoint a person who is engaged in an agricultural use. Our bill narrowly defines "agricultural use" as crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; and forest management.

By making this change and requiring a county to appoint someone engaged in agricultural use, we eliminate any uncertainty in the law and allow for real representation from the agriculture community.

Thank you for your consideration of Senate Bill 147. I am happy to provide any additional information you may need.



MEMORANDUM

TO: Honorable Members of the Senate Committee on Agriculture and Tourism

FROM: Daniel Bahr, Government Affairs Associate

DATE: April 20, 2023

SUBJECT: Support of SB 147

Thank you for the opportunity to testify regarding Senate Bill 147 relating to membership in County Land Conservation Committees (LCC). This bill removes the requirement to appoint an FSA member to a county land conservation committee and replaces it with a requirement to appoint a person who is engaged in an agricultural use.

This bill was drafted with the goal of providing flexibility to counties as they fill seats on its Land Conservation Committee. In the past, problems have arisen in terms of meeting a quorum on the LCC. In addition, this change to state statute will ensure that counties have more options in terms of providing for an agricultural voice on the LLC.

The Wisconsin Counties Association, in partnership with stakeholders in the Agricultural Community requested this change to give counties more flexibility in term of meeting statutory obligations.

Thank you for considering our comments. Please feel free to contact WCA for further information.



Wisconsin Land+Water Conservation Association

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Testimony of WI Land+Water Executive Director Matt Krueger in Support of Senate Bill 147

Senate Committee on Agriculture and Tourism

April 20, 2023

Dear Chair Ballweg, Vice-Chair Tomczyk, Ranking Member Pfaff, and Committee Members,

WI Land+Water is a nonprofit, nonpartisan membership organization that represents 800 boots-on-the-ground county conservation department staff and elected county land conservation committee members across the state. On behalf of those members, I submit my testimony in favor of SB 147.

SB 147 provides much-needed clarity and a common-sense solution to an issue related to the membership of county land conservation committees, or LCCs—specifically, the representation of the USDA-Farm Service Agency (FSA) members on LCCs. I want to thank Chair Ballweg for her leadership on this legislation, as well as Rep. Schutt.

Section 92.06(b) of Wisconsin Statutes determines the make-up of county LCCs, one requirement of which is that the county shall appoint to the LCC the chairperson or other designated member of the county FSA committee. In late 2021, however, Wisconsin FSA leadership issued a determination that county FSA committee members could not serve on LCCs as representatives of FSA, and any LCC participation on the part of county FSA committee members would entirely be voluntary. This caused considerable confusion for counties, and counties had differing interpretations of what was necessary to comply with the statute.

SB 147 proposes to replace the designated FSA seat on county LCCs with a representative of agriculture, which we believe was the intent of the FSA seat in the first place. The bill's language refers to an existing definition of "agricultural use" currently used in 91.01(2)(a), the statute creating the state's Farmland Preservation Program.

We think SB 147 clears up the confusion around FSA's representation on county LCCs, ensures agriculture continues to have a seat at the table, and provides county boards the flexibility to determine the most appropriate representative of agriculture for their county. We hope it receives your support.

Thank you for the opportunity to provide comment, and I'm happy to answer any questions committee members may have.



DATE: April 20, 2023

TO: Members of the Senate Committee on Agriculture and Tourism

FROM: Wisconsin Farm Bureau Federation

RE: **Support for Senate Bill 147, Agricultural Representative on the County Land Conservation Committee**

Chair Ballweg and Members of the Committee, thank you for taking the time today to hear SB 147. My name is Tim Fiocchi and I am the Senior Director of Government Relations for the Wisconsin Farm Bureau Federation.

Thank you to Senator Ballweg and Representative Schutt for authoring SB 147, legislation that makes an important update to the required statutory composition of county land conservation committees and ensures that the committee will include a representative from agriculture in Wisconsin.

Under current law, counties are required to appoint a person from the county's U.S. Department of Agriculture Farm Service Agency (FSA) to the land conservation committee. *See* Wis. Stat. § 92.06(1)(b)2. This has become problematic over the last several years because FSA is concerned that having their members on these committees creates a conflict of interest. This has resulted in these county committee seats remaining unfilled.

The Wisconsin Farm Bureau Federation supports this legislation, which amends the statute to change the requirement for this seat to an agricultural representative. SB 147 specifically directs the county to appoint a person who is engaged in an "agricultural use," which includes crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; and forest management. We believe this change will ensure that there is an agricultural representative on county conservation committees across Wisconsin.

Wisconsin Farm Bureau Federation urges the Committee to support SB 147 and include Wisconsin agricultural representatives on county conservation committees.



UNITED TO GROW FAMILY AGRICULTURE

Thursday, April 20th, 2023

Senate Committee on Agriculture & Tourism

Re: Senate Bill 147: Relating to: membership in county land conservation committees.

Michelle Ramirez-White – Policy Coordinator, Wisconsin Farmers Union

Chair Ballweg and members of the committees, thank you for the opportunity to submit testimony in support of Senate Bill 147.

Wisconsin Farmers Union is a member-driven organization, committed to enhancing the quality of life for family farmers, rural communities, and all people through educational opportunities, cooperative endeavors, and civic engagement. Our state chapter was founded in 1930, and we proudly represent around 2,000 farming families in Wisconsin.

Wisconsin Farmers Union submits testimony today in favor of Senate Bill 147, relating to membership in county land conservation committees. Our members believe removing the requirement to appoint a person from the US Department of Agriculture Farm Service Agency, and replace them with a person engaged in 'agricultural use', will provide more opportunities for those actively engaged in agriculture.

It makes sense for our current law to update and allow more flexibility of agricultural presence. This legislation provides clarity around Section 92.06 of Wisconsin Statutes, determining the make-up of the county land conservation committees.

It is very important for qualified people with agriculture backgrounds to be on these committees, to provide valuable and accurate input when agricultural issues arise.

Senate Bill 147 keeps the original intent of this seat on county conservation committees, which is to ensure agriculture is represented and has an active voice in conservation and land use matters. It also provides county boards the flexibility to determine the most appropriate representative of agriculture for their county.

Wisconsin Farmers Union would support further clarifying "agricultural use" as a person engaged in active farming, who would meet the requirements to be an FSA member. It is vital this representative be someone who lives with the rules and regulations being discussed and uses farming to make a living.

Thank you for this opportunity to share Wisconsin Farmers Union's thoughts on this issue.