



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRB-0617/1 (For: DOA)

has been copied/added to the drafting file for

2011 LRB-1284 (For: DOA)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 02/03/2011 (Per: RCT)

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



2011 DRAFTING REQUEST

Bill

Received: **12/01/2010**

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Administration**

By/Representing: **Kevin Moore**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **jennifer.kraus@wisconsin.gov**

Carbon copy (CC:) to: **david.schmiedicke@doa.state.wi.us**
kevin.moore@wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Eliminate farmland preservation fee increase and the purchase of agricultural conservation easements

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>
/P1				_____			S&L
/1	btradewe 12/17/2010	jdyer 12/17/2010	mduchek 12/17/2010	_____	sbasford 12/17/2010		S&L

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/01/2010

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Administration

By/Representing: Kevin Moore

May Contact:

Drafter: btradewe

Subject: Agriculture - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: jennifer.kraus@wisconsin.gov

Carbon copy (CC:) to: david.schmiedicke@doa.state.wi.us
kevin.moore@wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Eliminate farmland preservation fee increase and the purchase of agricultural conservation easements

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/P1	btradewe	PI 12/17 JLD	PI 12/17	[Signature]	[Signature]		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/01/2010

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Administration**

By/Representing: **Kevin Moore**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **jennifer.kraus@wisconsin.gov**

Carbon copy (CC:) to: **david.schmiedicke@doa.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Eliminate farmland preservation fee increase and the purchase of agricultural conservation easements

Instructions:

See attached

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/P1	btradewe			_____			

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 12/01/2010

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Governor-elect**

By/Representing: **Kevin Moore**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **kevin.moore@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate farmland preservation fee increase and the purchase of agricultural conservation easements

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>
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/P1	btradewe			_____			

FE Sent For:

<END>

Tradewell, Becky

From: Champagne, Rick
Sent: Wednesday, December 01, 2010 6:58 AM
To: Tradewell, Becky
Subject: Gov-Elect Drafting Request for Special Session

Becky, would you be the drafter on this one for the Governor-Elect? It is going to be part of the special session package. If so, can you let Kevin know that you received it. If it isn't yours, please let me know. Thanks.

Rick

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

From: Moore, Kevin E - GOT [mailto:Kevin.Moore@wisconsin.gov]
Sent: Wednesday, December 01, 2010 6:50 AM
To: Champagne, Rick
Subject: Drafting request

Rick

The governor elect would like a bill drafted that repeals the farmland preservation fee increase from the last budget. Also, include the repeal of the Purchase of Agricultural Conversion Easements PACE program that was created and funded with these increases.

Thank you.

Tradewell, Becky

From: Tradewell, Becky
Sent: Thursday, December 02, 2010 10:58 AM
To: Kraus, Jennifer - DOA
Subject: Drafting request

Jenny,

Yesterday, I received the following request from Kevin Moore:

The governor elect would like a bill drafted that repeals the farmland preservation fee increase from the last budget. Also, include the repeal of the Purchase of Agricultural Conversion Easements PACE program that was created and funded with these increases.

I told Kevin that I would have questions about this request and he said that he would be my contact. This morning, I have been composing a message for Kevin with background on this issue. Given that DOA is now the lead on these requests, I am sending this to you instead:

The last budget act changed the farmland preservation program extensively. There are still two ways that farmland may be eligible for a tax credit under the program: by being zoned for farmland preservation or by being covered under a farmland preservation agreement. Among other things, the budget changed the consequences of rezoning or cancelling a farmland preservation agreement so that land is no longer eligible for the tax credit. I think that this change is the focus of your drafting request.

Former law generally required a lien to be filed on land for which a tax credit had been received once the land no longer qualified for the tax credit. The lien was for the amount equal to the amount of tax credits received in the previous 10 years. Here are excerpts from a description of the consequences under former law, from page 8 the Legislative Fiscal Bureau informational paper on farmland preservation and tax relief credits:

Early cancellation of a contract ... or rezoning of eligible agricultural land result in the assessment of a rollback tax against the land. ... The rollback tax equals the amount of tax credits received in the last 10 years on the farmland taken out of agricultural use. If a tax is imposed, a lien is attached to the property for the amount of the tax and any interest.

The rollback tax does not have to be paid until some part of the land is sold or converted to a use prohibited by the contract or zoning ordinance. The owner can choose to pay the tax earlier. A lien filed on land for which a preservation agreement has expired does not have to be discharged or paid at the time of sale if the land is sold to the owner's child and it remains in agricultural use. ...

The Fiscal Bureau paper includes a table summarizing the consequences under prior law. The paper (paper number 25) is available here:

<http://legis.wisconsin.gov/lfb/Informationalpapers/info.html>

The budget eliminated the provisions in the farmland preservation program concerning liens. Instead, current law, under s. 91.48 (1) (b), conditions the rezoning of land out of farmland preservation zoning on the payment of a conversion fee. This fee applies without respect to whether a tax credit has been claimed for the land. The amount of the fee is based on three times the use value of farmland in the city, village, or town in which the rezoned land is located, except that the local governmental unit may specify a higher fee. (The provisions

concerning the consequences of early cancellation of a farmland preservation agreement are the same, except there is no option for a higher local fee.) The fee is explained in the Fiscal Bureau's budget summary as follows:

Conversion fees are the higher of: (a) an amount specified in the farmland preservation zoning ordinance; or (b) three times the per-acre value of the highest-value category of tillable cropland in the city, village or town in which the rezoned land is located. ... Average cropland values are currently approximately \$270 per acre.

The Fiscal Bureau description of the changes in the farmland preservation program is available here (click on Agriculture, Trade and consumer Protection):

<http://legis.wisconsin.gov/lfb/2009-11Budget/Act%2028/tableofcontents.htm>

DATCP information about the conversion fee is available here:

http://datcp.state.wi.us/workinglands/conversion_fee.jsp

It is not clear to me that the conversion fee under current law will always be higher than the "rollback tax" under prior law.

I am not certain what should be drafted in response to this request. One possibility would be to provide that the conversion fee only applies to land for which tax credits were received in the past and make it equal to the rollback tax under prior law. I understand that DATCP found that the system of using liens to collect the rollback tax was not very workable, so it may not be desirable to return to that system.

As far as repealing PACE is concerned, I don't know whether any bonds have been issued for the program. If so, there may be problems with repealing the related statutes. Perhaps there will need to be a sunset instead of a repeal. The Capital Finance folks may have some insight on that.

I will need to know how to proceed with this request. I am, of course, available for any discussions that may be of help.

Thanks,

Becky Tradewell

6-7290

Tradewell, Becky

From: Steinmetz, Jana D - DOA [Jana.Steinmetz@Wisconsin.gov]

Sent: Thursday, December 16, 2010 7:17 PM

To: Tradewell, Becky

Subject: drafting request

Becky,

I have answers for you on Working Lands:

1. Drafting for the Special Session
2. Repeal the conversion fee increase from Act 28
3. Do not modify the fee that is imposed when an agreement is terminated early
4. Eliminate the PACE program

I should be in all day Friday if you have any questions.

Thanks,
Jana

12/17/2010

Tradewell, Becky

From: Steinmetz, Jana D - DOA [Jana.Steinmetz@Wisconsin.gov]

Sent: Friday, December 17, 2010 8:02 AM

To: Tradewell, Becky

Subject: RE: drafting request

Clarification for you – they would like to return to the fee prior to Act 28

From: Steinmetz, Jana D - DOA

Sent: Thursday, December 16, 2010 7:17 PM

To: Tradewell, Becky - LEGIS

Subject: drafting request

Becky,

I have answers for you on Working Lands:

1. Drafting for the Special Session
2. Repeal the conversion fee increase from Act 28
3. Do not modify the fee that is imposed when an agreement is terminated early
4. Eliminate the PACE program

I should be in all day Friday if you have any questions.

Thanks,
Jana

Tradewell, Becky

From: Steinmetz, Jana D - DOA [Jana.Steinmetz@Wisconsin.gov]

Sent: Friday, December 17, 2010 11:07 AM

To: Tradewell, Becky

Subject: drafting

Becky,

For Working Lands, here is what I've got...

- 1) Remove the conversion fee that applies in rezones. Do not go back to the previous law. Upon rezone, no fee would apply;
- 2) Leave the conversion fee as currently in place for when a farmland preservation agreement is terminated.

Re Jana - No bonds have been issued for PACE.

12/17/2010



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0727/1
RCT:jld.rs

2011 BILL

Insert to CS17/1

1 **AN ACT to repeal** 91.48 (1) (a) (intro.), 91.48 (1) (b), 91.48 (2) (b) and (c) and 91.49;
2 **to renumber** 91.48 (1) (a) 1. to 4.; **to consolidate, renumber and amend**
3 91.48 (2) (intro.) and (a); and **to amend** 25.466, 91.04 (2) (j), 91.48 (1) (intro.)
4 and 91.48 (3) of the statutes; **relating to:** eliminating the requirement to pay
5 a conversion fee for having land rezoned out of a farmland preservation zoning
6 district.

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. Under current law, one requirement for qualifying for the farmland preservation tax credit is that the farmland must either be in a farmland preservation zoning district under a certified farmland preservation zoning ordinance or be covered by a farmland preservation agreement executed by DATCP.

This bill eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation district pay a conversion fee.

BILL

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.466 of the statutes is amended to read:

2 **25.466 Working lands fund.** There is created a separate trust fund
3 designated as the working lands fund, consisting of all moneys received under ~~ss.~~
4 ~~91.48 (2) (c) and s. 91.66 (1) (c)~~ and all moneys received due to the sale, modification,
5 or termination of an easement purchased under s. ~~93.73.~~

6
Insert
7
3-19

6 **SECTION 2.** 91.04^x (2) (j) of the statutes is amended to read:

7 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
8 under s. 91.48[✓], including the amounts of conversion fees paid to political subdivisions
9 under s. 91.48 (1) (b).

10 **SECTION 3.** 91.48 (1) (intro.)^x of the statutes is amended to read:

11 91.48 (1) (intro.) A political subdivision with a certified farmland preservation
12 zoning ordinance may rezone land out of a farmland preservation zoning district
13 without having the rezoning certified under s. 91.36, if all of the following apply the
14 political subdivision finds all of the following, after public hearing:

15 **SECTION 4.** 91.48 (1) (a) (intro.)^x of the statutes is repealed.

16 **SECTION 5.** 91.48 (1) (a) 1. to 4.^x of the statutes are renumbered 91.48 (1) (a) to
17 (d).[✓]

18 **SECTION 6.** 91.48 (1) (b)^x of the statutes is repealed.

19 **SECTION 7.** 91.48 (2) (intro.) and (a)^x of the statutes are consolidated,
20 renumbered 91.48 (2) and amended to read:

↓

BILL

INS 3-19
CONT

↓

1 91.48 (2) A political subdivision shall by March of 1 of each year provide all of
2 the following to the department: ~~(a) A~~ a report of the number of acres that the
3 political subdivision has rezoned out of a farmland preservation zoning district
4 under sub. (1) during the previous year and a map that clearly shows the location of
5 those acres.

6 **SECTION 8.** 91.48 (2) (b) and (c) of the statutes are repealed.

7 **SECTION 9.** 91.48 (3) of the statutes is amended to read:

8 91.48 (3) A political subdivision that is not a county shall by March 1 of each
9 year submit a copy of the information that it reports to the department under sub.
10 (2) ~~(a) and (b)~~ to the county in which the political subdivision is located.

11 **SECTION 10.** 91.49 of the statutes is repealed.

(END of insert 3.19)

12



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0617/1

Wanted Monday (before noon, if possible)

RCT.
JLD

2011 BILL

DN Note

X

Gen

1 AN ACT ...; relating to: eliminating the fee for having land rezoned out a
2 farmland preservation zoning district[✓] and eliminating the program for
3 purchasing agricultural conservation easements[✓].

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[✓]. Under current law, one requirement for qualifying for the farmland preservation tax credit[✓] is that the farmland must either be in a farmland preservation zoning district[✓] under a certified farmland preservation zoning ordinance or be covered by a farmland preservation agreement executed by DATCP[✓].

Under current law, in order to rezone land out of a farmland preservation zoning district[✓], a political subdivision must make several findings, including that the land is better suited for a use not allowed in a farmland preservation zoning district. Also under current law, a political subdivision[✓] with a certified farmland preservation ordinance[✓] may not rezone land out of a farmland preservation zoning district unless the person who requested the rezoning pays a[✓]conversion fee equal to the number of acres rezoned multiplied by three[✓] times the per acre value of the highest value of cropland in the city, village, or town in which the land is located[✓], as determined by the Department of Revenue[✓] for the purposes of use value assessment.

This bill eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation[✓] district pay a conversion fee[✓].

zoning

BILL

Under current law, DATCP administers a program under which it, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use. Under the program, DATCP pays up to 50 percent of the cost of purchasing an easement and may pay up to the full amount the related transaction costs, such as the costs of land surveys and appraisals.

This bill eliminates the program for purchasing agricultural conservation easements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (7) (br) of the statutes is repealed.

2 **SECTION 2.** 20.115 (7) (i) of the statutes is repealed.

3 **SECTION 3.** 20.115 (7) (tb) of the statutes is repealed.

4 **SECTION 4.** 20.115 (7) (tg) of the statutes is repealed.

5 **SECTION 5.** 20.115 (7) (ts) of the statutes is amended to read:

6 20.115 (7) (ts) *Working lands programs.* From the working lands fund, the
7 amounts in the schedule for administration of the farmland preservation program
8 under ch. 91 and the program to purchase conservation easements under s. 93.73.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25; 2007 a. 20, 125, 223; 2009 a. 28, 90, 145, 293, 401.

9 **SECTION 6.** 20.115 (8) (g) of the statutes is amended to read:

10 20.115 (8) (g) *Gifts and grants.* Except as provided in par. (ge) and sub. (7) (i),
11 all moneys received from gifts and grants to carry out the purposes for which made.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25; 2007 a. 20, 125, 223; 2009 a. 28, 90, 145, 293, 401.

12 **SECTION 7.** 20.866 (1) (u) of the statutes is amended to read:

BILL

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

History: 1971 c. 42; 1971 c. 100 a. 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, 2009 a. 28, 361.

14 **SECTION 8.** 20.866 (2) (wg) of the statutes is repealed.

15 **SECTION 9.** 25.466 of the statutes is amended to read:

16 **25.466 Working lands fund.** There is created a separate trust fund
 17 designated as the working lands fund, consisting of all moneys received under ss.
 18 ~~91.48 (2) (c) and s. 91.66 (1) (c) and all moneys received due to the sale, modification,~~
 19 ~~or termination of an easement purchased under s. 93.73.~~

History: 2009 a. 28.

20 **SECTION 10.** 93.73 of the statutes is repealed.

21 **SECTION 11.** 165.25 (4) (ar) of the statutes is amended to read:

Insert
3-19

BILL

SECTION 11

1 165.25 (4) (ar) The department of justice shall furnish all legal services
2 required by the department of agriculture, trade and consumer protection relating
3 to the enforcement of ss. 91.68, ~~93.73~~[✓], 100.171, 100.173, 100.174, 100.175, 100.177,
4 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37,
5 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779,
6 together with any other services as are necessarily connected to the legal services.

History: 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235; 2005 a. 96, 458; 2007 a. 1; 2007 a. 20 ss. 2904, 9121 (6) (a); 2007 a. 76, 79, 96, 130, 225; 2009 a. 2, 28, 42.

7

(END)

DNate

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0617/P1dn
RCT: ^:...

date

Jld

Jana Steinmetz: ✓

This draft eliminates the conversion fee for rezoning land out of a farmland preservation zoning district and eliminates the purchase of agricultural conservation easements (PACE).

The 2009 budget reduced the amount of public debt authorized for the conservation reserve enhancement program by \$12,000,000 and authorized \$12,000,000 in public debt for PACE. This draft does not restore any public debt authorized for the conservation reserve enhancement program. Please let me know if that is not what is intended.

Please let me know if you have any questions or need any changes in the draft.

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

NOTE

→ There are some purposes other than PACE appropriations from the working lands fund for those purposes. I did not repeal those appropriations.

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

LRB-0617/1dn
RCTjld.md

December 17, 2010

Jana Steinmetz:

This draft eliminates the conversion fee for rezoning land out of a farmland preservation zoning district and eliminates the purchase of agricultural conservation easements (PACE).

The 2009 budget reduced the amount of public debt authorized for the conservation reserve enhancement program by \$12,000,000 and authorized \$12,000,000 in public debt for PACE. This draft does not restore any public debt authorized for the conservation reserve enhancement program. Please let me know if that is not what is intended.

There are some appropriations from the working lands fund for purposes other than PACE. I did not repeal those appropriations.

Please let me know if you have any questions or need any changes in the draft.

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0617/1
RCT;jld:md

2011 BILL

1 **AN ACT to repeal** 20.115 (7) (br), 20.115 (7) (i), 20.115 (7) (tb), 20.115 (7) (tg),
2 20.866 (2) (wg), 91.48 (1) (a) (intro.), 91.48 (1) (b), 91.48 (2) (b) and (c), 91.49 and
3 93.73; **to renumber** 91.48 (1) (a) 1. to 4.; **to consolidate, renumber and**
4 **amend** 91.48 (2) (intro.) and (a); and **to amend** 20.115 (7) (ts), 20.115 (8) (g),
5 20.866 (1) (u), 25.466, 91.04 (2) (j), 91.48 (1) (intro.), 91.48 (3) and 165.25 (4) (ar)
6 of the statutes; **relating to:** eliminating the fee for having land rezoned out a
7 farmland preservation zoning district and eliminating the program for
8 purchasing agricultural conservation easements.

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. Under current law, one requirement for qualifying for the farmland preservation tax credit is that the farmland must either be in a farmland preservation zoning district under a certified farmland preservation zoning ordinance or be covered by a farmland preservation agreement executed by DATCP.

Under current law, in order to rezone land out of a farmland preservation zoning district, a political subdivision must make several findings, including that the

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land is better suited for a use not allowed in a farmland preservation zoning district. Also under current law, a political subdivision with a certified farmland preservation ordinance may not rezone land out of a farmland preservation zoning district unless the person who requested the rezoning pays a conversion fee equal to the number of acres rezoned multiplied by three times the per acre value of the highest value of cropland in the city, village, or town in which the land is located, as determined by the Department of Revenue for the purposes of use value assessment.

This bill eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation zoning district pay a conversion fee.

Under current law, DATCP administers a program under which it, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use. Under the program, DATCP pays up to 50 percent of the cost of purchasing an easement and may pay up to the full amount the related transaction costs, such as the costs of land surveys and appraisals.

This bill eliminates the program for purchasing agricultural conservation easements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (7) (br) of the statutes is repealed.

2 **SECTION 2.** 20.115 (7) (i) of the statutes is repealed.

3 **SECTION 3.** 20.115 (7) (tb) of the statutes is repealed.

4 **SECTION 4.** 20.115 (7) (tg) of the statutes is repealed.

5 **SECTION 5.** 20.115 (7) (ts) of the statutes is amended to read:

6 20.115 (7) (ts) *Working lands programs.* From the working lands fund, the
7 amounts in the schedule for administration of the farmland preservation program
8 under ch. 91 and the program to purchase conservation easements under s. 93.73.

9 **SECTION 6.** 20.115 (8) (g) of the statutes is amended to read:

10 20.115 (8) (g) *Gifts and grants.* Except as provided in par. (ge) and sub. (7) (i),
11 all moneys received from gifts and grants to carry out the purposes for which made.

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1 **SECTION 7.** 20.866 (1) (u) of the statutes is amended to read:

2 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
3 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), ~~(br)~~, **and** (s), ~~and~~
4 ~~(tb)~~, 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250
5 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and
6 (ko) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),
7 (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395
8 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee),
9 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and
10 (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b),
11 (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h),
12 (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and
13 payment due, if any, under an agreement or ancillary arrangement entered into
14 under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV
15 of ch. 18.

16 **SECTION 8.** 20.866 (2) (wg) of the statutes is repealed.

17 **SECTION 9.** 25.466 of the statutes is amended to read:

18 **25.466 Working lands fund.** ~~There is created a separate trust fund~~
19 ~~designated as the working lands fund, consisting of all moneys received under ss.~~
20 ~~91.48 (2) (e) and s. 91.66 (1) (c) and all moneys received due to the sale, modification,~~
21 ~~or termination of an easement purchased under s. 93.73.~~

22 **SECTION 10.** 91.04 (2) (j) of the statutes is amended to read:

23 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
24 under s. 91.48, ~~including the amounts of conversion fees paid to political subdivisions~~
25 ~~under s. 91.48 (1) (b).~~

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1 **SECTION 11.** 91.48 (1) (intro.) of the statutes is amended to read:

2 91.48 (1) (intro.) A political subdivision with a certified farmland preservation
3 zoning ordinance may rezone land out of a farmland preservation zoning district
4 without having the rezoning certified under s. 91.36, if ~~all of the following apply the~~
5 political subdivision finds all of the following, after public hearing:

6 **SECTION 12.** 91.48 (1) (a) (intro.) of the statutes is repealed.

7 **SECTION 13.** 91.48 (1) (a) 1. to 4. of the statutes are renumbered 91.48 (1) (a)
8 to (d).

9 **SECTION 14.** 91.48 (1) (b) of the statutes is repealed.

10 **SECTION 15.** 91.48 (2) (intro.) and (a) of the statutes are consolidated,
11 renumbered 91.48 (2) and amended to read:

12 91.48 (2) A political subdivision shall by March 1 of each year provide ~~all of~~
13 ~~the following~~ to the department: ~~(a) A~~ a report of the number of acres that the
14 political subdivision has rezoned out of a farmland preservation zoning district
15 under sub. (1) during the previous year and a map that clearly shows the location of
16 those acres.

17 **SECTION 16.** 91.48 (2) (b) and (c) of the statutes are repealed.

18 **SECTION 17.** 91.48 (3) of the statutes is amended to read:

19 91.48 (3) A political subdivision that is not a county shall by March 1 of each
20 year submit a copy of the information that it reports to the department under sub.
21 (2) ~~(a) and (b)~~ to the county in which the political subdivision is located.

22 **SECTION 18.** 91.49 of the statutes is repealed.

23 **SECTION 19.** 93.73 of the statutes is repealed.

24 **SECTION 20.** 165.25 (4) (ar) of the statutes is amended to read:

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1 165.25 (4) (ar) The department of justice shall furnish all legal services
2 required by the department of agriculture, trade and consumer protection relating
3 to the enforcement of ss. 91.68, ~~93.73~~, 100.171, 100.173, 100.174, 100.175, 100.177,
4 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37,
5 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779,
6 together with any other services as are necessarily connected to the legal services.

7

(END)