

2015 DRAFTING REQUEST

Senate Amendment (SA-SB479)

Received: 12/30/2015 Received By: eshea
For: Scott Fitzgerald (608) 266-5660 Same as LRB: a1372
May Contact: By/Representing: Dan
Subject: Agriculture - other Drafter: eshea
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Fitzgerald@legis.wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov
marc.shovers@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Certification of farmland preservation zoning ordinances for towns that withdraw from county zoning

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	eshea 12/30/2015	kmochal 12/30/2015	_____	sbasford 12/30/2015	sbasford 12/30/2015	

FE Sent For:

<END>

Shea, Elisabeth

From: Portz, Elisabeth
Sent: Wednesday, December 30, 2015 1:40 PM
To: Shea, Elisabeth
Cc: Romportl, Dan
Subject: RE: AB 563 amendment

Hey Elisabeth,

It looks like the amendment is all ^{SB 479} good to go, so can we have that turned into a /1 for the assembly and have the amendment drafted for the Senate Bill as well, and then have both jacketed and sent to our offices? I've included Dan Romportl from Sen. Fitzgerald's office on this email.

Please let me know if you have any questions! Thanks again,

Liz

Elisabeth Portz
Policy Advisor, Office of Rep. Keith Ripp
Assembly Committee on Transportation
Office: (608) 266-3404
Cell: (920) 471-8150

From: Shea, Elisabeth
Sent: Tuesday, December 29, 2015 1:01 PM
To: Portz, Elisabeth <Elisabeth.Portz@legis.wisconsin.gov>
Subject: RE: AB 563 amendment

Hi Liz,
Yes - I am done with the drafting, and I will make sure it goes out today.
Lis

From: Portz, Elisabeth
Sent: Tuesday, December 29, 2015 11:58 AM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Subject: RE: AB 563 amendment

Hey Elisabeth,

This bill is receiving a public hearing Jan 5th, so we would really like to have this amendment introduced and available to members at that time. Do you have an ETA on when it will be done?

Thanks!

Liz

Elisabeth Portz
Policy Advisor, Office of Rep. Keith Ripp
Assembly Committee on Transportation
Office: (608) 266-3404
Cell: (920) 471-8150

From: Portz, Elisabeth
Sent: Tuesday, December 22, 2015 5:50 PM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Subject: RE: AB 563 amendment

Great! Thank you!

Elisabeth Portz
Policy Advisor, Office of Rep. Keith Ripp
Assembly Committee on Transportation
Office: (608) 266-3404
Cell: (920) 471-8150

From: Shea, Elisabeth
Sent: Tuesday, December 22, 2015 4:45 PM
To: Portz, Elisabeth <Elisabeth.Portz@legis.wisconsin.gov>
Subject: RE: AB 563 amendment

Hi Liz,

Yes - I think what they are suggesting would entail keeping current law, so that a town that withdraws from county zoning is responsible for submitting an application for certification in time to have it approved by Dec. 31 and allow landowners to get the tax benefits that year. I will go ahead and draft the amendment to do this.

Thanks!

Lis

Elisabeth H. Shea
Legislative Attorney
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elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Portz, Elisabeth
Sent: Tuesday, December 22, 2015 4:25 PM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Subject: Fwd: AB 563 amendment

Hey Elisabeth!

Does this explanation from DATCP help with your questions at all?

Thanks!

Liz

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Volk, Alison M - DATCP" <Alison.Volk@wisconsin.gov>

Date: 12/22/2015 16:03 (GMT-06:00)

To: "Portz, Elisabeth" <Elisabeth.Portz@legis.wisconsin.gov>, "Moll, Keeley A - DATCP" <Keeley.Moll@wisconsin.gov>

Cc: "Foye, Keith W - DATCP" <Keith.Foye@wisconsin.gov>

Subject: RE: AB 563 amendment

Hi Liz,

When a town adopts a farmland preservation ordinance for the first time, the town must have the ordinance certified by DATCP in order for landowners located within the farmland preservation district to be eligible to claim the farmland preservation tax credit. The ordinance must be certified by December 31 of a given year in order for a landowner to be able to claim the credit for that year. Certification ensures that the ordinance does not allow in the farmland preservation district any uses other than those described in chapter 91.

The problem with the provision as written and its interaction with the certification process is that an automatic assumption of certified status enables a town to operate as though the ordinance is certified even though the ordinance itself might not meet chapter 91 requirements. We also, as a program, cannot alert the Department of Revenue to those jurisdictions covered by a certified ordinance unless the town has requested and received certification from DATCP. It is correct that the town must receive certification by December 31 and, because the certification process takes time, the town must submit the ordinance to the department with sufficient time for review, amendments, approval, and ultimately adoption.

Hopefully this helps. Please let me know if you or the drafter have any additional questions or comments.

Thanks,

Alison Volk
Land Management Section Chief
Department of Agriculture, Trade & Consumer Protection
2811 Agriculture Drive, PO Box 8911
Madison, WI 53708-8911
(608) 224-4634

From: Portz, Elisabeth [<mailto:Elisabeth.Portz@legis.wisconsin.gov>]

Sent: Tuesday, December 22, 2015 2:34 PM

To: Moll, Keeley A - DATCP <Keeley.Moll@wisconsin.gov>; Volk, Alison M - DATCP <Alison.Volk@wisconsin.gov>

Subject: FW: AB 563 amendment

Alison/Keeley,

Can you look at the drafter's question below and comment? Thank you!

Liz

Elisabeth Portz
Policy Advisor, Office of Rep. Keith Ripp
Assembly Committee on Transportation
Office: (608) 266-3404
Cell: (920) 471-8150

From: Shea, Elisabeth
Sent: Tuesday, December 22, 2015 2:32 PM
To: Portz, Elisabeth <Elisabeth.Portz@legis.wisconsin.gov>
Subject: FW: AB 563 amendment

Hi Liz,

Marc forwarded this to me. Becky Tradewell drafted this provision of the bill, but she has since retired. I am new to this area of drafting and also to the bill, so I just want to make sure I understand how this would work.

It seems that the provision as drafted is intended to provide a seamless transition from county FP ordinance to a town FP ordinance, with no gap during which the town ordinance would be waiting on certification. It sounds like a certified ordinance must be in place by Dec. 31 for the district landowners to be eligible for the tax benefits for that year. So under the suggested revision, I assume the goal would be to ensure that the town has its ordinance certified by Dec. 31 of the year in which the town withdraws from county zoning. However, if the town applies for certification by Dec. 31, this does not ensure that DATCP would certify it by Dec. 31, as DATCP has 90 days to decide, or if DATCP responded late in the year that there were problems with a town's ordinance, the town might not have time before Dec. 31 to make the necessary changes and have it certified. Would it make sense to have an earlier deadline for a town to submit its application?

Please let me know if I have not accurately stated the intent, or if I am mistaken about the process.

Lis

Elisabeth H. Shea
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From: Portz, Elisabeth
Sent: Tuesday, December 22, 2015 8:57 AM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: AB 563 amendment

Good morning Mark,

I know we are right in the middle of the holidays, but there is an amendment we need to draft for AB 563 relatively quickly because it will likely be needed right after the new year for committee in the Senate. DATCP shared some

concerns with us concerning certification. Could you draft an amendment to the bill based off the following instructions (in yellow)?

“If a town adopts an FP ordinance it really cannot be assumed to be certified without receiving an affirmative certification from DATCP. Shortening the timeframe for when they would need to submit to us for certification to one year does not necessarily help because we are really constrained by the December 31 deadline each year. A certified ordinance must be in place by December 31 of a given year for landowners covered by the district to be eligible for tax credits for that year. If a town were to opt out of county zoning, it would be easiest for us if the town could seek certification before the end of the calendar year in order for landowners to continue to be eligible. This would alert us to the change in status of an ordinance and would also ensure that the ordinance does not incorporate any standards that are not allowed under chapter 91. Please let me know if I can clarify any of this further.”

If this is unclear, just let me know and I'll get some clarification for you!

Thank you for your speediness on this and I apologize for the last minute request. Hope you have a great Christmas and New Year!

Liz

Elisabeth Portz
Policy Advisor, Office of Rep. Keith Ripp
Assembly Committee on Transportation
Office: (608) 266-3404
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State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1372/1
EHS:emw

a 1378/1

Companion R/M run

Senate
ASSEMBLY AMENDMENT,
Senate
TO ASSEMBLY BILL 563 479

In 12/30
Due today

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 8, line 20: delete the material beginning with that line and ending with
- 3 page 9, line 3.
- 4 (END)