



2011 ASSEMBLY BILL 34

February 23, 2011 - Introduced by Representatives JACQUE, RIVARD, STEINEKE, ZIEGELBAUER, BIES, KERKMAN, KESTELL, NASS, KLEEFISCH, LITJENS, PRIDEMORE and WEININGER, cosponsored by Senators SCHULTZ, GALLOWAY and LASEE. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to repeal** 20.115 (7) (br), 20.115 (7) (i), 20.115 (7) (tb), 20.115 (7) (tg),
2 20.866 (2) (wg), 91.48 (1) (a) (intro.), 91.48 (1) (b), 91.48 (2) (b) and (c), 91.49 and
3 93.73; **to renumber** 91.48 (1) (a) 1. to 4.; **to consolidate, renumber and**
4 **amend** 91.48 (2) (intro.) and (a); and **to amend** 20.115 (7) (ts), 20.115 (8) (g),
5 20.866 (1) (u), 25.466, 91.04 (2) (j), 91.48 (1) (intro.), 91.48 (3) and 165.25 (4) (ar)
6 of the statutes; **relating to:** eliminating the fee for having land rezoned out a
7 farmland preservation zoning district and eliminating the program for
8 purchasing agricultural conservation easements.

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 make several findings, including that the

ASSEMBLY BILL 34

land is better suited for a use not allowed in a farmland preservation zoning district. Also under current law, 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 eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation zoning district pay a conversion fee.

Under current law, DATCP administers a program under which it, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use. Under the program, DATCP pays up to 50 percent of the cost of purchasing an easement and may pay up to the full amount of the related transaction costs, such as the costs of land surveys and appraisals.

This bill eliminates the program for purchasing agricultural conservation easements.

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.** 20.115 (7) (br) of the statutes is repealed.

2 **SECTION 2.** 20.115 (7) (i) of the statutes is repealed.

3 **SECTION 3.** 20.115 (7) (tb) of the statutes is repealed.

4 **SECTION 4.** 20.115 (7) (tg) of the statutes is repealed.

5 **SECTION 5.** 20.115 (7) (ts) of the statutes is amended to read:

6 20.115 (7) (ts) *Working lands programs.* From the working lands fund, the
7 amounts in the schedule for administration of the farmland preservation program
8 under ch. 91 and the program to purchase conservation easements under s. 93.73.

9 **SECTION 6.** 20.115 (8) (g) of the statutes is amended to read:

10 20.115 (8) (g) *Gifts and grants.* Except as provided in par. (ge) and sub. (7) (i),
11 all moneys received from gifts and grants to carry out the purposes for which made.

ASSEMBLY BILL 34

1 **SECTION 7.** 20.866 (1) (u) of the statutes is amended to read:

2 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
3 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), ~~(br)~~, and (s), ~~and~~
4 ~~(tb)~~, 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250
5 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and
6 (ko) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),
7 (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395
8 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee),
9 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and
10 (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b),
11 (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h),
12 (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and
13 payment due, if any, under an agreement or ancillary arrangement entered into
14 under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV
15 of ch. 18.

16 **SECTION 8.** 20.866 (2) (wg) of the statutes is repealed.

17 **SECTION 9.** 25.466 of the statutes is amended to read:

18 **25.466 Working lands fund.** There is created a separate trust fund
19 designated as the working lands fund, consisting of all moneys received under ss.
20 ~~91.48 (2) (e) and s. 91.66 (1) (c) and all moneys received due to the sale, modification,~~
21 ~~or termination of an easement purchased under s. 93.73.~~

22 **SECTION 10.** 91.04 (2) (j) of the statutes is amended to read:

23 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
24 under s. 91.48, ~~including the amounts of conversion fees paid to political subdivisions~~
25 ~~under s. 91.48 (1) (b).~~

ASSEMBLY BILL 34**SECTION 11**

1 **SECTION 11.** 91.48 (1) (intro.) of the statutes is amended to read:

2 91.48 (1) (intro.) A political subdivision with a certified farmland preservation
3 zoning ordinance may rezone land out of a farmland preservation zoning district
4 without having the rezoning certified under s. 91.36, if all of the following apply the
5 political subdivision finds all of the following, after public hearing:

6 **SECTION 12.** 91.48 (1) (a) (intro.) of the statutes is repealed.

7 **SECTION 13.** 91.48 (1) (a) 1. to 4. of the statutes are renumbered 91.48 (1) (a)
8 to (d).

9 **SECTION 14.** 91.48 (1) (b) of the statutes is repealed.

10 **SECTION 15.** 91.48 (2) (intro.) and (a) of the statutes are consolidated,
11 renumbered 91.48 (2) and amended to read:

12 91.48 (2) A political subdivision shall by March 1 of each year provide ~~all of~~
13 ~~the following~~ to the department: ~~(a) A~~ a report of the number of acres that the
14 political subdivision has rezoned out of a farmland preservation zoning district
15 under sub. (1) during the previous year and a map that clearly shows the location of
16 those acres.

17 **SECTION 16.** 91.48 (2) (b) and (c) of the statutes are repealed.

18 **SECTION 17.** 91.48 (3) of the statutes is amended to read:

19 91.48 (3) A political subdivision that is not a county shall by March 1 of each
20 year submit a copy of the information that it reports to the department under sub.
21 (2) ~~(a) and (b)~~ to the county in which the political subdivision is located.

22 **SECTION 18.** 91.49 of the statutes is repealed.

23 **SECTION 19.** 93.73 of the statutes is repealed.

24 **SECTION 20.** 165.25 (4) (ar) of the statutes is amended to read:

ASSEMBLY BILL 34

1 165.25 (4) (ar) The department of justice shall furnish all legal services
2 required by the department of agriculture, trade and consumer protection relating
3 to the enforcement of ss. 91.68, ~~93.73~~, 100.171, 100.173, 100.174, 100.175, 100.177,
4 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37,
5 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779,
6 together with any other services as are necessarily connected to the legal services.

7

(END)