

2013-2014 Wisconsin Legislative Session Ends & Three Additional Agriculture Bills Signed Into Law

Article By:

Government and Regulatory Law Group Michael Best

On April 1, 2014, the Wisconsin Legislature concluded their work for the 2013-2014 session. In the March 24, 2014, client alert the final outcome on several key legislative bills of interest to the agriculture industry were highlighted that included tax reforms, electrician licensure, high capacity wells, raw milk and genetically modified organism package labels. This alert serves as a follow-up and provides a legislative update on three key outstanding bills that addressed phosphorus discharge in public waters, agricultural equipment use on public roads and agricultural tourism liability.

Ag Bills Signed Into Law

Phosphorus Reform: On April 23, 2014, Governor Walker signed phosphorus reform bill (SB 547) into law as 2013 Wisconsin Act 378. The new law establishes the basis for the creation of a multi-discharger variance for point sources that struggle to meet Wisconsin's stringent numeric phosphorus water quality criteria. The new law offers businesses an alternative, more cost-effective means to reduce phosphorus discharge in public waters, and it aims to lower costs to water utility ratepayers. See the [article in this Newsletter](#) for a full discussion of this new law and its impact on the agribusiness, food and beverage industries.

Implements of Husbandry: On April 23, 2014, Governor Walker signed the Implements of Husbandry bill (SB 509) into law as 2013 Wisconsin Act 377. As discussed in the March 24, 2014 client alert the agriculture industry utilizes a variety of equipment in its daily operations, and although the equipment is designed for use in the field, sometimes the equipment must travel on public roads. As equipment has modernized over the years, it has grown larger and heavier which has at times strained the capacity of local roads to carry the additional weight. The new law aims to address the need for farm equipment to operate on roads legally and safely and still protect the local infrastructure. See the [article in this Newsletter](#) a summary of how this new law will impact agricultural vehicles traveling on public roads.

Ag-Tourism Limited Liability: On April 16, 2014, Governor Walker signed the ag-tourism limited liability bill (AB 746) into law as 2013 Wisconsin Act 269. Today, more and more consumers want to know where agricultural products come from, and as a result Wisconsin farms continue to be growing tourist attractions. The ag-tourism bill was spearheaded by the Agriculture Tourism Association whose members expressed concern about the inherent risks of being on a farm and being sued by

those who visit their farm property to engage in agricultural tourism activities.

To address potential liability concerns, the new law provides immunity from liability for agricultural tourism providers in two ways. First, the new law provides that agricultural tourism activities are “recreational activities” under recreational immunity laws. The new law defines an “agricultural tourism activity” to mean “an educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry that occurs on the farm, ranch, grove, or other place.” Second, the new law exempts an “agricultural tourism provider” from liability for the death or injury to a participant in an agricultural tourism activity if two conditions are met: 1) the death or injury occurs as a result of a risk inherent in the agricultural tourism activity; and 2) the agricultural tourism provider posts and maintains at each entrance to the property or at the location of each agricultural tourism activity, a sign that contains a notice concerning the risk inherent in the agricultural tourism activity. The new law defines “agricultural tourism provider” as a person who operates, provides, or demonstrates an agricultural tourism activity. The new law withholds the exemption from civil liability from an agricultural tourism provider if the agricultural tourism provider acts with willful or wanton disregard for the safety of the participant, or the the provider intentionally causes the participant’s injury or death.

The Wisconsin Agricultural Tourism Association has indicated they will manufacture the compliance signs for ag-tourism locations throughout Wisconsin.

Up Next

Now that the 2013-2014 Legislative Session has concluded, the focus will turn to campaign activity leading up to the general election that will be held on November 4, 2014. In Wisconsin, the 2014 election ballot will include candidates in the race for Governor, Attorney General, all 99 Assembly seats and 17 of the 33 Senate seats. The next 2015-2016 Legislative Session will begin in January 2015.

©2025 MICHAEL BEST & FRIEDRICH LLP

National Law Review, Volume IV, Number 143

Source URL: <https://natlawreview.com/article/2013-2014-wisconsin-legislative-session-ends-three-additional-agriculture-bills-sign>