

Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

November 23, 2011

Governor Walker Signs Transportation Bills

By Jordan Lamb -- DeWitt Ross & Stevens

Governor Walker signed several transportation bills on November 9th in Appleton at the Wisconsin Freight Summit. Included were Assembly Bills 252 and 254, which will benefit Wisconsin farmers.

- 2011 Wisconsin Act 52 (Assembly Bill 252, Rep. Petrowski / Sen. Lazich), **extends the seasonal (fall harvest) truck weight limits** for agricultural crops from November 30 until December 31.
- 2011 Wisconsin Act 54 (Assembly Bill 254, Rep. Petrowski / Sen. Lazich), **extends the maximum length for vehicles operating *without* an overweight permit** from 40 to 45 feet.
- 2011 Wisconsin Act 56 (Senate Bill 223) **allows DOT to issue overweight permits for vehicles or vehicle combinations (vehicles) that have six or more axles and that are transporting certain agricultural products** to a farm or from a field or farm to a storage or initial processing facility. The agricultural products that may be transported under the permit include fruit, vegetables, grain, and livestock, but exclude milk and raw forest products. The permit does not authorize the operation of any vehicle at a maximum gross weight in excess of 90,000 pounds.
- 2011 Wisconsin Act 58 (Assembly Bill 248, Rep. Petrowski / Sen. Harsdorf) **allows DOT to issue annual or consecutive month permits for vehicles or vehicle combinations transporting loads of hay or straw** that exceed the statutory height limitation of 13.5 feet.

“Making it easier to transport products will lower the cost of doing business in Wisconsin and make it easier for those in the private sector to create more jobs,” said Governor Walker in his press release. “The bipartisan support these pieces of legislation received shows that it is possible to work together on items that will help revitalize our state’s economy.”

Federal Rule Could Limit Farm Jobs for Minors – Comments Due Dec. 1

By Jordan Lamb -- DeWitt Ross & Stevens

The U.S. Department of Labor has proposed rules that could greatly limit the work that employees under age 18 could do on a farm. The agricultural “hazardous occupations” orders under the Fair Labor Standards Act that bar young workers from certain tasks have not been updated since they were promulgated in 1970. The current proposed update provides that, unless they are working *solely* under the control of their parent or guardian, individuals under age 16 are prohibited from:

- Operating tractors or other power-driven equipment such as lawn mowers or other types of farm machinery including stationary equipment such as hoists;
- Working with non-castrated animals older than 6 months, sows with suckling pigs or cows with a newborn calf.
- Handling animals in a situation in which the animal's behavior may be unpredictable, such as with giving shots, dehorning or breeding;
- Working inside any fruit, forage, or grain storage silo or bin;
- Handling pesticides;
- Harvesting and handling tobacco; and
- Working at heights over 6 feet above another elevation.

The American Farm Bureau Federation, the Wisconsin Farm Bureau Federation and many other state and national agricultural groups are providing written comments in opposition to these proposed changes. **Comments on these rules are being accepted until December 1, 2011** (which is an extension of the original November 1, 2011 deadline).

The proposed rule is available online at:

<http://webapps.dol.gov/FederalRegister/HtmlDisplay.aspx?DocId=25286&AgencyId=14&DocumentType=1>
and also online at: <http://www.regulations.gov/#!documentDetail;D=WHD-2011-0001-0001> .

Comments may be submitted online through the federal government website at:

<http://www.regulations.gov/#!submitComment;D=WHD-2011-0001-0001>

or through the American Farm Bureau Federation website online at:

<http://www.capwiz.com/afb/issues/alert/?alertid=54594996> .

Vruwink Seeks Legislation Allowing Compensation for Cougar Damage

By Jordan Lamb -- DeWitt Ross & Stevens

State Representative Amy Sue Vruwink (D-Milladore) is pursuing a legislative change that would allow wildlife damage caused by a cougar to be eligible to receive Wisconsin wildlife damage payments. Currently, wildlife damage payments are allowed for damage caused by deer, bear, geese, sand hill cranes, and wolves.

This legislation, Assembly Bill 82, was approved unanimously by the Assembly Natural Resources Committee and is now available for consideration by the full Assembly.

Thanksgiving by the Numbers

Do you know your Thanksgiving stats? Here are some fun facts to set the table for your holiday. Have a safe and happy Thanksgiving!

46.5 million turkeys

The preliminary estimate of turkeys Minnesota expected to raise in 2011. The Gopher State was tops in turkey production, followed by North Carolina (30.0 million), Arkansas (30.0 million), Missouri (18.0 million), Indiana (16.0 million), and Virginia (15.5 million). These six states together would probably account for about two-thirds of U.S. turkeys produced in 2011.

750 million pounds of cranberries – WISCONSIN BERRIES!

The forecast for U.S. cranberry production in 2011. Wisconsin is expected to lead all states in the production of cranberries, with 430 million pounds, followed by Massachusetts (210 million). New Jersey, Oregon, and Washington are also expected to have substantial production, ranging from 17 million to 54 million pounds.

2.4 billion pounds of sweet potatoes

The total weight of sweet potatoes — another popular Thanksgiving side dish — produced by major sweet potato producing states in 2010. North Carolina (972 million pounds) produced more sweet potatoes than any other state. It was followed by California (639 million pounds) and Louisiana (247 million pounds).

1.1 billion pounds of pumpkin

Total production of pumpkins produced in the major pumpkin-producing states in 2010. Illinois led the country by producing 427 million pounds of the vined orange gourd. Pumpkin patches in California, New York, and Ohio also provided lots of pumpkins: Each state produced at least 100 million pounds. The value of all pumpkins produced by major pumpkin-producing states was \$117 million.

If you prefer cherry pie, you will be pleased to learn that the nation's forecasted tart cherry production for 2011 totals 266.1 million pounds, up 40 percent from 2010's total. Of this 2011 total, the overwhelming majority (210.0 million) will be produced in Michigan.

2.01 billion bushels of wheat

The total volume of wheat — the essential ingredient of bread, rolls, and pie crust — produced in the United States in 2011. North Dakota, Montana, and Kansas accounted for 33 percent of the nation's wheat production.

656,340 tons of beans – WISCONSIN BEANS!

The 2011 contracted production of snap (green) beans in major snap (green) bean-producing states. Of this total, Wisconsin led all states (258,320 tons). So dig into that green bean casserole!

Capitol Link Details

The PDPW *Capitol Link* monthly e-newsletter is sponsored by DeWitt Ross & Stevens law firm. DeWitt Ross & Stevens is a Wisconsin law firm whose members are leaders in their areas of practice and in their communities. Founded in 1903, today there are more than 80 attorneys in their Madison and Milwaukee offices. Nominated by peers as top lawyers nationally and locally, DeWitt's attorneys offer numerous services including strategic counseling, advocacy, collaboration, alternative dispute resolution, negotiation, mediation, lobbying, and litigation.

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