

Passage of SB 76 'Death By 1,000 Straws' Illustrates Pay-For-Play Legislation in Madison

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Wisconsin State Senators, in a party-line vote, passed SB 76 on April 4th. Sustain Rural Wisconsin Network (SRWN) believes that the passage of SB 76 illustrates the power of the Industrial Agriculture's lobbying dollars over the Public Trust Doctrine and citizen's rights to Wisconsin's water resources.

Undue industry influence drove the fast-tracking and passage of SB 76. According to lobbying reports from the last two legislative sessions, the Wisconsin Potato and Vegetable Growers, Wisconsin Pork Association, Dairy Business Association, Wisconsin Farm Bureau, and Wisconsin Cranberry Growers spent \$244,282 in lobbying efforts for high-capacity well legislation (data for the current legislative session is not available until June 2017). Mary Dougherty, president of SRWN, calls the influence of Big Ag's lobbying dollars and passage of SB 76 "an outright threat to citizens' right to have certainty that when we turn our faucet, we have water flowing from the tap; that our property values will not be harmed by our wells drying up; and the lakes, rivers and streams we love are not sucked dry by industrial agriculture."

SB 76 is a solution in search of a problem. Bill supporters frequently cite the need for 'regulatory certainty' for high capacity wells (HCW) that need to be replaced, maintained, repaired, or transferred yet DNR records do not support these claims. Adam Freihoefer, DNR Water Use Section Chief, offered the following data about high capacity wells:

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Since 2011, the department approved an average of approximately six replacement wells per year.

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In 2016, the department processed approximately 65 property transfers. On average, we estimate that there are approximately 50 to 100 property transfers per year.

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High capacity well reconstruction is relatively rare and we are only notified of a few per year.

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Freihoefer went on to state, "A replacement high capacity well would constitute an emergency under certain circumstances (e.g. well failure after crop has been planted, cattle need water,

etc.). If the applicant can verify that an emergency condition exists and they provide the DNR with the necessary application materials, the Department has typically provided an answer regarding approval within 1-2 days." Given the 13,000 HCW permits in Wisconsin, the actual transfers, repairs and replacement of HCW are negligible (between .0005 to .008 percent of all HCW) and do not warrant sweeping legislative change.

The progression of SB 76 through the Senate calls Wisconsin's proud heritage of transparent and honest democratic governance into question. Despite objections from two members of the Senate

Committee on Labor and Regulatory Reform, SB 76 was voted out of committee by paper ballot, a process that does not allow for discussion or introduction of amendments prior to voting among committee members. In addition, Senator Ringhand's (D-15) two amendments, which were submitted to Senator Nass (R-11) in good order and on time, were not voted on or discussed by committee members because of Nass' decision to use paper ballots. Finally on April 4th, when Senator Testin (R-24) was asked what environmental groups he consulted with about his amendment, he stated, "There are several organizations...George Kraft, Ken Bradbury and then some of the environmental groups...like Friends of the Central Sands."

However, both George Kraft and Bob Clarke, President of Central Sands, stated that they had never spoken to nor been contacted by Senator Testin.

SRWN asks the Assembly Committee on Agriculture to take the time to properly consider the ramifications of SB 76's accompanying bill, AB 105, and make appropriate amendments in an executive session. Forest Jahnke, Vice-President of SRWN, wants the Assembly "to make every effort to ensure that Wisconsin citizens are given the opportunity to engage in the democratic process and any discussion and/or voting be done with full transparency."

AB105 amendments should include:

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Periodic review of existing high capacity wells.

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The ability and authority to enable the DNR to adjust reviewed permits to meet current conditions and water balance issues.

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An expanded study area that will include the entire Central Sands.

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No Section 4(3)g, which takes away a citizen’s right to contest a DNR decision.

Wisconsin residents deserve fair representation and legislation that ensures surface and groundwater will be here for generations to come. Elected officials are sworn to uphold the Wisconsin state constitution and any legislation, like SB 76, that endangers the Public Trust Doctrine is in direct violation of their oath of office. SRWN expects our representatives in Madison to protect citizen interests over big industry donors who are attempting to buy preferential legislation.

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