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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** January 16, 2024

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### 2023 Senate Bill 409

### Senate Substitute Amendment 2

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2023 Senate Bill 409 requires the Department of Agriculture, Trade, and Consumer Protection (DATCP) to develop and maintain an online, interactive carbon calculator, which may be used by Wisconsin farmers to determine the carbon emissions produced directly and indirectly from their agricultural activities. The bill specifies that the calculator must allow users to input different factors, including a number of factors set forth in the bill.

The bill authorizes DATCP to contract with a third party to implement the bill. The bill requires DATCP and any contracted third party to keep confidential all information provided by calculator users and specifies that information provided by a user of the calculator, and a user's calculated emissions, are not subject to disclosure requirements under the Open Records Law.

## SENATE SUBSTITUTE AMENDMENT 2

Senate Substitute Amendment 2 modifies the bill as follows:

- Adds a new deadline of June 30, 2025, by which DATCP must complete the carbon calculator and make it available.
- Adds a new requirement that DATCP must submit a request to the Joint Committee on Finance for a transfer of a sufficient amount of funds from the environmental fund for the purpose of developing and maintaining the calculator, or for costs associated with contracting with a third party to develop and maintain the calculator.
- Clarifies that, if DATCP contracts with a third party to create the calculator, the contract must require that all input factors, calculations, processes, and formulas used in the calculator are transparent and easily accessible to DATCP and those who use the calculator.
- Specifies that DATCP, county conservation staff, and other government entities may not use information provided to the calculator, or a user's calculated carbon emissions, for any purpose, if the information is capable of identifying the farmer or the exact location of the relevant land.

## BILL HISTORY

Senator Cowles offered Senate Substitute Amendment 2 on January 8, 2024. On January 11, 2024, the Senate Committee on Agriculture and Tourism voted to recommend adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 8; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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