



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Testimony – **SB 539**

Senate Committee on Transportation and Local Government

Wednesday, January 10, 2024

Under current law, county boards may not appropriate funds to private nonprofits that operate a food bank or food pantry in the county. AB 645 amends Wisconsin statutes to specifically grant county boards this authority. The statute simply *permits* county boards to make appropriations to food banks or food pantries but *does not* require any action.

This legislation is needed to allow county governments to support food insecurity organizations if they choose. Currently, food insecurity is an issue for 7.2% of Wisconsinites, including 12.6% of Wisconsin children. At the same time, regional food banks and pantries are experiencing a 30 to 45% increase in need. County governments have expressed interest in helping support local food banks and food pantries but there is a barrier under current law that prevents them from providing that support.

In my district, Marathon County was interested in helping out a local food pantry and found that they were not able to under the law. If a county chooses to use their money in this way and the voters who elect their county board are comfortable with this use of funds, then the County should be able to do that.

As a heads up, my office and Representative Krug's office have introduced a substitute amendment that will accomplish the same policy goal but clean up the language a bit. That substitute amendment was introduced yesterday.



MEMORANDUM

TO: Members of the Senate Committee on Transportation and Local Government
FROM: Michelle Orge, Feeding Wisconsin
DATE: January 10, 2024
RE: **Support for SB 539, County Assistance to Certain Nonprofit Organizations**

My name is Michelle Orge. I am the Board President of Feeding Wisconsin, the Interim Executive Director of Feeding Wisconsin and the President and CEO of Second Harvest Food Bank of Southern Wisconsin. Thank you for allowing me to testify today in support of SB 539 on behalf of Feeding Wisconsin.

Under current Wisconsin law and Wisconsin Attorney General Opinion OAG-01-17, county governments are prohibited from providing essential support to organizations who work to combat food insecurity. We are asking you to support SB 539, which would amend Wisconsin statutes to grant county boards the authority to appropriate funds to private nonprofit corporations operating food banks or food pantries in the county, *if they choose to*. The legislation simply permits counties to support food banks and pantries but does not require it. We sincerely appreciate the efforts of Representative Scott Krug and Senator Cory Tomczyk who authored this legislation.

Currently, food insecurity is an issue for 7.2% of Wisconsinites, including 12.6% of Wisconsin children. At the same time, regional food banks and pantries are experiencing a 30% to 45% increase in need. At Second Harvest Food Bank, we are already 20% ahead of our planned distribution after just four months into our fiscal year as compared to the same time last year. In addition, we are 65% ahead of where we were two years ago, which was at the height of the pandemic. I routinely am fielding calls from local agencies who are calling me in a panic because they cannot keep up with demand locally and we cannot keep up with their requests.

Feeding Wisconsin has actively worked to strengthen connections between counties, our network of food banks and food pantries, and Wisconsin farmers and food processors as a mechanism to address food insecurity within our local communities.

Counties care deeply about their residents. When they want to provide support for those facing food insecurity, it makes sense for them to partner with their local food banks and food pantries, rather than recreate a parallel or duplicate system themselves. In the two other food banks in states that I've worked in, Michigan and Colorado, it was common for us to work closely with county governments to achieve successful outcomes for children, families, seniors, veterans, and others





experiencing food insecurity. In those examples, county governments could choose to provide funding based on their identified community priorities and available resources.

In Wisconsin, counties and our network also want to partner, but the difference is the counties' ability to choose to provide funding. When we partnered with counties prior to the federal CARES and ARPA funds becoming available, the counties had no options other than to ask us to use our own funding sources for their needs, which primarily come from our nonprofit teams raising money from individuals giving smaller donations.

When federal funds became available, counties across Wisconsin had new options and could work with us through DATCP's initiative. Dane county, for example, partnered with us to create a farm to food bank program where we purchase local and regional agricultural products. This has provided consistent nutrition to families for the past 3 years while providing consistent support to local farmers and food producers - saving several from permanently closing their operations during the pandemic. In addition to the impact on families and farmers, a conservative calculation shows the economic impact of \$1.59 in economic activity spurred for every \$1 we spend on this local food.

Until these federal dollars became available through DATCP and through counties, government funding to food banks was generally limited to reimbursements for part of our SNAP Foodshare outreach work. Outside of that, our food bank does not receive federal, state, or local government funds to do our work. ARPA funds are sunsetting, but the need is not. It is growing. All food banks and pantries have been working hard over the past few years to replace this funding with additional private dollars at a time when more funding for food support is needed. The statutory change in SB 539 is needed in order for those programs to continue and for us to continue to utilize our strong state supply chain networks between Wisconsin farmers, counties and food banks.

Feeding Wisconsin's advocacy efforts aim to address the crucial need for support for initiatives combating food insecurity in Wisconsin. SB 539 effectively helps address this need by allowing, *without mandating*, county boards to allocate funds to private nonprofit corporations dedicated to operating food banks or food pantries.

We hope this bill will have a positive and lasting impact on the lives of many Wisconsinites facing food insecurity and the farmers and food processors in Wisconsin who grow the food for our local communities.

Thank you for your time and consideration of this matter.



**LEGISLATION AUTHORIZING COUNTY APPROPRIATION TO SUPPORT
NONPROFIT ORGANIZATIONS (LRB-4263/1)**

October 16, 2023

LRB-4263-1 (the “Bill”) proposes to authorize county boards to appropriate funds to private nonprofits that operate a food bank or food pantry in the county. The October 3, 2023, Co-Sponsorship Memorandum circulated with the Bill suggests that “[u]nder current law, county boards may not appropriate funds to private nonprofits that operate a food bank of food pantry in the county.”

WCA disagrees with a broad characterization suggesting a county’s support of local nonprofit organizations operating food pantries is unlawful. Presumably, this characterization arises from a 2017 opinion from the Attorney General (OAG-01-17). Since that opinion, WCA’s General Counsel and the Legislative Council also reviewed this question. Both of these analyses cast doubt upon the Attorney General’s broad conclusions, instead suggesting that questions surrounding county appropriations to support local organizations that ease the burdens associated with a county’s provision of services to its residents should be analyzed considering a totality of a county’s broad powers under the relevant Wisconsin Statutes.

Notwithstanding WCA’s historical belief that a county is authorized to support food pantries under the appropriate circumstances, WCA welcomes statutory clarification in this important area. However, WCA would appreciate the Bill authors considering modifications to the Bill to avoid the unintended consequence of actually narrowing a county’s authority to support local charities by virtue of explicitly authorizing one category of charity (food banks or pantries) without identifying another category.]

Specifically, WCA believes the following modification to Wis. Stat. § 59.53(21) accomplishes the Bill’s intent in a way that avoids the potential complications discussed above:

(21) OPERATION OF RELIEF PROGRAMS. The board may establish and operate a program of relief for a specific class or classes of persons residing in that county, except that in a county with a population of 750,000 or more, the county executive shall be in charge of the operation of the program of relief. The county may set such eligibility criteria to obtain relief, and may provide such services, commodities or money as relief, as the county determines to be reasonable and necessary under the circumstances. *The county may provide such relief directly or through an appropriation to a nonprofit organization, as defined in s. 23.197 (4) (a) 1.* The program may include work components. The county may enact any ordinances necessary or useful to the operation of a relief program under this subsection. Counties may use vehicle registration information from the department of transportation in determining eligibility for relief programs under this subsection.

This statutory change is specifically addressed in the Attorney General's 2017 opinion at ¶ 4, wherein the Attorney General notes "[w]hile county boards may establish and operate programs to serve residents of the county who need assistance in securing adequate food, *the statute does not grant authority to make appropriations to nonprofits to perform this task.*" (Emphasis added.) In addition, the proposed modification maintains the Bill's requirement that the nonprofit organization the county intends to support be a registered 501(c)(3) entity.

In addition, WCA requests that Section 1 of the Bill be amended to read as follows (new language italicized) to clarify that a county may support a community action agency's capital projects:

59.53 (3) COMMUNITY ACTION AND NONPROFIT AGENCIES. (intro.) The board may

appropriate funds for ~~promoting~~ any of the following purposes:

(a) Promoting and assisting any community action agency under s. 49.265, *including making payments to a community action agency for its capital and operational expenses and for making*

(b) Making payments to a nonprofit organization, as defined in s. 23.197 (4) (a) 1., that has as a primary purpose providing assistance to individuals who are the victims of domestic violence and related crimes. The county may also appropriate money for making payments to such a nonprofit organization for its capital and operational expenses.

If the Bill authors agree to the above modification to Wis. Stat. § 59.53(21), there is no need to create Wis. Stat. § 59.53(3)(c) as contemplated in Section 2 of the Bill.

Thank you for the opportunity to comment on the Bill and for your support of county government. We look forward to continued discussions surrounding the Bill and are available to discuss the changes requested in this memorandum at your convenience.

MEMORANDUM

TO: Members of the Senate Committee on Transportation and Local Government

FROM: Wisconsin Farm Bureau Federation, Wisconsin Cheese Makers Association, Wisconsin Potato & Vegetable Growers Association, Midwest Food Products Association, Wisconsin Dairy Products Association, Wisconsin State Cranberry Growers Association, Cooperative Network, GrassWorks, Wisconsin Soybean Association, Wisconsin Corn Growers Association, Dairy Business Association, Wisconsin Horse Council, Wisconsin Pork Association and the Wisconsin Agri-Business Association

DATE: January 10, 2024

RE: **Support SB 539 - County Assistance to Nonprofit Food Banks and Pantries**

Wisconsin's agricultural landscape is integral to our state's identity and well-being. Over the years, Wisconsin commodity and food processing organizations have collaborated with statewide foodbanks and local food pantries to provide Wisconsin grown food to those struggling with food insecurity, which is a testament to our commitment to addressing hunger in our local communities. However, despite our efforts and our ongoing partnership with the State of Wisconsin and the federal government, statutory barriers have hindered Wisconsin counties from extending aid to these crucial support systems.

Senate Bill 539 stands as a solution to remove this barrier by enabling County Boards to allocate funds to nonprofit organizations, specifically foodbanks and food pantries, operating within their respective counties. These organizations have established robust collaborations with Wisconsin farmers, facilitating the sourcing and distribution of locally grown and processed food products. Our concerted efforts have fortified relationships that uphold the resilience of our state's agricultural supply chain.

This proposed legislation presents an opportunity for local governments to actively participate in sustaining our farmers' and food processors' vital role in nourishing Wisconsin. By supporting SB 539, we anticipate a strengthened connection between local governments, Wisconsin's expansive network of food banks and pantries, and the dedicated agricultural producers and processors who provide support to Wisconsin families grappling with food insecurity.

We urge you to support Senate Bill 539 and strengthen the connections between local governments, food banks and pantries and Wisconsin farmers.

CONTACT: Jordan Lamb – jordan@thewelchgroup.org OR Jason Mugnaini – jmugnaini@wfbf.com