



2009 ASSEMBLY BILL 863

March 16, 2010 - Introduced by Representatives NEWCOMER, ROTH, BIES, GUNDERSON, KAUFERT, KERKMAN, LEMAHIEU, LOTHIAN, SPANBAUER, SUDER, TOWNSEND, VOS and ZIEGELBAUER, cosponsored by Senators A. LASEE, LEIBHAM and ELLIS. Referred to Joint Committee on Finance.

1 **AN ACT to repeal** 91.48 (1) (a) (intro.), 91.48 (1) (b), 91.48 (2) (b) and (c) and 91.49;
2 **to renumber** 91.48 (1) (a) 1. to 4.; **to consolidate, renumber and amend**
3 91.48 (2) (intro.) and (a); and **to amend** 25.466, 91.04 (2) (j), 91.48 (1) (intro.)
4 and 91.48 (3) of the statutes; **relating to:** eliminating the requirement to pay
5 a conversion fee for having land rezoned out of a farmland preservation zoning
6 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.

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 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

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parcels that are zoned for agricultural use. 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 district pay a conversion fee.

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.** 25.466 of the statutes, as affected by 2009 Wisconsin Act 28, is
2 amended to read:

3 **25.466 Working lands fund.** There is created a separate trust fund
4 designated as the working lands fund, consisting of all moneys received under ss.
5 ~~91.48 (2) (e) and s.~~ 91.66 (1) (c) and all moneys received due to the sale, modification,
6 or termination of an easement purchased under s. 93.73.

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

9 91.04 (2) (j) Rezoning of land out of farmland preservation zoning districts
10 under s. 91.48, including the amounts of conversion fees paid to political subdivisions
11 under s. 91.48 (1) (b).

12 **SECTION 3.** 91.48 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act
13 28, is amended to read:

14 91.48 (1) (intro.) A political subdivision with a certified farmland preservation
15 zoning ordinance may rezone land out of a farmland preservation zoning district

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1 without having the rezoning certified under s. 91.36, if ~~all of the following apply the~~
2 political subdivision finds all of the following, after public hearing:

3 **SECTION 4.** 91.48 (1) (a) (intro.) of the statutes, as affected by 2009 Wisconsin
4 Act 28, is repealed.

5 **SECTION 5.** 91.48 (1) (a) 1. to 4. of the statutes, as affected by 2009 Wisconsin
6 Act 28, are renumbered 91.48 (1) (a) to (d).

7 **SECTION 6.** 91.48 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is repealed.

9 **SECTION 7.** 91.48 (2) (intro.) and (a) of the statutes, as affected by 2009
10 Wisconsin Act 28, are consolidated, renumbered 91.48 (2) and amended to read:

11 91.48 (2) (intro.) A political subdivision shall by March 1 of each year provide
12 all of the following to the department: ~~(a) A~~ a report of the number of acres that the
13 political subdivision has rezoned out of a farmland preservation zoning district
14 under sub. (1) during the previous year and a map that clearly shows the location of
15 those acres.

16 **SECTION 8.** 91.48 (2) (b) and (c) of the statutes, as affected by 2009 Wisconsin
17 Act 28, are repealed.

18 **SECTION 9.** 91.48 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
19 amended to read:

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

23 **SECTION 10.** 91.49 of the statutes, as affected by 2009 Wisconsin Act 28, is
24 repealed.

25 (END)