

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/27/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3013**

By/Representing: **Runde**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters: **traderc**

Subject: **Munis - miscellaneous
Agriculture - miscellaneous**

Extra Copies:

Pre Topic:

LFB:.....Runde -

Topic:

Town of Troy farmland protection and preservation pilot program

Instructions:

See Attached. Based on 1999 LRB b1003/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 09/28/1999	jgeller 09/29/1999		_____			
	traderc 09/28/1999			_____			
/1			mclark 09/29/1999	_____	gretskl 09/29/1999		
/2	shoveme 09/29/1999	jgeller 09/29/1999	jfrantze 09/29/1999	_____	lrb_docadmin 09/29/1999		

09/29/1999 02:37:01 PM

Page 2

FE Sent For:

<END>

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	traderc 09/28/1999			_____			
/1	<i>12 9/29/99</i>			_____			
	<i>12 MESBRC 9/29/99</i>		mclark 09/29/1999	_____	gretskl 09/29/1999		

FE Sent For:

9/29 *9/29*
<END>

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1/?	shoveme	1 9/29 Jg	MRC 9/29	MRC/JF 9/29			

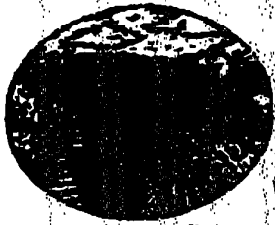
FE Sent For:

<END>

02/27/1995 01:56 6082665087
09/24/1999 15:14 152308410

SEN CHVALA

PAGE 02/02



For Doug Brewster
Wisconsin
Farmland
Conservancy

Protecting the Character of the Rural Countryside

To: Bill Wenzel
From: Tom Quinn
Date: 9/24/99
Pages (including cover): 1

Doug - this would
be substituted for
PARAGRAPH # 2. 1st + 3rd
paragraphs
would

Bill

Here's a suggestion for substitute paragraph.

"Provide the Town with the authority to collect any repayment of tax credits required by the Farmland Preservation Program on land that has been rezoned out of exclusive-agriculture, provided that any funds collected are used by the Town exclusively for the purchase of development rights on farmland within the Town. The Town may collect these penalties by the use of a lien on the sale of any residential lots created on the rezoned land, or by direct payment from the developer of these lots. The Town's authority to collect the repayment of penalty credits under this bill shall extend from the effective date of this bill until the first day of the 24th month beginning after publication".

mean the
same
Thanks
Bill

Thanks for for all your help on this Bill!!!!

Tom

Make Annual Appropriation a biennial
appropriation



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 9/29/99

DELIVER TO: Becky Trasewell

Addressee Fax #: 4-8522 Addressee Phone #: _____

of Pages, Including Cover: 2 Sender's Initials: AR

From: Al Runde

Message: 

TODAY

1999 - 2000 LEGISLATURE

61834/1
LRBb1003A
MES&RCT:jljif

wps - heading
↓
will change LFB... Runde

↑
stays

SDC:.....Walter - Caucus #2133, Town of Troy farmland protection and preservation pilot program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

A CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 101, line 11: after that line insert:

3 "(dr) Town of Troy grant, purchase of

4 development rights GPR ^B/_A 500,000 -0-".

5 2. Page 283, line 10: after that line insert:

6 "SECTION 184c. 20.115 (7) (dr) of the statutes is created to read:

7 20.115 (7) (dr) *Town of Troy grant, purchase of development rights.* ^{Biennially,} The

8 amounts in the schedule for a grant to the town of Troy for the purchase of

9 development rights to agricultural land within the town under s. 60.615. No moneys

1 may be encumbered from this appropriation after the first day of the 12th month
2 beginning after the effective date of this paragraph [revisor inserts date].”.

3 **3.** Page 763, line 23: after that line insert:

4 “SECTION 1580p. 60.615 of the statutes is created to read:

5 **60.615 Town of Troy farmland preservation pilot program; special**
6 **zoning powers, purchase of development rights. (1) TOWN BOARD PURCHASE OF**
7 **DEVELOPMENT RIGHTS. (a) Definitions. In this section:**

8 1. “Board” means the town of Troy board of supervisors.

9 2. “Conservation easement” means a holder’s nonpossessory interest in real
10 property that imposes a limitation or affirmative obligation the purpose of which is
11 to retain or protect natural, scenic or open space values of real property, assuring the
12 availability of real property for agricultural, forest, wildlife habitat, recreational or
13 open space use, protecting natural resources or maintaining or enhancing air or
14 water quality.

15 3. “Developer” means a person that constructs or creates a land development.

16 4. “Development rights” means a holder’s nonpossessory interest in farmland
17 that imposes a limitation or affirmative obligation the purpose of which is to retain
18 or protect natural, scenic or open space values of farmland, assuring the availability
19 of farmland for agricultural, forest, wildlife habitat, recreational or open space use,
20 protecting natural resources or maintaining or enhancing air or water quality.

21 5. “Farmland” has the meaning given for eligible farmland under s. 91.01 (6).

22 6. “Land development” means the construction of residential dwelling units
23 within the town of Troy in an area that is ~~subject to zoning~~ ^{rezoned} under sub. (2) ~~of~~.

24 7. “Town of Troy” means the town of Troy in St. Croix County.

1 (b) *Purchase of development rights.* 1. The board may purchase development
2 rights to farmland that is located in the town of Troy.

3 2. The town may purchase the development rights with the grant received from
4 the department of agriculture, trade and consumer protection under s. 20.115 (7) (dr)
5 or from funds received by a developer who makes the payments described under sub.
6 (2) ^(a) ~~(c)~~. If the board adopts a resolution requesting the department of agriculture,
7 trade and consumer protection to make the grant payment described under this
8 subdivision, the department shall do so.

9 3. The board shall determine which farmland in the town is the best farmland
10 and shall attempt to purchase the development rights to that farmland.

11 ^{Rezoning ← CS} (2) ~~SPECIAL ZONING PROVISIONS.~~ (a) ~~Zoning authority.~~ Notwithstanding s. 91.77

12 ^{when} ~~(1)~~ the board may ^s ~~rezone~~ a parcel that is zoned for exclusive agricultural use under
13 subch. V of ch. 91 ^{under s. 91.77(1)} if the owner of the parcel grants a permanent conservation
14 easement to the town of Troy that applies to at least 60% of the parcel, including the
15 best farmland in the parcel as determined by the board. Except as provided in par.

Insert
3-13

16 ^(b) ~~(c)~~, the provisions of s. 91.77 (2) do not apply to a parcel that is rezoned ~~in this~~
17 paragraph or that is developed under par. ^{(a) if the board recovers funds under} ~~(b)~~ ^{par. (a)}

18 ~~(b) Development procedures.~~ With regard to the portion of a parcel described
19 under par. (a) that is not subject to a permanent conservation easement, a developer
20 may, subject to par. (c), create a land development.

21 ~~(c) Development conditions.~~ 1. The board may determine population density
22 ~~limits that apply to a land development.~~

23 2. If a developer creates a land development under par. (b) the developer shall
24 pay to the town of Troy the amount of tax credits that would be subject to a lien, as

1 ~~calculated under s. 91.77 (2), on the parcels on which the land development is~~
2 ~~proposed.~~

3 (3) SUNSET PROVISIONS. ~~The board may not exercise the zoning authority~~
4 ~~described under sub^{subsection} (2), after the first day of the 24th month beginning after~~
5 ~~publication.”.~~

6 (END)

Inset 3-13

§, the board may recover an amount equal to
the amount of tax credits

that would be subject to a lien, as calculated

under s. 91.77(2) on the parcel. The board

may recover that amount either by imposing a lien,

in the manner provided in s. 91.19(8) to (10),^{91.19} on

the parcel or by requiring ^{payment from} the developer who
creates a land development on the parcel.

The board may use funds collected under this paragraph

only for the purchase of development rights under

sub. ¹(2)(b).

(end insert)



State of Wisconsin
1999 - 2000 LEGISLATURE

TODAY

LRBb1834/D
MES&RCT:jlg:prf

FMR

LFB:.....Runde - Town of Troy farmland protection and preservation pilot program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 101, line 11: after that line insert:

3 "(dr) Town of Troy grant, purchase of

4 development rights GPR B 500,000 -0-".

5 2. Page 283, line 10: after that line insert:

6 "SECTION 184c. 20.115 (7) (dr) of the statutes is created to read:

7 20.115 (7) (dr) *Town of Troy grant, purchase of development rights*. Biennially,

8 the amounts in the schedule for a grant to the town of Troy for the purchase of

9 development rights to agricultural land within the town under s. 60.615. No moneys

1 may be encumbered from this appropriation after the first day of the 12th month
2 beginning after the effective date of this paragraph [revisor inserts date].”

3 **3.** Page 763, line 23: after that line insert:

4 **“SECTION 1580p.** 60.615 of the statutes is created to read:

5 **60.615 Town of Troy farmland preservation pilot program; special**
6 **zoning powers, purchase of development rights. (1) TOWN BOARD PURCHASE OF**
7 **DEVELOPMENT RIGHTS. (a) Definitions.** In this section:

8 1. “Board” means the town of Troy board of supervisors.

9 ~~2. “Conservation easement” means a holder’s nonpossessory interest in real~~
10 ~~property that imposes a limitation or affirmative obligation the purpose of which is~~
11 ~~to retain or protect natural, scenic or open space values of real property, assuring the~~
12 ~~availability of real property for agricultural, forest, wildlife habitat, recreational or~~
13 ~~open space use, protecting natural resources or maintaining or enhancing air or~~
14 ~~water quality.~~

15 2. “Developer” means a person that constructs or creates a land development.

16 3. “Development rights” means a holder’s nonpossessory interest in farmland
17 that imposes a limitation or affirmative obligation the purpose of which is to retain
18 or protect natural, scenic or open space values of farmland, assuring the availability
19 of farmland for agricultural, forest, wildlife habitat, recreational or open space use,
20 protecting natural resources or maintaining or enhancing air or water quality.

21 4. “Farmland” has the meaning given for eligible farmland under s. 91.01 (6).

22 5. “Land development” means the construction of residential dwelling units
23 within the town of Troy in an area that is rezoned under sub. (2).

24 6. “Town of Troy” means the town of Troy in St. Croix County.

1 (b) *Purchase of development rights.* 1. The board may purchase development
2 rights to farmland that is located in the town of Troy.

3 2. The town may purchase the development rights with the grant received from
4 the department of agriculture, trade and consumer protection under s. 20.115 (7) (dr)
5 or from funds received under sub. (2) (a). If the board adopts a resolution requesting
6 the department of agriculture, trade and consumer protection to make the grant
7 payment described under this subdivision, the department shall do so.

8 3. The board shall determine which farmland in the town is the best farmland
9 and shall attempt to purchase the development rights to that farmland.

10 (2) REZONING. (a) When the board rezones under ^{lower case} s. 91.77 (1), a parcel that is
11 zoned for exclusive agricultural use under subch. V of ch. 91, the board may recover
12 an amount equal to the amount of tax credits that would be subject to a lien, as
13 calculated under s. 91.77 (2) on the parcel. The board may recover that amount either
14 by imposing a lien, in the manner provided in s. 91.19 (8) to (10), on the parcel or by
15 requiring payment from the developer who creates a land development on the parcel.
16 The board may use funds collected under this paragraph only for the purchase of
17 development rights under sub. (1) (b).

18 (b) The provisions of s. 91.77 (2) do not apply to a parcel that is rezoned under
19 par. (a) if the board recovers funds under par. (a).

20 (3) SUNSET PROVISIONS. Subsection (2) does not apply after the first day of the
21 ¹²th month beginning after publication.”

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

b1834/2
LRBB0698/Ldn
MES:cmk
↑
JG + cmk

new date Σ (June 21, 1999)

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". This proposal is applicable only to the ~~Village of Ashwaubenon~~ Town of Troy in St. Croix County

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1834/2dn
MES:jlg&cmh:jf

September 29, 1999

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

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Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1834/2
MES&RCT;jlg:jf

LFB:.....Runde - Town of Troy farmland protection and preservation pilot
program

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TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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11 The board may use funds collected under this paragraph only for the purchase of
12 development rights under sub. (1) (b).

13 (b) The provisions of s. 91.77 (2) do not apply to a parcel that is rezoned under
14 par. (a) if the board recovers funds under par. (a).

15 (3) SUNSET PROVISIONS. Subsection (2) does not apply after the first day of the
16 12th month beginning after publication.”

17 (END)