



## 2009 SENATE BILL 623

March 15, 2010 – Introduced by Senators KREITLOW, VINEHOUT, HOLPERIN, LASSA and TAYLOR, cosponsored by Representatives DANOU, SMITH and PETROWSKI. Referred to Committee on Agriculture and Higher Education.

1     **AN ACT relating to:** processing certain applications for farmland preservation  
2             agreements.

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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. The Farmland Preservation Program includes farmland preservation planning, farmland preservation zoning, farmland preservation agreements, and soil and water conservation requirements. Under current law, for a farmer to qualify for the farmland preservation tax credit, the farm must be in a farmland preservation zoning district or be covered by a farmland preservation agreement executed by DATCP. A farmland preservation agreement generally requires a farmer to keep the land covered by the agreement in agricultural use for the term of the agreement.

The 2009–11 biennial budget act, 2009 Wisconsin Act 28, made numerous changes in the Farmland Preservation Program. The changes took effect on July 1, 2009. Current law, as modified by that act, prohibits DATCP from entering into a new farmland preservation agreement unless the land to be covered by the agreement is in an agricultural enterprise area, designated by DATCP. DATCP may only designate an area if it receives a petition requesting the designation filed by each political subdivision in which any part of the area is located and by the owners of at least five farms that would be eligible for coverage by farmland preservation agreements. As of December 1, 2009, DATCP had not designated any agricultural enterprise areas.

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This bill requires DATCP to process applications for farmland preservation agreements that were submitted before July 1, 2009, using the laws that were in effect before that date. The requirement that covered land be in an agricultural enterprise area would, therefore, not apply to these applications.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1. Nonstatutory provisions.**

(1) PROCESSING APPLICATIONS FOR FARMLAND PRESERVATION AGREEMENTS.

Notwithstanding the repeal and recreation of chapter 91 of the statutes by 2009 Wisconsin Act 28, the department of agriculture, trade and consumer protection shall process an application for a farmland preservation agreement in accordance with chapter 91, 2007 stats., if the application was submitted to the county clerk under section 91.13 (1), 2007 stats., no earlier than January 1, 2008, and no later than June 30, 2009, and if processing of the application was not completed before July 1, 2009. Section 91.60 (3) of the statutes, as affected by 2009 Wisconsin Act 28, applies to a farmland preservation agreement entered into under this subsection as though the farmland preservation agreement had been entered into before July 1, 2009.

(END)