

2009 DRAFTING REQUEST

Bill

Received: 12/02/2009

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Chris Danou (608) 266-7015

By/Representing: Dan Bahr

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact: DATCP

Addl. Drafters:

Subject: Agriculture - other

Extra Copies:

Submit via email: YES

Requester's email: Rep.Danou@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize farmland preservation credit for persons who submitted applications before July 1

Instructions:

See attached

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>
/?				_____			State
/P1	btradewe 12/08/2009	jdye 12/10/2009	rschluet 12/10/2009	_____	cduerst 12/10/2009		State
/1	btradewe 01/21/2010	jdye 01/21/2010	mduchek 01/21/2010	_____	mbarman 01/21/2010	mbarman 01/21/2010	

FE Sent For: "/1" @ intro. 2/12/10

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/?		<i>1/21/09</i>	<i>1/21</i>	_____			State
/P1	btradewe 12/08/2009	jdye 12/10/2009	rschluet 12/10/2009	_____	cduerst 12/10/2009		

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<END>

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/?	btradewe	PI 12/10/09		==			

FE Sent For:

<END>

Tradewell, Becky

From: Bahr, Dan
Sent: Tuesday, December 01, 2009 2:07 PM
To: Tradewell, Becky
Subject: FW: Farmland Preservation Issue

Becky,

Here is an explanation of the Farmland Preservation Issue and the problems we seek to address by drafting legislation.

Best,

Dan

From: Judy Betker [mailto:jbetker@trempeleaucounty.com]
Sent: Tuesday, December 01, 2009 11:49 AM
To: Bahr, Dan
Subject: Re: Farmland Preservation Issue

Dan,

The following information in email form is as requested per our telephone conversation on December 1, 2009 in regards to the 2009 Farmland Preservation Agreement Applications:

According to DATCP, when the budget was signed on June 29, 2009 the new law removed DATCP's authority to enter into Farmland Preservation Agreements as of the effective date of the law (July 1, 2009) unless certain new eligibility criteria are met.

Counties in the State of WI have been accepting and processing applications for the Farmland Preservation Program since its start in the late 1970's. Applications needed to be received by June 30th of the current year in order for applicants to receive a tax credit for that calendar year. The application date is what the state uses as an agreement date - thus the "6 months effective agreement" requirement is met so the landowner may file a schedule "FC" to claim the credit when filing their income tax return. Trempealeau County has 17 Farmland Preservation Agreement Applications that were in the process for approval as of June 29, 2009 when the budget was signed. We finished processing these applications with the required approvals and mailed them to DATCP as we have every other year. I have been told there are 54 agreements in total "in limbo" at DATCP. Many Counties throughout the State (including Trempealeau) have accepted these applications and processed them once a year (after July 1st) so as to include all applications for a calendar year benefit at once, covering one 30 day comment period and requiring action at one County Committee Meeting and one County Board Meeting. This has been past practice for many years in many Counties including Trempealeau County. The "State" has processed all applications sent to DATCP from Trempealeau County in the past and has a "Past Practice" of treating the application received, at the County, in February the same as one received in June, despite the Statute language in Chapter 91.13 (4) *"After considering the comments and recommendations of the reviewing agencies and local governing bodies, the local governing body having jurisdiction shall approve or reject the application within 120 days after the application is received unless time is extended by mutual agreement of the parties involved." The local governing body's approval or rejection of the application shall be based upon and consistent with the following:"*

We and other Counties feel that legislation needs to be drafted to allow DATCP the authority to sign these Farmland Preservation Agreements that were in the "process" as of June 29, 2009 when the budget was signed. **Any** application received by a County on June 30, 2009, **or prior**, should be processed by DATCP - it is the right thing to do! These landowners met their statutory obligation to participate in the farmland preservation program. Authority needs to be granted for these agreements to be processed by DATCP. The Working Lands Initiative that is replacing the Farmland Preservation Program is not available yet for all

interested landowners to participate in. The new law authorizes DATCP to enter into "15 pilot projects" covering up to 200,000 acres prior to January 1, 2012. We have been told that when the pilot project phase ends, DATCP will be authorized to establish up to 1 million acres of agriculture enterprise areas throughout the State. The landowners that have filed farmland preservation agreements with Trempealeau County and various Counties in the State want and should be entitled to a tax credit for "2009". These applications should be processed as Working Lands is NOT yet available for them (2009). I would think this could be looked at as discrimination. I have been in contact with Tim Ritten (715) 485-8631 from Polk County and Kelly Jacobs (608) 637-5475 from Vernon County. They also have Farmland Preservation Program Applications "waiting" at DATCP and could provide additional information.

I am asking that "ALL" the farmland preservation agreement applications (despite the 120 days) "waiting" at DATCP be allowed to be processed and DATCP be required to offer contracts to these landowners for their signature.

Time is of the essence on this issue as these applications need to be processed very soon (now) in order for them to be completed for landowners to file the schedule FC when filing income taxes.

If you need any additional information please do not hesitate calling me at (715) 538-2311 Ext. 254.

Thank you

Judy Betker

Farmland Preservation Specialist

Trempealeau County Department of Land Management

----- Original Message -----

From: Bahr, Dan
To: jbetker@trempeleaucounty.com
Sent: Tuesday, December 01, 2009 10:07 AM
Subject: Farmland Preservation Issue

Judy,

Just reply to this e-mail regarding the wording of proposed legislation.

Best,

Dan

Daniel V. Bahr

Office of Rep. Chris Danou

Tradewell, Becky

From: Bahr, Dan
Sent: Monday, December 07, 2009 1:13 PM
To: Tradewell, Becky
Subject: FW: Farmland Preservation Issue

From: Moll, Keeley A - DATCP [mailto:Keeley.Moll@Wisconsin.gov]
Sent: Thursday, December 03, 2009 3:41 PM
To: Bahr, Dan
Subject: RE: Farmland Preservation Issue

Keith Foye 224-4603 would be the best contact ☺

From: Bahr, Dan [mailto:Dan.Bahr@legis.wisconsin.gov]
Sent: Wednesday, December 02, 2009 10:18 AM
To: Moll, Keeley A - DATCP
Subject: FW: Farmland Preservation Issue

Keeley,

Here is an e-mail I have received from a constituent regarding the Farmland Preservation Program and an exemption they are seeking for some existing applications. Can you give me a contact in DATCP where I can contact them regarding this issue.

Thanks,

Dan

From: Judy Betker [mailto:jbetker@trempeleaucounty.com]
Sent: Tuesday, December 01, 2009 11:49 AM
To: Bahr, Dan
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Thank you

Judy Betker

Farmland Preservation Specialist

Trempealeau County Department of Land Management

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From: Bahr, Dan
To: jbetker@tremplocounty.com
Sent: Tuesday, December 01, 2009 10:07 AM
Subject: Farmland Preservation Issue

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Best,

Dan

Daniel V. Bahr

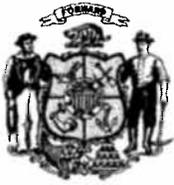
Office of Rep. Chris Danou

12/8/09 Per Keith Fager, DATCP -

He thinks that there is ~~not~~ an issue with ch. 71, only ch. 91.
Should cover applications submitted on or before 6/30/09.
↳ to the county

They are concerned that there might be some people who applied years ago but never finished the process. Some of those to whom titles should apply may have applied before July 1, 2008, even. Would work to say they must have applied no earlier than 1/1/08.

There are applications at every stage of the process. DATCP believes DATCP may not sign agreement now, even if they had approved application and sent agreement out to farmer.



Friday, 12/11, if possible

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Note

X Gen

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 biennial budget act, 2009 Wisconsin Act 28, made numerous changes in the Farmland Preservation Program. The changes took effect on July 1, 2009. 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.

-11

Current law as modified by

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3925/P1dn

RCT:.....

date

JLD

final action

Dan Bahr: ✓

This is a preliminary draft of the proposal relating to processing applications for farmland preservation agreements that were submitted before July 1, 2009. ✓

I discussed the proposal with Keith Foye of DATCP (224-4603). Keith indicated concern at DATCP about some old farmland preservation agreements that were never submitted to DATCP for ~~its approval~~ but that might be submitted if this proposal passes. That is why the draft only applies to applications submitted on or after January 1, 2008, but before July 1, 2009. ✓

I suggest that you have the draft reviewed by DATCP ✓ to ensure that I have not missed anything necessary to accomplish your intent.

Please contact me with any questions or redraft instructions. When you are ready, I can quickly convert the draft to introducible form. ✓

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

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

LRB-3925/P1dn
RCT:jld:rs

December 10, 2009

Dan Bahr:

This is a preliminary draft of the proposal relating to processing applications for farmland preservation agreements that were submitted before July 1, 2009.

I discussed the proposal with Keith Foye of DATCP (224-4603). Keith indicated concern at DATCP about some old farmland preservation agreements that were never submitted to DATCP for final action but that might be submitted if this proposal passes. That is why the draft only applies to applications submitted on or after January 1, 2008, but before July 1, 2009.

I suggest that you have the draft reviewed by DATCP to ensure that I have not missed anything necessary to accomplish your intent.

Please contact me with any questions or redraft instructions. When you are ready, I can quickly convert the draft to introducible form.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Bahr, Dan
Sent: Thursday, January 21, 2010 11:17 AM
To: Tradewell, Becky
Subject: RE: Legislation

Can I get a jacket for this?

Thanks,

Dan

From: Tradewell, Becky
Sent: Tuesday, January 12, 2010 9:45 AM
To: Bahr, Dan
Subject: FW: Legislation

From: Tradewell, Becky
Sent: Tuesday, December 15, 2009 9:23 AM
To: Bahr, Dan
Subject: RE: Legislation

Dan,

Here are the drafter's note and the draft:

<< File: 09-3925/P1dn >> << File: 09-3925/P1 >>

Becky

From: Bahr, Dan
Sent: Tuesday, December 15, 2009 9:21 AM
To: Tradewell, Becky
Subject: Legislation

Becky,

I still have not received a copy of the legislation you drafted. Is it possible for you to send me an electronic copy?

Dan

Daniel V. Bahr
Office of Rep. Chris Danou



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3925B1
RCTjld:rs

Today

VMT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

4

Regen

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Duerst, Christina

From: Bahr, Dan
Sent: Thursday, January 21, 2010 1:00 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3925/1 Topic: Authorize farmland preservation credit for persons who submitted applications before July 1

Please Jacket LRB 09-3925/1 for the ASSEMBLY.