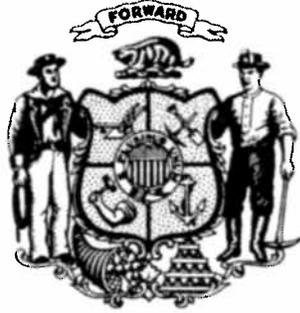


# State of Wisconsin



2011 Senate Bill 497

Date of enactment: April 6, 2012  
Date of publication\*: April 19, 2012

## 2011 WISCONSIN ACT 253

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

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

**SECTION 1.** 91.02 (2) (o) of the statutes is repealed.

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

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

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

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

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

**SECTION 4.** 91.84 (2) of the statutes is repealed.

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

91.84 (2m) EFFECTIVENESS OF PRIOR DESIGNATIONS. A rule designating an agricultural enterprise area under

s. 91.84 (2), 2009 stats., remains in effect until December 31, 2012.

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

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

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

91.84 (5) EFFECTIVE DATE OF DESIGNATION ORDERS. The designation of an agricultural enterprise area takes effect on January 1 of the calendar year following the year in which the rule order designating the area is published, unless the rule order specifies a later effective date. An order modifying or terminating the designation of an agricultural enterprise area takes effect upon publication under sub. (1m).

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SENATE BILL 497 (LRB -3684)

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

2012

02-21. S. Introduced by Senators **Schultz** and **Holperin**; cosponsored by Representatives **Nerison**, **Clark**, **Vruwink**, **A. Ott** and **Tranel**.

02-21. S. Read first time and referred to committee on Agriculture, Forestry, and Higher Education ..... 722

02-22. S. Representative Spanbauer added as a cosponsor ..... 733

02-23. S. Public hearing held.

02-24. S. Report passage recommended by committee on Agriculture, Forestry, and Higher Education, Ayes 7, Noes 0 ..... 739

02-24. S. Available for scheduling.

03-05. S. Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0 ..... 756

03-05. S. Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0 ..... 756

03-05. S. Placed on calendar 3-6-2012 pursuant to Senate Rule 18(1) ..... 756

03-06. S. Read a second time ..... 769

03-06. S. Ordered to a third reading ..... 769

03-06. S. Rules suspended ..... 769

03-06. S. Read a third time and **passed**, Ayes 33, Noes 0 ..... 769

03-06. S. Ordered immediately messaged ..... 770

03-06. A. Received from Senate ..... 876

03-06. A. Read first time and referred to committee on Rules ..... 879

03-06. A. Made a special order of business at 11:36 A.M. on 3-13-2012 pursuant to Assembly Resolution 22 ..... 895

03-13. A. Read a second time.

03-13. A. Ordered to a third reading.

03-13. A. Rules suspended.

03-13. A. Read a third time and **concurred in**.

03-13. A. Ordered immediately messaged.

03-13. S. Received from Assembly concurred in.

SB

**2011**  
**ENROLLED BILL**

11en S B-497

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

11 - 3684 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-14-12  
Date

J R Miller  
Enrolling Drafter



## 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:***

**SENATE BILL 497**

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

**SENATE BILL 497**

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).

5

(END)