

July 1983 Spec. Sess.
Senate Bill 1

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1983 Wisconsin Act 31

AN ACT to amend 66.46 (4) (h) and 66.46 (6) (a) (intro.); and to create 66.46 (4) (gs) and 66.46 (4m) of the statutes, relating to creating a tax incremental finance joint review board.

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

SECTION 1. 66.46 (4) (gs) of the statutes is created to read:

66.46 (4) (gs) Review by a joint review board, acting under sub. (4m), that results in its approval of the resolution under par. (gm).

SECTION 2. 66.46 (4) (h) of the statutes is amended to read:

66.46 (4) (h) The planning commission may at any time, by resolution, adopt an amendment to a project plan, which amendment shall be subject to approval by the local legislative body and approval of the amendment shall require the same findings as provided in par. (g). Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that

a copy of the amendment will be provided on request. Prior to such publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For any county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

SECTION 3. 66.46 (4m) of the statutes is created to read:

66.46 (4m) JOINT REVIEW BOARD. (a) Any city that seeks to create a tax incremental district or amend a project plan shall convene a joint review board to review the proposal. The board shall consist of one representative chosen by the school district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the vocational, technical and adult education district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the county that has power to levy taxes on the property within the tax incremental district, one representative chosen by the city and one public member. If more than one school district, more than one vocational, technical and adult education district or more than one county has the power to levy taxes on the property within the tax incremental district, the unit in which is located property of the tax incremental district that has the greatest value shall choose that representative to the board. The public member and the board's chairperson shall be selected by a majority of the other board members before the public hearing under sub. (4) (a) or (h) is held. All board members shall be appointed and the first board meeting held within 14 days after the notice is published under sub. (4) (a) or (h). Additional meetings of the board shall be held upon the call of any member. The city that seeks to create the tax incremental district or to amend its project plan shall provide administrative support for the board. By majority vote, the board may disband following approval or rejection of the proposal.

(b) The board shall review the public record, planning documents and the resolution passed by the local legislative body or planning commission under sub. (4) (gm) or (h). As part of its deliberations the board may hold additional hearings on the proposal. No tax incremental district may be created and no project plan may be amended unless the board approves the resolution adopted under sub. (4) (gm) or (h) by a majority vote within 30 days after the date the resolution is adopted. The board shall submit its decision to the city within this 30-day period.

(c) 1. The board shall base its decision to approve or deny a proposal on the following criteria:

a. Whether the development expected in the tax incremental district would occur without the use of tax incremental financing.

b. Whether the economic benefits of the tax incremental district, as measured by increased employment, business and personal income and property value, are insufficient to compensate for the cost of the improvements.

c. Whether the benefits of the proposal outweigh the anticipated loss in tax revenues of the overlying taxing districts.

2. The board shall issue a written explanation describing why any proposal it rejects fails to meet one or more of the criteria specified in subd. 1.

SECTION 4. 66.46 (6) (a) (intro.) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

66.46 (6) (a) (intro.) ~~Positive~~ If the joint review board approves the creation of the tax incremental district under sub. (4m), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely

WisACT 31

- 704 -

evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter, tax increments shall be annually allocated to the city that created such a district until the earlier of:
