



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 743**

April 15, 2010 – Offered by Representative DANOU.

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

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.

This substitute amendment requires DATCP to contact each person who submitted an application for a farmland preservation agreement between January 1, 2008, and June 30, 2009, if the processing of the application was not completed before July 1, 2009, to determine whether the person still wishes to enter into a farmland preservation agreement. If a person responds to DATCP within 90 days indicating that he or she does still wish to enter into an agreement, DATCP must process the application under the farmland preservation law that was in effect before July 1, 2009, except that the term of a farmland preservation agreement under this substitute amendment is limited to ten years, rather than between 10 and 25 years as under former law. The requirement that covered land be in an agricultural enterprise area does not apply to these applications.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) PROCESSING APPLICATIONS FOR FARMLAND PRESERVATION AGREEMENTS.

3 (a) Notwithstanding the repeal and recreation of chapter 91 of the statutes by
4 2009 Wisconsin Act 28 and subject to paragraphs (b) and (c), the department of
5 agriculture, trade and consumer protection shall process an application for a
6 farmland preservation agreement in accordance with chapter 91, 2007 stats., if the
7 application was submitted to the county clerk under section 91.13 (1), 2007 stats.,
8 no earlier than January 1, 2008, and no later than June 30, 2009, and if processing
9 of the application was not completed before July 1, 2009. Section 91.60 (3) of the
10 statutes, as affected by 2009 Wisconsin Act 28, applies to a farmland preservation
11 agreement entered into under this subsection as though the farmland preservation
12 agreement had been entered into before July 1, 2009.

13 (b) The department of agriculture, trade and consumer protection shall send
14 a letter by certified mail to each person who submitted an application to which

1 paragraph (a) applies stating that, if the person still wishes to enter into a farmland
2 preservation agreement, the person must notify the department within 90 days. If,
3 on or before the 90th day after the day on which a person receives a letter under this
4 paragraph, the person does not notify the department that the person still wishes to
5 enter into a farmland preservation agreement, the department may not enter into
6 a farmland preservation agreement with the person.

7 (c) A farmland preservation agreement entered into under this subsection
8 expires 10 years from the day on which the application was submitted to the county
9 clerk.

10 (END)