1 **(5)** WRITTEN DECISION; DEADLINE. The department shall grant or deny an
2 application for certification under this section no more than 90 days after the day on
3 which the political subdivision submits a complete application, unless the political
4 subdivision agrees to an extension. The department shall issue its decision in the
5 form required by s. 227.47 (1).

6 **(6)** CONDITIONAL CERTIFICATION. The department may grant an application for
7 certification under this section subject to conditions specified by the department in
8 its decision under sub. (5). The department may certify a farmland preservation
9 zoning ordinance or amendment contingent upon the political subdivision adopting
10 the farmland preservation zoning ordinance or amendment as certified.

11 **(7)** EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes
12 effect on the day on which the department issues the certification, except that if the
13 department specifies conditions under sub. (6), the certification takes effect on the
14 day on which the department determines that the political subdivision has met the
15 conditions.

16 **(8)** AMENDMENTS TO ORDINANCES; CERTIFICATION. (a) Except as provided in par.
17 (b), an amendment to a certified farmland preservation zoning ordinance is
18 automatically considered to be certified as part of the certified farmland preservation
19 zoning ordinance.

20 (b) An amendment to a certified farmland preservation zoning ordinance that
21 is one of the following and that is adopted after the effective date of this paragraph
22 .... [LRB inserts date], is not automatically considered to be certified:

23 1. An amendment that is a comprehensive revision of a certified farmland
24 preservation zoning ordinance.

2. An amendment that extends coverage of a certified farmland preservation zoning ordinance to a town that was not previously covered.

3. An amendment of a type specified by the department by rule that may materially affect compliance of the certified farmland preservation zoning ordinance with the requirements under s. 91.38.

(c) The department may withdraw certification of a farmland preservation zoning ordinance if, as a result of an amendment adopted after the effective date of this paragraph .... [LRB inserts date], the amended farmland preservation zoning ordinance fails to comply with the requirements under s. 91.38. This paragraph applies regardless of whether the farmland preservation zoning ordinance was originally certified under s. 91.06, 2007 stats., or under this section.

(d) A political subdivision shall notify the department in writing whenever the political subdivision adopts a material amendment that is described in par. (b) 1. to 3. to a certified farmland preservation zoning ordinance. The political subdivision shall include a copy of the amendment in the notice. For the purposes of this paragraph, does not apply to an amendment that rezones land out of a farmland preservation zoning district is not a material amendment.

****NOTE: How would a political subdivision know whether an amendment is material? Is that intended to refer to amendments described in par. (b) 1. to 3.?

91.38 Requirements for certification of ordinance. (1) A farmland preservation zoning ordinance does not qualify for certification under s. 91.36 unless all of the following apply:

(a) The farmland preservation zoning ordinance includes jurisdictional, organizational, and enforcement provisions that are necessary for proper administration.

1 (c) The farmland preservation zoning ordinance clearly designates farmland
2 preservation zoning districts in which land uses are limited in compliance with s.
3 91.42.

4 (d) The farmland preservation zoning ordinance includes maps that clearly
5 delineate each farmland preservation zoning district, so that a reader can easily
6 determine whether a parcel is within a farmland preservation zoning district; that
7 are correlated to the text under par. (e); and that comply with technical specifications
8 that the department establishes by rule.

9 (e) The text of the farmland preservation zoning ordinance clearly describes the
10 types of land uses authorized in each farmland preservation zoning district.

11 (f) The farmland preservation zoning ordinance is substantially consistent
12 with a certified farmland preservation plan.

13 (g) Except as provided by the department by rule, land is not included in a
14 farmland preservation zoning district unless the land is included in a farmland
15 preservation area identified in the county certified farmland preservation plan.

16 (h) If an overlay district, such as an environmental corridor, is superimposed
17 on a farmland preservation zoning district, all of the following apply:

18 1. The farmland preservation zoning ordinance clearly identifies the overlay
19 district as such.

20 2. The overlay district is shown on the maps under par. (d) in a way that allows
21 a reader to easily identify the underlying farmland preservation zoning district and
22 its boundaries.

23 3. The overlay district does not remove land use restrictions from the
24 underlying farmland preservation zoning district.

1 (i) The farmland preservation zoning ordinance complies with any other
2 requirements that the department specifies by rule.

3 **(2)** An amendment to a farmland preservation zoning ordinance qualifies for
4 certification under s. 91.36 if it complies with all of the requirements in sub. (1) that
5 are relevant to the amendment and it does not cause the farmland preservation
6 zoning ordinance to violate any of the requirements in sub. (1).

7 **91.40 Applying for certification of ordinance.** A political subdivision
8 seeking certification of a farmland preservation zoning ordinance or amendment to
9 a farmland preservation zoning ordinance shall submit all of the following to the
10 department in writing, along with any other relevant information that the political
11 subdivision chooses to provide:

12 **(1)** The complete farmland preservation zoning ordinance or amendment
13 proposed for certification.

14 **(2)** All of the following background information:

15 (a) A concise summary of the farmland preservation zoning ordinance or
16 amendment, including key changes from any previously certified farmland
17 preservation zoning ordinance.

18 (b) A concise summary of the process by which the farmland preservation
19 zoning ordinance or amendment was developed, including public hearings, notice to
20 and involvement of other governmental units, approval by the political subdivision,
21 and identification of any key unresolved issues with other governmental units
22 related to the farmland preservation zoning ordinance or amendment.

23 (c) A description of the relationship of the farmland preservation zoning
24 ordinance or amendment to the county certified farmland preservation plan,

1 including any material inconsistencies between the farmland preservation zoning
2 ordinance or amendment and the county certified farmland preservation plan.
3 **(3)** A statement, signed by the county planning director or the chief elected
4 official, certifying that the farmland preservation zoning ordinance or amendment
5 complies with s. 91.38 (1) (g) and (h).
6 **(4)** A statement, signed by the applicant's attorney or chief elected official,
7 certifying that the farmland preservation zoning ordinance or amendment complies
8 with all applicable requirements in s. 91.38.
9 **(5)** Other relevant information that the department requires by rule.
10 **91.42 Land use in farmland preservation zoning districts; general.** A
11 farmland preservation zoning ordinance does not qualify for certification under s.
12 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland
13 preservation zoning district other than the following land uses:
14 **(1)** Uses identified as permitted uses in s. 91.44.
15 **(2)** Uses identified as conditional uses in s. 91.46.
16 **(3)** Prior nonconforming uses, subject to the following:
17 (a) A prior nonconforming use that is a residence may be expanded or
18 remodeled, as long as there is no increase in the number of dwelling units in the
19 residence.
20 (b) A prior nonconforming use that is not a residence may continue without
21 further approval unless it is materially altered.
22 (c) The proposed farmland preservation zoning districts under the farmland
23 preservation zoning ordinance contain only isolated prior nonconforming uses.
24 **(4)** Other uses allowed by the department by rule.

1 **91.44 Permitted uses. (1)** A farmland preservation zoning ordinance does
2 not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a
3 permitted use in a farmland preservation zoning district a land use other than the
4 following land uses:

5 (a) Agricultural uses.

6 (b) Accessory uses.

7 (c) Agriculture-related uses.

8 (d) Nonfarm residences constructed in a rural residential cluster in accordance
9 with an approval of the cluster as a conditional use under s. 91.46 (1) (e).

10 (e) Undeveloped natural resource and open space areas.

11 (f) A transportation, utility, communication, or other use that is required under
12 state or federal law to be located in a specific place or that is authorized to be located
13 in a specific place under a state or federal law that preempts the requirement of a
14 conditional use permit for that use.

15 (g) Other uses identified by the department by rule.

16 **(2)** The department may promulgate rules imposing additional limits on the
17 permitted uses that may be allowed in a farmland preservation zoning district in
18 order for a farmland preservation zoning ordinance to comply with s. 91.42.

19 **91.46 Conditional uses. (1)** GENERAL. A farmland preservation zoning
20 ordinance does not comply with s. 91.42 if the farmland preservation zoning
21 ordinance allows as a conditional use in a farmland preservation zoning district a
22 land use other than the following land uses:

23 (a) Agricultural uses.

24 (b) Accessory uses.

25 (c) Agriculture-related uses.

1 (d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive
2 standards in the farmland preservation zoning ordinance.
3 (e) Nonfarm residential clusters that qualify under sub. (3) or that meet more
4 restrictive standards in the farmland preservation zoning ordinance.
5 (f) Transportation, communications, pipeline, electric transmission, utility, or
6 drainage uses that qualify under sub. (4).
7 (g) Governmental, institutional, religious, or nonprofit community uses, other
8 than uses covered by par. (f), that qualify under sub. (5).
9 (h) Nonmetallic mineral extraction that qualifies under sub. (6).
10 (i) Oil and gas exploration or production that is licensed by the department of
11 natural resources under subch. II of ch. 295.
12 (j) Other uses allowed by the department by rule.
13 **(1m)** ADDITIONAL LIMITATIONS. The department may promulgate rules imposing
14 additional limits on the conditional uses that may be allowed in a farmland
15 preservation zoning district in order for a farmland preservation zoning ordinance
16 to comply with s. 91.42.
17 **(2)** NONFARM RESIDENCES. A nonfarm residence qualifies for the purposes of sub.
18 (1) (d) if the political subdivision determines that all of the following apply:
19 (a) The ratio of nonfarm residential acreage to farm acreage on the base farm
20 tract on which the nonfarm residence will be located will not be greater than 1 to 20
21 after the nonfarm residence is constructed.
22 (b) There will not be more than 4 dwelling units in nonfarm residences, nor
23 more than 5 dwelling units in residences of any kind, on the base farm tract after the
24 nonfarm residence is constructed.

1 (c) The location of the proposed nonfarm residential parcel, and the location of
2 the nonfarm residence on that nonfarm residential parcel, will not do any of the
3 following:

4 1. Convert prime farmland from agricultural use or convert land previously
5 used as cropland, other than a woodlot, from agricultural use if on the farm there are
6 reasonable alternative locations for a nonfarm residential parcel or nonfarm
7 residence.

8 2. Significantly impair or limit the current or future agricultural use of other
9 protected farmland.

10 **(3)** NONFARM RESIDENTIAL CLUSTER. A political subdivision may issue one
11 conditional use permit that covers more than one nonfarm residence in a qualifying
12 nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes
13 of sub. (1) (e) if all of the following apply:

14 (a) The parcels on which the nonfarm residences would be located are
15 contiguous.

16 (b) The political subdivision imposes legal restrictions on the construction of
17 the nonfarm residences so that if all of the nonfarm residences were constructed,
18 each would satisfy the requirements under sub. (2).

19 **(4)** TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY,
20 OR DRAINAGE USE. A transportation, communications, pipeline, electric transmission,
21 utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political
22 subdivision determines that all of the following apply:

23 (a) The use and its location in the farmland preservation zoning district are
24 consistent with the purposes of the farmland preservation zoning district.

1 (b) The use and its location in the farmland preservation zoning district are
2 reasonable and appropriate, considering alternative locations, or are specifically
3 approved under state or federal law.
4 (c) The use is reasonably designed to minimize conversion of land, at and
5 around the site of the use, from agricultural use or open space use.
6 (d) The use does not substantially impair or limit the current or future
7 agricultural use of surrounding parcels of land that are zoned for or legally restricted
8 to agricultural use.
9 (e) Construction damage to land remaining in agricultural use is minimized
10 and repaired, to the extent feasible.
11 **(5)** GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE. A
12 governmental, institutional, religious, or nonprofit community use qualifies for the
13 purposes of sub. (1) (g) if the political subdivision determines that all of the following
14 apply:
15 (a) The use and its location in the farmland preservation zoning district are
16 consistent with the purposes of the farmland preservation zoning district.
17 (b) The use and its location in the farmland preservation zoning district are
18 reasonable and appropriate, considering alternative locations, or are specifically
19 approved under state or federal law.
20 (c) The use is reasonably designed to minimize the conversion of land, at and
21 around the site of the use, from agricultural use or open space use.
22 (d) The use does not substantially impair or limit the current or future
23 agricultural use of surrounding parcels of land that are zoned for or legally restricted
24 to agricultural use.

****NOTE: I made the requested change, replacing "protected farmland," which is a defined term. Are you sure you want that change?

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(6) NONMETALLIC MINERAL EXTRACTION. Nonmetallic mineral extraction qualifies for the purposes of sub. (1) (h) if the political subdivision determines that all of the following apply:

(a) The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

(b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

(d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(f) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

91.48 Rezoning of land out of a farmland preservation zoning district. **(1)** A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if all of the following apply:

(a) The political subdivision finds all of the following, after public hearing:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.

2. The rezoning is consistent with any applicable comprehensive plan.

3. The rezoning is substantially consistent with the county certified farmland preservation plan.

4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(b) The owner of the land pays to the political subdivision, for each rezoned acre or portion thereof, a conversion fee equal to the greater of the following:

1. Three times the per acre value, for the year in which the land is rezoned, of the highest value category of tillable cropland in the city, village, or town in which the rezoned land is located, as specified by the department of revenue under s. 73.03 (2a).

2. An amount specified in the certified farmland preservation zoning ordinance.

(2) A political subdivision shall annually by March 1 of each year provide all of the following to the department and, if the political subdivision is not a county, to the county:

(a) A description report of the amount of land number of acres that the political subdivision has rezoned out of a farmland preservation zoning district since the effective date of this

paragraph .... [LRB inserts date], or since the date it last complied with this subsection, whichever is later, and a map that clearly shows the location of the land.

(b) A description of the amount of revenue that the political subdivision received as conversion fees under sub. (1) (b) since the effective date of this paragraph .... [LRB inserts date], or since the date it last complied with this subsection, whichever is later.

91.49 Use of conversion fees. A political subdivision shall use conversion fees received under s. 91.48 (1) (b) for its costs related to farmland preservation planning, zoning, or compliance monitoring.

91.50 Exemption from special assessments. (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is located in a farmland preservation zoning district.

(2) A political subdivision, special purpose district, or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

SUBCHAPTER IV

FARMLAND PRESERVATION AGREEMENTS

91.60 Farmland preservation agreements; general. (1) AGREEMENTS AUTHORIZED. The department may enter into a farmland preservation agreement that complies with s. 91.62 with the owner of land that is eligible under sub. (2).

(2) ELIGIBLE LAND. Land is eligible if all of the following apply:

is operated as part of

(a) The land consists of at least 35 contiguous acres on a farm that produced at least $6,000 in gross farm profits revenues during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least $18,000 in gross farm revenues profits during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.

(b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.

(c) The land is in an agricultural enterprise area designated under s. 91.84.

(3) PRIOR AGREEMENTS. (a) Except as provided in par. (c) or s. 91.66, a farmland preservation agreement entered into before the effective date of this paragraph .... [LRB inserts date], remains in effect for the term specified in the agreement and under the terms that were agreed upon when the agreement was last created, extended, or renewed.

(b) The department may not extend or renew a farmland preservation agreement entered into before the effective date of this paragraph .... [LRB inserts date].

(c) The department and an owner of land who entered into a farmland preservation agreement before the effective date of this paragraph .... [LRB inserts date] may agree to modify the a farmland preservation agreement in order to allow the owner to claim the tax credit under s. 71.613 rather than the tax credit for which the owner would otherwise be eligible.

****NOTE: The proposed language seemed to say that an agreement could be changed only if the change both allowed the owner to claim the credit created by this bill and allowed the agreement to be terminated under s. 91.66. I think that s. 91.66 already allows old agreements to be terminated if the requirements in s. 91.66 are met. Note that s. 91.60 (3) (a) indicates that through the cross-reference to s. 91.66. Perhaps I am not understanding the intent of proposed s. 91.60 (3). Please let me know.

1 **91.62 Farmland preservation agreements; requirements. (1)** CONTENTS.
2 The department may not enter into a farmland preservation agreement unless the
3 agreement does all of the following:
4 (a) Specifies a term of at least 15 years.
5 (b) Includes a correct legal description of the tract of land covered by the
6 farmland preservation agreement.
7 (c) Includes provisions that restrict the tract of land to the following uses:
8 1. Agricultural uses and accessory uses.
9 2. Undeveloped natural resource and open space uses.
10 **(2)** FORM. The department shall specify a form for farmland preservation
11 agreements that complies with s. 59.43 (2m).
12 **(3)** EFFECTIVENESS. A farmland preservation agreement takes effect when it is
13 signed by all owners of the land covered by the farmland preservation agreement and
14 by the department.
15 **(4)** RECORDING. The department shall provide a copy of a signed farmland
16 preservation agreement to a person designated by the signing owners and shall
17 promptly present the signed agreement to the register of deeds for the county in
18 which the land is located for recording.
19 **(5)** CHANGE OF OWNERSHIP. A farmland preservation agreement is binding on
20 a person who purchases land during the term of a farmland preservation agreement
21 that covers the land.
22 **91.64 Applying for a farmland preservation agreement. (1)** SUBMITTING
23 AN APPLICATION. An owner who wishes to enter into a farmland preservation
24 agreement shall submit an application, on a form provided by the department, to the
25 county clerk of the county in which the land is located.

1 **(2)** CONTENTS OF APPLICATION. A person submitting an application under sub.
2 (1) shall include all of the following in the application:
3 (a) The name and address of each person who has an ownership interest in the
4 land proposed for coverage by the agreement.
5 (b) The location of the land proposed for coverage, indicated by street address,
6 global positioning system coordinates, or township, range, and section.
7 (c) The legal description of the land proposed for coverage.
8 (d) A map or aerial photograph of the land proposed for coverage, showing
9 parcel boundaries, residences and other structures, and significant natural features.
10 (e) Information showing that the land proposed for coverage is eligible under
11 s. 91.60 (2).
12 (f) A description of every existing mortgage, easement, and lien, other than
13 liens on growing crops, on land proposed for coverage, including the name and
14 address of the person holding the lien, mortgage, or easement.
15 (g) A signed agreement from each person required to be identified under par.
16 (f) subordinating the person's lien, mortgage, or easement to the agreement.
17 (h) Any other information required by the department by rule.
18 (i) Any fee under sub. (2m).
19 **(2m)** COUNTY PROCESSING FEE. A county may charge a reasonable fee for
20 processing an application for a farmland preservation agreement.
21 **(3)** COUNTY REVIEW. (a) A county shall review an application under sub. (2) to
22 determine whether the land proposed for coverage meets the requirements under s.
23 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing
24 within 60 days after the day on which the county clerk receives a complete
25 application.

(b) If the county finds under par. (a) that the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of the following to the department, along with any other comments that the county chooses to provide:

1. The original application, including all of the information provided with the application.

2. A copy of the county's findings.

(4) DEPARTMENT ACTION ON APPLICATION. (a) The department may prepare a farmland preservation agreement that complies with s. 91.62 and enter into the farmland preservation agreement under s. 91.60 (1) based on a complete application and on county findings under sub. (3) (b).

(b) The department may decline to enter into a farmland preservation agreement for any of the following reasons:

1. The application is incomplete.

2. The land is not eligible land under s. 91.60 (2).

91.66 Terminating a farmland preservation agreement. (1) The department may terminate a farmland preservation agreement or release land from a farmland preservation agreement at any time if all of the following apply:

(a) All of the owners of land covered by the farmland preservation agreement consent to the termination or release, in writing.

(b) The department finds that the termination or release will not impair or limit agricultural use of other protected farmland.

department

(c) The owners of the land pay to the county in which the land is located, for each acre or portion thereof released from the farmland preservation agreement, a conversion fee equal to the greater of the following:

no new ¶

no new ¶ 3

1. Three times the per acre value, for the year in which the farmland preservation agreement is terminated or the land is released, of the highest value category of tillable cropland in the town in which the land is located, as specified by the department of revenue under s. 73.03 (2a).

2. An amount specified by the county by ordinance.

Insert 56-5

(2) The department shall provide a copy of its decision to terminate a farmland preservation agreement or release land from a farmland preservation agreement to a person designated by the owners of the land and shall present a copy of the decision to the register of deeds for the county in which the land is located for recording.

91.68 Violations of farmland preservation agreements. (1) The department may bring an action in circuit court to do any of the following:

(a) Enforce a farmland preservation agreement.

(b) Restrain, by temporary or permanent injunction, a change in land use that violates a farmland preservation agreement.

(c) Seek a civil forfeiture for a change in land use that violates a farmland preservation agreement.

(2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value of the land covered by the agreement at the time of the violation.

91.70 Farmland preservation agreements; exemption from special assessments. (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is covered by a farmland preservation agreement.

1 **(2)** A political subdivision, special purpose district or other local governmental
2 entity may deny the use of improvements for which the special assessment is levied
3 to land that is exempt from the assessment under sub. (1).
4 **(3)** The exemption under sub. (1) does not apply to an assessment that an owner
5 voluntarily pays, after the assessing authority provides notice of the exemption
6 under sub. (1).

7 SUBCHAPTER V

8 SOIL AND WATER CONSERVATION

9 **91.80 Soil and water conservation by persons claiming tax credits.** An
10 owner claiming farmland preservation tax credits under s. 71.613 shall comply with
11 applicable land and water conservation standards promulgated by the department
12 under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).
13 **91.82 Compliance monitoring. (1)** COUNTY RESPONSIBILITY. (a) A county
14 land conservation committee shall monitor compliance with s. 91.80.
15 (b) For the purpose of par. (a), a county land conservation committee shall
16 inspect each farm for which the owner claims farmland preservation tax credits
17 under subch. IX of ch. 71 at least once every 4 years.
18 (c) For the purpose of par (a), a county land conservation committee may do any
19 of the following:
20 1. Inspect land that is covered by a farmland preservation agreement or
21 farmland preservation zoning and that is in agricultural use.
22 2. Require an owner to certify, not more than annually, that the owner complies
23 with s. 91.80.
24 (d) At least once every 4 years, the department shall review each county land
25 conservation committee's compliance with par. (b).

shall

(2) NOTICE OF NONCOMPLIANCE. (a) A county land conservation committee may issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the following:

****NOTE: Should committees be required, rather than authorized, to issue notices? See current s. 92.105 (5).

1. Failed to comply with s. 91.80.

2. Failed to permit a reasonable inspection under sub. (1) (c) 1.

3. Failed to certify compliance as required under sub. (1) (c) 2.

(b) A county land conservation committee shall provide to the department of revenue a copy of each notice of noncompliance issued under par. (a).

(c) If a county land conservation committee determines that an owner has corrected the failure described in a notice of noncompliance under par. (a), it shall withdraw the notice of noncompliance and notify the owner and the department of revenue of the withdrawal.

(3) PROCEDURE. The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.

SUBCHAPTER VI

AGRICULTURAL ENTERPRISE AREAS

91.84 Agricultural enterprise areas; general. (1) DESIGNATION. (a) 1. The department may by rule designate agricultural enterprise areas targeted for agricultural preservation and development.

2. The department may by rule modify or terminate the designation of an agricultural enterprise area.

(b) Subject to par. (c), the department may designate agricultural enterprise areas with a combined area of not more than 1,000,000 acres of land.

1 (c) Before January 1, 2012, the department may designate not more than 10
2 agricultural enterprise areas with a combined area of not more than 200,000 acres
3 of land.

4 (e) The department may not designate an area as an agricultural enterprise
5 area unless all of the following apply:

6 1. The department receives a petition requesting the designation and the
7 petition complies with s. 91.86.

8 2. The area consists of at least 1,000 acres of land.

9 3. The parcels in the area are contiguous. Parcels that are only separated by
10 a lake, stream, or transportation or utility right-of-way are contiguous for the
11 purposes of this subdivision.

12 4. The area is located entirely in a farmland preservation area identified in a
13 certified farmland preservation plan.

14 5. The land in the area is primarily in agricultural use.

Insert 59-14

15 **(2)** EMERGENCY RULES. The department may use the procedure under s. 227.24
16 to promulgate a rule designating an agricultural preservation area or modifying or
17 terminating the designation of an agricultural preservation area. Notwithstanding
18 s. 227.24 (1) (c) and (2), a rule promulgated under this subsection remains in effect
19 until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a)
20 and (3), the department is not required to determine that promulgating a rule under
21 this subsection as an emergency rule is necessary for the preservation of the public
22 peace, health, safety, or welfare and is not required to provide a finding of emergency
23 for a rule promulgated under this subsection.

24 **(3)** EFFECT OF DESIGNATION. The designation of an area under sub. (1) allows
25 owners of eligible land within the area to enter into farmland preservation

agreements with the department. If the department modifies or terminates the designation of an area under sub. (1) and that modification or termination results in land covered by a farmland preservation agreement no longer being located in a designated area, the farmland preservation agreement remains in effect for the remainder of its term, but the department may not extend or renew the farmland preservation agreement.

(4) MAP. In a rule designating an agricultural enterprise area, the department shall include a map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the agricultural enterprise area.

(5) EFFECTIVE DATE OF DESIGNATION. The designation of an agricultural enterprise area takes effect on January 1 of the calendar year following the year in which the rule designating the area is published, unless the rule specifies a later effective date.

91.86 Agricultural enterprise area; petition. (1) DEFINITION. In this section, "eligible farm" means a farm that includes at least 35 contiguous acres of land and that produced at least $6,000 in gross farm profits during the taxable year preceding the year in which a petition is filed requesting the department to designate an area in which the farm is located as an agricultural enterprise area or a total of at least $18,000 in gross farm profits during the 3 taxable years preceding the year in which a petition is filed.

(2) PETITIONERS. (a) The department may consider a petition requesting that it designate an area as an agricultural enterprise area if all of the following jointly file the petition:

1. Each political subdivision in which any part of the proposed agricultural enterprise area is located.

2. Owners of at least 5 eligible farms located in the area.

(b) Each petitioner under par. (a) who is an individual shall sign the petition. For a petitioner that is not an individual, an authorized officer or representative shall sign the petition.

(3) CONTENTS OF PETITION. (a) The department may not approve a petition requesting that it designate an area as an agricultural enterprising area unless the petition contains all of the following:

1. The correct legal name and principal address of each petitioner.

2. A summary of the petition that includes the purpose and rationale for the petition.

3. A map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the proposed area.

4. Information showing that the proposed agricultural enterprise area meets the requirements under s. 91.84 (1) (e).

5. A clear description of current land uses in the proposed agricultural enterprise area, including current agricultural uses, agriculture-related uses, transportation, utility, energy, and communication uses, and undeveloped natural resource and open space uses.

6. A clear description of the agricultural land use and development goals for the proposed agricultural enterprise area, including proposed agricultural uses, agriculture-related uses, and relevant transportation, utility, energy, and communication uses.

7. A plan for achieving the goals under subd. 6., including any planned investments, grants, development incentives, cooperative agreements, land or easement purchases, land donations, and promotion and public outreach activities.

8. A description of any current or proposed land use controls in the proposed agricultural enterprise area, including farmland preservation agreements.

(b) Petitioners under sub. (2) may include in the petition the names and addresses of other persons who propose to cooperate in achieving the goals under par. (a) 6.

91.88 Grants for preparing petitions. (1) From the appropriation under s. 20.115 (7) (dr), the department may award a grant of up to $20,000 to a political subdivision to provide reimbursement for up to 50 percent of the political subdivision's cost of preparing a petition under s. 91.86 requesting the department to designate an agricultural enterprise area.

(2) The department shall enter into a contract with a political subdivision to which it awards a planning grant under sub. (1) before the department distributes any grant funds to the political subdivision. In the contract, the department shall identify purposes for which the grant is awarded and the costs that are eligible for reimbursement through the grant.

(3) The department may distribute grant funds under this section only after the political subdivision shows that it has incurred costs that are eligible for reimbursement under sub. (2). The department may not distribute more than 50 percent of the amount of a grant under this section for a proposed petition before the political subdivision submits a complete petition.

(4) The department may not enter into a contract under sub. (2) after June 30, 2012.

SECTION 66. 92.04 (2) (c) of the statutes is repealed.

SECTION 67. 92.05 (3) (L) of the statutes is amended to read:

92.05 **(3)** (L) *Technical assistance; performance standards.* The department shall provide technical assistance to county land conservation committees and local units of government for the development of ordinances that implement standards adopted under s. 92.07 (2), ~~92.105 (1),~~ 92.15 (2) or (3) or 281.16 (3). The department's technical assistance shall include preparing model ordinances, providing data concerning the standards and reviewing draft ordinances to determine whether the draft ordinances comply with applicable statutes and rules.

SECTION 68. 92.104 of the statutes is repealed.

SECTION 69. 92.105 of the statutes is repealed.

SECTION 70. 92.106 of the statutes is repealed.

SECTION 71. 92.14 (2) (e) of the statutes is amended to read:

92.14 **(2)** (e) Promoting ~~compliance with the requirements under ss. 92.104 and 92.105~~ soil and water conservation by persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 72. 92.14 (3) (a) 1. of the statutes is amended to read:

92.14 **(3)** (a) 1. Compliance with soil and water conservation requirements ~~under ss. 92.104 and 92.105 by~~ applicable to persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 73. 92.14 (3) (d) of the statutes is amended to read:

92.14 **(3)** (d) Implementing land and water resource management projects undertaken to comply with ~~the~~ soil and water conservation requirements ~~under ss. 92.104 and 92.105 by~~ applicable to persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 74. 93.06 (10m) of the statutes is amended to read:

93.06 **(10m)** FARMLAND PRESERVATION COLLECTIONS. Enter into contracts to collect amounts owed to the state under ch. 91, 2007 stats., as the result of the relinquishment of, or the release of land from, a farmland preservation agreement or as the result of the rezoning of land zoned for exclusive agricultural use.

SECTION 75. 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

101.143 **(4)** (ei) 1m. a. The owner or operator of the farm tank owns a parcel of 35 or more acres of contiguous land, on which the farm tank is located, which is devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding submission of a first claim under sub. (3) produced gross farm profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than $6,000 or which, during the 3 years preceding that submission produced gross farm profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than $18,000, or a parcel of 35 or more acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding that submission, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 76. 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

101.143 **(4)** (ei) 1m. b. The claim is submitted by a person who, at the time that the notification was made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or was located, which was devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding that notification produced gross farm profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than

$6,000 or which, during the 3 years preceding that notification, produced gross farm profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than $18,000, or a parcel of 35 or more acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding that notification, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 77. 165.25 (4) (ar) of the statutes is amended to read:

165.25 **(4)** (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 91.68, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, ~~and~~ 100.51, and 100.55~~,~~ and chs. 126, 136, 344, 704, 707, and 779, together with any other services as are necessarily connected to the legal services.

SECTION 78. 281.16 (3) (e) of the statutes is amended to read:

281.16 **(3)** (e) An owner or operator of an agricultural facility or practice that is in existence before October 14, 1997, may not be required by this state or a municipality to comply with the performance standards, prohibitions, conservation practices or technical standards under this subsection unless cost-sharing is available, under s. 92.14 or 281.65 or from any other source, to the owner or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1),~~ 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 281.65 and the department of agriculture, trade and consumer protection shall promulgate rules that specify criteria for determining whether cost-sharing is available under s. 92.14 or from any other source. The rules may not allow a determination that cost-sharing is available to meet local regulations under s. 92.07 (2)~~, 92.105 (1)~~ or

92.15 that are consistent with or that exceed the performance standards, prohibitions, conservation practices or technical standards under this subsection unless the cost-sharing is at least 70% of the cost of compliance or is from 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the rules.

SECTION 79. 281.65 (5) (b) of the statutes is amended to read:

281.65 **(5)** (b) Prepare sections of the priority watershed or priority lake plan relating to farm-specific implementation schedules, requirements under ~~ss. 92.104 and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally related best management practices and submit those sections to the department for inclusion under sub. (4m) (b). The best management practices shall be cost-effective best management practices, as specified under sub. (4) (e), except in situations in which the use of a cost-effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 80. 281.65 (5) (d) of the statutes is amended to read:

281.65 **(5)** (d) Develop a grant disbursement and project management schedule for agriculturally related best management practices to be included in a plan established under sub. (4) (g) and identify recommendations for implementing activities or projects under ss. 92.10~~, 92.104 and 92.105~~ and 281.16 (3).

SECTION 81. 281.65 (5) (e) of the statutes is amended to read:

281.65 **(5)** (e) Identify areas within a priority watershed or priority lake area that are subject to activities required under ~~ss. 92.104 and 92.105~~ s. 281.16 (3).

SECTION 82. 289.33 (3) (d) of the statutes is amended to read:

289.33 **(3)** (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, ~~91.73,~~ 196.58, 200.11 (8), 236.45, 281.43 or 349.16 ~~or~~, subch. VIII of ch. 60, or subch III of ch. 91.

SECTION 83. 823.08 (2) (b) of the statutes is amended to read:

823.08 **(2)** (b) "Agricultural use" has the meaning given in s. 91.01 ~~(1)~~ (2).

SECTION 84. 846.04 (1) of the statutes is amended to read:

846.04 **(1)** The plaintiff may, in the complaint, demand judgment for any deficiency that may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage. Judgment may be rendered for any deficiency remaining after applying the proceeds

of sale to the amount due. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the confirmation of sale. The judgment for deficiency shall be entered in the judgment and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases. A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 ~~(5), on and after October 14, 1997,~~ (2), for at least 12 consecutive months during the preceding 36-month period shall be recorded as an agriculture judgment.

SECTION 85. 846.04 (2) of the statutes is amended to read:

846.04 **(2)** Except as provided in sub. (3), if a mortgage foreclosure deficiency judgment is entered on property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 ~~(5),~~ (2), for at least 12 consecutive months during the preceding 36-month period, an action on the deficiency judgment shall be commenced within 10 years after the date on which the mortgage foreclosure deficiency judgment is entered or be barred.

SECTION 86. 946.13 (2) (g) of the statutes is amended to read:

946.13 **(2)** (g) Contracts with, or tax credits or payments received by, public officers or employees for wildlife damage claims or abatement under s. 29.889, for farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71 ~~and s. 91.13~~, soil and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.

SECTION 9343. Initial applicability; Revenue.

1 (1) FARMLAND PRESERVATION CREDIT. The treatment of section 71.613 of the
2 statutes first applies to taxable years beginning on January 1, 2010.

3 **(END)**

D-NOTE

Andrew Miner:

As I mentioned in my email on January 14, the new farmland preservation credit is nonrefundable. If this is not your intent, and you'd like the credit to be refundable, please let me know.

MZ

SA

Insert 2-4

SECTION 1. 20.115 (7) (tb) of the statutes is created to read:

20.115 **(7)** (tb) *Principal and interest; agricultural conservation easements, working lands fund.* From the working lands fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the principal and interest costs incurred in purchasing agricultural conservation easements under s. 93.73, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred to purchase those easements, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This SECTION depends on the inclusion of LRB-0202 in the bill. If that draft is not included, this SECTION must be deleted.

SECTION 2. 20.115 (7) (tg) of the statutes is created to read:

20.115 **(7)** (tg) *Agricultural conservation easements.* From the working lands fund, the amounts in the schedule for the purchase of agricultural conservation easements under s. 93.73.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This SECTION depends on the inclusion of LRB-0202 in the bill. If that draft is not included, this SECTION must be deleted.

SECTION 3. 20.115 (7) (tm) of the statutes is created to read:

20.115 **(7)** (tm) *Farmland preservation planning grants, working lands fund.* From the working lands fund, the amounts in the schedule for farmland preservation planning grants under s. 91.10 (6).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.115 (7) (tp) of the statutes is created to read:

20.115 **(7)** (tp) *Agricultural enterprise area petition grants, working lands fund.* From the working lands fund, the amounts in the schedule for grants under s. 91.88 for preparing petitions requesting the designation of agricultural enterprise areas.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.115 (7) (tr) of the statutes is created to read:

20.115 **(7)** (tr) *Agricultural enterprise areas; agricultural development grants.* From the working lands fund, the amounts in the schedule for agricultural development grants under s. 93.46 (2) and (3) for projects in agricultural enterprise areas designated under s. 91.84.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.115 (7) (ts) of the statutes is created to read:

20.115 **(7)** (ts) *Working lands programs.* From the working lands fund, the amounts in the schedule for administration of the farmland preservation program under ch. 91 and the program to purchase conservation easements under s. 93.73.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This reference in this SECTION to s. 93.73 depends on the inclusion of LRB-0202 in the bill. If that draft is not included, this SECTION must be modified.

Insert 2-6

SECTION 7. 25.17 (1) (yx) of the statutes is created to read:

25.17 **(1)** (yx) Working lands fund (s. 25.466);

SECTION 8. 25.466 of the statutes is created to read:

25.466 Working lands fund. There is created a separate trust fund designated as the working lands fund, consisting of all moneys received under ss. 91.48 (2) (c) and 91.66 (1) (c).

Insert 51-2

not under sub. (1) during the previous year

Insert 51-6

(c) A payment equal to the number of acres reported under par. (a) multiplied by the amount under sub. (1) (b) 1.

conversion fee

for each rezoned acre reported under par. (a).

for each rezoned acre reported under par. (a)

(3) A political subdivision that is not a county shall by March 1 of each year submit a copy of the information that it reports to the department under sub. (2) (a) and (b) to the county in which the political subdivision is located.

(4) If a political subdivision fails to comply with sub. (2), the department may withdraw the certification granted under s. 91.06, 2007 stats, or under s. 91.35 for the political subdivision's farmland preservation ordinance.

36

zoning

Insert 51-8

not **(1)** All conversion fees received under s. sub. (2) (c) shall be deposited in the working lands fund.

91.48

(2) If a political subdivision specifies a conversion fee under s. 91.48 (1) (b) 2. that is higher than the amount that is specified in s. 91.48 (1) (b) 1. and required to be paid to the department under s. 91.48 (2) (c), the political subdivision shall use the difference

Insert 56-5

1m B

(2m) All conversion fees received under sub. (1) (c) shall be deposited in the working lands fund.

Insert 59-14

1 (f) In designating agricultural areas under this subsection, the department
2 shall give preference to areas that include at least 1,000 acres of land.

INS 18-20

no ¶

, except that if any person in a household has claimed or will claim credit under subch. VIII, all persons from that household are ineligible to claim any credit under this section for the year to which the credit under subch. VIII pertained.

INS 19-8 LPS-please fix

(ge) "Household" means an individual and his or her spouse and all minor dependents.

INS 21-21

(f) The maximum amount of the credits that may be claimed under this section in any fiscal year is $27,280,000. If the total amount of eligible claims exceed this amount, the department shall prorate the claims to ensure that the limit specified in this paragraph is not exceeded.

credits

Insert A

-0203/P4

Section #. 20.866 (1) (u) of the statutes is amended to read:

and (tb),

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), ~~and~~ (s), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal, interest, premium due, if any, and payment due, if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300; 2007 a. 5; 2007 a. 20 ss. 582 to 597s, 9121 (6) (a); 2007 a. 226.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0203/P4dn
MES:cjs:ph

January 16, 2009

Andrew Miner:

As I mentioned in my email on January 14, the new farmland preservation credit is nonrefundable. If this is not your intent, and you'd like the credit to be refundable, please let me know.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Tradewell, Becky

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]

Sent: Monday, January 19, 2009 2:23 PM

To: Shovers, Marc; Tradewell, Becky

Cc: Steinmetz, Jana D - DOA

Subject: changes to farmland preservation draft 202/P4

Becky and Marc,

Please make the following changes to the farmland preservation program draft:

1. Change the new appropriation 20.115 (7)(dm) from continuing to annual.
2. Eliminate the new appropriation 20.115 (7)(dr) and the program it funds (grant program under 91.88).
3. Eliminate the new appropriation 20.115 (7)(tp) and the program it funds (again, 91.88).
4. Eliminate the new appropriation 20.115 (7)(tr) and the programs it funds.
5. Repeal appropriation 20.835(2)(dn) as exists under current law (unfunded GPR portion of the lottery tax credit).
6. The farmland tax relief credit as currently funded under 20.835 (2)(q) with lottery SEG should be eliminated and this lottery funding should be redirected to the farmland preservation tax credit, so that it has both lottery and GPR sources. It seems for this you could use the farmland tax relief credit, which had both GPR and lottery SEG appropriations, as a model. Please let me know if this is workable.
7. Minor typo we found: Page 55, line 11 – strike "a" in between "the" and "farmland."

Please let me know if you have any questions or concerns. Thanks,
Andrew

Andrew Miner
Agriculture, Environment and Justice
Wisconsin State Budget Office
(608) 266-1103

Shovers, Marc

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Wednesday, January 21, 2009 12:52 PM
To: Shovers, Marc; Tradewell, Becky
Cc: Steinmetz, Jana D - DOA
Subject: RE: changes to farmland preservation draft 202/P4

Marc,
The decision has been made to make the credit refundable. So to fund it there should be two appropriations – the current farmland preservation tax credit appropriation and a new lottery SEG appropriation. This to go with the repeal of the farmland tax relief credit – all effective in FY11 with the rest of the changes already in the draft. Please let me know if you have any questions.
Thanks,
Andrew

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Monday, January 19, 2009 2:42 PM
To: Miner, Andrew - DOA; Tradewell, Becky - LEGIS
Cc: Steinmetz, Jana D - DOA
Subject: RE: changes to farmland preservation draft 202/P4

Hi Andrew:

With regard to item 6, this does not make any sense if the tax credit is nonrefundable. A nonrefundable credit has no appropriation -- it just results in less tax revenue being paid to the state. If you want to change the draft to make the credit refundable I think your proposal would work but, at this time, the new credit is nonrefundable. Let me know if you want the draft changed to make the credit refundable.

Marc

Marc E. Shovers

Managing Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-6948
e-mail: marc.shovers@legis.wisconsin.gov

From: Miner, Andrew - DOA [mailto:Andrew.Miner@Wisconsin.gov]
Sent: Monday, January 19, 2009 2:23 PM
To: Shovers, Marc; Tradewell, Becky
Cc: Steinmetz, Jana D - DOA
Subject: changes to farmland preservation draft 202/P4

Becky and Marc,

Please make the following changes to the farmland preservation program draft:

1. Change the new appropriation 20.115 (7)(dm) from continuing to annual.
2. Eliminate the new appropriation 20.115 (7)(dr) and the program it funds (grant program under 91.88).
3. Eliminate the new appropriation 20.115 (7)(tp) and the program it funds (again, 91.88).
4. Eliminate the new appropriation 20.115 (7)(tr) and the programs it funds.
5. Repeal appropriation 20.835(2)(dn) as exists under current law (unfunded GPR portion of the lottery tax credit).
6. The farmland tax relief credit as currently funded under 20.835 (2)(q) with lottery SEG should be eliminated and this lottery funding should be redirected to the farmland preservation tax credit, so that it has both lottery and GPR sources. It seems for this you could use the farmland tax relief credit, which had both GPR and lottery SEG appropriations, as a model. Please let me know if this is workable.
7. Minor typo we found: Page 55, line 11 – strike "a" in between "the" and "farmland."

Please let me know if you have any questions or concerns. Thanks,

Andrew

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