

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB519)

Received: 12/18/2009

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Hebl (608) 266-7678**

By/Representing: **Ed Huck**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Adl. Drafters: **emueller**

Subject: **Local Gov't - tax incr financing**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hebl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require DOR to certify base of Waukesha Tax Incremental District (TID) 18

Instructions:

See attached. Draft AB 502 (LRB -3134) as a simple amendment to AB 519 (LRB -3252)

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>
/?	mshovers 12/18/2009	kfollett 12/18/2009		_____			
/1			jfrantze 12/18/2009	_____	mbarman 12/18/2009	mbarman 12/18/2009	

FE Sent For:

<END>

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/? mshovers

11/16/09
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Kim 12/18/09
J2 18

11 MES 12/18/09

FE Sent For:

<END>

No AM; For Rep. Hebl

MEMORANDUM

October 23, 2009

TO: Marc E. Shovers
Legislative Reference Bureau

FROM: Paul Ziegler
Department of Revenue

SUBJECT: Technical Memorandum on AB 502 Regarding the Department of Revenue to Certify the Tax Base of Tax Incremental District #18 in the City of Waukesha

The Department of Revenue cannot administer the bill solely on the information as written.

For TIF districts created under s. 66.1105, the Department of Revenue must know which type of district is created to determine the allowable life span of the district. TIF districts created for blighted areas or areas in need of rehabilitation or conservation work have a life span of 27 years. TIF districts suitable for industrial use or for mixed-use development have a life span of 20 years.

In order for the Department to identify the permissible life span of this TIF district, the bill should specify the type of district being created. This could be accomplished by adding the phrase "as a [insert type] district" after the word "created" on page 3, line 1. Alternatively, this phrase could be inserted after "2008," on page 2, line 9.

If you have any questions regarding these comments, please contact Daniel Huegel at (608) 266-5705.

cc: Representative Louis Molepske, Jr.

*It's a
blighted TID*



gf
jid

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 519

TODAY

D-NOTE

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: after "Sheboygan" insert "and requiring the Department of
3 Revenue to certify the tax base of Tax Incremental Financing District Number 18 in
4 the city of Waukesha".

5 2. Page 2, line 1: before that line insert:

FNS 1-5

6 3. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

7 (END)



2009 ASSEMBLY BILL 502

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1-5

October 15, 2009 - Introduced by Representatives KRAMER and NEWCOMER, cosponsored by Senator KANAVAS. Referred to Committee on Ways and Means.

1 **AN ACT to create** 66.1105 (5) (br) of the statutes; **relating to:** requiring the
2 Department of Revenue to certify the tax base of Tax Incremental Financing
3 District Number 18 in the city of Waukesha.

Analysis by the Legislative Reference Bureau

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50 percent of the area to be included in the TID is blighted, in need of rehabilitation or conservation, suitable for industrial sites, or suitable for mixed-use development. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Also under current law, once a TID has been created, the Department of Revenue (DOR) calculates the "tax increment base" value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment." The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID. ~~The costs of a TID, which are initially incurred by the creating city~~

1

ASSEMBLY BILL 502

or village, include public works, such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created. Under certain circumstances, the life of the TID and the allocation period may be extended.

Currently, before a TID may be created, the city or village's application must contain findings that at least 50 percent of the area to be included in the TID is blighted, in need of rehabilitation or conservation, suitable for industrial sites, or suitable for mixed-use development. The findings, in effect, determine the type of TID that is being created.

With regard to TID Number 18, which the city of Waukesha created, or attempted to create on January 1, 2008, based on action taken by the common council on July 16, 2008, this bill requires that DOR proceed as if the TID was created on January 1, 2008, notwithstanding the fact that the city's findings did not specify the type of TID that was being created. Also under the bill, DOR may not certify a value increment before 2010.

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:

Handwritten notes in a circle: JNS, 1-5, plus

SECTION 1. 66.1105 (5) (br) of the statutes is created to read:

66.1105 (5) (br) Notwithstanding the requirement that the findings under sub.

(4) (gm) 4. a. specify the type of district that is being created as blighted, in need of rehabilitation or conservation work, suitable for industrial sites, or suitable for mixed-use development, if the city of Waukesha created, or attempted to create, Tax Incremental District Number 18 on January 1, 2008, based on actions taken by the common council on July 16, 2008, the department of revenue shall certify the tax incremental base of the district as if the tax incremental district had been created on January 1, 2008, *as a blighted area district* and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other

ASSEMBLY BILL 502

*FINES
1-5
P. 2009*

respects as if the district had been created on January 1, 2008, except that the department of revenue may not certify a value increment under par. (b) before 2010. "

2

3

(END)

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1-5*

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1233/?dn
MES&EVM...
e j f

Date

Representative Hebl:

It is possible that this amendment, as drafted, could be challenged as being nongermane to AB 519. Under Assembly Rule 54 (3) (f), an amendment that “substantially expands the scope of the proposal” is nongermane.

AB 519 extends the expenditure period of TID Number 6 in the city of Sheboygan. This amendment, based on AB 502, requires the Department of Revenue to certify the tax base of TID Number 18 in the city of Waukesha. It could be argued that the amendment violates Assembly Rule 54 (3) (f). It could also be argued that both proposals deal with technical issues under the tax incremental financing statute.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1233/1dn
MES:kjfjf

December 18, 2009

Representative Hebl:

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