

COM ITEM #8

XX, XX, 2023

RESOLUTION NO. 202X-XX

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

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

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

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

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

WHEREAS, the earliest version of Wis. Stat. § 710.02 was enacted in 1887¹. Wis. Stat. § 710.02 was most recently amended in 2013²; and

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

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

WHEREAS, in 2014, the Wisconsin Attorney General opined that “the treaty exception in Wis. Stat. § 710.02(2)(b) applies to GATS members, their services, and their service suppliers³; and

WHEREAS, the Wisconsin Attorney General further concluded that Wis. Stat. § 710.02(1) “permits GATS Members and their service suppliers to acquire, own, or hold more than 640 acres of land for most service-related, non-agricultural, non-forestry uses enumerated in the GATS” and that “the statutory acreage limitation applies to agricultural or forestry uses only⁴; and

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 Prepared by:
6 Corporation Counsel

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

Approved: _____

Vetoed: _____

Date: _____,

Jonathan Delagrave, County Executive