

Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

September 2008

2009-2010 BUDGET PROCESS BEGINS

By Jordan Lamb

The budget process for the 2009–2010 biennium has begun. On September 15th, all Wisconsin government agencies submitted their budget requests to the Governor’s office for consideration. Prior to their submissions, Governor Doyle instructed the agencies to request no increases in expenditures from General Purpose Revenue and also not to request any additional authority for staff positions. The Governor is currently reviewing the agencies’ requests in order to draft his proposed budget for the Legislature’s consideration in January.

HIGH-CAP WELL REGULATION POTENTIAL ISSUE NEXT SESSION

By Jordan Lamb

The cover story from the Sunday, July 27, 2008 Wisconsin State Journal entitled *Many wells, little regulation*, focused on the increased issuance of permits for high-capacity irrigation wells, which calls for increased regulation of those agricultural wells. Specifically, the article draws a connection between surface waters and high-cap wells and highlights the wells that have been recently sited in the Central Sands region. Here is a quote from the article from Todd Ambs, director of the DNR’s Water Bureau:

“Todd Ambs, director of the DNR's water division, said both the dramatic increase in the number of wells and the new research will be part of the discussion in coming months as regulators and legislators consider amending the groundwater law. "These are added pieces of information to plug into what I hope will be a very important and robust discussion after the first of the year," Ambs said, "What should be the next step? Should there be a greater scope of locations where we have a higher level of review?"”

Wisconsin’s groundwater law and high-cap well regulations may be a focus of legislation/administrative rulemaking initiatives in the 2009 session. To access the complete *Wisconsin State Journal* article online, go to <http://www.madison.com/wsj/topstories/297900>.

COURT LOWERS LAWSUIT THRESHOLD FOR MOVING/TRANSPORTING DISEASED LIVESTOCK

By Jordan Lamb

In June, the Wisconsin Court of Appeals published a decision that clarifies the standards for filing a lawsuit against individuals who sell or transport diseased livestock in Wisconsin. In *Wilson v. Tuxen*, the court held that farmers who purchase livestock that are infected with certain diseases, do not need to prove that they were knowingly deceived by the seller when they made the purchases in order to hold the seller liable and sue for damages. Rather, if a purchaser buys livestock that is infected with any of a list of nineteen infectious diseases¹ and the purchaser proves that the livestock had the disease on the date of the sale, then the seller is strictly liable for damages that the purchasers incurred.

¹Those nineteen infectious diseases are listed in Wis. Admin. Code § [ATCP 10.08](#). The list includes anthrax, brucellosis, chronic wasting disease and foot and mouth disease.

CALIFORNIA STRENGTHENS ITS RIGHT-TO-FARM LAW

By Jordan Lamb

The California legislature has approved legislation to protect farmers from unwarranted nuisance suits by ensuring that the purchasers of property in agricultural areas are fully aware of the state's right-to-farm laws. California Assembly Bill 2881 requires disclosure of the state's "right-to-farm" laws to anyone who purchases real estate within one mile of farmland. The bill had overwhelming support in both houses of the legislature and has been sent to the Governor for consideration.

CONGRESS APPROVES GREAT LAKES WATER RESOURCES COMPACT

By Jordan Lamb

Earlier this year, the Wisconsin legislature approved the Great Lakes Compact. The Compact has been approved by Congress and now awaits President Bush's signature, which he has promised. The Wisconsin Department of Natural Resources is currently working on the first implementation details for Compact enactment in Wisconsin. Large water users, such as those with high-capacity wells that operate within the Great Lakes Basin, will have additional registration and reporting requirements which will be finalized in the coming weeks. Those with affected wells should expect to get notice from the DNR with regard to their obligations under the new registration and reporting system.

Capitol Link Details

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Jordan Lamb is a partner at DeWitt Ross & Stevens' Capitol Square office in Madison. Jordan's law practice focuses on government relations and administrative law. She concentrates on legislative drafting, legislative research, and facilitating communication between clients and state government including administrative agencies and the State Legislature. Ms. Lamb also offers litigation support for administrative law issues. Jordan can be contacted at 608-252-9358 or at jkl@dewittross.com. For more information about DeWitt Ross & Stevens, go to www.dewittross.com.



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Professional Dairy Producers of Wisconsin
N5776 US Hwy 151, Suite 1
Fond du Lac, WI 54937
Phone: 800-947-7379
mail@pdpw.org www.pdpw.org