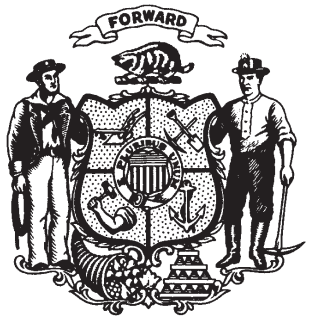
State of Wisconsin



Date of enactment: **May 12, 2010**
2009 Senate Bill 412 Date of publication*: **May 26, 2010**

2009 WISCONSIN ACT 312

AN ACT ***to amend*** 60.85 (6) (a) (intro.), 60.85 (6) (am), 66.1105 (4) (gm) 4. c., 66.1105 (5) (b), 66.1105 (6) (a) (intro.), 66.1105 (6) (ae), 66.1106 (7) (a) and 66.1106 (7) (am); and ***to create*** 66.1105 (4m) (e), 66.1105 (10) (c) and 66.1105 (12) of the statutes; **relating to:** changing certain administrative procedures under the tax incremental financing program.

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

SECTION 1. 60.85 (6) (a) (intro.) of the statutes is amended to read:

60.85 **(6)** (a) (intro.) If the joint review board approves the creation of the tax incremental district under sub. (4), and subject to par. (am), positive tax increments with respect to a tax incremental district are allocated to the town which created the district for each year commencing after the date when a project plan is adopted under sub. (3) (g). The department of revenue may not authorize allocation of tax increments until it determines from timely evidence submitted by the town that each of the procedures and documents required under sub. (3) (d) to (f) has been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the town clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (3) (d) to (f) are not subject to review by the department of revenue under this paragraph except as provided under par. (e). After the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the town that created the district until the sooner of the following events:

SECTION 2. 60.85 (6) (am) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

60.85 **(6)** (am) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the town that created the district an annual administrative fee of $150 that the town shall pay to the department no later than May 15. If the town does not pay the fee that is required under this paragraph, by May 15, the department may not authorize the allocation of a tax increment under par. (a) for that town.

SECTION 3. 66.1105 (4) (gm) 4. c. of the statutes is amended to read:

66.1105 **(4)** (gm) 4. c. Except as provided in ~~sub.~~ subs. (10) (c) and (17), the equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city. In determining the equalized value of taxable property under this subd. 4. c., the department of revenue shall base its calculations on the most recent equalized value of taxable property of the district that is reported under s. 70.57 (1m) before the date on which the resolution under this paragraph is adopted. If the department of revenue

* Section 991.11, WISCONSIN STATUTES 2007−08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

determines that a local legislative body exceeds the 12 percent limit described in this subd. 4. c., the department shall notify the city of its noncompliance, in writing, not later than December 31 of the year in which the department receives the completed application or amendment forms described in sub. (5) (b).

SECTION 4. 66.1105 (4m) (e) of the statutes is created to read:

66.1105 **(4m)** (e) Notice of all meetings held by a joint review board shall be published as a class 1 notice, under ch. 985, at least 5 days before the meeting.

SECTION 5. 66.1105 (5) (b) of the statutes is amended to read:

66.1105 **(5)** (b) Upon application in writing by the city clerk, in a form prescribed by the department of revenue, the department shall determine according to its best judgment from all sources available to it the full aggregate value of the taxable property and, except as provided in par. (bm), of the city−owned property in the tax incremental district. The application shall state the percentage of territory within the tax incremental district which the local legislative body estimates will be devoted to retail business at the end of the maximum expenditure period specified in sub. (6) (am) 1. if that estimate is at least 35%. Subject to sub. (8) (d), the department shall certify this aggregate valuation to the city clerk, and the aggregate valuation constitutes the tax incremental base of the tax incremental district. The city clerk shall complete these forms, including forms for the amendment of a project plan, and submit the completed application or amendment forms on or before ~~December~~ October 31 of the year the tax incremental district is created, as defined in sub. (4) (gm) 2. or, in the case of an amendment, on or before ~~December~~ October 31 of the year in which the changes to the project plan take effect.

SECTION 6. 66.1105 (6) (a) (intro.) of the statutes is amended to read:

66.1105 **(6)** (a) (intro.) If the joint review board approves the creation of the tax incremental district under sub. (4m), and subject to par. (ae), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue may not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) has been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue under this paragraph. After the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the city that created the district until the soonest of the following events:

SECTION 7. 66.1105 (6) (ae) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

66.1105 **(6)** (ae) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the city that created the district an annual administrative fee of $150 that the city shall pay to the department no later than May 15. If the city does not pay the fee that is required under this paragraph, by May 15, the department may not authorize the allocation of a tax increment under par. (a) for that city.

SECTION 8. 66.1105 (10) (c) of the statutes is created to read:

66.1105 **(10)** (c) The department of revenue shall exclude any parcel in a newly created tax incremental district that is located in an existing district when determining compliance with the 12 percent limit described in sub. (4) (gm) 4. c.

SECTION 9. 66.1105 (12) of the statutes is created to read:

66.1105 **(12)** EQUALIZED VALUATION; THE 12 PERCENT LIMIT. If the department of revenue notifies a local legislative body that is not in compliance with the 12 percent limit described in sub. (4) (gm) 4. c., the local legislative body shall do one of the following:

(a) Rescind its approval of the project plan resolution described under sub. (4) (g).

(b) Remove parcels from the district's, or proposed district's, boundaries so that the district, or proposed district, complies with the 12 percent limit. Such a removal of parcels may not substantially alter the project plan as approved under sub. (4) (g), or the resolution adopted under sub. (4) (gm) and approved by the joint review board under sub. (4m) (b) 2. Not later than 30 days after receiving the department's notice of noncompliance under sub. (4) (gm) 4. c., the city clerk shall submit, or resubmit, to the department the application described under sub. (5) (b), and the application shall reflect the removal of parcels under this paragraph.

SECTION 10. 66.1106 (7) (a) of the statutes is amended to read:

66.1106 **(7)** (a) Subject to pars. (am), (b), (c) and (d), the department shall annually authorize the positive environmental remediation tax increment with respect to a parcel or contiguous parcels of property during the period of certification to the political subdivision that incurred the costs to remediate environmental pollution on the property, except that an authorization granted under this paragraph does not apply after the department receives the notice described under sub. (10) (b).

SECTION 11. 66.1106 (7) (am) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

66.1106 **(7)** (am) With regard to each district for which the department authorizes the allocation of a tax increment under par. (a), the department shall charge the political subdivision that created the district an annual administrative fee of $150 that the political subdivision shall pay to the department no later than May 15. If the political subdivision does not pay the fee that is required under this paragraph, by May 15, the department may not authorize the allocation of a tax increment under par. (a) for that political subdivision.

SECTION 12. Effective date.

(1) This act takes effect on October 1, 2010.