

1987 Senate Bill 271

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1987 Wisconsin Act 175

AN ACT to amend 32.035 (1) (b) and 100.30 (2m) of the statutes, relating to revising the definition of "farm operation" and a correction in cross-references to definitions (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of agriculture, trade and consumer protection, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats.

After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 32.035 (1) (b) of the statutes is amended to read:

32.035 (1) (b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (1), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

NOTE: This amendment makes the definition of "farm operation" and the use of that term under the agricultural impact statement program consistent with the definition of "agricultural use" under the farmland preservation program. The problem with the current definition is that "agricultural commodity" is not defined in ch. 32, stats. It is defined in ch. 96, stats., under the agricultural marketing act, but that definition is not consistent with the ch. 91, stats., definition of "agricultural use", because it does not include timber and wood products.

In the absence of a ch. 32, stats., definition of "agricultural commodity", the department has interpreted that term consistent with the ch. 91, stats., definition of "agricultural use", because the purposes of the farmland preservation and agricultural impact statement programs are both the protection of farmland. This amendment will not result in a change in the current program administration, as the department now requires an agricultural impact statement when forest or woodland is condemned.

SECTION 2. 100.30 (2m) of the statutes is amended to read:

100.30 (2m) **DEFINITIONS; CONSTRUCTION.** (a) When one or more items of merchandise are furnished or sold in combination with or on condition of the purchase of one or more other items, or are so advertised, all items shall be included in determining cost under sub. (1) (2) (a) or (c); and if any of the items included therein are separately priced, such separate price shall be subject to the requirements of this section.

(b) Any retailer who also sells to other retailers shall use the invoice cost to other retailers in computing the selling price at retail under sub. (1) (2) (a); and if that retailer is a manufacturer or producer, both sub. (1) (2) (a) and (c) shall be used in computing the selling price at retail. In the absence of sales to other retailers, the manufacturer's or producer's invoice cost to wholesalers shall be used in computing the manufacturer's or producer's selling price at retail as provided in sub. (1) (2) (a) and (c).

NOTE: Section 100.30 (2m), stats., was renumbered by 1983 Wisconsin Act 189. The cross-references were amended incorrectly in that act. This amendment corrects the cross-references.