



## 2005 ASSEMBLY BILL 1158

March 29, 2006 – Introduced by Representative OTT, cosponsored by Senator A. LASEE. Referred to Committee on Ways and Means.

1     **AN ACT to create** 66.1105 (5) (bk) of the statutes; **relating to:** the failure to  
2             publish certain notices relating to the creation, or attempted creation, of a tax  
3             incremental financing district in the village of Kimberly.

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### *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. Current law also requires that notices for the required public hearings must be published in the newspaper in advance of the hearings.

Once these steps are accomplished, the city or village clerk is required to complete certain forms and an application and submit the documents to the Department of Revenue (DOR) on or before December 31 of the year in which the TID is created. Upon receipt of the application, DOR is required to certify the full aggregate value of the taxable property in the city, which constitutes the tax incremental base of the TID.

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This bill specifies that if the village of Kimberly created or attempted to create a TID on January 1, 2005, based on a resolution adopted in April 2005, but did not actually publish the required public notices before the required public hearings were held, DOR must proceed as if the TID was created on January 1, 2005, if the village was in substantial compliance with other specified statutory requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

66.1105 (5) (bk) Notwithstanding the requirements in sub. (4) (a), (c), and (e), if the village of Kimberly created, or attempted to create, a tax incremental district on January 1, 2005, based on a resolution described under sub. (4) (gm) 2. that was adopted in April 2005, and attempted to publish, but did not actually publish, the notices required under sub. (4) (a), (c), and (e), but was otherwise in substantial compliance as specified in sub. (15), the department of revenue shall determine the tax incremental base of the district, allocate tax increments, and treat the district in all other respects as if the requirements under sub. (4) (a), (c), and (e) had been strictly complied with and as if the district was created on January 1, 2005.

(END)