

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB510)**

Received: 10/01/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Lehman (608) 267-2367**

By/Representing: **Bill Ford**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munis - tax incrmntal financing**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Changes to the tax incremental financing statutes.

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**Instructions:**

See Attached

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**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>
/1	shoveme 10/05/2001	csicilia 10/08/2001	jfrantze 10/08/2001	_____	lrb_docadmin 10/08/2001	lrb_docadmin 10/08/2001	
/2	shoveme 10/08/2001	csicilia 10/08/2001	rschluet 10/08/2001	_____	lrb_docadmin 10/08/2001	lrb_docadmin 10/08/2001	
/3	shoveme 10/09/2001	gilfokm 10/09/2001	rschluet 10/09/2001	_____	lrb_docadmin 10/09/2001	lrb_docadmin 10/10/2001	

FE Sent For:

<END>

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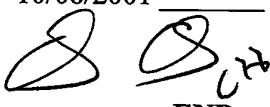
See Attached

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13 MES  
FE Sent For:

10/9/01  
13-10/9

  
10-9-01 <END>

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FE Sent For:

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<END>

stripes requested 10/8

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1?	shoveme	11 gcs 10/8 01	Jb 10/8	Jb/ch 10/8			
11 MES 10/5/01							

FE Sent For:

<END>

To: Marc Shovers:  
From: Bill Ford

Please draft a simple amendment for Rep. Lehman to LRB 22 53/2 that contains the following:

1. P. 7, line 1, after the first period, insert the following: "If the proposed project plan includes cash grants to be made by the city to owners, lessees or developers of land that is located within the taxation district as project costs, the public hearing shall include this and any proposed development agreement under section 66.1105 (2) (f) 2.d. as a separate agenda item and the notice of the hearing shall include a statement that the cash grants are included in the proposed project plan and will be a subject of the public hearing."

2. Insert the following language where appropriate: "A city may not enter a development agreement that is required under section 66.1105 (2) (f.) 2.d. in order to include cash grants as project costs unless, at least 14 days before entering the agreement, a public hearing is held by the local governing body or the planning commission in which interested parties are afforded a reasonable opportunity to express their views on the proposed development agreement. Notice of the hearing shall be published as a class 2 notice, under chapter 985. The hearing may be held in conjunction with the hearing provided for in (66.1105 (4) (e)). The notice shall contain a statement advising that a copy of the proposed development agreement will be provided on request. Before publication, a copy of the notice shall be sent by first-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 a county with no Chief Executive Officer or administrator, notice shall be sent to the county board chairperson.

3. Include all of the revisions listed in the September 19th 2001 memorandum to Rep. Lehman from the Wisconsin Economic Development Association Tax Incremental Financing Coalition except for item 4 (copy attached). In addition, with respect to item 3, provide that the board of review shall make a decision in not less than 14 days nor more than 21 days after receiving the resolution. Also, with respect to item 6, require cities to report to the department of revenue with respect to both tax incremental districts and environmental remediation tax incremental districts by February 15th following the year in which the tax incremental district is closed.

4. Include all of the revised effective dates listed in the attached document headed "Effective Dates: upon Publication"

5. On page 18, line six, restore the stricken through language. Also, add a sentence providing a 13 year existence after the last expenditure for a tax incremental district created on or after October 1st, 2002.

6. With respect to the substantial compliance language in section 34 of the draft add sections 66.1105 (4) (h) and 66.1105 (5) (b).

7. In section 55 of the draft, direct the department of revenue to redetermine the tax incremental base of an environmental remediation tax incremental district if a portion of the territory included in the district is annexed.

*and shall include a statement that cash grants are included in the development agreement and will be a subject of the public hearing*

To: Marc Shovers:  
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Please draft a simple amendment for Rep. Lehman to LRB 22 53/2 that contains the following:

1. P. 7, line1, after the first period, insert the following: "If the proposed project plan includes cash grants to be made by the city to owners, lessees or developers of land that is located within the taxation district as project costs, the public hearing shall include this and any proposed development agreement under section 66.1105 (2) (f) 2.d. as a separate agenda item and the notice of the hearing shall include a statement that the cash grants are included in the proposed project plan and will be a subject of the public hearing."
2. Insert the following language where appropriate: "A city may not enter a development agreement that is required under section 66.1105 (2) (f.)2.d. in order to include cash grants as project costs unless, at least 14 days before entering the agreement, a public hearing is held by the local governing body or the planning commission in which interested parties are afforded a reasonable opportunity to express their views on the proposed development agreement. Notice of the hearing shall be published as a class 2 notice, under chapter 985. The hearing may be held in conjunction with the hearing provided for in (66.1105 (4) (e)). The notice shall contain a statement advising that a copy of the proposed development agreement will be provided on request. Before publication, a copy of the notice shall be sent by first-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 a county with no Chief Executive Officer or administrator, notice shall be sent to the county board chairperson.
3. Include all of the revisions listed in the September 19th 2001 memorandum to Rep. Lehman from the Wisconsin Economic Development Association Tax Incremental Financing Coalition except for item 4 (copy attached). In addition, with respect to item 3, provide that the board of review shall make a decision in not less than 14 days nor more than 21 days after receiving the resolution. Also, with respect to item 6, require cities to report to the department of revenue with respect to both tax incremental districts and environmental remediation tax incremental districts by February 15th following the year in which the tax incremental district is closed.
4. Include all of the revised effective dates listed in the attached document headed "Effective Dates: upon Publication"
5. On page 18, line six, restore the stricken through language. Also, add a sentence providing a 13 year existence after the last expenditure for a tax incremental district created on or after October 1st, 2002.
6. With respect to the substantial compliance language in section 34 of the draft add sections 66.1105 (4) (h) and 66.1105 (5) (b).
7. In section 55 of the draft, direct the department of revenue to redetermine the tax incremental base of an environmental remediation tax incremental district if a portion of the territory included in the district is annexed.

# Memorandum

**To:** Representative Lehman  
**From:** WEDA TIF Coalition  
**Date:** September 19, 2001  
**Re:** Proposed TIF Bill (LRB 2253/1)

---

During the 2001-03 biennial budget process, the WEDA TIF Coalition ("Coalition") agreed to a number of changes to the current TIF law in hopes of reaching a compromise with all parties. The Coalition also agreed to support these changes in subsequent legislation if no agreement could be reached during the budget process. However, the Coalition made it clear that it would withdraw its support for such legislation if any additional changes considered adverse to economic development were included.

## ITEM 1

✓ Page 7 (lines 16-18) – The Coalition agreed that cities would be prohibited from including within the boundaries of a TID any land not within the boundaries of the city on January 1, 2002 unless any one of the three following conditions were met:

- Δ WFS  
45 in  
10  
AB 510
- 1.) 3 years elapsed since the territory was annexed by the city/village;
  - 2.) The city/village and town enter in to a boundary agreement or any other agreement related to the annexed area; or
  - 3.) The city/village agree to compensate the town the amount of property taxes levied on the territory to be included in the TID, at the time of the annexation, for each of the next succeeding five years after the territory is annexed. If a city/village agree to make these payments, allow them to be included as a project cost for the TID.

LRB 2253/1 does not include the third provision above as an independent option for cities/villages to pursue. As drafted, cities/villages may compensate the town for lost tax revenues, but only if they have a cooperative boundary agreement in place with the town.

## ITEM 2

✓ Page 9 (Lines 17-20) The provision, as drafted, would prohibit communities from making both one addition and one subtraction of land from the TID boundary during the

7 years after the TID is created. However, it is common practice and necessary to ensure the success of TIDs for communities to both add and subtract land from the TID at the same time (i.e., exchange) or to add land in the beginning years and later subtract other land prior to end of the seventh year of the TID.

Accordingly, the language should be amended to allow both 1 addition and 1 subtraction within the first 7 years.

### ITEM 3

Page 11 (line 16) -- As drafted, the provision paradoxically prohibits boards of review from making a decision in LESS than 14 days after receiving the resolution and places no limit on the amount of time the board can take to make a decision. In other words, a board, by not taking action, could prolong the decision-making process indefinitely.

To create a reasonable and efficient decision-making process, this provision should be amended to clarify that boards of review must act within a maximum of 14 days.

### ITEM 4

Page 12 (Line 12) -- The provision does not state what happens if the DOR fails to act within the specified 10-day time frame.

Again, to avoid excessive approval delays, the provision should make it clear that if DOR does not respond within 10 days, the TID shall be deemed compliant.

### ITEM 5

Page 17 (Lines 13-15) -- . By requiring that sufficient revenues be on deposit to pay ALL project costs of the donor TID, this provision would effectively prohibit donor TIDs. Current law requires any existing district that has sufficient revenues accumulated in it's fund to pay all costs must be terminated under current law. Obviously, if a TID is required to terminate it cannot serve as a donor TID.

Accordingly, the language should be changed to not require that sufficient revenues be on deposit to pay ALL project costs of the donor TID. Furthermore, to insure that the donor TIDs obligations are satisfied prior to providing funding to a recipient TID, the provision should be amended to require communities to demonstrate that sufficient revenues are projected to be collected, on the basis of existing current increments to satisfy both the donor TID's obligations first and that any surplus annual revenue be available to a recipient TID. This can easily be done with a present value calculation of the donor TID's revenue stream.



**ITEM 6**

Page 18 (Lines 8-14) This provision should be changed from 60 to 180 days to allow for a situation where a community would close the district after May 15, which would allow them to collect one more year of revenue (December taxes in the year of closure which are not collected until the following January.) 180 days would be consistent with Environmental TIF reporting requirements on page 25 line 1. This would also allow the department to continue to certify a new district created between 5/15 and the end of the year in the case of a TID closeout after 5/15.

**ITEM 7**

Page 30 (Lines 1-4) Question - Will the inclusion of an FTE position make this an appropriation bill? If so, is this what you want?

If position stays in, we strongly recommend removing reference to "performing **auditing** related to tax increment districts". Our understanding was that this position was being created solely for the purpose of enabling the department to comply with provisions of Sec.66.1105 (4m) (b) 4. (See page 12, lines 5 -10.) It was never contemplated that the department should have any role in auditing districts.

*take out*

**Effective Dates: Upon Publication**

Section 4: Clarifies that project costs may not include expenditures for newly platted residential development when TIDs are amended. Current law refers only to the prohibition when TIDs are created.

Sections 8, 22: Specifies that DOR may not certify a TID that exceeds the 5%/7% value limitation. Specifies that the determination of the 5%/7% shall be based on the most recent equalized value of property available at the time of the determination.

Section 10: Specifies that the 5%/7% value limitation applies to amended TIDs.

**ER TIF:**

Sections 35, 38, 39, 45-50: Clarifies multiple parcels are allowed in ER TIDS

Section 36: Strikes conflicting language regarding when the base year of an ER TID is determined

Sections 37, 40, 41: Provides or clarifies definitions of ER TID, project expenditures, taxable property

Section 42-44: Provides procedures for creating an ER TID consistent with TIF law

Section 51: Requires audit of ER TID 12 months after last expenditure [NOTE: consider changing this to 12 months after termination to streamline with new reporting requirement under Section 52]

Section 52: Requires ER TIDs to report final statistics to DOR after termination

Section 53, 54: Specifies termination requirements of ER TIDs

Section 55: Requires a municipality that annexes property that is part of a town ER TID to compensate town for project costs attributed to the annexed territory

Sections 56-62: Specifies settlement procedures for ER TIF tax increments consistent with TIF law

Sections 63-65: Cross references to ER TIDs consistent with TIF law

**Effective Dates: January 1, 2002**

Section 1, Appropriates \$1,000 filing fee to pay cost of DOR position

Section 18 (in part): DOR may impose a \$1.00 fee for determination and redetermination of TID base values

Section 66: Authorizes 1 FTE DOR position to be funded from \$1,000 fee



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa06997  
MES

CS

fma

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 510**

WANTED  
MON: 10/8  
10 AM

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

2 1. Page 6, line 13: after that line insert:

3 "SECTION 4s. 66.1105 (3) (e) of the statutes is amended to read:

4 66.1105 (3) (e) Enter into any contracts or agreements, including agreements

5 with bondholders, determined by the local legislative body to be necessary or

6 convenient to implement the provisions and effectuate the purposes of project plans.

7 The contracts or agreements may include conditions, restrictions, or covenants

8 which either run with the land or which otherwise regulate the use of land. A city

9 may not enter into a development agreement as described under sub. (2) (f) 2. d.

10 unless, at least 14 days before entering into the agreement a public hearing is held

11 by the city or by the planning commission at which interested parties are afforded

12 a reasonable opportunity to express their views on the proposed development

1 agreement. Notice of the hearing shall be published as a class 2 notice, under ch. 985,  
 2 shall state that the proposed project plan's project costs include cash grants, and  
 3 shall state that the cash grants will be on the agenda of the public hearing. The  
 4 hearing may be held in conjunction with the hearing provided for in sub. (4) (e). The  
 5 notice shall include a statement advising that a copy of the proposed development  
 6 agreement will be provided on request. Before publication, a copy of the notice shall  
 7 be sent by 1st class mail to the chief executive officer or administrator of all local  
 8 governmental entities having the power to levy taxes on property within the district  
 9 and to the school board of any school district which includes property located within  
 10 the proposed district. For a county with no chief executive officer or administrator,  
 11 notice shall be sent to the county board chairperson."

History: 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252; 1999 a. 9; 1999 a. 150 ss/457 to 472; Stats. 1999 s. 66.1105; 2001 a. 5.

12 **2.** Page 7, line 1: after "(a)." insert "If the proposed project plan's project costs  
 13 include cash grants made by the city to owners, lessees, or developers of land that  
 14 is located within the tax incremental district, the hearing agenda shall include a  
 15 separate item for the cash grants and for the development agreement described  
 16 under sub. (2) (f) 2. d., and the hearing notice shall state that the cash grants are a  
 17 proposed project cost that will be on the agenda of the hearing."

18 **3.** Page 9, line 21: delete "not more than once" and substitute "not more than  
 19 once".

20 **4.** Page 9, line 22: delete that line and substitute: "during the 7 years after the  
 21 tax incremental district is created, the planning".

22 **5.** Page 9, line 24: after "by" insert ", not more than once during the 7 years  
 23 after the tax incremental district is created".

1           **6.** Page 9, line 25: after “by” insert “, not more than once during the 7 years  
2 after the tax incremental district is created.” ✓

3           **7.** Page 11, line 20: delete that line and substitute: “vote not less than ~~10~~ 14  
4 days nor more than ~~30~~ 21 days after receiving the resolution.” ✓

5           **8.** Page 17, line 21: delete “has in its special fund,” and substitute “is able to  
6 demonstrate, based on the positive tax increments that are currently generated and  
7 that are expected to be generated, that it has”. ✓

8           **9.** Page 17, line 22: delete “as described under par. (c).” ✓

9           **10.** Page 17, line 23: after “district” insert “and sufficient surplus revenues to  
10 pay for some of the eligible costs of the recipient tax incremental district”. ✓

11           **11.** Page 18, line 6: delete “~~Sixteen~~ Thirteen” and substitute “Sixteen”.

12           **12.** Page 18, line 8: after “1995,” insert “and before October 1, 2002, 13 years  
13 after the last expenditure identified in the project plan is made if the district to which  
14 the plan relates is created on or after October 1, 2002.” ✓

15           **13.** Page 18, line 16: delete “60 days after” and substitute “February 15 of the  
16 year after the year in which”.

17           **14.** Page 19, line 5: on ~~that line and on~~ lines <sup>5,</sup> 9, 11, and 14 delete “and (f), and  
18 (4m)” and substitute “(f), and (h), (4m) and (5) (b)”. ✓

19           **15.** Page 25, line 11: delete “180 days after” and substitute “February 15 of the  
20 year after the year in which”. ✓

21           **16.** Page 26, line 19: after “TERRITORY” insert “, REDETERMINATION OF TAX  
22 INCREMENTAL BASE”. ✓



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

LRBa0699/?dn

MES.....

CS

Representative Lehman:

Please review this amendment carefully to ensure that it meets your intent. The WEDA TIF coalition memo was a little confusing because it was based on the /1 version of the draft, which has different page and line numbers, and not the /2 version. For example, their first item is already in the /2 version of the bill.

I've made the change they requested in item 5 of their memo, which relates to the tax increments that a donor TID must be getting, or expect to receive, before it may share its increments with a recipient TID. I don't agree, however, with the premise that under current law a TID that has in its special fund sufficient revenues to pay off all of its project cost must terminate, thus being unavailable to act as a donor TID. Consequently, I don't see why the changes made by this amendment to s. 66.1105 (6) ✓

(e) 1. d. are necessary. Also, to whom is the donor TID supposed to "demonstrate" the sufficiency of its tax increments?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

1 17. Page 26, line 25: after "subsection." insert "The department shall  
 2 redetermine the environmental tax incremental base of any parcel of real property  
 3 for which the environmental remediation tax incremental base was determined  
 4 under sub. (4) if part of that parcel is annexed under this subsection." ✓

5 18. Page 30, line 13: delete "auditing" and substitute "services". ✓

6 19. Page 30, line 21: delete lines 21 and 22 and substitute: ✓

7 "SECTION 68. Effective dates. This act takes effect on the day after  
 8 publication, except as follows:

9 (1) The treatment of sections 20.566 (1) (go) and 66.1105 (5) (a) as it relates to  
 10 the fee that may be imposed by the department of revenue of the statutes, and  
 11 SECTION 66 of this act, takes effect on January 1, 2002. *normal size numbers, NOT CS*

12 (2) The treatment of section 66.1105 (2) (f) 1. i. and 2. d., (3) (g), (4) (e), (gm) 1.  
 13 and 6., and (h) 2., (4m) (a), (am) 1., (b) 2., 2m., 4. and 5., (5) (a), as it relates to the  
 14 department of revenue's certification of a tax incremental base, (b), (c), and (ce), (6)  
 15 (a) 1. d. and 2., (7) (ae) and (am), (8) (title), (c), and (d), (15) of the statutes,  
 16 takes effect on October 1, 2002." *close paren*

(END)

*hand number*

*and* *close paren of comma*

*the renumbering and amendment of sections 66.1105 (b) (am) 1. of the statutes and (a) and (a) 5. and the creation of sections 66.1105 (6) (am) 1. c. of the statutes*



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

LRBa0699/1dn  
MES:es:jf

October 8, 2001

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Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Monday, October 08, 2001 11:19 AM  
**To:** Nowlan, Andrew  
**Subject:** LRBa0699/1 (attached - per your request)



01a0699/1



01a0699/1dn



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0699/2  
MES:cs:jf

RMR  
Stays

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 510

WANTED  
today

1 At the locations indicated, amend the bill as follows:  
2 **1.** Page 6, line 13: after that line insert:  
3 **"SECTION 4s.** 66.1105 (3) (e) of the statutes is amended to read:  
4 66.1105 (3) (e) Enter into any contracts or agreements, including agreements  
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6 convenient to implement the provisions and effectuate the purposes of project plans.  
7 The contracts or agreements may include conditions, restrictions, or covenants  
8 which either run with the land or which otherwise regulate the use of land. A city  
9 may not enter into a development agreement as described under sub. (2) (f) 2. d.  
10 unless, at least 14 days before entering into the agreement a public hearing is held  
11 by the city or by the planning commission at which interested parties are afforded  
12 a reasonable opportunity to express their views on the proposed development  
13 agreement. Notice of the hearing shall be published as a class 2 notice, under ch. 985,

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8 and to the school board of any school district which includes property located within  
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11 **2.** Page 7, line 1: after "(a)." insert "If the proposed project plan's project costs  
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14 separate item for the cash grants and for ~~the~~ <sup>any</sup> development agreement described  
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16 proposed project cost that will be on the agenda of the hearing."

17 **3.** Page 9, line 21: delete "not more than once" and substitute "~~not more than~~  
18 ~~once~~".

19 **4.** Page 9, line 22: delete that line and substitute: "~~during the 7 years after the~~  
20 ~~tax incremental district is created, the planning~~".

21 **5.** Page 9, line 24: after "by" insert ", not more than once during the 7 years  
22 after the tax incremental district is created,".

23 **6.** Page 9, line 25: after "by" insert ", not more than once during the 7 years  
24 after the tax incremental district is created,".

1           **7.** Page 11, line 20: delete that line and substitute: “vote not less than ~~10~~ 14  
2 days nor more than ~~30~~ 21 days after receiving the resolution.”

3           **8.** Page 17, line 21: delete “has in its special fund,” and substitute “is able to  
4 demonstrate, based on the positive tax increments that are currently generated and  
5 that are expected to be generated, that it has”.

6           **9.** Page 17, line 22: delete “as described under par. (c),”.

7           **10.** Page 17, line 23: after “district” insert “and sufficient surplus revenues to  
8 pay for some of the eligible costs of the recipient tax incremental district”.

9           **11.** Page 18, line 6: delete “~~Sixteen~~ Thirteen” and substitute “Sixteen”.

10           **12.** Page 18, line 8: after “1995,” insert “and before October 1, 2002, 13 years  
11 after the last expenditure identified in the project plan is made if the district to which  
12 the plan relates is created on or after October 1, 2002.”.

13           **13.** Page 18, line 16: delete “60 days after” and substitute “February 15 of the  
14 year after the year in which”.

15           **14.** Page 19, line 5: on lines 5, 9, 11, and 14 delete “and (f), and (4m)” and  
16 substitute “(f), and (h), (4m) and (5) (b)”.

17           **15.** Page 25, line 11: delete “180 days after” and substitute “February 15 of the  
18 year after the year in which”.

19           **16.** Page 26, line 19: after “TERRITORY” insert “, REDETERMINATION OF TAX  
20 INCREMENTAL BASE”.

21           **17.** Page 26, line 25: after “subsection.” insert “The department shall  
22 redetermine the environmental tax incremental base of any parcel of real property

for which the environmental remediation tax incremental base was determined under sub. (4) if part of that parcel is annexed under this subsection.”.

**18.** Page 30, line 13: delete “auditing” and substitute “services”.

**19.** Page 30, line 21: delete lines 21 and 22 and substitute:

**SECTION 68. Effective dates.** This act takes effect on the <sup>first</sup> day after publication, except as follows:

(1) The treatment of sections 20.566 (1) (go) and 66.1105 (5) (a) (as it relates to the fee that may be imposed by the department of revenue) of the statutes and SECTION 66 of this act take effect on January 1, 2002.

(2) The treatment of section 66.1105 (2) (f) 1. i. and 2. d., (3) (g), (4) (e), (gm) 1. and 6., and (h) 2., (4m) (a), (am), (b) 2., 2m., 4. and 5., (5) (a) (as it relates to the department of revenue’s certification of a tax incremental base), (b), (c), and (ce), (6) (e) 1. d. and 2., (7) (ae) and (am), (8) (title), (c), and (d), and (15) of the statutes, the renumbering and amendment of section 66.1105 (6) (a) and (am) 1. of the statutes, and the creation of section 66.1105 (6) (a) 5. and (am) 1. c. of the statutes take effect on October 1, 2002.”

(END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0699/2

MES:cs:rs

3  
RMR  
EKG

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 510

Wanted  
today  
4pm

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

2 1. Page 6, line 13: after that line insert:

3 "SECTION 4s. 66.1105 (3) (e) of the statutes is amended to read:

4 66.1105 (3) (e) Enter into any contracts or agreements, including agreements  
5 with bondholders, determined by the local legislative body to be necessary or  
6 convenient to implement the provisions and effectuate the purposes of project plans.  
7 The contracts or agreements may include conditions, restrictions, or covenants  
8 which either run with the land or which otherwise regulate the use of land. A city  
9 may not enter into a development agreement as described under sub. (2) (f) 2. d.  
10 unless, at least 14 days before entering into the agreement a public hearing is held  
11 by the city or by the planning commission at which interested parties are afforded  
12 a reasonable opportunity to express their views on the proposed development  
13 agreement. Notice of the hearing shall be published as a class 2 notice, under ch. 985,

1 shall state that the proposed project plan's project costs include cash grants, and  
2 shall state that the cash grants will be on the agenda of the public hearing. The  
3 hearing may be held in conjunction with the hearing provided for in sub. (4) (e). The  
4 notice shall include a statement advising that a copy of the proposed development  
5 agreement will be provided on request. Before publication, a copy of the notice shall  
6 be sent by 1st class mail to the chief executive officer or administrator of all local  
7 governmental entities having the power to levy taxes on property within the district  
8 and to the school board of any school district which includes property located within  
9 the proposed district. For a county with no chief executive officer or administrator,  
10 notice shall be sent to the county board chairperson."

11 **2.** Page 7, line 1: after "(a)." insert "If the proposed project plan's project costs  
12 include cash grants made by the city to owners, lessees, or developers of land that  
13 is located within the tax incremental district, the hearing agenda shall include a  
14 separate item for the cash grants and for any development agreement described  
15 under sub. (2) (f) 2. d., and the hearing notice shall state that the cash grants are a  
16 proposed project cost that will be on the agenda of the hearing."

17 **3.** Page 9, line 21: delete "not more than once" and substitute "~~not more than~~  
18 ~~once~~".

19 **4.** Page 9, line 22: delete that line and substitute "during the 7 years after the  
20 tax incremental district is created, the planning".

21 **5.** Page 9, line 24: after "by" insert ", not more than once during the 7 years  
22 after the tax incremental district is created."

23 **6.** Page 9, line 25: after "by" insert ", not more than once during the 7 years  
24 after the tax incremental district is created."



- ① 7. Page 11, line 20: delete that line and substitute <sup>1</sup>“vote not less than ~~10~~ 14 days nor more than ~~30~~ 21 days after receiving the resolution.”
8. Page 17, line 21: delete “has in its special fund,” and substitute “is able to demonstrate, based on the positive tax increments that are currently generated and that are expected to be generated, that it has”.
9. Page 17, line 22: delete “as described under par. (c).”
10. Page 17, line 23: after “district” insert “and sufficient surplus revenues to pay for some of the eligible costs of the recipient tax incremental district”.
11. Page 18, line 6: delete “~~Sixteen~~ Thirteen” and substitute “Sixteen”.
12. Page 18, line 8: after “1995,” insert “and before October 1, 2002, 13 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created on or after October 1, 2002.”
13. Page 18, line 16: delete “60 days after” and substitute “February 15 of the year after the year in which”.
- ⑫ 14. Page 19, line 5: on lines 5, 9, 11<sup>1</sup> and 14<sup>1</sup> delete “and (f), and (4m)” and substitute “(f), and (h), (4m) and (5) (b)”.
15. Page 25, line 11: delete “180 days after” and substitute “February 15 of the year after the year in which”.
16. Page 26, line 19: after “TERRITORY” insert “, REDETERMINATION OF TAX INCREMENTAL BASE”.
17. Page 26, line 25: after “subsection.” insert “The department shall redetermine the environmental tax incremental base of any parcel of real property

1 for which the environmental remediation tax incremental base was determined  
2 under sub. (4) if part of that parcel is annexed under this subsection.”

3 **18.** Page 30, line 13: delete “auditing” and substitute “services”.

4 **19.** Page 30, line 21: delete lines 21 and 22 and substitute:

5 **“SECTION 68. Effective dates.** This act takes effect on the first day of the 4th  
6 month beginning after publication, except as follows:

7 (1) The treatment of sections 20.566 (1) (go) and 66.1105 (5) (a) (as it relates to  
8 the fee that may be imposed by the department of revenue) of the statutes and  
9 SECTION 66 of this act take effect on January 1, 2002.

10 (2) The treatment of section 66.1105 (2) (f) 1. i. and 2. d., (3) (g), (4) (e), (gm) 1.  
11 and 6., and (h) 2., (4m) (a), (am), (b) 2., 2m., 4. and 5., (5) (a) (as it relates to the  
12 department of revenue’s certification of a tax incremental base), (b), (c), and (ce), (6)  
13 (e) 1. d. and 2., (7) (ae) and (am), (8) (title), (c), and (d), and (15) of the statutes, the  
14 renumbering and amendment of section 66.1105 (6) (a) and (am) 1. of the statutes,  
15 and the creation of section 66.1105 (6) (a) 5. and (am) 1. c. of the statutes take effect  
16 on October 1, 2002.”

17 (END)

• **Emery, Lynn**

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✓ **From:** Emery, Lynn  
**Sent:** Thursday, October 11, 2001 9:10 AM  
**To:** Nowlan, Andrew  
**Subject:** LRB a0699/3 (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)  
(E-Mail: [lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

10/11/2001