



2019 ASSEMBLY BILL 795

January 24, 2020 - Introduced by Representatives TRANEL, KURTZ, TAUCHEN, KRUG, SUMMERFIELD, NOVAK, KITCHENS, FELZKOWSKI, SHANKLAND, POPE, HEBL, KULP, GRUSZYNSKI, VANDERMEER, ANDERSON, ZIMMERMAN, CONSIDINE, NEUBAUER, OLDENBURG, SARGENT, MURSAU, BALLWEG, DOYLE, MAGNAFICI, KOLSTE, PETRYK, PLUMER, SWEARINGEN, VINING, STUBBS, SUBECK, MILROY, KATSMA, C. TAYLOR, QUINN, SPREITZER, SINICKI, EMERSON, ZAMARRIPA, OHNSTAD, CABRERA, BILLINGS, VRUWINK, BORN, OTT and SPIROS, cosponsored by Senators COWLES, JACQUE, PETROWSKI, FEYEN, OLSEN, WANGGAARD, WIRCH and SMITH. Referred to Committee on Agriculture.

1 **AN ACT** *to amend* 92.14 (6) (c), 93.59 (2) (a), 93.59 (2) (d), 93.59 (3), 281.68 (1t)
2 (intro.) and 281.68 (3) (a) 1.; and *to create* 20.115 (4) (f), 20.115 (4) (fm), 20.115
3 (7) (d), 93.485, 93.65 and 281.68 (1) (ar) of the statutes; **relating to:** grants and
4 funding for water stewardship certification, a grazing coordinator position,
5 producer-led watershed protection grants, lake protection, soil and water
6 conservation, and crop insurance premium rebates for cover crops; granting
7 rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

Grazing coordinator

The bill provides funding for one full-time equivalent GPR position in the Department of Agriculture, Trade and Consumer Protection to serve as a coordinator for managed grazing initiatives in this state. The bill provides \$64,800 in fiscal year 2019-20 for the position, and \$86,400 in fiscal year 2020-21. Under the bill, the new position would convene a stakeholder working group to develop a state grazing plan, serve as the primary point of contact for assistance on effective grazing strategies, identify new technologies and best practices in grazing that are best suited for the state, and leverage federal funding to promote effective grazing practices and assist producers in implementing those practices.

ASSEMBLY BILL 795***Water stewardship certification***

The bill creates a grant program for DATCP to provide grants to reimburse the costs for agricultural producers to apply for a certification of water stewardship from the Alliance for Water Stewardship. The grants must be made to the party that pays those costs and may be made only after the certification is provided. Before awarding a grant, DATCP must enter into a memorandum of understanding with the party that pays the certification costs. The bill requires DATCP, in prioritizing these grant awards, to be guided by an agricultural producer's overall impact to water quality. A grant may reimburse up to 50 percent of costs and may not exceed \$10,000. The bill creates a new \$250,000 continuing general fund appropriation for this purpose.

Cover crop rebates

The bill authorizes DATCP to cooperate with the Risk Management Agency of the U.S. Department of Agriculture to provide rebates in the amount of \$5 per acre of a cover crop planted for crop insurance premiums paid for those acres. Under the bill, DATCP determines the cover crops for which crop insurance premium rebates are provided, and a person must plant cover crops before submitting an application to DATCP for a crop insurance premium rebate. Also, under the bill, a crop insurance premium rebate may not be provided for the planting of a cover crop on an acre for which funding for planting a cover crop is available from a producer-led watershed protection grant, the soil and water resource management program, the federal Environmental Quality Incentives Program, or the federal Conservation Stewardship Program. The bill creates a new \$200,000 continuing general fund appropriation for this purpose.

Producer-led watershed protection grants

Under current law, DATCP administers a program to provide watershed protection grants to producer-led groups made up of farmers located in one watershed. This bill allows grants under the program to be awarded to producer-led groups that are made up of farmers located in adjacent watersheds. The bill also creates a new \$250,000 annual general fund appropriation for the producer-led watershed protection grants.

Lake protection grants

Under current law, DNR provides lake protection grants for monitoring and improving water quality in lakes. Currently, eligible recipients for these grants include nonprofit conservation organizations, counties and municipalities, qualified lake associations, town sanitary districts, qualified school districts, public inland lake protection and rehabilitation districts, and other local governmental units that are established for the purpose of lake management. This bill provides that producer-led groups are eligible to receive lake protection grants provided by DNR. The bill defines "producer-led group" to mean any group that meets the criteria for a producer-led watershed protection grant issued by DATCP.

Soil and water resource conservation grants — allocation plan

Under rules promulgated by DATCP, when DATCP prepares its annual allocation plan for soil and water resource conservation grants to counties, it may consider a county's demonstrated commitment to implementing the county's

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approved land and water resource management plan. Under the bill, if DATCP considers this factor in preparing the annual allocation plan, it must also take into account any externalities, such as weather, that may have affected the county's ability to implement its management plan.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.115 Agriculture, trade and consumer**
4 **protection, department of**

5 (4) AGRICULTURAL ASSISTANCE

6 (f) Water stewardship certification

7 grants GPR C -0- 250,000

8 (fm) Crop insurance rebates for plant-

9 ing cover crops GPR C -0- 200,000

10 (7) AGRICULTURAL RESOURCE MANAGEMENT

11 (d) Soil and water management;

12 producer-led grants GPR A -0- 250,000

13 **SECTION 2.** 20.115 (4) (f) of the statutes is created to read:

14 20.115 (4) (f) *Water stewardship certification grants.* As a continuing
15 appropriation, the amounts in the schedule for water certification grants under s.
16 93.485.

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1 **SECTION 3.** 20.115 (4) (fm) of the statutes is created to read:

2 20.115 (4) (fm) *Crop insurance rebates for planting cover crops.* As a continuing
3 appropriation, the amounts in the schedule to make payments under s. 93.65 for crop
4 insurance premium rebates for the planting of cover crops.

5 **SECTION 4.** 20.115 (7) (d) of the statutes is created to read:

6 20.115 (7) (d) *Soil and water management; producer-led grants.* The amounts
7 in the schedule for producer-led watershed protection grants under s. 93.59.

8 **SECTION 5.** 92.14 (6) (c) of the statutes is amended to read:

9 92.14 (6) (c) When preparing an annual grant allocation plan under par. (b),
10 the department and the department of natural resources shall consider the existence
11 and location of impaired water bodies that the department of natural resources has
12 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
13 (A) and agricultural enterprise areas designated under s. 91.84, and shall give
14 priority to providing cost-sharing for nutrient management planning projects that
15 are in or near, or that affect, those areas. When preparing an annual grant allocation
16 plan, if the department considers a county's demonstrated commitment to
17 implementing a land and water resource management plan approved under s. 92.10
18 (4) (d), the department shall take into account any externalities, such as weather,
19 that may have affected the county's ability to demonstrate commitment to
20 implementing the plan.

21 **SECTION 6.** 93.485 of the statutes is created to read:

22 **93.485 Water stewardship certification grant program.** The department
23 may award grants from the appropriation under s. 20.115 (4) (f) to reimburse the
24 costs for an agricultural producer to apply for a certification of water stewardship
25 from the Alliance for Water Stewardship. The department shall award grants under

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1 this section to the party that pays those costs and may make an award only upon the
2 agricultural producer's receipt of the certification. Before awarding a grant under
3 this section the department shall enter into a memorandum of understanding with
4 the party that pays the certification costs, which may include types of eligible costs
5 and the length of time that the certification must be maintained. In prioritizing
6 grant awards under this section, the department shall be guided by an agricultural
7 producer's overall impact to water quality. An award under this section may
8 reimburse up to 50 percent of costs, in an amount not to exceed \$10,000.

9 **SECTION 7.** 93.59 (2) (a) of the statutes is amended to read:

10 93.59 (2) (a) The producer-led group includes at least 5 agricultural producers
11 each of whom operates an eligible farm, as defined in s. 91.86 (1), in one watershed
12 or in adjacent watersheds. The group may include additional agricultural producers
13 who are not required to be operators of eligible farms.

14 **SECTION 8.** 93.59 (2) (d) of the statutes is amended to read:

15 93.59 (2) (d) The group assists agricultural producers in the watershed or
16 watersheds under par. (a) to voluntarily conduct nonpoint source water pollution
17 abatement activities.

18 **SECTION 9.** 93.59 (3) of the statutes is amended to read:

19 93.59 (3) A producer-led group that receives, or on whose behalf a legal entity
20 receives, a grant under this section shall annually file a report with the department
21 describing the activities conducted with the grant and the impact of those activities
22 on water quality in the watershed or watersheds under sub. (2) (a).

23 **SECTION 10.** 93.65 of the statutes is created to read:

24 **93.65 Crop insurance premium rebates for planting cover crops. (1)**

25 From the appropriation under s. 20.115 (4) (fm), the department may provide rebates

ASSEMBLY BILL 795**SECTION 10**

1 in the amount of \$5 for each acre of a cover crop planted for crop insurance premiums
2 paid on those acres. In providing crop insurance premium rebates under this section,
3 the department may cooperate with the risk management agency of the U.S.
4 department of agriculture, and may cooperate with any related federal agency, state
5 agency, or agricultural organization.

6 (2) In providing crop insurance premium rebates under this section, the
7 department may promulgate the following rules:

8 (a) Rules determining the cover crops for which crop insurance premium
9 rebates are provided under this section.

10 (b) Rules establishing procedures for verifying that a cover crop is planted on
11 acres for which a crop insurance premium rebate is provided under this section.

12 (3) The department may not provide a crop insurance premium rebate under
13 this section for the planting of a cover crop on an acre for which funding for planting
14 a cover crop is available from a federal or state grant or incentive program other than
15 this section, including from any of the following:

16 (a) The federal environmental quality incentives program under 16 USC
17 3839aa to 3839-8.

18 (b) The federal conservation stewardship program under 16 USC 3839aa-21
19 to 3839aa-25.

20 (c) A producer-led watershed protection grant under s. 93.59.

21 (d) The soil and water resource management program under s. 92.14.

22 (4) To receive a crop insurance premium rebate under this section, a person
23 shall submit an application to the department after a cover crop is planted on the
24 acres for which the person applies for a crop insurance premium rebate.

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1 **(5)** The department shall award crop insurance premium rebates in the order
2 that applications that are approved are received, and may not limit the number of
3 acres for which a person may receive a crop insurance premium rebate under this
4 section.

5 **(6)** The department may conduct inspections to verify that recipients of a crop
6 insurance premium rebate are complying with the provisions of this section and any
7 rules promulgated under this section.

8 **SECTION 11.** 281.68 (1) (ar) of the statutes is created to read:

9 281.68 (1) (ar) “Producer-led group” means any group that meets the criteria
10 under s. 93.59 (2).

11 **SECTION 12.** 281.68 (1t) (intro.) of the statutes is amended to read:

12 281.68 **(1t)** LAKE MONITORING AND PROTECTION CONTRACTS. (intro.) The
13 department may award contracts to public groups or persons for the creation and
14 support of a statewide lake monitoring network. The contracts may include
15 payments for the costs of all of the following:

16 **SECTION 13.** 281.68 (3) (a) 1. of the statutes is amended to read:

17 281.68 **(3)** (a) 1. Eligible recipients to consist of nonprofit conservation
18 organizations, as defined in s. 23.0955 (1), producer-led groups conducting
19 producer-led group projects, counties, cities, towns, villages, qualified lake
20 associations, town sanitary districts, qualified school districts, public inland lake
21 protection and rehabilitation districts, and other local governmental units, as
22 defined in s. 66.0131 (1) (a), that are established for the purpose of lake management.

23 **SECTION 14. Fiscal changes.**

24 (1) GRAZING COORDINATOR POSITION. In the schedule under s. 20.005 (3) for the
25 appropriation to the department of agriculture, trade and consumer protection

ASSEMBLY BILL 795**SECTION 14**

1 under s. 20.115 (7) (a), the dollar amount for fiscal year 2019-20 is increased by
2 \$64,800 to increase the FTE positions for the department by 1.0 GPR position for
3 coordinating managed grazing initiatives in this state. In the schedule under s.
4 20.005 (3) for the appropriation to the department of agriculture, trade and
5 consumer protection under s. 20.115 (7) (a), the dollar amount for fiscal year 2020-21
6 is increased by \$86,400 to provide funding for the position authorized under this
7 subsection. The position created under this subsection shall have the following
8 duties: convene a multi-stakeholder working group to expand and enhance grazing
9 activities in this state, which may include federal, state, and local agencies, farm
10 groups, agriculture businesses, academic institutions, and interested nonprofit
11 organizations, and which should have the primary task of developing a state grazing
12 plan; serve as the primary point of contact for government agencies and producers
13 needing technical assistance on effective grazing strategies and methods; identify
14 new technologies and best practices in grazing that are best suited and most
15 applicable for the state's landscape and state producers; leverage federal funding to
16 promote effective, economic grazing practices and assist producers in implementing
17 these practices.

18 (END)