

# Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

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September 2007

## Welcome to PDPW's Capitol Link electronic newsletter!

We're working hard to keep you educated and informed about current issues affecting Wisconsin Agriculture and Agri-Business in a timely and effective way.

Thanks,  
PDPW

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## Federal Judge Suspends "No Match" Letters

*By Jordan Lamb*

The AFL-CIO, the nation's largest federation of labor unions filed a lawsuit against the U.S. government earlier this month claiming that the new Department of Homeland Security rules with regard to social security "no-match" threaten to violate workers' rights and unfairly burden employers.

In response, a federal judge granted a temporary restraining order against the Social Security Administration, prohibiting them from sending out the immigration "no-match" letters to employers, which were expected to begin going out this month. This ruling temporarily prohibits the government from enforcing the new rules, which were scheduled to take effect on Sept. 14, 2007. The judge indicated that the court needs more time to evaluate the legality of the rules. The next hearing is set for October 1, 2007.

As was reported in the last issue of *Capitol Link*, on August 10, 2007, the U.S. Department of Homeland Security issued a final rule establishing a safe harbor for employers who receive Social Security no-match letters. The Social Security Administration has sent out "no-match" letters for over 20 years, warning employers about potential discrepancies in the information the government has regarding their workers. However, employers have seldom taken those letters very seriously because only small fines were occasionally incurred. However, the new rules impose strict requirements on employers with regard to how they must resolve social security number discrepancies within 90 days or face fines or criminal prosecution.

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## Wisconsin Supreme Court Hears Stray Voltage Cases

*By Tom Theiding, Executive Director, Public Relations  
Wisconsin Farm Bureau Federation*

On September 11, the Wisconsin Supreme Court heard oral arguments in two cases involving stray voltage lawsuits brought by dairy producers against Northern States Power (NSP), now known as Xcel Energy.

In the *Gumz v. Northern States Power* case, NSP was seeking to overturn a jury decision and Appeals Court ruling that upheld an award of damages and application of statute of limitations for damages to Marathon County dairy farmers Grace, James, Michael and Susan Gumz from problems associated with stray voltage.

In the *Schmidt v. NPS* case, NSP was seeking to overturn lower court rulings that said the utility was not protected from liability by their filed rate doctrine and the “level of concern” accepted by the Public Service Commission and also the application of statute of limitations for damages. The lawsuit was filed by Clark County farmers, Ralph and Karline Schmidt, and Marathon County farmers, August and Joanne Heeg.

The Supreme Court is expected to make its decision on both cases before Christmas.

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## Development of Great Lakes Compact Legislation

*By Jordan Lamb*

The Wisconsin legislature is currently developing legislation to both ratify and implement the Great Lakes—St. Lawrence River Basin Water Resources Compact, which was approved by Governor Doyle, the other seven Great Lakes governors, and the provinces of Quebec and Ontario, in December of 2005.

The Compact details how the Great Lakes States will manage and protect water in the Great Lakes Basin and also provides a framework for each State to enact laws to establish this protection. This is particularly important to the residents and businesses in the State of Wisconsin because more than one third of Wisconsin’s land mass lies within the Basin and more than two thirds of its population resides in that area.

In the fall of 2006, the Joint Legislative Council created a Special Study Committee on the Great Lakes Water Resources Compact to develop the legislation needed to ratify and implement the Compact. On September 10<sup>th</sup>, the chair of the Committee, Senator Neal Kedzie (R-Elkhorn) adjourned the committee after no consensus on a legislative recommendation could be reached. Nonetheless, it is expected that the Legislature will continue to work on developing Compact legislation this fall.

The Compact generally does the following:

- Bans new diversions of water from the Basin. Limited exceptions may be allowed, such as for public water supply purposes in communities near the Basin, but exceptions are strictly regulated.
- Requires States to use a consistent standard to review proposed uses of Basin water. This is referred to as the “decision-making standard” and is contained within the text of the Compact itself.
- Requires the collection of technical data regarding water withdrawals and requires States and Provinces to share this information.
- Creates a regional Council to oversee the implementation of the Compact across the Basin. This Council is given broad rulemaking authority.

- Requires the development of regional goals and objectives for water conservation and efficiency. These goals and objectives will be reviewed by the Council every five years.

Each of the eight State legislatures must ratify identical versions of this interstate Compact before it can become effective. Each state may also enact legislation to *implement* the Compact, but that implementing legislation may not make material changes to, or be inconsistent with, the terms of the Compact. In addition, Congress must approve the Compact. After the Compact is adopted by all eight states and ratified by Congress, it will become effective.

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## Capitol Link Details

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