2001 ASSEMBLY BILL 314

April 12, 2001 – Introduced by Representative Berceau, cosponsored by Senator Risser. Referred to Committee on Ways and Means.

- 1 AN ACT *to create* 66.1105 (5) (bh) of the statutes; **relating to:** the publication
- 2 of notices relating to the creation of tax incremental financing districts.

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% of the area to be included in the TID is blighted, in need of rehabilitation, or suitable for industrial sites. 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, 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 district as of a date provided in the resolution. Before the required public hearings are held, the city or village that wishes to create a TID must publish public notices that include information about the place, time, and subject of the hearings. Another step that must be taken before a TID may be created is the creation by the city or village of a joint review board to review the proposal. The joint review board, which is made up of representatives of the overlying taxing jurisdictions of the proposed TID, must approve the project plan or the TID may not be created. If an existing TID project plan is amended by a planning commission, all of these steps are also required.

Once these steps are accomplished, the city 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

ASSEMBLY BILL 314

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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.

This bill specifies that, if a city that created or attempted to create a TID in October 1999 and in September 2000 published the required public notices before the required public hearings were held, in substantial compliance with the statutory requirements, although the notices contained technical deficiencies regarding the time, place, or subject of the hearings, the creation date of both TIDs shall be January 1, 2000, and DOR must proceed as if they were created on that date.

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:

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

66.1105 **(5)** (bh) Notwithstanding the requirements in sub. (4) (a), (c), and (e), if a city that created, or attempted to create, a tax incremental district in October 1999 and in September 2000 and published the notices required under sub. (4) (a), (c), and (e), and was in substantial compliance with the notice requirements although such notices contained technical deficiencies regarding the time, place, or subject of the required hearings, the department of revenue shall determine the tax incremental bases of the districts, allocate tax increments, and treat the districts in all other respects as if the requirements under sub. (4) (a), (c), and (e) had been strictly complied with and as if the districts were created on January 1, 2000.

11 (END)