



Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

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Republicans Win Special Elections in 21st and 69th Assembly Districts

By Jordan Lamb, DeWitt Ross & Stevens

A special election was held on November 19 to fill two Assembly seats that were vacated this fall. First, in the 21st Assembly District, which was vacated by former Rep. Mark Honadel (R-South Milwaukee), Jessie Rodriguez (R-Franklin) is the Representative-elect. Ms. Rodriguez is a native of El Salvador who moved to the United States in 1984. She is a Marquette University graduate in Communications Studies and is an outreach coordinator for Hispanics for School Choice. Her husband Aaron is a firefighter. They are the parents of a three year old son.



In the 69th Assembly District, which was vacated by former Rep. Scott Suder (R-Abbotsford), Bob Kulp (R-Stratford) is the Representative-elect. Mr. Kulp owns a residential and commercial roofing company, as well as three other businesses, which employ more than 40 people. He is an alternative energy proponent, including solar roofing panels and compressed natural gas (CNG). He is active in the Wausau Region Chamber of Commerce, Marshfield Rotary, and the Wausau Area Builders Association.

In addition, a primary election on November 19 set the candidates for a Special Election in 82nd Assembly District on December 17, 2013. This seat was vacated by former Rep. Jeff Stone (R-Greendale). The Special Election candidates are John Hermes (D-Greendale), the President of the Village of Greendale, and Ken Skowronski (R-Franklin), a journeyman carpenter who owns his own business and is also a member of the Franklin City Council.

Implements of Husbandry Legislation Expected Soon

By Jordan Lamb, DeWitt Ross & Stevens

The WisDOT, in partnership with DATCP, convened an "Implements of Husbandry" (IoH) Study Group earlier this year. This group involved over 20 stakeholders representing various transportation and farm organizations, equipment manufacturers, law enforcement, local officials and the University of Wisconsin-Madison/Extension and developed a series of recommended changes to Wisconsin's size and weight limits for IoH. After a series of statewide Town Hall meetings, the study group presented its final recommendations for legislative changes to the IoH regulations to the State Legislature. (Go to <http://www.dot.wisconsin.gov/business/ag/index.htm> on the Internet to review the final recommendations.)

State Representative Keith Ripp (R-Lodi) and State Senator Jerry Petrowski (R-Marathon) are working on legislation to implement changes to the IoH statutes, as recommended by the study group. Although there is not a bill draft available yet for review, we expect to see limitations placed on IoH related to width, weight, length and height. Under current law, IoH are limited to a gross vehicle weight of 80,000 pound and a per axel vehicle limit of 20,000 pounds per axel. We expect the Legislature to propose increasing those weight limits. In addition, we expect limitations with regard to width to focus on safety issues such as lighting and escort vehicles for certain widths. However, the WPVGA has been working very closely with the legislative authors to ensure that any problems with wide potato harvest equipment are clearly addressed in a manner that is workable for Wisconsin farmers.

This legislation is expected to be introduced before the end of the 2013 calendar year and is expected to be considered by the State Legislature early in 2014. We will provide analysis of the specific recommendations when the bill draft is available for review.



High Capacity Well Legislation Moves Forward

By Jordan Lamb, DeWitt Ross & Stevens

[Senate Bill 302](#), authored by Senator Neal Kedzie (R-Elkhorn), was recommended for passage by the Senate Natural Resources Committee on November 7, 2013. This legislation is critical for farmers who rely on water from high capacity wells.

2013 Senate Bill 302, aims to restore regulatory certainty to the high capacity well permitting program, which was left on very uncertain footing after the Wisconsin Supreme Court's 2011 decision in *Lake Beulah Management District v. Wisconsin DNR*. SB 302 clarifies that wells can be transferred with a piece of property without triggering a requirement to reapply for a well approval. This change is critical for farmers who need certainty that they can sell or transfer their farms with their approved wells as a part of the property.

It creates certainty with regard to the review process required to repair or replace a well that has failed, which should speed the DNR review needed to repair or replace existing high capacity wells. The legislation also clarifies the review process for new wells.

This legislation is available for consideration by the full Senate when they reconvene in January 2014.

Legislation Aims to Double Size of Ag Enterprise Areas

By Jordan Lamb, DeWitt Ross & Stevens

Senator Sheila Harsdorf (R-River Falls) is circulating legislation that would double the amount of land that could be designated as an agricultural enterprise area. Senator Harsdorf writes in her co-sponsorship memo that the state agriculture department expects to hit the cap on agricultural enterprise areas, which was established in the 2009 state budget, by the end of 2014. The bill would increase the combined threshold for the enterprise areas from 1 million acres to 2 million acres. The program was designed to preserve and bolster the state's

farmland. Current law prohibits DATCP from entering into a farmland preservation agreement with a farmer unless the farmer's land is in an agricultural enterprise area designated by DATCP.

DNR Releases Nutrient Reduction Strategy Report

By Jordan Lamb, DeWitt Ross & Stevens

Wisconsin's Nutrient Reduction Strategy was developed by the Wisconsin Department of Natural Resources in response to the [Gulf Hypoxia Action Plan 2008](#) call for each state in the Mississippi River Basin to develop a strategy by 2013 to reduce the amount of phosphorus and nitrogen carried in rivers from the state to address the biological "dead zone" in Gulf of Mexico and in response to the call from the U. S. Environmental Protection Agency (EPA) for states to develop frameworks for nutrient reduction. Although EPA will review and provide comment on this strategy, it does not require EPA approval. Having a completed strategy may make Wisconsin eligible for additional federal funding and may be necessary to retain existing grants.

Past implementation efforts have reduced the amount of phosphorus from Wisconsin watersheds to the Mississippi River by about 23 percent and the amount to Lake Michigan by about 27 percent. By continuing to implement existing state and federal programs, Wisconsin can meet the 45 percent reduction goal for the Mississippi River Basin.

Importantly, this strategy does not call for new regulations for either point sources or nonpoint sources. It builds on existing programs and existing requirements, including those adopted in the last few years. The text of the report is available on the WDNR's web site at: <http://dnr.wi.gov/topic/surfacewater/nutrientstrategy.html>.

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