



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 79**

February 28, 1995 – Offered by Representative ALBERS.

1 **AN ACT to amend** 704.19 (title) and (1) (b), 704.40 (2) (a), 708.02 and 799.40 (3);  
2 and **to create** 704.20 of the statutes; **relating to:** termination of certain farm  
3 tenancies and granting rule-making authority.

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

4 **SECTION 1.** 704.19 (title) and (1) (b) of the statutes are amended to read:

5 **704.19** (title) **Notice necessary to terminate periodic tenancies and**  
6 **nonagricultural tenancies at will.**

7 **(1)** (b) A tenancy at will, except a tenancy at will in regard to agricultural  
8 property, as defined in s. 704.20 (1).

9 **SECTION 2.** 704.20 of the statutes is created to read:

10 **704.20 Termination of agricultural tenancies at will. (1) DEFINITION.** In  
11 this section, “agricultural property” means real property that is devoted to  
12 agricultural use, as defined in s. 91.01 (1), and principal residences located on that  
13 property.

1           **(2) TERMINATION DATE.** Except as provided in sub. (3) (b) or (4), leases for  
2 agricultural property that do not specify a termination date terminate on March 1.

3           **(3) NOTICE.** (a) Each person who leases agricultural property as a landlord or  
4 tenant, if the lease does not specify a termination date, shall provide notice to the  
5 other party to the lease of the applicable termination date under sub. (2) or (4) in one  
6 of the following ways:

7           1. By delivering the notice on or before the October 1 before the termination  
8 date and securing written acknowledgment that the other party has received the  
9 notice.

10          2. By serving the notice personally to the other party on or before the October  
11 1 before the termination date.

12          3. If service under subd. 2. has been attempted without success, by publishing  
13 a class 3 notice under ch. 985 in a newspaper published in the county where the land  
14 is located, if the notice is complete on or before the November 1 before the termination  
15 date.

16          4. By mailing the notice by certified mail on or before the October 1 before the  
17 termination date.

18          (b) If a landlord or tenant does not provide notice under par. (a), the tenancy  
19 does not terminate on the applicable date under sub. (2) or (4).

20          **(4) PERENNIAL CROPS.** (a) If agricultural property is used to grow a perennial  
21 crop and notice under sub. (3) or (5) is given to the tenant, the lease terminates on  
22 May 10 of the 2nd calendar year after the year during which the notice was given,  
23 unless a different date is established under par. (b).

1 (b) The department of agriculture, trade and consumer protection may, by rule,  
2 establish different lease termination dates for particular perennial crops, if another  
3 date would benefit both landlords and tenants.

4 **(5) CHANGE OF OWNERSHIP BETWEEN NOTICE AND TERMINATION DATES.** If  
5 agricultural property subject to a lease that does not specify a termination date is  
6 sold or otherwise transferred after October 1 and notice has not previously been  
7 given to the tenant under sub. (3), the successor landlord may, notwithstanding sub.  
8 (3) (b), give notice of termination effective on the applicable date under sub. (2) or (4)  
9 by doing all of the following:

10 (a) Providing notice of termination no later than February 1, using one of the  
11 methods specified in sub. (3) (a).

12 (b) Prior to March 1, reimbursing the tenant being terminated for all  
13 expenditures and tillage activity previously made or done in anticipation of the next  
14 crop year, if the termination was effective on March 1.

15 **SECTION 3.** 704.40 (2) (a) of the statutes is amended to read:

16 704.40 (2) (a) If the occupant has no lease for a term, upon terminating the  
17 occupant's tenancy by giving notice as provided in s. 704.19; or 704.20.

18 **SECTION 4.** 708.02 of the statutes is amended to read:

19 **708.02 Foreclosure; effect in lease.** If property, other than agricultural  
20 property, as defined in s. 704.20 (1), that is subject to a lien created by a mortgage  
21 or land contract is leased after the lien has attached, the lease is subject to  
22 termination at the time the interest of the lienor is terminated. After the termination  
23 of a lien, a lessee of agricultural property, as defined in s. 704.20 (1), shall make the  
24 lease payments to the holder of the title, and the lease remains subject to s. 704.20.

25 **SECTION 5.** 799.40 (3) of the statutes is amended to read:

