

# DBA communication

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You might have heard from others in the dairy community or seen in the news media that a bill was introduced to try to improve several different aspects of the livestock siting law.

For months, several agricultural groups, including DBA, and representatives from the towns and counties associations had been meeting to see if they could find common ground. This was the same type of group that met originally when the livestock siting law was enacted. Lawmakers wanted to hear from them — both the farmers that faced regulation and the local governments that would do the regulating.

With the help of several lawmakers — led by the bill's authors, Howard Marklein and Travis Tranel — a compromise was reached. This bill would have been beneficial for livestock farmers who are looking to build or expand a farm here in Wisconsin.

Unfortunately, the bill died before it had a chance to come up for a vote.

Lawmakers wanted to make sure that all the stakeholders agreed to the legislation before it would be introduced. All the groups said they did. However, one of those same groups — Wisconsin Dairy Alliance — changed its position after the agreement was made. The alliance began undermining the compromise and trying to amend the bill without telling any of the other stakeholders. Some of you even received text messages from a registered lobbyist for that group urging you to immediately contact lawmakers and tell them to either change the bill or kill it. This is what caused the legislation to fail.

([Here is Sen. Marklein's response](#) to what happened.)

## **The bill would have done a number of positive things:**

- The current rule-based fee cap is not based in statute. It risks being challenged in court and having a town or county charge whatever they want for a new livestock siting permit. This bill would have created new statutory fee caps. The permit costs for farms would have been protected going forward and farms would have paid just \$250-\$750 more for their permit depending on the scope

of the changes they are making to their farm.

- The bill would have prohibited local governments from mandating expensive bonding requirements for farms under their jurisdiction. This is a real problem that is costing some farms tens of thousands of dollars per year.
- State agencies would have had more of a hand in the permitting process, which would help save local governments time and money. It would have also provided more predictability and uniformity for farmers seeking new permits.
- Farmers were concerned they did not have enough say over the last livestock siting rule revisions. This bill would have formed a new board to ensure that ag stakeholders are more involved in any future revisions. It would have also ended the four-year rule review cycle, which is hard to follow given other changes made to how rulemaking occurs.
- Setbacks to public roads would have been clarified by this bill and, in some instances, reduced from what they are under current law.
- The bill would have allowed adjacent landowners to waive setback requirements. This is particularly helpful in cases where nearby landowners are affiliated with the farm in some way or are also farmers and don't object to a new or expanded farm next door. Under current law, your neighbor could be fine, but it would be up to the local government to allow a variance.

While overall the bill would have been helpful to farmers, it was also a compromise. In exchange for the benefits above, farmers were being asked to give on some language that would have clarified when local governments can use their zoning authority to limit where livestock farms, including farms of just a certain size, could be built. Local governments arguably have this power already, but this bill would have made it clearer. Also, keep in mind, local governments already can zone out all farms if they so choose. So, the power being clarified here was less expansive than what local governments have under current law and it might help to give local governments more options, so they do not zone out all agriculture.

This bill could have helped many Wisconsin farms, both CAFO and non-CAFO. It is unfortunate that it will not have the chance to do that.

Even worse, the Wisconsin Dairy Alliance's actions make it harder for us to make a similar agreement in the future. The parties that sat down all spent a lot of time, effort and political capital to make this bill a reality. It could be hard to convince them to try again knowing that one outlying group that speaks for just a handful of CAFOs can derail it again.

For its part, DBA is going to continue to try to be collaborative with other stakeholders, and we look forward to working further with the Legislature and governor's office.

We are going to keep doing the hard work and being an honest partner. These are the values of our members and this is how we will conduct business.

Thank you.

The Board of Directors