



## 2011 SENATE BILL 497

February 21, 2012 – Introduced by Senators SCHULTZ and HOLPERIN, cosponsored by Representatives NERISON, CLARK, VRUWINK, A. OTT and TRANEL. Referred to Committee on Agriculture, Forestry, and Higher Education.

1     **AN ACT** *to repeal* 91.02 (2) (o) and 91.84 (2); *to amend* 91.84 (1) (a), 91.84 (4) and  
2           91.84 (5); and *to create* 91.84 (1m) and 91.84 (2m) of the statutes; **relating to:**  
3           designation, modification, and termination of agricultural enterprise areas.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers the Farmland Preservation Program, which contains some of the requirements that a farmer must meet to qualify for the farmland preservation tax credit. Under current law, one requirement for qualifying for the tax credit is that the farmland must either be in a farmland preservation zoning district or be covered by a farmland preservation agreement executed by DATCP. Current law prohibits DATCP from entering into new farmland preservation agreements unless the farmland is in an agricultural enterprise area targeted for agricultural preservation and development. Under current law, DATCP designates agricultural enterprise areas by rule. The law allows DATCP to use emergency rule-making procedures to designate agricultural enterprise areas.

Under this bill, DATCP designates agricultural enterprise areas by order, rather than by rule.

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

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1           **SECTION 1.** 91.02 (2) (o) of the statutes is repealed.

2           **SECTION 2.** 91.84 (1) (a) of the statutes is amended to read:

3           91.84 (1) (a) 1. The department may by ~~rule~~ order designate agricultural  
4 enterprise areas targeted for agricultural preservation and development.

5           2. The department may by ~~rule~~ order modify or terminate the designation of  
6 an agricultural enterprise area.

7           **SECTION 3.** 91.84 (1m) of the statutes is created to read:

8           91.84 (1m) PUBLICATION OF ORDER. The department shall publish a notice of an  
9 order designating, modifying, or terminating an agricultural enterprise area,  
10 including a general description of the towns affected by the order, in the official state  
11 newspaper.

12           **SECTION 4.** 91.84 (2) of the statutes is repealed.

13           **SECTION 5.** 91.84 (2m) of the statutes is created to read:

14           91.84 (2m) EFFECTIVENESS OF PRIOR DESIGNATIONS. A rule designating an  
15 agricultural enterprise area under s. 91.84 (2), 2009 stats., remains in effect until  
16 December 31, 2012.

17           **SECTION 6.** 91.84 (4) of the statutes is amended to read:

18           91.84 (4) MAP. In ~~a rule~~ an order designating an agricultural enterprise area,  
19 the department shall include a map that clearly shows the boundaries of the  
20 proposed agricultural enterprise area so that a reader can easily determine whether  
21 a parcel of land is located within the agricultural enterprise area. The department  
22 shall make the map available on its Internet site.

23           **SECTION 7.** 91.84 (5) of the statutes is amended to read:

24           91.84 (5) EFFECTIVE DATE OF DESIGNATION ORDERS. The designation of an  
25 agricultural enterprise area takes effect on January 1 of the calendar year following

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1 the year in which the rule order designating the area is published, unless the rule  
2 order specifies a later effective date. An order modifying or terminating the  
3 designation of an agricultural enterprise area takes effect upon publication under  
4 sub. (1m).

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(END)