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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The department shall provide grants for farmers to purchase new or innovative equipment necessary for reducing surface runoff of agricultural fertilizer and manure from farm fields, including for the purchase of injectors, conservation
tillage equipment such as no-till drills, precision agriculture equipment such as flow
meters and data loggers, and phosphorous removal equipment such as solid
separators for manure.

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

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

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

281.16 (3) (a) (intro.) The department of natural resources, in consultation with
the department of agriculture, trade and consumer protection, shall promulgate
rules prescribing performance standards and prohibitions for agricultural facilities
and agricultural practices that are nonpoint sources. The performance standards
and prohibitions shall be designed to achieve water quality standards by limiting
nonpoint source water pollution. If the department finds that substantial
implementation of the statewide performance standards and prohibitions by
nonpoint sources that are agricultural facilities or agricultural practices will not
achieve water quality standards or groundwater standards, and that the
implementation of targeted performance standards is likely to attain water quality
standards or groundwater standards, the department shall, by rule, prescribe targeted performance standards. At a minimum, the statewide performance standards and prohibitions shall include all of the following:

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

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

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

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

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

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

**SECTION 11. Nonstatutory provisions.**

(1) **Support for producer-led watershed protection groups.** The authorized FTE positions for the department of agriculture, trade and consumer protection, funded from the appropriation under s. 20.115 (7) (qf), are increased by 2.0 GPR
positions for providing an environmental analysis and review specialist and an
operations program associate to provide technical and administrative support to
producer-led watershed protection groups under s. 93.59.

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

(3) **Organic Transition Specialist.** The authorized FTE positions for the
department of agriculture, trade and consumer protection, funded from the
appropriation under s. 20.115 (7) (f), are increased by 1.0 GPR position for providing
a organic transition specialist to assist farmers under s. 93.61 (2) to understand the
requirements and documentation necessary for obtaining certification as an organic
operation.

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

(5) **Soil Health Specialists.** The authorized FTE positions for the department
of agriculture, trade and consumer protection, funded from the appropriation under
s. 20.115 (7) (f), are increased by 2.0 GPR positions for providing soil health
specialists to implement the soil health programs under s. 93.61 (3).

(END)