

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Senator Meyer:

I've made a change in this amendment because I think that if it were drafted according to the instructions, the bill as affected by the amendment would not work. The problem is with the initial applicability provision.

With regard to TIDs, in SECTION 67 of the bill, the act first applies to a "a tax incremental district that is created, or whose project plan is amended, on the effective date of [the act]." Under the instructions to the amendment, with regard to TIDs, the act first applies, with some exceptions, to a TID that is *created* on the effective date of the act. Some of the exceptions first apply to a TID that is *created* on October 1, 2003, and some of the exceptions apply to the *amendment* of a TID's project plan that takes effect on October 1, 2003. Consequently, it is unclear when other parts of the bill first apply with regard to a TID whose project plan is amended.

I changed the general initial applicability provision in subsection 1 such that the act first applies, subject to the exceptions in subsections (2), (3), and (4), to a TID that is created, *or whose project plan is amended*, on the effective date of the act. Is this consistent with your intent?

I also have two other minor questions. I don't think there is any different legal effect in changing "agrees" to "pledges" on page 7, line 21. Did you intend for there to be some legal effect by changing these terms? Although in the initial applicability provision of this amendment and in the effective date provision of Assembly Amendment 1, on page 4, lines 8 and 9, the reference to the treatment of s. 66.1105 (5) (a) is limited by stating "(as it relates to the department of revenue's *certification* of a tax incremental base)," I believe that it would be more accurate to use "determined" instead of "certification"; DOR "determines" the base under sub. (5) (a) and "certifies" the valuation under sub. (5) (b). Do you want this change made?

Also, please note the change I made in the definition of "eligible costs" in s. 66.1106 (1) (c). As drafted, cancelled delinquent taxes may be included only if a political subdivision demonstrates that it hasn't recovered such costs "by any other means."

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