

2009 DRAFTING REQUEST

Bill

Received: **02/11/2010**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Newcomer (608) 266-3007**

By/Representing: **Eric Knight**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Newcomer@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate conversion penalty under farmland preservation law

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>
/?				_____			S&L
/1	btradewe 02/12/2010	kfollett 02/18/2010	rschluet 02/18/2010	_____	cduerst 02/18/2010	mbarman 02/25/2010	

FE Sent For:

<END>

*at
intro*

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/?	btradewe	1/5 f 2/18					
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FE Sent For:

<END>

Tradewell, Becky

From: Tradewell, Becky
Sent: Thursday, February 11, 2010 10:02 AM
To: Knight, Eric
Subject: FW: Email from LRB Website

Eric,

I would be the drafter for this request.

My understanding is that you do not want any penalty (or any negative consequences) for a farmer that has his or her property rezoned out of a farmland preservation zoning district. Please let me know if that is not your intent.

Becky Tradewell
Managing Attorney
Legislative Reference Bureau
6-7290

It is the intent.

From: Kahler, Pam
Sent: Thursday, February 11, 2010 9:54 AM
To: Tradewell, Becky
Subject: FW: Email from LRB Website

From: Knight, Eric
Sent: Thursday, February 11, 2010 9:52 AM
To: Kahler, Pam
Subject: Email from LRB Website

Pam:

I need to draft a bill that would repeal the farmland conversion penalty that was adopted as part of the 2009-11 State budget. Wis. Stat. 91.48(1)(b). Can you help with this? Let me know if you have any questions.

Thanks

Eric Knight
Office of Rep. Scott Newcomer
608-266-3007
888-529-0033
Eric.Knight@legis.wi.gov

02/11/2010

Cross-Reference Post-Drafting-Check For 09-4305/1

Friday, February 12, 2010 11:47 am

TREATMENT	REFERENCE
91.48(1)(b)1.	✓91.48(2)(c)
91.48(1)	✓91.48(2)(a)
91.48(1)(b)	✓91.04(2)(j)
91.48(1)(b)1.	✓91.49(2)
91.48(1)(b)	✓91.48(2)(b)
91.48(1)(b)2.	✓91.49(2)
91.48(2)(a)	✓91.48(2)(b)
91.48(2)(a)	✓91.48(3)
91.48(2)(c)	✓25.466
91.48(2)(a)	✓91.48(2)(c)
91.48(2)(c)	✓91.49(2)
91.48(2)	ok 91.48(4)
91.48(2)(b)	✓91.48(3)
91.48(2)(c)	✓91.49(1)

91.49 ip



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4305/1

RCT...
gf

2/19, if possible (in 2/12)

2009 BILL

Gen

- 1 AN ACT ...; **relating to:** eliminating the requirement to pay a conversion fee for
2 having land rezoned out of a farmland preservation zoning 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.

Under current law, in order to rezone land out of a farmland preservation zoning district, a political subdivision must find that the land is better suited for a use not allowed in a farmland preservation zoning district, that the rezoning is substantially consistent with the certified county farmland preservation plan, and that the rezoning will not substantially impair the agricultural use of surrounding parcels that are zoned for agricultural use. Also under current law, beginning on January 1, 2010, 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.

BILL

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

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, as affected by 2009 Wisconsin Act 28, is
2 amended to read:

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

History: 2009 a. 28. ✓

7 SECTION 2. 91.04 (2) (j) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
10 under s. 91.48, ~~including the amounts of conversion fees paid to political subdivisions~~
11 ~~under s. 91.48 (1) (b).~~

History: 2009 a. 28. ✓

12 SECTION 3. 91.48 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act
13 28, is amended to read:

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

History: 2009 a. 28. ✓

18 SECTION 4. 91.48 (1) (a) (intro.) of the statutes, as affected by 2009 Wisconsin
19 Act 28, is repealed.

BILL

1 SECTION 5. 91.48 (1) (a) 1. to^d4. of the statutes, as affected by 2009 Wisconsin
2 Act 28, are renumbered 91.48 (1) (a) to (d). ✓

3 SECTION 6. 91.48 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is repealed. ✓

5 SECTION 7. 91.48 (2) (intro.) and (a) of the statutes, as affected by 2009
6 Wisconsin Act 28, are consolidated, renumbered 91.48 (2) and amended to read:

7 91.48 (2) (intro.) A political subdivision shall by March ^{of} 1^{of} each year provide
8 all of the following to the department: (a) [↓] A [↓] report of the number of acres that the
9 political subdivision has rezoned out of a farmland preservation zoning district
10 under sub. (1) during the previous year and a map that clearly shows the location of
11 those acres. ✓

History: 2009 a. 28.

12 SECTION 8. 91.48 (2) (b) and (c) of the statutes, as affected by 2009 Wisconsin
13 Act 28, are repealed. ✓

14 SECTION 9. 91.48 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
15 amended to read:

16 91.48 (3) A political subdivision that is not a county shall by March 1 of each
17 year submit a copy of the information that it reports to the department under sub.
18 (2) (a) and (b) to the county in which the political subdivision is located. ✓

History: 2009 a. 28.

19 SECTION 10. 91.49 of the statutes, as affected by 2009 Wisconsin Act 28, is
20 repealed. ✓

21 (END)

Barman, Mike

From: Knight, Eric

Sent: Thursday, February 25, 2010 11:20 AM

To: LRB.Legal

Subject: Draft Review: LRB 09-4305/1 Topic: Eliminate conversion penalty under farmland preservation law

Please Jacket LRB 09-4305/1 for the ASSEMBLY.

02/25/2010