

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 147**

March 16, 2005 – Offered by Representative GOTTLIEB.

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

2 **1.** Page 5, line 20: delete “and 5.” and substitute “and 5., 5., and 7.”.

3 **2.** Page 6, line 10: after that line insert:

4 “**SECTION 5e.** 66.1105 (4) (h) 7. of the statutes is created to read:

5 66.1105 **(4)** (h) 7. If the department of revenue, acting under sub. (5) (dm),
6 makes a determination that any of the conditions listed in sub. (5) (de) apply, a
7 planning commission may amend its project plan to ensure that, with regard to that
8 mixed–use district, the percentage of lands proposed for newly platted residential
9 use does not exceed the percentage specified in sub. (2) (cm), or that at least one of
10 the conditions specified in sub. (2) (f) 3. a. to c. apply, even if such an amendment to
11 a project plan would exceed the number of amendments allowed under subd. (h) 2.”.

12 **3.** Page 7, line 2: after that line insert:

13 “**SECTION 6e.** 66.1105 (5) (d) of the statutes is amended to read:

1 66.1105 (5) (d) ~~The Subject to pars. (de) and (dm)~~, the department of revenue
2 may not certify the tax incremental base as provided in par. (b) until it determines
3 that each of the procedures and documents required by sub. (4) (a), (b), (gm) or (h)
4 and par. (b) has been timely completed and all notices required under sub. (4) (a), (b),
5 (gm) or (h) timely given. The facts supporting any document adopted or action taken
6 to comply with sub. (4) (a), (b), (gm) or (h) are not subject to review by the department
7 of revenue under this paragraph, except that the department may not certify the tax
8 incremental base as provided in par. (b) until it reviews and approves of the findings
9 that are described in sub. (4) (gm) 4. c.

10 **SECTION 6g.** 66.1105 (5) (de) of the statutes is created to read:

11 66.1105 (5) (de) With regard to a mixed–use development tax incremental
12 district, the department of revenue may not certify the tax incremental base of such
13 a district if the department determines that any of the following apply:

14 1. The lands proposed for newly platted residential use exceed the percentage
15 specified in sub. (2) (cm).

16 2. Tax increments received by the city are used to subsidize residential
17 development and none of the conditions specified in sub. (2) (f) 3. a. to c. apply.

18 **SECTION 6i.** 66.1105 (5) (dm) of the statutes is created to read:

19 66.1105 (5) (dm) If the department of revenue certifies the tax incremental base
20 of a mixed–use development tax incremental district and then determines that any
21 of the conditions listed in the par. (de) apply, the department may not certify the tax
22 incremental base of any other tax incremental district in that city until the
23 department certifies that the mixed–use development district complies with the

1 percentage specified in sub. (2) (cm) and that at least one of the conditions specified
2 in sub. (2) (f) 3. a. to c. apply”.

3 (END)