

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB426)

Received: 10/14/2009

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Mary Mathias**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - tax incr financing**

Extra Copies: **EVM
JK**

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to: **mary.matthias@legis.wisconsin.gov**

Pre Topic:

fixed

No specific pre topic given

Topic:

Create a new category of tax incremental district; distressed TID; DOR and hearing suggestions

Instructions:

See attached. Combine a0857 and a0873, as modified per conversation with Mary Mathias

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>
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/1	mshovers 10/14/2009	csicilia 10/15/2009	phenry 10/15/2009	_____	mbarman 10/15/2009	mbarman 10/15/2009	

FE Sent For:

<END>

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Extra Copies: **EVM
JK**

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to: **mary.mathias@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

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<END>

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Assembly Amendment (AA-AB426)

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Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Mary Mathias**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - tax incr financing**

Extra Copies: **Mary Mathias, Leg. Council
EVM**

JK

Submit via email: **YES**

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1?	mshovers	1 gjs 10/15/09	10/15/09	10/15/09			
11	MES	10/14/09	10/15/09	10/15/09			

FE Sent For:

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Shovers, Marc

From: Farnsworth, Kathy
Sent: Wednesday, October 14, 2009 5:50 PM
To: Shovers, Marc
Cc: Rep.Molepske
Subject: RE: forgot attm to prev email, here it s

That sounds very good Marc. We appreciate all the thoughtful work that has been put into this bill, especially today with short notice.

Many, many thanks.

Kathy

From: Shovers, Marc
Sent: Wednesday, October 14, 2009 5:47 PM
To: Farnsworth, Kathy
Cc: Matthias, Mary
Subject: RE: forgot attm to prev email, here it s

Hi Kathy:

Mary and I spoke and have agreed on what the amendment will contain. I'm going to do a new amendment that combines a0857 and a0873, as modified by my discussion with Mary. The amendment will be out by 8:00 a.m. tomorrow morning, and I'll email Mary tonight the details of what I'm doing so she'll be able to write her explanation tonight.

Marc

From: Farnsworth, Kathy
Sent: Wednesday, October 14, 2009 5:20 PM
To: Shovers, Marc; Matthias, Mary
Cc: Rep.Molepske; Farnsworth, Kathy
Subject: RE: forgot attm to prev email, here it s
Importance: High

Please draft relative to Mary Matthias response to this email. She is coordinating the amendment(s) for us and needs to do the explanation to the committee at 9:00 am. Mary knows the intent of the requested changes based on yesterday's hearing.

Many thanks.

From: Shovers, Marc
Sent: Wednesday, October 14, 2009 4:58 PM
To: Matthias, Mary; Farnsworth, Kathy
Cc: Runde, Al; Gates-Hendrix, Sherrie L - DOR
Subject: RE: forgot attm to prev email, here it s

Hello all:

It seems to me that we have unnecessary approvals going on in these amendments. Mary is correct in that before a TID may become a donor, its project plan has to be amended under current law in s. 66.1105 (6) (f) 1.

But that action itself requires JRB approval under s. 66.1105 (6) (f) 1. b. In addition, acting under sub. (6) (f), which requires amending the project plan of the donor district under sub. (4) (h) 1., triggers the current law requirement for both local legislative body approval, and joint review board approval. See sub. (4) (h) 1. The city or village does have to approve the amendment of the project plans, so I don't think anything needs to be drafted to again require the city or village to adopt resolutions allowing the donor TID to share increments with the distressed TID -- it has to approve this action already because of s. 66.1105 (4) (h) 1.

I think that with regard to a0857, in amendment section 1, I can require that the notice explain that the life of the distressed TID and the donor TID may be extended. I can completely get rid of amendment section 2, and instead amend current law s. 66.1105 (6) (f) 1. b. so it says "The allocation of tax increments under this paragraph is approved by the JRB if necessary." I'd retain amendment section 3 as is.

With regard to amendment a0873, what do you want done? Should a new amendment be drafted to combine a0857 with a0873? With regard to a0873, amendment item 4 is not necessary because current law s. 66.1105 (4m) (b) 3. and 4. apply. And item one should refer to the amendment of a project plan, not that the local legislative body "prepares and updates" the project plan.

Marc

Marc E. Shovers

Managing Attorney
Legislative Reference Bureau
Phone: (608-266-0129)
E-Mail: marc.shovers@legis.wisconsin.gov

From: Matthias, Mary
Sent: Wednesday, October 14, 2009 4:20 PM
To: Shovers, Marc
Cc: Kreye, Joseph
Subject: FW: forgot attm to prev email, here it s

Guys-

Kathy would like 0857 changed to make both the changes below.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

From: Runde, Al
Sent: Wednesday, October 14, 2009 4:17 PM
To: Matthias, Mary

Subject: RE: forgot attm to prev email, here it s

I agree, the requirement should be on the City or Village not the JRB, and then whatever resolution passes the city or village would be put before the JRB for a single approval. I left you a voicemail on this as well and to tell you I have to leave at 4:30, and will be in at 8:00 tomorrow.

Al

From: Matthias, Mary
Sent: Wednesday, October 14, 2009 4:07 PM
To: Runde, Al
Cc: Shovers, Marc; Kreye, Joseph; Farnsworth, Kathy
Subject: RE: forgot attm to prev email, here it s

I wanted to know if you thought it was a good idea. I think we should run it past Kathy. I will do so.

Another point on 0857/1. Under current law, before a TID can be a donor, it's project plan has to be amended and the allocation of increments has to be approved the JRB (66.1105(6)(f)1). So isn't it duplicative in this amdt to require the JRB to adopt a separate resolution approving the allocation of increments from the donor district to the distressed? Wouldn't it be more important to require the city or village to adopt a separate resolution allowing a TID to become a donor to a distressed TID, and require that resolution, and the notice of the public hearing in the resolution, to mention the potential for extension of the life of the donor TID?

Mary Matthias

Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

From: Runde, Al
Sent: Wednesday, October 14, 2009 3:57 PM
To: Matthias, Mary
Subject: RE: forgot attm to prev email, here it s

Guess I'm wondering if we just tell Joe/Marc to do it or do we have to get Kathy/Molepske/DOR signoff. If it's the latter, I'll let you explain it ☺

From: Matthias, Mary
Sent: Wednesday, October 14, 2009 3:55 PM
To: Runde, Al
Subject: RE: forgot attm to prev email, here it s

depends who's asking... ☺

Mary Matthias

Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

From: Runde, Al
Sent: Wednesday, October 14, 2009 3:55 PM
To: Matthias, Mary
Subject: RE: forgot attm to prev email, here it s

Good point. Do you see that as a policy or technical cleanup?

From: Matthias, Mary
Sent: Wednesday, October 14, 2009 3:53 PM
To: Runde, Al; Kreye, Joseph
Subject: FW: forgot attm to prev email, here it s

Doesn't it seem like the notice should also (or maybe even more importantly) mention that the life of the distressed TID can be extended? The amdt only requires the notice to state that the life of a donor TID could be extended....

Mary Matthias

Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

From: Farnsworth, Kathy
Sent: Wednesday, October 14, 2009 11:15 AM
To: Runde, Al
Cc: Rep.Molepske; Matthias, Mary
Subject: forgot attm to prev email, here it s

<< File: 09a08571 DoR email amdt.pdf >>

Kathy Farnsworth
Office of Representative Louis J. Molepske, Jr.
Chair-Committee on Jobs, the Economy and Small Business
State Capitol
P. O. Box 8953
Madison, WI 53708-8953
608.267.9649
888.534.0071
kathy.farnsworth@legis.wisconsin.gov



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cjs
PMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 426**

WANTED!
THURS, 8 A.M.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 8: after that line insert:
- 3 "3. Subject to par. (e), the planning commission amends the district's project
- 4 plan under sub. (4) (h) 1. to reflect the district's distressed status." ✓
- 5 **2.** Page 4, line 14: after "request." insert "The notice shall also explain that the
- 6 life of a distressed tax incremental district may be extended, that it may receive
- 7 excess tax increments from a donor district, and that the life of the donor district may
- 8 be extended to provide such increments."
- 9 **3.** Page 5, line 4: after "subd. 2." insert "The joint review board shall approve
- 10 or deny the designation within 30 days after receiving the resolution under subd. 2." ✓
- 11 **4.** Page 5, line 19: delete "continue to". ✓
- 12 **5.** Page 6, line 11: after that line insert:

1 ¹ "SECTION 2m. 66.1105 (4m) (b) 4. of the statutes is amended to read:

2 66.1105 (4m) (b) 4. Before the joint review board submits its decision under

3 subd. 3., [✓] or sub. (4e) (b) 3., a majority of the members of the board may request that

4 the department of revenue review the objective facts contained in any of the

5 documents listed in subd. 1., [✓] or sub. (4e) (a) 2. to determine whether the information

6 submitted to the board complies with this section or whether any of the information

7 contains a factual inaccuracy. The request must be in writing and must specify which

8 particular objective fact or item the members believe is incomplete or inaccurate.

9 Not later than 10 working days after receiving a request that complies with the

10 requirements of this subdivision, the department of revenue shall investigate the

11 issues raised in the request and shall send its written response to the board. If the

12 department of revenue determines that the information in the proposal does not

13 comply with this section or contains a factual inaccuracy, the department shall

14 return the proposal to the city. The board shall request, but may not require, that

15 the city resolve the problems in its proposal and resubmit the proposal to the board.

16 If the city resubmits its proposal, the board shall review the resubmitted proposal

17 and vote to approve or deny the proposal as specified in this paragraph.”.

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, 11, 16, 104; 2003 a. 34, 46, 126, 127, 194, 320, 326; 2005 a. 6, 13, 46, 328, 331, 385; 2007 a. 2, 10, 21, 41, 43, 57, 73, 96; 2009 a. 5, 28.

(END)