

## 2009 DRAFTING REQUEST

### Bill

Received: **02/26/2010**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Brett Davis (608) 266-1192**

By/Representing: **Kate Stewart**

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.Davis@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Delay effective date of conversion fee under farmland preservation program

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### Instructions:

See attached

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### 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>
/?	btradewe 02/26/2010	bkraft 02/26/2010		_____			S&L
/1			mduchek 02/26/2010	_____	sbasford 02/26/2010	cduerst 03/01/2010	

FE Sent For:

<END>

at  
Intro

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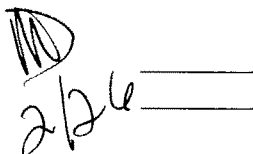
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/?	btradewe	/1 bjk 2/26					

FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Stewart, Kate  
**Sent:** Thursday, February 25, 2010 10:00 AM  
**To:** Tradewell, Becky  
**Subject:** Email from LRB Website

Becky,

Sen. Schultz's office should be contacting you regarding LRB-4018. Representative Davis wanted to have an Assembly companion to that bill drafted.

Thank you,

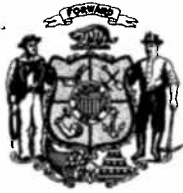
**Kate Stewart**

*Legislative Assistant*

*Office of Representative Brett Davis*

*80th Assembly District*

*(608) 266-1192*



State of Wisconsin  
2009 - 2010 LEGISLATURE

*Today, if possible*

4435/1

LRB-4018/1

RCT:kjf:jf

*L stays*

*VMMR*

FROM  
4018/1

2009 BILL

*SA*

*No changes*

*regen.*

- 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

**BILL**

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.

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*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:



**Basford, Sarah**

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**From:** Stewart, Kate  
**Sent:** Monday, March 01, 2010 10:32 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4435/1 Topic: Delay effective date of conversion fee under farmland preservation program

Please Jacket LRB 09-4435/1 for the ASSEMBLY.