

**AGENDA ITEM #3**

**RESOLUTION NO. 2023-XXX**

**MAY XX, 2023**

**RESOLUTION BY THE RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE TO ACCEPT A GRANT FROM THE SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION FOR ENVIRONMENTAL AND RECREATIONAL IMPROVEMENTS AT THE JOHN MARGIS JR WILDLIFE AREA**

**TO THE HONORABLE MEMBERS of the Racine County Board of Supervisors:**

**WHEREAS**, the Southeastern Wisconsin Fox River Commission (SEWFRC) was established in 1997 by Wisconsin Act 27 to carry out measures to improve water resource conditions within the Fox River Watershed; and

**WHEREAS**, the SEWFRC implementation plan supports efforts to control erosion and improve public access to waters of the State; and

**WHEREAS**, SEWFRC receives an annual appropriation from the State of Wisconsin to support projects and educational efforts to be conducted within the Fox River Watershed; and

**WHEREAS**, Racine County applied for a grant of \$25,000 to implement the restoration efforts at the John Margis Jr Wildlife Area; and

**NOW, THEREFORE, BE IT RESOLVED** that the Racine County Board of Supervisors hereby accepts the contract between the Southeastern Wisconsin Fox River Commission and Racine County to implement restoration at the John Margis Jr Wildlife Area.

Respectfully submitted,

1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_

**LAND AND WATER CONSERVATION COMMITTEE**

**BOARD ACTION**  
Adopted \_\_\_\_\_  
For \_\_\_\_\_  
Against \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Monte Osterman, Chairman

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Robert D. Grove, Vice-Chairman

**VOTE REQUIRED: MAJORITY**

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Jason Eckman

Prepared by:  
Land & Water Conservation

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Tom Hincz

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Taylor Wishau

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Greg Horeth

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Tom Rutkowski

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2 Page Two

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5 **The foregoing resolution adopted by the County Board of Supervisors of Racine County,**  
6 **Wisconsin, is hereby:**

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8 **Approved:** \_\_\_\_\_

9 **Vetoed:** \_\_\_\_\_

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11 **Date:** \_\_\_\_\_,

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**Jonathan Delagrave, County Executive**

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2 **AGENDA ITEM #4**

3 **XX, XX, 2023**

4 **RESOLUTION NO. 202X-XX**

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6 **RESOLUTION BY [COMMITTEE/INDIVIDUAL] REQUESTING THE STATE OF WISCONSIN**  
7 **REVIEW AND REVISE ITS POLICY ON FOREIGN OWNERSHIP OF FARMLAND**

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9 To the Honorable Members of the Racine County Board of Supervisors:

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11 **WHEREAS**, Wisconsin state law contains certain limitations on the purchase of property;  
12 and

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14 **WHEREAS**, subject to statutory exceptions, Wis. Stat. § 710.02(1) provides that “aliens not  
15 residents of a state of the United States”, “[c]orporations not created under the laws of the United  
16 States or a state of the United States”, “[c]orporations, limited liability companies, partnerships or  
17 associations having more than 20 percent of their stock securities or other indicia of ownership held  
18 or owned by persons under par. (a) or (b)”; and “[t]rusts having more than 20 percent of the value of  
19 their assets held for the benefit of persons under par. (a) or (b)” “may not acquire, own or hold any  
20 interest, directly or indirectly, except an interest used to secure repayment of a debt incurred in  
21 good faith, in more than 640 acres of land” in the State of Wisconsin; and

22  
23 **WHEREAS**, pursuant to Wis. Stat. § 710.02(2)(b), the limitations contained in Wis. Stat. §  
24 710.02(2) do not apply to “[c]itizens, foreign governments or subjects of a foreign government  
25 whose rights to hold larger quantities of land are secured by treaty”; and

26  
27 **WHEREAS**, the earliest version of Wis. Stat. § 710.02 was enacted in 1887<sup>1</sup>. Wis. Stat. §  
28 710.02 was most recently amended in 2013<sup>2</sup>; and

29  
30 **WHEREAS**, the General Agreement on Trade in Services (GATS) Treaty is a treaty of the  
31 World Trade Organization (WTO) that entered into force in 1995. The Treaty objectives include  
32 creating a credible and reliable system of international trade rules, ensuring fair and equitable  
33 treatment of all participants, stimulating economic activity through guaranteed policy bindings, and  
34 promoting trade and development through progressive liberalization; and

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36 **WHEREAS**, all members of the WTO, including the United States, are members of the  
37 GATS Treaty; and

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39 **WHEREAS**, in 2014, the Wisconsin Attorney General opined that “the treaty exception in  
40 Wis. Stat. § 710.02(2)(b) applies to GATS members, their services, and their service suppliers<sup>3</sup>; and

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43 **WHEREAS**, the Wisconsin Attorney General further concluded that Wis. Stat. § 710.02(1)  
44 “permits GATS Members and their service suppliers to acquire, own, or hold more than 640 acres of  
45 land for most service-related, non-agricultural, non-forestry uses enumerated in the GATS” and that  
46 “the statutory acreage limitation applies to agricultural or forestry uses only”<sup>4</sup>; and

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1 See Wis. Stat. § 2200a (1889); 1887 Wis. Laws ch. 479.

2 See 2013 Wis. Act 1.

3 OAG-11-14.

4 *Id.*

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5 **WHEREAS**, according to the United States Department of Agriculture (USDA), National  
6 Agricultural Statistics Service, in 2017, 611 farms were located in Racine County and totaled  
7 127,496 acres of farmland<sup>5</sup>; and

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9 **WHEREAS**, according to the Wisconsin Department of Natural Resources (DNR),  
10 Wisconsin 2020 Statewide Forest Action Plan, the State of Wisconsin contains 17 million acres of  
11 forest land, approximately 67 percent of which is privately owned<sup>6</sup>; and

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13 **WHEREAS**, according to the USDA Farm Service Agency’s analysis of Foreign Holdings of  
14 U.S. Agricultural Land through December 31, 2020, as of December 31, 2019, foreign held  
15 agricultural land in the state of Wisconsin was 476,241 acres. On December 31, 2020, foreign held  
16 agricultural land in the state of Wisconsin was 502,051. Over a period of one year, this is an  
17 increase of 25,809 acres or 5.42%<sup>7</sup>; and

18  
19 **WHEREAS**, in 2021, the USDA, citing lessons learned from the COVID-19 pandemic,  
20 announced the investment of more than \$4 billion through the Build Back Better initiative “to  
21 strengthen the food system, support food production, improved processing, investments in  
22 distribution and aggregation, and market opportunities.” Per the USDA, the food aggregation and  
23 distribution system was “stressed during the pandemic due to long shipping distances and lack of  
24 investment in local and regional capacity”<sup>8</sup>; and

25  
26 **WHEREAS**, for these reasons, the Racine County Land and Water Conservation Committee  
27 believes it is appropriate for the State of Wisconsin to review the provisions of Wis. Stat. § 710.02.

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29 **NOW, THEREFORE, BE IT RESOLVED** that the Racine County Board of Supervisors  
30 requests that the State of Wisconsin, in the next legislative biennium, review and revise its policy on  
31 foreign ownership of farmland;

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33 **BE IT FURTHER RESOLVED** that a copy of this Resolution is sent to Governor Tony Evers,  
34 all members of the Wisconsin State Legislature representing Racine County, the Wisconsin  
35 Counties Association and all other Wisconsin Counties.

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38 Respectfully submitted,

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40 1st Reading \_\_\_\_\_

**[COMMITTEE/INDIVIDUAL]**

41  
42 2nd Reading \_\_\_\_\_

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44 BOARD ACTION \_\_\_\_\_

45 Adopted \_\_\_\_\_

46 For \_\_\_\_\_

47 Against \_\_\_\_\_

48 Absent \_\_\_\_\_

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50 VOTE REQUIRED: Majority

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5 [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/Wisconsin/st55\\_2\\_0008\\_0008.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Wisconsin/st55_2_0008_0008.pdf)

6 [https://dnr.wisconsin.gov/sites/default/files/topic/ForestPlanning/WDNR\\_SFAP\\_Ownership.pdf](https://dnr.wisconsin.gov/sites/default/files/topic/ForestPlanning/WDNR_SFAP_Ownership.pdf)

7 [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/EPAS/PDF/2020\\_afida\\_annual\\_report.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/EPAS/PDF/2020_afida_annual_report.pdf)

8 <https://www.usda.gov/media/press-releases/2021/06/08/usda-invest-more-4-billion-strengthen-food-system>

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2 Page Three

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4 Prepared by:  
5 Corporation Counsel

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15 **The foregoing legislation adopted by the County Board of Supervisors of**  
16 **Racine County, Wisconsin, is hereby:**

17 **Approved:** \_\_\_\_\_

18 **Vetoed:** \_\_\_\_\_

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20 **Date:** \_\_\_\_\_,

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\_\_\_\_\_  
23 **Jonathan Delagrave, County Executive**

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