

1983 Assembly Bill 1130

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## 1983 Wisconsin Act 311

AN ACT to amend 71.09 (11) (a) 3, 91.13 (2) and (8) (c), 91.15, 91.19 (10) and (12) and 91.77 (2); and to create 91.75 (7) of the statutes, relating to miscellaneous changes affecting farmland preservation regulation.

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

SECTION 1. 71.09 (11) (a) 3 of the statutes is amended to read:

71.09 (11) (a) 3. "Farmland" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household ~~at the close of~~ during the income year for which a credit under this subsection is claimed ~~which if the farmland,~~ during that year, produced not less than \$6,000 in gross farm profits resulting from the farmland's agricultural use, as defined in s. 91.01 (1), ~~or which if the farmland,~~ during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits.

SECTION 2. 91.13 (2) and (8) (c) of the statutes are amended to read:

91.13 (2) Upon receipt of the application, the county clerk shall forward the application to the local governing body having jurisdiction, if not the county, and shall send written notification to the department, county planning and zoning agency, the regional planning commission and the county land conservation committee. If the county has jurisdiction, the clerk shall also notify the board of the town in which the land is situated. If the land is within the boundaries of an incorporated municipality or is within the extraterritorial zoning jurisdiction of any municipality under s. 62.23 (7a), the clerk shall send written notification to the governing body of the city or village.

(8) (c) A structure or improvement made as an incident to a scenic, access or utility easement or license or a lease for oil and natural gas exploration and extraction shall be deemed consistent with agricultural use under pars. (a) and (b).

SECTION 3. 91.15 of the statutes is amended to read:

**91.15 Exemption from special assessments.** A city, village, town, county or other governmental agency may not impose special assessments for sanitary sewers, water, lights or nonfarm drainage on land zoned for exclusively agricultural use under subch. V or for which a farmland preservation agreement under this subchapter has been recorded ~~except as to a dwelling or a nonfarm structure located on the land~~ unless the assessments were imposed prior to the recording of the agreement or prior to zoning of the land for exclusively agricultural use under subch. V. Land covered by this exemption shall be denied use of an improvement created by the special assessment as long as the owner of the land has a recorded agreement under this subchapter or the land is zoned for exclusively agricultural use under subch. V, unless the owner has paid the amount that would have been paid had the land not been excluded.

SECTION 4. 91.19 (10) and (12) of the statutes are amended to read:

91.19 (10) The lien may be paid and discharged at any time and shall become payable to the state by the owner of record at the time the land or any portion of it is sold by the owner of record or if the land is converted to a use prohibited by the former farmland preservation agreement. Upon reentry in an agreement under this subchapter or upon zoning for exclusively agricultural use under an ordinance certified under subch. V, the portion of the lien on the land reentered or so zoned shall be discharged. The discharge of a lien does not affect the calculation of any subsequent lien under sub. (7) or (8). The proceeds from the payment shall be paid into the general fund.

(12) No lien shall may be filed under sub. (7) or (8), on the date of relinquishment or termination, for tax credits paid on lands or any portion ~~thereof of them~~ which are zoned for exclusively agricultural use under an ordinance certified under subch. V.

SECTION 5. 91.75 (7) of the statutes is created to read:

91.75 (7) A structure or improvement made as an incident to a lease for oil and natural gas exploration and extraction is deemed consistent with agricultural uses under sub. (3) and may be permitted as a special exception or conditional use under sub. (5).

SECTION 6. 91.77 (2) of the statutes is amended to read:

91.77 (2) Land which is rezoned under this section shall be subject to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under s. 91.19 (8) to (10) shall be paid by the governmental unit initiating the action.

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