



Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

March 30, 2012

Summary of the 2011-12 Legislative Session

By Jordan Lamb -- DeWitt Ross & Stevens

The Wisconsin Legislature has now adjourned its 2011-12 legislative session and will not come back into session until January 2013. The session was unusually turbulent politically, but from a policy perspective, a number of key agricultural reforms were adopted. Below is a summary of the agricultural legislative issues that were passed last session. (Note: Some of these bills are still waiting for action by the Governor.)

- **Air Emissions from Livestock Farms (PASSED, awaiting Governor's Review - AB 195 / SB 138)** – This legislation permanently suspends the requirement that DNR issue permits for air emissions from agricultural waste. (Note: Although this legislation “permanently” suspends the application of NR 445 to farms, once the U.S. EPA enforces the Clean Air Act against agricultural sources, this suspension will be removed, as Wisconsin will have to enforce the federal standards.) Without this statutory change, air permits for farms would have been required in Wisconsin on August 1, 2012. This legislation has passed and is available for consideration by the Governor.
- **Financial Assistance for the Premises Identification Program (PASSED, awaiting Governor's review - AB 489 / SB 396)** – As amended by the adopted substitute amendment, this legislation would provide funding to DATCP for administration of the livestock premises registration program in fiscal year 2012-13. The substitute amendment transfers \$125,000 from the working lands fund to the general fund in fiscal year 2012-13 for this purpose. The substitute amendment also requires DATCP to make a budget proposal for providing sufficient future funding for the program. The bill has passed the Legislature and is currently available for consideration by the Governor.
- **Seasonal Weight Limit Relief for Vehicles Transporting Manure (PASSED, awaiting Governor's review – AB 501 / SB 410)** – This legislation provides a seasonal 15% overweight vehicle weight limit relief for vehicles transporting manure (*i.e.*, from September 1 through December 31 each year.) The bill has passed the Legislature and is currently available for consideration by the Governor.
- **Wolf Hunting and Trapping Program (PASSED, awaiting Governor's review – AB 502 / SB 411)** – Representatives Suder and Rivard and Senator Moulton authored legislation that would require the DNR to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. The program is modeled after the Wisconsin bear hunting program that is currently in place. The bill has passed the Legislature and is currently available for consideration by the Governor.

- **Wetland Permit Reform Legislation (ENACTED – 2011 Wisconsin Act 118)** – The wetland reform legislation that was adopted this session provides several permit reform measures for those activities that impact a wetland. For example, under the new law, the DNR must take into consideration the “net environmental impact” of any proposed wetland impact and is directed to develop a series of general permits including general permits for small fills (under 10,000 square feet) and activities that are regulated under any federal Army Corps of Engineers general permit.
 - **Prohibition Against Criminal Charges for Animal Researchers (ENACTED – 2011-12 Budget Bill)** – As a part of the 2011-12 budget bill, animal agriculture groups, the University system and bioscience secured an amendment to Wisconsin’s animal welfare laws that prevents the criminal prosecution of animal researchers. This amendment was critical to protecting the research that is on-going at CALS and other System campuses.
 - **Dairy and Livestock Farm Investment Credits (ENACTED – 2011 Wisconsin Act 15)** – This Act extends the period in which these tax credits may be claimed by five years. Specifically, it provides that dairy and livestock farm investment credits may be claimed in taxable years beginning after December 31, 2003 (dairy farm investment credits) or December 31, 2005 (livestock farm investment credits) and before January 1, 2017.
 - **Fall Harvest Weight Limit Extension (ENACTED – 2011 Wisconsin Act 52)** – This Act extends the annual end date, from November 30 to December 31, for the weight limit exception for certain vehicles transporting agricultural crops that exceed weight limits by not more than 15%.
 - **Annual or Consecutive Month Permits for Hay or Straw (ENACTED – 2011 Wisconsin Act 58)** – This Act authorizes the DOT to issue annual or consecutive month permits allowing vehicles transporting loads of hay or straw to exceed the statutory height limitation of 13.5 feet by up to 1 foot in an urban area, as defined by DOT, or by 1.5 feet elsewhere. The permittee must get a written statement of route approval by the officer in charge of maintenance of any local highway on the route and the permit may be issued regardless of whether the load is divisible.
 - **Annual or Consecutive Month Permits for Agricultural Products (ENACTED – 2011 Wisconsin Act 56)** – This Act authorizes the DOT to issue overweight permits for vehicles transporting “agricultural products” (i.e., any of the following or any combination of the following: fruit; vegetables; grain, including distillers’ grain; and live livestock, feed for livestock, or nutritional supplements for livestock) under certain circumstances. (See Act for specifics. Note: “Agricultural product,” under the Act, does not include liquid milk or liquid milk by-products, manure or animal waste, or raw forest products.)
 - **Maximum Vehicle Lengths Without Permits (ENACTED – 2011 Wisconsin Act 54)** – This Act increases the maximum overall length of a single vehicle that may generally be operated on a highway without an over-length permit from 40 feet to 45 feet.
 - **Permits for Overweight Vehicles Transporting Sealed Containers (ENACTED – 2011 Wisconsin Act 55)** – This Act authorizes the DOT to issue single trip, annual, or consecutive month overweight permits for vehicles or vehicle combinations, with six or more axles, which are transporting sealed loads in international trade. A “sealed load” is “a load consisting of a container or vehicle, being transported in international trade, which has been sealed with a tamper-evident seal affixed at the time of the initial loading.” These permits: (1) may only be issued by DOT; and (2) may authorize varying weight limits depending on the number of axles and the distance between the foremost and rearmost axles, but in no case may authorize a load greater than 90,000 pounds.
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