



2009 ASSEMBLY BILL 870

March 19, 2010 – Introduced by Representatives DAVIS, ZIEGELBAUER, KERKMAN, VOS, GUNDERSON, VAN ROY, RIPP, TOWNSEND, HUBLER, MURSAU, ROTH, KESTELL, SPANBAUER, LEMAHIEU, ZIGMUNT, RHOADES, HUEBSCH and PETROWSKI, cosponsored by Senators SCHULTZ, HARSDFORF, A. LASEE, COWLES, OLSEN, KEDZIE and KAPANKE. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 91.04 (2) (j), 91.48 (1) (b) (intro.), 91.48 (2) (b) and (c) and 91.48
2 (3) of the statutes; **relating to:** the requirement to pay a conversion fee for
3 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.

The 2009–11 biennial budget act, 2009 Wisconsin Act 28, made numerous changes in the Farmland Preservation Program. Under current law, as modified by that act, farmland preservation zoning ordinances certified under former law continue to qualify farmers for the farmland preservation tax credit for a period that varies by county from December 31, 2012, to December 31, 2016, depending on the rate of population increase in the county between 2000 and 2007. After that date, farmers in a political subdivision qualify for the tax credit only if the political subdivision updates its farmland preservation zoning ordinance and DATCP certifies the zoning ordinance under the standards in current law.

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

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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.

This bill changes the date beginning on which a conversion fee must be paid in order to have land rezoned out of a farmland preservation zoning district in a political subdivision from January 1, 2010, to the day after the day that DATCP certifies the political subdivision's updated farmland preservation zoning ordinance.

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

3 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
4 under s. 91.48, including, after the requirement in s. 91.48 (1) (b) applies, the
5 amounts of conversion fees paid to political subdivisions under s. 91.48 (1) (b).

6 **SECTION 2.** 91.48 (1) (b) (intro.) of the statutes, as affected by 2009 Wisconsin
7 Act 28, is amended to read:

8 91.48 (1) (b) (intro.) Beginning on January 1, 2010 the day after the day on
9 which the department under s. 91.36 first certifies the political subdivision's
10 farmland zoning ordinance, the person who requests the rezoning pays to the
11 political subdivision, for each rezoned acre or portion thereof, a conversion fee equal
12 to the greater of the following:

