

2015 DRAFTING REQUEST

Bill

Received: 1/12/2015 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Administration-Budget 266-1103 By/Representing: Byrnes
May Contact: Drafter: btradewe
Subject: Agriculture - soil and water Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email:
Carbon copy (CC) to: becky.tradewell@legis.wisconsin.gov
elisabeth.shea@legis.wisconsin.gov
mary.pfotenhauer@legis.wisconsin.gov
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Byrnes, BB0432 -

Topic:

Producer led watershed committee grants

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 1/21/2015	jdyer 1/19/2015	jfrantze 1/19/2015	_____	lparisi 1/19/2015		State S&L
/P2		jdyer 1/22/2015	jfrantze 1/22/2015	_____	sbasford 1/22/2015		State S&L

FE Sent For:

<END>

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/P1	btradewe 1/15/2015	jdyer 1/19/2015	jfrantze 1/19/2015	_____	lparisi 1/19/2015		State S&L

FE Sent For:

P2 1/22 jld *RB* *R3*
22
<END>

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becky.tradewell@legis.wisconsin.gov
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mary.pfotenhauer@legis.wisconsin.gov

sbastatlanguage@webapps.wi.gov ← updated

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Producer led watershed committee grants ✓

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See attached

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/P1	btradewe	P1 1/19 jld	Jb	1/19			

FE Sent For:

<END>

Tradewell, Becky

From: Hanaman, Cathlene
Sent: Monday, January 12, 2015 4:05 PM
To: Tradewell, Becky; Pfothenauer, Mary
Subject: FW: Statutory Language Drafting Request - BB0432

From: Tyler.Byrnes@Wisconsin.gov [mailto:Tyler.Byrnes@Wisconsin.gov]
Sent: Monday, January 12, 2015 4:01 PM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Byrnes, Tyler - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0432

Biennial Budget: 2015-17

DOA Tracking Code: BB0432

Topic: Producer Led Watershed Committee Grant Program

SBO Team: AEJ

SBO Analyst: Byrnes, Tyler - DOA
Phone: (608) 266-1103
E-mail: Tyler.Byrnes@Wisconsin.gov

Agency Acronym: DATCP

Agency Number: 115

Priority: High

Intent:

Please Prepare a draft that creates a producer led watershed committee grant program.

The program should be a voluntary, farmer-led agricultural water quality initiative on a watershed basis that will be Implemented by County Land and Conservation Departments.

The program should be facilitated by DNR, DATCP, NRCS or UW-Extension Discovery Farms.

The program should provide grants to county land and water conservation departments, and grant money should be used for implementation of nonpoint source pollution abatement practices. There is no requirement to provide matching funds.

Funding should be granted out of s. 20.115(7)(qf).

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

Tradewell, Becky

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Tuesday, January 13, 2015 10:19 AM
To: Tradewell, Becky
Subject: Farmer Led Watershed Draft

Becky – This is the group we’re trying to model the program after:

<http://www.yaharapridefarms.org/>

- I terms of creating the actual “producer led group” – A group would need a minimum of 5 producers which meets the definition of “eligible farms” under s. 91.86(1). Additional members can join as part of the initial 5, or after the group is formed, that do not meet that requirement.
- Groups are formed via an MOU. They may also incorporate as an LLC or non-profit organization, but that is not required.
- In addition to the list of facilitators I sent in the drafting request, please add “non-profit conservation organizations”.
- The grants should go to the county land and water conservation departments but must be used by the departments on the producer led watersheds.
- Funds should come out of 20.115(7)(qf). This should be a new purpose listed as part of the appropriation, and it should specify that \$250,000 will go the new purpose.

Thanks,

Tyler

↑
*each fiscal year according
to Tyler*



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1228/P1

RCT:....

In 1/15 due
Wed, 1-21

Jld

DOA:.....Byrnes, BB0432 - Producer led watershed committee grants

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

Note

X
1 don't gen
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

AGRICULTURE ✓

This bill creates a program under which DATCP provides grants to county land conservation committees for nonpoint source pollution abatement practices implemented through groups of farmers who assist the farmers within a watershed to implement those practices voluntarily. Nonpoint source pollution is water pollution that originates from a diffuse source, such as runoff from fields. ✓

For further information see the *state and local* 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:

2 SECTION 1. 20.115 (7) (qf) of the statutes is amended to read: ✓

3 20.115 (7) (qf) *Soil and water management; aids.* From the environmental
4 fund, the amounts in the schedule for cost-sharing grants and contracts under the
5 soil and water resource management program under s. 92.14, but not for the support

1 of local land conservation personnel, and for producer led watershed protection
 2 grants under s. 93.59. The department shall allocate \$250,000 in each fiscal year for
 3 the producer led watershed protection grants.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25; 2007 a. 20, 125, 223; 2009 a. 28, 90, 145, 293, 401; 2011 a. 32, 278; 2013 a. 20 ss. 201, 202s, 203, 204, 207, 213m; 2013 a. 234, 312.

4 **SECTION 2.** 93.59 of the statutes is created to read:

5 **93.59 Producer led watershed protection grants.** (1) The department
 6 shall make grants to county land conservation committees for nonpoint source
 7 pollution abatement practices implemented through producer led groups that
 8 comply with sub. (2).

9 (2) The department may provide a grant under sub. (1) if all of the following
 10 apply:

11 (a) The producer led group includes at least 5 agricultural producers each of
 12 whom operates an eligible farm, as defined in s. 91.86 (1), in one watershed. The
 13 group may include additional agricultural producers who are not required to be
 14 operators of eligible farms.

15 (b) The group is formed through a memorandum of understanding.

16 (c) The group collaborates with at least one of the following:

17 1. The department.

18 2. The department of natural resources.

19 3. The natural resources conservation service of the federal department of
 20 agriculture.

21 4. The Discovery Farms program of the University of Wisconsin-Extension.

22 5. A nonprofit conservation organization.

1 (d) The group assists agricultural producers in the watershed under ✓ par. (a) to
2 voluntarily implement nonpoint source water pollution abatement practices. ✓

3 (END)

OWate

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1228/P1dn

RCT:.....

date

↑
Jld

Tyler Byrnes:

This is a preliminary draft of the proposal creating producer led watershed group grants. It should be reviewed carefully. Note that in the statutes, the county bodies are called "land conservation departments," see s. 59.70 (19).✓

Should the draft say who the parties to the memorandum of understanding must be (other than the farmers, I guess)? Would the entity with whom the producer led group collaborates (as required by the draft) be a party to the MOU?✓ (I got the word "collaborate" from the Yahara Pride Farms Internet site.)✓

(MOU)

Please let me know if you have any questions or want any changes to the draft.

Rebecca C. Tradewell
Senior Legislative Attorney
(608) 266-7290
becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1228/P1dn
RCT:jld:jf

January 19, 2015

Tyler Byrnes:

This is a preliminary draft of the proposal creating producer led watershed group grants. It should be reviewed carefully. Note that in the statutes, the county bodies are called "land conservation departments," see s. 59.70 (19).

Should the draft say who the parties to the memorandum of understanding (MOU) must be (other than the farmers, I guess)? Would the entity with whom the producer led group collaborates (as required by the draft) be a party to the MOU? (I got the word "collaborate" from the Yahara Pride Farms Internet site.)

Please let me know if you have any questions or want any changes to the draft.

Rebecca C. Tradewell
Senior Legislative Attorney
(608) 266-7290
becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Wednesday, January 21, 2015 3:05 PM
To: Tradewell, Becky
Subject: LRB-1228/P1

Becky – Here's some changes for this draft.

- ✓1. On line two of the second page, can we add "Up to \$250,000".
- ✓2. Make the grants go directly to the committees instead of the county conservation committees first.
- ✓3. Grants should be for pollution abatement activities instead of "practices implemented". ✓ In addition, give DATCP the authority to make emergency and permanent administrative rules specifying eligible activities.
4. ✓ The 5+ member groups must form a legal entity, or have a legal entity serve as a the grant recipient on their behalf. ✓ Allow DATCP emergency and permanent rulemaking authority to define legal entity.
- ✓5. As you suggested, require collaborators to be part of the MOU.
- ✓6. Eliminate the natural resources conservation service of the federal department of agriculture. Replace it with county conservation committees.
- ✓7. Specify that a collaborator may be the UW-Extension, including Discovery farms.
- ✓8. Give DATCP emergency and permanent rulemaking authority to define the grant application process that the 5+ member groups must follow.
- ✓9. Require that the recipient committees, annually, file a report with DATCP specifying what grant funds were used for, and the impact those activities have had on water quality in the relevant watershed.

Let me know if you have questions.

Thanks,

Tyler



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1228/PJ
RCT:jld:jf

In 1/21

rmf

DOA:.....Byrnes, BB0432 - Producer led watershed committee grants

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

due FRI, 1-23

note

x don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

This bill creates a program under which DATCP provides grants to county land conservation committees for nonpoint source pollution abatement practices implemented through groups of farmers who assist the farmers within a watershed to voluntarily implement those practices. Nonpoint source pollution is water pollution that originates from a diffuse source, such as runoff from fields.

✓ activities

✓ activities

For further information see the *state and local* 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:

- 2 SECTION 1. 20.115 (7) (qf) of the statutes is amended to read:
- 3 20.115 (7) (qf) *Soil and water management; aids.* From the environmental
- 4 fund, the amounts in the schedule for cost-sharing grants and contracts under the
- 5 soil and water resource management program under s. 92.14, but not for the support

Insert 2-2

1 of local land conservation personnel, and for producer led watershed protection
2 grants under s. 93.59. The department shall allocate \$250,000 in each fiscal year for
3 the producer led watershed protection grants.

4 SECTION 2. 93.59 of the statutes is created to read:

5 93.59 Producer led watershed protection grants. (1) The department
6 shall make grants to county land conservation committees for nonpoint source
7 pollution abatement practices implemented through producer led groups that
8 comply with sub. (2). *Insert 2-8 ✓*

9 (2) The department may provide a grant under sub. (1) if all of the following
10 apply:

11 (a) The producer led group includes at least 5 agricultural producers each of
12 whom operates an eligible farm, as defined in s. 91.86 (1), in one watershed. The
13 group may include additional agricultural producers who are not required to be
14 operators of eligible farms.

15 (b) The group is formed through a memorandum of understanding. *Insert 2-15 ✓*

16 (c) The group collaborates with at least one of the following:

17 1. The department.

18 *Insert 2-19 ✓* 2. The department of natural resources.

19 3. The natural resources conservation service of the federal department of
20 agriculture.

21 4. The Discovery Farms program of the University of Wisconsin-Extension. *Insert 2-21 ✓*

22 5. A nonprofit conservation organization.

23 (d) The group assists agricultural producers in the watershed under par. (a) to
24 voluntarily implement nonpoint source water pollution abatement practices. *conduct ✓ activities ✓*

Insert 2-24 ✓
25
2-24

(END)

Note
↓

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1228/P2ins
RCT:.....

1

2

Insert 2-2

3

~~26~~ funds, in an amount that does not exceed ~~26~~

4

Insert 2-8

5

~~26~~ The department shall make a grant directly to the producer led group, except
6 that, if the group is not a legal entity, the department may only make the grant to a
7 legal entity on behalf of the group.

8

Insert 2-15

9

~~26~~ with the collaborating entity under par. (c) ~~26~~

10

Insert 2-19

11

~~26~~ A county land conservation committee.

12

Insert 2-21

13

~~26~~ University of Wisconsin Extension or the ~~26~~

14

Insert 2-24

15

(3) A producer led group that receives, or on whose behalf a legal entity
16 receives, a grant under this section shall annually file a report with the department
17 describing the activities conducted with the grant and the impact of those activities
18 on water quality in the watershed under sub. (2) (a).

19

(4) The department may promulgate rules that do all of the following:

20

(a) Define "legal entity" for the purposes of this section.

21

(b) Specify the application process for a grant under this section.

22

(c) Specify activities that may be conducted using a grant under this section.

section



1 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
2 **Consumer Protection.** ✓

3 (1) EMERGENCY RULE ^{g Δ} MAKING FOR PRODUCER LED WATERSHED PROTECTION GRANTS.
4 Using the procedure under section 227.24 ✓ of the statutes, the department of
5 agriculture, trade and consumer protection ✓ may promulgate rules authorized under
6 section 93.59 (4) ✓ of the statutes, as created by this act, for the period before the
7 effective date of a permanent rule promulgated under section 93.59 (4) ✓ of the
8 statutes, as created by this act, but not to exceed the period authorized under section
9 227.24 (1) (c) ✓ of the statutes, subject to extension under section 227.24 (2) ✓ of the
10 statutes. Notwithstanding section 227.24 (1) (a) ✓, (2) (b) ✓, and (3) ✓ of the statutes, the
11 department is not required to provide evidence that promulgating a rule under this
12 subsection ✓ as an emergency rule is necessary for the preservation of the public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for a
14 rule promulgated under this subsection. ✓

check Δ

(end ins 2-24)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1228/P2dn

RCT.:....

date

Jld

Tyler Byrnes:

This redraft is based on your instructions of January 21, 2015. ✓

The instructions indicate that DATCP should be given rule-making ✓ authority, including emergency rule-making authority. The statutory process for promulgating emergency rules takes longer than it used to. It is possible to include language that speeds up the emergency rule-making process, for example, an exemption from the requirement to prepare a statement of scope for the emergency rule. If you are interested in including language to speed up the emergency rule-making process (or the permanent rule-making process), please let me know. ✓

Please contact me with any questions or any additional changes that are needed. ✓

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1228/P2dn
RCT:jld:jf

January 22, 2015

Tyler Byrnes:

This redraft is based on your instructions of January 21, 2015.

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1228/P2
RCT:jld:jf

DOA:.....Byrnes, BB0432 – Producer led watershed committee grants

FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

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

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4 fund, the amounts in the schedule for cost-sharing grants and contracts under the
5 soil and water resource management program under s. 92.14, but not for the support

1 of local land conservation personnel, and for producer led watershed protection
2 grants under s. 93.59. The department shall allocate funds, in an amount that does
3 not exceed \$250,000 in each fiscal year for the producer led watershed protection
4 grants.

5 SECTION 2. 93.59 of the statutes is created to read:

6 **93.59 Producer led watershed protection grants.** (1) The department
7 shall make grants for nonpoint source pollution abatement activities conducted with
8 the assistance of producer led groups that comply with sub. (2). The department
9 shall make a grant directly to the producer led group, except that, if the group is not
10 a legal entity, the department may only make the grant to a legal entity on behalf of
11 the group.

12 (2) The department may provide a grant under sub. (1) if all of the following
13 apply:

14 (a) The producer led group includes at least 5 agricultural producers each of
15 whom operates an eligible farm, as defined in s. 91.86 (1), in one watershed. The
16 group may include additional agricultural producers who are not required to be
17 operators of eligible farms.

18 (b) The group is formed through a memorandum of understanding with the
19 collaborating entity under par. (c).

20 (c) The group collaborates with at least one of the following:

21 1. The department.

22 2. The department of natural resources.

23 3. A county land conservation committee.

24 4. The University of Wisconsin–Extension or the Discovery Farms program of
25 the University of Wisconsin–Extension.

1 5. A nonprofit conservation organization.

2 (d) The group assists agricultural producers in the watershed under par. (a) to
3 voluntarily conduct nonpoint source water pollution abatement activities.

4 (3) A producer led group that receives, or on whose behalf a legal entity
5 receives, a grant under this section shall annually file a report with the department
6 describing the activities conducted with the grant and the impact of those activities
7 on water quality in the watershed under sub. (2) (a).

8 (4) The department may promulgate rules that do all of the following:

9 (a) Define “legal entity” for the purposes of this section.

10 (b) Specify the application process for a grant under this section.

11 (c) Specify activities that may be conducted using a grant under this section.

12 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
13 **Consumer Protection.**

14 (1) EMERGENCY RULE MAKING FOR PRODUCER LED WATERSHED PROTECTION GRANTS.
15 Using the procedure under section 227.24 of the statutes, the department of
16 agriculture, trade and consumer protection may promulgate rules authorized under
17 section 93.59 (4) of the statutes, as created by this act, for the period before the
18 effective date of a permanent rule promulgated under section 93.59 (4) of the
19 statutes, as created by this act, but not to exceed the period authorized under section
20 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
21 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
22 department is not required to provide evidence that promulgating a rule under this
23 subsection as an emergency rule is necessary for the preservation of the public peace,

SECTION 9102

1 health, safety, or welfare and is not required to provide a finding of emergency for a
2 rule promulgated under this subsection.

3 (END)