



State of Wisconsin CR 90-215

Department of Agriculture, Trade & Consumer Protection

Alan T. Tracy
Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) ss.
TRADE & CONSUMER PROTECTION)

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TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Nicholas J. Neher, Administrator, Agricultural Resource Management Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to requirements for Administration of the Sustainable Agriculture Grant Program, Chapter Ag 159, Wis. Adm. Code, was duly approved and adopted by the Department on April 17, 1991.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 17th day of April, 1991.

Nicholas J. Neher

Nicholas J. Neher
Administrator
Agricultural Resource Management Division



9/1/91

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AN ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES

1
2 The state of Wisconsin department of agriculture, trade and
3 consumer protection proposes the following order ch. Ag 159
4 relating to procedures under the sustainable agricultural
5 demonstration grant program

Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection

Statutory authority: ss. 93.07(1), 227.10 and 227.11, Stats.

Statute interpreted: 1983 Wis. Act 27, s. 2018(4), as affected by
1983 Wis. Act 208.

Section 2018 (4) of 1983 Wis. Act 27, as amended by 1983 Wis. Act 208, authorized the joint finance committee to approve under s. 13.10, Stats., proposals submitted by the governor to expend oil overcharge funds received from the federal government. These funds were derived from the settlement of a suit between the federal department of energy and the owners of low production oil wells regarding price controls on the crude oil produced by the wells. The federal court which oversaw the disbursement of the funds required the receiving states to use the funds for restitutionary energy-related programs designed to benefit consumers of petroleum products.

The sustainable agriculture demonstration grant program is one of the programs approved by the joint finance committee for the purpose of expending the oil overcharge funds. The program is intended to fund projects which encourage, through demonstration and publication, the widespread adoption of agriculture methods, practices and systems which attempt to use and maintain local, renewable resources and minimize the need for energy inputs and other purchased nonrenewable inputs. The department of agriculture, trade and consumer protection is primarily responsible for the administration of the sustainable agriculture grant program.

This rule establishes procedural requirements for administration of the sustainable agriculture demonstration grant program by the department. The department may provide grants to fund projects which demonstrate and publicize the energy

efficiency, environmental benefit and profitability of sustainable agriculture. Total funding for a single project under this chapter, except in limited cases, may not exceed \$50,000. The department may not award a grant under this chapter unless the grant is for a project conducted in Wisconsin.

An individual or organization may file an application for a sustainable agriculture demonstration grant during the open application period which occurs between July 1 and November 15 of each calendar year. Additional application periods may be scheduled at other times at the discretion of the department. The department must make its grant award decisions within 90 days after close of the application period. Each applicant awarded a grant must sign a contract with the department which obligates the grant recipient to use the funds for the intended purposes under the program and file periodic progress reports.

1 SECTION 1. Chapter Ag 159 is created to read:

2 Chapter Ag 159

3 SUSTAINABLE AGRICULTURE DEMONSTRATION PROGRAM

4 Ag 159.01 PURPOSE. This chapter establishes requirements for
5 administration of the sustainable agriculture demonstration grant
6 program by the department.

8 Ag 159.02 DEFINITIONS. As used in this chapter:

9 (1) "Department" means the state of Wisconsin department of
10 agriculture, trade and consumer protection.

11 (2) "Individual" means a natural person.

12 (3) "Organization" means any public or private organization,
13 whether for-profit or not-for-profit, including any political
14 subdivision of the state of Wisconsin.

15 (4) "Sustainable agriculture" means an agricultural method,
16 practice, or system which attempts to use and maintain renewable
17 local resources and minimize the need for energy inputs and other
18 purchased, nonrenewable inputs. Local resources may include
19 physical, biological and social resources.

1 Ag 159.03 GRANT REQUIREMENTS. (1) ALLOWABLE PURPOSE. The
2 department may award grants to individuals or organizations to fund
3 demonstration projects that will encourage the use of sustainable
4 agriculture.

5 (2) PROJECT LIMITATIONS. The department may not award a grant
6 to a project under this chapter unless all of the following
7 conditions are met:

8 (a) The grant is for a project conducted in this state.

9 (b) The project timetable schedules completion of the project
10 within three years from the scheduled beginning of the project.

11 (c) At least 25% of the total project funds awarded by the
12 department are to pay for direct costs of public information
13 activities.

14 (d) The total grant award does not exceed \$50,000 except that
15 the department may award a grant in excess of \$50,000 if all of the
16 following conditions are met:

17 1. All grant applications have been reviewed by the
18 department and all projects of \$50,000 or less which the department
19 determines should be granted awards have been funded.

20 2. Funding is available which is not restricted to grants of
21 \$50,000 or less.

22 3. At least 50% of the project cost over \$50,000 is paid by
23 funds that are not related to the grant.

24 Ag 159.04 USE OF GRANT FUNDS. (1) PERMITTED USES OF GRANT
25 FUNDS. Permitted uses for grant funds include the following:

26 (a) Operating expenses such as salaries and wages, consulting

1 and testing services, travel, supplies and materials, and public
2 information.

3 (b) Real estate rental payments.

4 (c) Equipment leases.

5 (d) Purchase of small or low cost equipment items which are
6 normally depreciated in one year.

7 (e) An amount equivalent to the annual depreciation in each
8 year of the grant which would be allowed under generally accepted
9 accounting principles for acquisitions of large capital equipment
10 having a depreciation schedule longer than 3 years.

11 (2) PROHIBITED USES OF GRANT FUNDS. Grant funds may not be
12 used for any of the following:

13 (a) Except as provided in subs. (1) (d), capital acquisitions
14 by the grant recipient such as the purchase of land, buildings or
15 machinery.

16 (b) Administrative overhead expense.

17 (c) Funding for business start-up costs or expansion.

18 (d) Business loan payments.

19 Ag 159.05 APPLICATION PROCEDURES. APPLICATION PERIODS. (1)

20 An individual or organization may file an application for a
21 sustainable agriculture demonstration grant between July 1 and
22 November 15 of each calendar year. Additional application periods
23 may be scheduled at other times at the discretion of the
24 department. The department shall give notice of each annual and
25 each additional application period by issuing a written request for
26 proposals. The department shall issue a press release announcing

1 the request for proposals, and shall mail a copy of the request to
2 all of the following persons:

- 3 (a) Every person on its program mailing list.
- 4 (b) Every county agriculture extension office.
- 5 (c) Every vocational technical and adult education district.
- 6 (d) The department of public instruction.

7 (2) APPLICATION FORMAT. To apply for a sustainable
8 agriculture demonstration grant, an applicant shall submit a
9 written proposal to the department. The required form of proposal
10 and all other application requirements and procedures shall be
11 prescribed by the department in its request for proposals under
12 sub. (1).

13 NOTE: A request for proposals may be obtained from the
14 DATCP Sustainable Agriculture Program, Agricultural
15 Resource Management Division, P.O. Box 7883, Madison,
16 Wisconsin 53707-7883.
17

18 (3) PROPOSAL REQUIREMENTS. In addition to any other
19 requirements prescribed by the department in its request for
20 proposal, a proposal for a sustainable agriculture demonstration
21 grant shall include all of the following:

- 22 (a) A cover page which includes:
 - 23 1. Name, address and telephone number of the applicant.
 - 24 2. Title or brief description of the project.
 - 25 3. Amount of funding requested.
 - 26 4. Duration of the proposed project.
 - 27 5. Name and address of the principal contact person.

28 (b) A description of the sustainable agriculture to be
29 demonstrated, showing how it will maintain or enhance

1 profitability, conserve energy and benefit the environment.

2 (c) A project summary describing the approach to be used in
3 demonstrating and promoting the sustainable agriculture.

4 (d) A work plan which identifies project tasks, a timetable
5 for completing the tasks, and the persons responsible for
6 completing the tasks.

7 (e) Names, addresses, occupations and project-related
8 qualifications of key personnel responsible for carrying out the
9 proposed project.

10 (f) A budget sheet containing line items for project costs by
11 expenditure category, including facilities and equipment,
12 consulting services, and personnel costs, subdivided by number and
13 type of employees and hourly wage.

14 (3) ADDITIONAL INFORMATION. After a proposal is received by
15 the department, the department may require the applicant to provide
16 additional information regarding the proposal which the department
17 deems necessary for its review.

18 Ag 159.06 APPLICATION REVIEW AND AWARD. (1) REVIEW PERIOD.
19 Within 90 days after the close of each application period, the
20 department shall make its grant award decisions.

21 (2) CONSULTANT REVIEW. The department shall review and rank
22 project proposals on a preliminary basis, based on the criteria
23 under sub. (4). The department may seek recommendations from
24 persons who have specialized knowledge, experience and education in
25 matters related to sustainable agriculture, and may ask those
26 persons to review and rank applications based on the criteria

1 listed in sub. (4).

2 (3) ADVISORY COUNCIL REVIEW. The department shall appoint up
3 to twelve individuals, none of whom are employees of the
4 department, to serve as members of a sustainable agriculture
5 advisory council. After the department has compiled its
6 preliminary ranking under sub. (2), the advisory council shall
7 review either a number of the highest ranked proposals which is
8 twice the number of projects that could be funded by available
9 funds if every project required \$50,000 in funds, or all of the
10 ranked proposals, whichever number is less. The advisory council
11 shall recommend to the department those applications which should
12 be awarded grants based on its application of the criteria listed
13 in sub. (4).

14 (4) AWARD CRITERIA. The department shall award grants for
15 sustainable agriculture demonstration projects after considering
16 the recommendations of the sustainable agriculture advisory council
17 and reviewing the grant applications. The department shall
18 consider all of the following criteria in its review of grant
19 applications:

20 (a) The feasibility and adequacy of the project plan.

21 (b) The effectiveness of the project in demonstrating and
22 publicizing the sustainable agriculture.

23 (c) The extent to which the sustainable agriculture can
24 maximize direct or indirect energy savings or production.

25 (d) The extent to which the sustainable agriculture
26 demonstrated by the project may produce a positive effect on the

1 environment.

2 (e) The extent to which the sustainable agriculture may
3 increase the overall profitability of an individual farm or other
4 agricultural operation.

5 (f) The number of farms or other agricultural operations that
6 would be able to adopt the sustainable agriculture demonstrated by
7 the project, and the extent to which the sustainable agriculture
8 would be immediately available to these operations.

9 Ag 159.07 CONTRACTS. (1) EXECUTED CONTRACT REQUIRED. A
10 grant recipient shall enter into a contract with the department
11 before any grant money is distributed to the recipient. No funding
12 commitment is final until the contract is signed by the secretary
13 of the department and the recipient.

14 (2) CONTRACT TERMS AND CONDITIONS. The contract shall
15 provide terms and conditions which reasonably ensure that the
16 recipient shall carry out the recipient's obligation with respect
17 to the grant. Terms and conditions shall include all of the
18 following:

19 (a) The recipient shall use the grant funds as provided in s.
20 Ag 159.04.

21 (b) The department may void the contract and seek return of
22 any funds released under the contract for failure by the recipient
23 to perform the recipient's obligations under the contract.

24 (c) Amendments to a contract may be made by written mutual
25 consent of the parties.

26 (d) Grant payments shall be made in installments according to

1 a payment schedule incorporated in the contract and shall be
2 conditioned upon the receipt of progress reports under s. 159.08.

3 Ag 159.08 REPORTING. Every contract under s. Ag 159.07 shall
4 set forth a schedule of progress reports and payments. A grant
5 recipient shall provide the department with periodic written
6 progress reports throughout the life of the contract. All
7 financial and program reports become the property of the department
8 and are open to public inspection.

9 SECTION 2. EFFECTIVE DATE. The rules contained in this order
10 shall take effect on the first day of the month following
11 publication in the Wisconsin administrative register, as provided
12 in s. 227.2(2)(intro.), Stats.

Dated this 19th day of April, 1991.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Nicholas J. Neher
Nicholas J. Neher
Administrator
Agricultural Resource
Management Division

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