2003 SENATE BILL 188

1 AN ACT *to renumber and amend* 66.1105 (6) (a); *to amend* 66.1105 (4) (h) 1.,

2 66.1105 (4) (h) 2., 66.1105 (5) (c), 66.1105 (5) (ce), 66.1105 (6) (am) 1., 66.1105

3 (6) (d) 1., 66.1105 (6) (d) 2m., 66.1105 (6) (d) 3. and 66.1105 (6) (d) 4.; and *to*

4 *create* 66.1105 (4) (h) 5., 66.1105 (6) (a) 5., 66.1105 (6) (d) 1m., 66.1105 (6) (d)

5 5. and 66.1105 (7) (as) of the statutes; **relating to:** extending the expenditure

6 period and the life of tax incremental districts in Kenosha.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 66.1105 (4) (h) 1. of the statutes is amended to read:

8 66.1105 **(4)** (h) 1. Subject to subds. 2., 3. and, 4., and 5., the planning

9 commission may, by resolution, adopt an amendment to a project plan. The

10 amendment is subject to approval by the local legislative body and approval requires

1   the same findings as provided in par. (g). Any amendment to a project plan is also

2   subject to review by a joint review board, acting under sub. (4m). Adoption of an

3   amendment to a project plan shall be preceded by a public hearing held by the plan

4   commission at which interested parties shall be afforded a reasonable opportunity

5   to express their views on the amendment. Notice of the hearing shall be published

6   as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose

7   and cost of the amendment and shall advise that a copy of the amendment will be

8   provided on request. Before publication, a copy of the notice shall be sent by 1st class

9   mail to the chief executive officer or administrator of all local governmental entities

10   having the power to levy taxes on property within the district and to the school board

11   of any school district which includes property located within the proposed district.

12   For a county with no chief executive officer or administrator, this notice shall be sent

13   to the county board chairperson.

14   SECTION 2. 66.1105 (4) (h) 2. of the statutes is amended to read:

15   66.1105 **(4)** (h) 2. Except as provided in subds. 3. ~~and,~~ 4., _and 5._, not more than

16   once during the 7 years after the tax incremental district is created, the planning

17   commission may adopt an amendment to a project plan under subd. 1. to modify the

18   district's boundaries by adding territory to the district that is contiguous to the

19   district and that is served by public works or improvements that were created as part

20   of the district's project plan. Expenditures for project costs that are incurred because

21   of an amendment to a project plan to which this subdivision applies may be made for

22   not more than 3 years after the date on which the local legislative body adopts a

23   resolution amending the project plan.

24   SECTION 3. 66.1105 (4) (h) 5. of the statutes is created to read:

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1   66.1105 **(4)** (h) 5. With regard to a city that has a population of at least 80,000

2   that was incorporated in 1850 and that is in a county with a population of less than

3   175,000 which is adjacent to one of the Great Lakes, the planning commission may

4   adopt an amendment to a project plan under subd. 1. to modify the district's

5   boundaries by adding territory to the district that is contiguous to the district and

6   that is served by public works or improvements that were created as part of the

7   district's project plan not more than once during the expenditure period specified in

8   sub. (6) (am) 1. for a district which is located in a city to which sub. (6) (d) applies,

9   except that in no case may expenditures for project costs that are incurred because

10   of an amendment to a project plan that is authorized under this subdivision be made

11   later than 17 years after the district is created. This subdivision does not apply to

12   a tax incremental district that is created after January 1, 2004.

13   **SECTION 4.** 66.1105 (5) (c) of the statutes is amended to read:

14   66.1105 **(5)** (c) If the city adopts an amendment to the original project plan for

15   any district which includes additional project costs at least part of which will be

16   incurred after the period specified in sub. (6) (am) 1., the tax incremental base for the

17   district shall be redetermined, if sub. (4) (h) 2., 3. ~~or,~~ 4.~~,~~ or 5. applies to the amended

18   project plan, by adding to the tax incremental base the value of the taxable property

19   that is added to the existing district under sub. (4) (h) 2., 3. ~~or,~~ 4.~~,~~ or 5. or, if sub. (4)

20   (h) 2., 3. ~~or,~~ 4.~~,~~ or 5. does not apply to the amended project plan, under par. (b), as of

21   the January 1 next preceding the effective date of the amendment if the amendment

22   becomes effective between January 2 and September 30, as of the next subsequent

23   January 1 if the amendment becomes effective between October 1 and December 31

24   and if the effective date of the amendment is January 1 of any year, the

25   redetermination shall be made on that date. The tax incremental base as

1   redetermined under this paragraph is effective for the purposes of this section only

2   if it exceeds the original tax incremental base determined under par. (b).

3   **SECTION 5.** 66.1105 (5) (ce) of the statutes is amended to read:

4   66.1105 **(5)** (ce) If the city adopts an amendment, to which sub. (4) (h) 2., 3. ~~or,~~

5   4.~~,~~ or 5. applies, the tax incremental base for the district shall be redetermined, by

6   adding to the tax incremental base the value of the taxable property that is added

7   to the existing district under sub. (4) (h) 2., 3. ~~or,~~ 4., or 5., as of the January 1 next

8   preceding the effective date of the amendment if the amendment becomes effective

9   between January 2 and September 30, as of the next subsequent January 1 if the

10   amendment becomes effective between October 1 and December 31 and if the

11   effective date of the amendment is January 1 of any year, the redetermination shall

12   be made on that date.   The tax incremental base as redetermined under this

13   paragraph is effective for the purposes of this section only if it exceeds the original

14   tax incremental base determined under par. (b).

15   **SECTION 6.** 66.1105 (6) (a) of the statutes is renumbered 66.1105 (6) (a) (intro.)

16   and amended to read:

17   66.1105 **(6)** (a) (intro.) If the joint review board approves the creation of the tax

18   incremental district under sub. (4m), positive tax increments with respect to a tax

19   incremental district are allocated to the city which created the district for each year

20   commencing after the date when a project plan is adopted under sub. (4) (g). The

21   department of revenue may not authorize allocation of tax increments until it

22   determines from timely evidence submitted by the city that each of the procedures

23   and documents required under sub. (4) (d) to (f) has been completed and all related

24   notices given in a timely manner.   The department of revenue may authorize

25   allocation of tax increments for any tax incremental district only if the city clerk and

1   assessor annually submit to the department all required information on or before the

2   2nd Monday in June. The facts supporting any document adopted or action taken

3   to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue

4   under this paragraph. After the allocation of tax increments is authorized, the

5   department of revenue shall annually authorize allocation of the tax increment to

6   the city that created the district until the <u>soonest of the following events:</u>

7   <u>1. The</u> department of revenue receives a notice under sub. (8) and the notice

8   has taken effect under sub. (8) (b)<s>, 27</s><u>.</u>

9   <u>2. Twenty–seven</u> years after the tax incremental district is created if the

10   district is created before October 1, 1995<s>, 38</s><u>.</u>

11   <u>3. Thirty–eight</u> years after the tax incremental district is created if the district

12   is created before October 1, 1995, and the project plan is amended under sub. (4) (h)

13   3. <s>or 23</s>

14   <u>4. Twenty–three</u> years after the tax incremental district is created if the district

15   is created after September 30, 1995<s>, whichever is sooner</s>.

16   SECTION 7. 66.1105 (6) (a) 5. of the statutes is created to read:

17   66.1105 **(6)** (a) 5. Forty–two years after the tax incremental district is created

18   if the district is created before October 1, 1995, and if the district is located in a city

19   to which par. (d) applies.

20   SECTION 8. 66.1105 (6) (am) 1. of the statutes is amended to read:

21   66.1105 **(6)** (am) 1. For a tax incremental district that is created after

22   September 30, 1995, no expenditure may be made later than 7 years after the tax

23   incremental district is created, and for a tax incremental district that is created

24   before October 1, 1995, no expenditure may be made later than 10 years after the tax

25   incremental district is created, except that, for a tax incremental district that is

1   created before October 1, 1995, and which ~~receives tax increments under~~ is located

2   in a city to which par. (d) applies, no expenditure may be made later than ~~12~~ 17 years

3   after the tax incremental district is created.

4   SECTION 8m. 66.1105 (6) (d) 1. of the statutes is amended to read:

5   66.1105 **(6)** (d) 1. ~~After~~ Subject to subd. 1m., after the date on which a tax

6   incremental district pays off the aggregate of all of its project costs under its project

7   plan, but not later than the date on which a tax incremental district terminates

8   under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the

9   project plan of such a tax incremental district to allocate positive tax increments

10 generated by that tax incremental district to another tax incremental district

11 created by that planning commission in which soil affected by environmental

12 pollution exists to the extent that development has not been able to proceed

13 according to the project plan because of the environmental pollution.

14   SECTION 8s. 66.1105 (6) (d) 1m. of the statutes is created to read:

15   66.1105 **(6)** (d) 1m. After December 31, 2016, subd. 1. applies only to Tax

16 Incremental District Number One, Tax Incremental District Number Four, and Tax

17 Incremental District Number Five in the City of Kenosha, and no increments may

18 be allocated under that subdivision, after December 31, 2016, unless the allocation

19 is approved by the joint review board.

20   SECTION 9. 66.1105 (6) (d) 2m. of the statutes is amended to read:

21   66.1105 **(6)** (d) 2m. No tax increments may be allocated under this paragraph

22 later than ~~30~~ 35 years after the last expenditure identified in the project plan of the

23 tax incremental district, the positive tax increments of which are to be allocated, is

24 made if the district is created before October 1, 1995, except that in no case may the

25 total number of years during which expenditures are made under par. (am) 1. plus

1   the total number of years during which tax increments are allocated under this

2   paragraph exceed 37 42 years.

3   SECTION **10.** 66.1105 (6) (d) 3. of the statutes is amended to read:

4   66.1105 **(6)** (d) 3. This paragraph applies only in a city with a population of at

5   least 80,000 that was incorporated in 1850 and that is in a county with a population

6   of less than 150,000 175,000 which is adjacent to one of the Great Lakes.

7   SECTION **11.** 66.1105 (6) (d) 4. of the statutes is amended to read:

8   66.1105 **(6)** (d) 4. This paragraph does not apply after August 1, 2016 2031.

9   SECTION **12.** 66.1105 (6) (d) 5. of the statutes is created to read:

10   66.1105 **(6)** (d) 5. This paragraph does not apply to a tax incremental district

11 that is created after January 1, 2004.

12   SECTION **13.** 66.1105 (7) (as) of the statutes is created to read:

13   66.1105 **(7)** (as) Notwithstanding par. (am), 35 years after the last expenditure

14 identified in the project plan is made if the district to which the plan relates is created

15 before October 1, 1995, and sub. (6) (d) applies to the district.

16   **(END)**