

# Capitol LINK

**CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS**

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**April 30, 2010**

## **LEGISLATIVE SESSION ENDS**

*By Jordan Lamb – DeWitt Ross & Stevens*

The Wisconsin State Legislature has concluded its business for this legislative session and has adjourned without taking action on either the proposed changes to Wisconsin's groundwater law (AB 844 / SB 620), the Clean Energy Jobs Act (AB 649 / SB 450), (*i.e.*, legislative recommendations based on the Governor's Global warming Task Force Report) or the "Karst" legislation (SB 632).

However, it is expected that revisions to Wisconsin's groundwater law will be re-introduced again next session. In fact, the study of groundwater law revisions may be a topic of a Legislative Council study committee over the summer.

## **NR 151 – DNR Hearings Concluded, NR Board Action Expected in June**

*By Jordan Lamb – DeWitt Ross & Stevens*

The public hearings and the public comment period on DNR's proposed revisions to Wis. Admin. Code, NR 151, Wisconsin's nonpoint source pollution performance standards and prohibitions, have concluded. This rule will be a critical legal component to the regulation of Phosphorus use on farms. The DNR is now working to prepare (and perhaps amend) the rule for consideration by the Natural Resources Board at the Board's June meeting.

## **RAW MILK BILL SENT TO GOVERNOR**

*By Jordan Lamb – DeWitt Ross & Stevens*

A bill that allows Wisconsin farmers to sell untreated milk at their farms is headed to Governor Doyle's desk. The Assembly approved Senate Bill 434 last Thursday with a vote of 60-35. Governor Doyle has indicated to the press that unless there is something in the legislation that he was unaware of, he is likely to sign the bill into law.

This legislation creates an interim registration program, ending on December 31, 2011, for the limited sale of raw milk under specified conditions and subject to specified regulation.

Links to Recent Press Reports on Wisconsin's Raw Milk Legislation:

USA Today:

<http://content.usatoday.net/dist/custom/gci/InsidePage.aspx?cId=postcrescent&sParam=33345659.story>

Wisconsin State Journal: [http://host.madison.com/wsj/news/local/govt\\_and\\_politics/blog/article\\_d62af2a2-4edf-11df-b2bc-001cc4c002e0.html](http://host.madison.com/wsj/news/local/govt_and_politics/blog/article_d62af2a2-4edf-11df-b2bc-001cc4c002e0.html)

Milwaukee Journal Sentinel: <http://www.jsonline.com/news/statepolitics/91893934.html>

Chicago Tribune: <http://www.chicagotribune.com/health/ct-met-raw-milk-20100422,0,2185455.story>

## LISTENING SESSIONS HELD ON LIVESTOCK FACILITY SITING RULE

By Jordan Lamb – DeWitt Ross & Stevens

The Department of Agriculture, Trade and Consumer Protection (DATCP) held four listening sessions across the state in February and March to collect comments on Wisconsin's livestock facility siting administrative rule, Wis. Admin. Code § ATCP 51. Just over 400 people attended these listening sessions and DATCP received over 700 written comments. The listening sessions were intended to collect comments on the *rule itself* not on the statute authorizing the rule or on other issues unrelated to the operation of the administrative rule.

A summary report about these listening sessions will be presented to the Board of Agriculture, Trade and Consumer Protection at their May meeting.

## ELECTION 2010 PREVIEW – Who's In and Who's Out of State Legislative Races

By Jordan Lamb – DeWitt Ross & Stevens

Thirteen members of the State Assembly will NOT seek reelection in the fall (*i.e.*, nine Republicans, three Democrats, and one Independent.) Three members of the State Senate are NOT seeking reelection (*i.e.*, two Republicans and one Democrat.) *See below for details on who's out.*

### NEWEST INFORMATION:

On Friday, April 23, Rep. Steve Hilgenberg (D-Dodgeville) announced that he will not seek a third term in the State Assembly.

Assembly Majority Leader Thomas Nelson (D-Kaukauna) has filed papers indicating that he is running for Lt. Governor. (*Note:* He is not included in the list of 13 below because he has not officially announced his departure from the State Assembly.)

### ASSEMBLY – Who's Out:

- Rep. Chuck Benedict (D-Beloit) announced his retirement on April 14, 2010.
- Rep. Brett Davis (R-Oregon) announced on February 22, 2010, that he is running for Lt. Governor.
- Rep. Don Friske (R-Merrill) announced his retirement on March 5, 2010.
- Rep. Mark Gundrum (R-New Berlin) will take office as a Circuit Court Judge for Waukesha County on August 1, 2010.
- Rep. Steve Hilgenberg (D-Dodgeville) announced his retirement on April 23, 2010.
- Rep. Tom Lothian (R-Williams Bay) announced his retirement on March 4, 2010.
- Rep. Kitty Rhoades (R-Hudson) announced her retirement on March 17, 2010.
- Rep. Roger Roth (R-Appleton) announced on December 1, 2009, that he will run against US Rep. Steve Kagen (D-Wisconsin).
- Rep. Gary Sherman (D-Port Wing) has been appointed by Governor Doyle to fill a vacancy on the Court of Appeals for the 4th District, which is based in Madison. Rep. Sherman will remain in office until the legislature adjourns the 2009 Session sometime this spring, so that no special election will be necessary.
- Rep. John Townsend (R-Fond du Lac) has announced that he will retire.
- Rep. Leah Vukmir (R-Wauwatosa) is running against Sen. Jim Sullivan (D-Wauwatosa).
- Rep. Jeff Wood (I-Chippewa Falls) has announced that he will retire.
- Rep. Rich Zipperer (R-Pewaukee) is running for the 33rd Senate District seat being vacated by retiring Sen. Ted Kanavas (R-Brookfield).

### SENATE – Who's Out:

- Sen. Ted Kanavas (R-Brookfield) announced his retirement on January 25, 2010.
- Sen. Alan Lasee (R-De Pere) announced his retirement on January 11, 2010.
- Sen. Judy Robson (D-Beloit) announced her retirement on January 27, 2010

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## 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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