



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4751/1
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2019 ASSEMBLY BILL 796

January 24, 2020 - Introduced by Representatives KITCHENS, SHANKLAND, TRANEL, KRUG, SUMMERFIELD, NOVAK, KURTZ, POPE, HEBL, FELZKOWSKI, ANDERSON, BALLWEG, CABRERA, CONSIDINE, DITTRICH, DOYLE, EDMING, EMERSON, GRUSZYNSKI, HORLACHER, KOLSTE, KULP, LOUDENBECK, MAGNAFICI, MILROY, MURSAU, NEUBAUER, OHNSTAD, OLDENBURG, PETRYK, PLUMER, QUINN, SINICKI, SKOWRONSKI, SORTWELL, SPREITZER, STEFFEN, STUBBS, SUBECK, SWEARINGEN, C. TAYLOR, VINING, VRUWINK, ZAMARRIPA, ZIMMERMAN, BILLINGS, TUSLER, BORN and SPIROS, cosponsored by Senators COWLES and PETROWSKI. Referred to Committee on Agriculture.

1 **AN ACT to create** 20.115 (7) (cm) and 93.60 of the statutes; **relating to:** creating
2 a pilot grant program for farmers to reduce nitrate loading, funding research
3 for nitrate loading reduction methods, extending the time limit for emergency
4 rule procedures, providing an exemption from emergency rule procedures,
5 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection to create a nitrogen optimization pilot program, under which DATCP awards grants to farmers to implement a project, for at least two growing seasons, that reduces nitrate loading or that uses nitrogen at an optimal rate while protecting water quality, for example by reducing nitrogen application despite a decrease in crop yield, by growing a crop that requires less nitrogen or that is nitrogen fixing, or by expanding or conserving wetlands. Under the bill, a farmer may not receive more than \$50,000. The farmer must collaborate with the College of Agricultural and Life Sciences at the University of Wisconsin-Madison, the Center for Watershed Science and Education at the University of Wisconsin-Stevens Point, and the University of Wisconsin-Extension (collectively, the university) to adjust the grant project to meet the university's research needs.

The bill requires the university to monitor grant projects on-site and to use information gathered from grant projects to research nitrate loading reduction methods, with a goal toward making recommendations to agricultural producers on

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optimizing nitrogen usage while improving water quality in this state. The bill also requires the university to prepare a report to the legislature, based on this research, that includes information and recommendations on improving nutrient management software programs, improving nutrient management plan adoption and implementation rates, and improving or altering the state cost-share system, and that includes an assessment of the cost effectiveness of different nitrogen reduction methods and an estimate of the demand for a permanent program that is similar to the grant program established under this bill. The university may receive a grant for its monitoring, research, and reporting requirements under the bill. The amount of the grant may not exceed 20 percent of the amount awarded to the farmer for the grant project.

The bill requires DATCP to attempt to provide grants to farmers in different parts of the state and to provide grants for projects in areas that have different soil types or geologic characteristics. The bill requires DATCP to prioritize projects that are innovative and that are not currently funded through existing state or federal programs and to prioritize farmers who plan to implement projects for longer periods of time. The bill also requires DATCP to collaborate with the farmer and the university when awarding grants under the pilot program.

For further information see the *state* 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	(7)	AGRICULTURAL RESOURCE MANAGEMENT		
6	(cm)	Nitrogen optimization pilot pro-		
7		gram	GPR C	-0- 1,000,000

8 **SECTION 2.** 20.115 (7) (cm) of the statutes is created to read:

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1 20.115 (7) (cm) *Nitrogen optimization pilot program*. As a continuing
2 appropriation, the amounts in the schedule for the nitrogen optimization pilot
3 program under s. 93.60.

4 **SECTION 3.** 93.60 of the statutes is created to read:

5 **93.60 Nitrogen optimization pilot program.** (1) In this section, “eligible
6 university entities” means the College of Agricultural and Life Sciences at the
7 University of Wisconsin–Madison, the Center for Watershed Science and Education
8 at the University of Wisconsin–Stevens Point, and the University of
9 Wisconsin–Extension.

10 (2) The department shall award grants from the appropriation under s. 20.115
11 (7) (cm) to agricultural producers and to the eligible university entities as provided
12 under this section.

13 (3) An agricultural producer may apply for and receive a grant to implement
14 a project, for at least 2 growing seasons, that reduces nitrate loading or that uses
15 nitrogen at an optimal rate while protecting water quality, including by reducing
16 nitrogen application despite a decrease in crop yield, by growing a crop that requires
17 less nitrogen or that is nitrogen fixing, or by expanding or conserving wetlands. The
18 department may not make a grant under this subsection to an agricultural producer
19 in an amount more than \$50,000. The agricultural producer receiving a grant under
20 this subsection shall collaborate with the eligible university entities to adjust the
21 grant project to fit the needs of the academic research conducted by the eligible
22 university entities under sub. (4).

23 (4) The eligible university entities shall collaborate with an agricultural
24 producer that applies for a grant under sub. (3) to monitor the grant project on-site
25 and to use information gathered from the project to research nitrate loading

ASSEMBLY BILL 796**SECTION 3**

1 reduction methods with a goal toward making recommendations to agricultural
2 producers to optimize nitrogen usage while improving water quality in this state.
3 The eligible university entities shall prepare a report based on their research that
4 includes information and recommendations on improving nutrient management
5 software programs used in this state, improving nutrient management plan
6 adoption and implementation rates, and improving or altering the state cost-share
7 system, and that includes an assessment of the cost effectiveness of different
8 nitrogen reduction methods and an estimate of the demand for a permanent program
9 that is similar to the grant program established under this section. The report shall
10 be submitted upon completion to the chief clerk of each house of the legislature for
11 distribution to the appropriate standing committees under s. 13.172 (3). The eligible
12 university entities may receive a grant to implement the monitoring, research, and
13 reporting requirements under this subsection. The department may not make a
14 grant to the eligible university entities for activities related to a grant project in an
15 amount that exceeds 20 percent of the amount awarded to the agricultural producer
16 under sub. (3) for that project.

17 (5) In making a grant under this section, the department shall collaborate with
18 the eligible university entities and the agricultural producer. The department shall
19 also seek to provide grants to agricultural producers in different parts of the state
20 and to provide grants for projects in areas that have different soil types or geologic
21 characteristics. The department shall prioritize projects that are innovative and
22 that are not currently funded through existing state or federal programs and shall
23 prioritize agricultural producers who plan to implement projects for longer periods
24 of time.

25 (6) The department shall promulgate rules to implement this section.

ASSEMBLY BILL 796**SECTION 4. Nonstatutory provisions.**

(1) EMERGENCY RULES. No later than the 90th day after the effective date of this subsection, the department of agriculture, trade and consumer protection shall, using the procedure under s. 227.24, promulgate rules to implement s. 93.60. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2021, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., for emergency rules promulgated under this subsection, the department is not required to prepare a statement of scope of the rules or to submit the proposed rules in final draft form to the governor for approval.

(END)