

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB623)

Received: **03/15/2010**

Received By: **btradewe**

Wanted: **Soon**

Companion to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Jeff Buhrandt**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Farmland preservation agreement applications submitted before law changed, 10 year length

Instructions:

Like 09s0310/1

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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FE Sent For:

<END>

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/?	btradewe	1 3/16 jld	3/16 ph	3/16 ph			

FE Sent For:

<END>

Tradewell, Becky

From: Buhrandt, Jeff
Sent: Monday, March 15, 2010 10:27 AM
To: Rep.Danou; Tradewell, Becky
Subject: RE: LRB 09s0310 Topic: Farmland preservation agreement applications submitted before law changed, 10 year length

Becky-

Sorry for the confusion – I sent the stripes on the senate version of the bill down on Friday and yes, I'd like to introduce a senate version of the sub as well.

Thanks-

Jeff

From: Rep.Danou
Sent: Monday, March 15, 2010 9:59 AM
To: Buhrandt, Jeff
Subject: FW: LRB 09s0310 Topic: Farmland preservation agreement applications submitted before law changed, 10 year length

Do you have everything you need to move the Farmland preservation sub forward?

-Dan

From: Tradewell, Becky
Sent: Monday, March 15, 2010 9:23 AM
To: Rep.Danou
Subject: RE: LRB 09s0310 Topic: Farmland preservation agreement applications submitted before law changed, 10 year length

Dan,

This is a follow up to the message that I left for you on Friday. I am unsure of what you mean when you say that you want to be sure that this is released to Sen. Kreitlow's office. I had thought that you meant that if they contacted me, I had permission to discuss the draft with them and to draft a companion for them. I have not heard from Sen. Kreitlow's office and it does not appear that the companion bill has been introduced in the Senate.

Please let me know if there is something else that I should do with this substitute amendment.

Becky Tradewell

From: Rep.Danou
Sent: Thursday, March 11, 2010 9:53 AM
To: Buhrandt, Jeff
Cc: Tradewell, Becky
Subject: FW: LRB 09s0310 Topic: Farmland preservation agreement applications submitted before law changed, 10 year length

Hello Becky,

As I have spoken to you all before here is the Substitute Amendment which reflects the agreement between DATCP and Trempealeau County. I want to be sure the Senate version is released to Jeff Buhrandt in Sen. Kreitlow's office as they will be the Senator authors.

Best Regards,

Daniel V. Bahr
Office of Rep. Chris Danou

<< File: LRB s0310_1 >>



State of Wisconsin
2009 - 2010 LEGISLATURE

Tues 3/15

56343/1
LRE§0310/1
RCT:jld:md
↑
stays

~~ASSEMBLY~~ ^{Senate} SUBSTITUTED AMENDMENT,
TO 2009 ~~ASSEMBLY~~ ^{Senate} BILL 743 ⁶²³

LPS -
check
out to refs
please

x Regen

1 AN ACT relating to: processing certain applications for farmland preservation
2 agreements. ✓

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. The Farmland Preservation Program includes farmland preservation planning, farmland preservation zoning, farmland preservation agreements, and soil and water conservation requirements. Under current law, for a farmer to qualify for the farmland preservation tax credit, the farm must be in a farmland preservation zoning district or be covered by a farmland preservation agreement executed by DATCP. A farmland preservation agreement generally requires a farmer to keep the land covered by the agreement in agricultural use for the term of the agreement.

The 2009-11 biennial budget act, 2009 Wisconsin Act 28, made numerous changes in the Farmland Preservation Program. The changes took effect on July 1, 2009. Current law, as modified by that act, prohibits DATCP from entering into a new farmland preservation agreement unless the land to be covered by the agreement is in an agricultural enterprise area, designated by DATCP. DATCP may only designate an area if it receives a petition requesting the designation filed by each political subdivision in which any part of the area is located and by the owners

of at least five farms that would be eligible for coverage by farmland preservation agreements. As of December 1, 2009, DATCP had not designated any agricultural enterprise areas.

This substitute amendment requires DATCP to contact each person who submitted an application for a farmland preservation agreement between January 1, 2008, and June 30, 2009, if the processing of the application was not completed before July 1, 2009, to determine whether the person still wishes to enter into a farmland preservation agreement. If a person responds to DATCP within 90 days indicating that he or she does still wish to enter into an agreement, DATCP must process the application under the farmland preservation law that was in effect before July 1, 2009, except that the term of a farmland preservation agreement under this substitute amendment is limited to ten years, rather than between 10 and 25 years as under former law. The requirement that covered land be in an agricultural enterprise area does not apply to these applications.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) PROCESSING APPLICATIONS FOR FARMLAND PRESERVATION AGREEMENTS.

3 (a) Notwithstanding the repeal and recreation of chapter 91 of the statutes by
4 2009 Wisconsin Act 28 and subject to paragraphs ^{g.a.r. ↓} (b) and (c), the department of
5 agriculture, trade and consumer protection shall process an application for a
6 farmland preservation agreement in accordance with chapter 91, 2007 stats., if the
7 application was submitted to the county clerk under section 91.13 (1), 2007 stats.,
8 no earlier than January 1, 2008, and no later than June 30, 2009, and if processing
9 of the application was not completed before July 1, 2009. Section 91.60 (3) of the
10 statutes, as affected by 2009 Wisconsin Act 28, applies to a farmland preservation
11 agreement entered into under this subsection as though the farmland preservation
12 agreement had been entered into before July 1, 2009.

13 (b) The department of agriculture, trade and consumer protection shall send
14 a letter by certified mail to each person who submitted an application to which

a.r.

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paragraph (a) applies stating that, if the person still wishes to enter into a farmland preservation agreement, the person must notify the department within 90 days. If, on or before the 90th day after the day on which a person receives a letter under this paragraph, the person does not notify the department that the person still wishes to enter into a farmland preservation agreement, the department may not enter into a farmland preservation agreement with the person.

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(c) A farmland preservation agreement entered into under this subsection expires 10 years from the day on which the application was submitted to the county clerk. ✓

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(END)