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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 892**

**Senate  
Amendment 1**

### 2023 SENATE BILL 892

2023 Senate Bill 892 prohibits counties and municipalities from taking certain actions to regulate commercial animal operations in areas that are zoned exclusively or primarily for agricultural use. Specifically, the bill prohibits local regulations that: (1) establish animal welfare standards that are more stringent than those under state law<sup>1</sup>; (2) require or prohibit medications or vaccinations that are not required or prohibited under relevant state law; (3) limit the use to which any animal may be put while in the facility or after it leaves the facility, except as otherwise provided in state law; or (4) limit the species of animals that may be raised or kept.

The bill provides two exceptions to those general prohibitions. Under the bill, the prohibitions do not apply if: (1) the regulated activity presents a substantial threat to public health or safety; or (2) the local regulation is otherwise specifically authorized.

The bill also specifies that the bill shall not be construed as limiting county or municipal authority to enforce: ch. 173, Stats., relating to animals and humane officers; county zoning ordinances; ch. 174, Stats., relating to dogs; or state law relating to animal feeding operations.

### SENATE AMENDMENT 1

Senate Amendment 1 makes several changes in the section of the bill relating to how the bill shall be construed. First, the amendment specifies that the bill shall not be construed as limiting local authority to enforce municipal zoning ordinances, whereas the bill provides that specification only for county zoning ordinances.

Second, the amendment specifies that the bill shall not be construed as limiting local zoning authority or power, in general, rather than only specifying that the bill does not limit the enforcement of local zoning ordinances.

Finally the amendment replaces the phrase “animal feeding operations” with the term “livestock facilities,” which is defined in the state [livestock facility siting law](#).<sup>2</sup>

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<sup>1</sup> The bill specifically prohibits local standards that are more stringent than the conduct prohibited under ss. 951.13 and 951.14, Stats., or under the Department of Agriculture, Trade, and Consumer Protection’s administrative rules. Sections 951.13 and 951.14, Stats., provide criminal penalties for failing to provide proper food and drink to confined animals and for failing to provide proper shelter to animals.

<sup>2</sup> For purposes of the livestock facility siting law, “livestock facility” means “a feedlot or facility, other than a pasture, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.” The definition excludes aquaculture facilities. [s. 93.90 (1m) (e), Stats.] The term “animal feeding operation” is generally defined in administrative rules to mean “a lot or facility, other than a pasture or grazing area, where animals have been, are or will be stabled or confined, and will be

The amendment has the effect of making the bill identical to 2023 Assembly bill 957, as amended and passed by the Assembly.

## **BILL HISTORY**

Senator Quinn offered Senate Amendment 1 on March 4, 2024. On March 6, 2024, the Senate Committee on Financial Institutions and Sporting Heritage voted by mail ballot to recommend adoption of the amendment on a vote of Ayes, 5; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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

AH:jal