

2011 DRAFTING REQUEST

Bill

Received: **02/03/2011**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Rich Zipperer (608) 266-9174**

By/Representing: **Shawn**

May Contact:

Drafter: **mshovers**

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

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Sen.Zipperer@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow the town of Brookfield in Waukesha County to create a tax incremental district (TID) for a retail project

Instructions:

See attached

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>
/?				_____			S&L
/1	mshovers 02/03/2011	wjackson 02/04/2011	jfrantze 02/04/2011	_____	mbarman 02/04/2011	lparisi 02/21/2011	

FE Sent For:

*at intro
2/23/11*

<END>

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/? mshovers

1 Wj 24

do 3/4

11 MES 2/3/11

FE Sent For:

<END>

Shovers, Marc

From: Kreye, Joseph
Sent: Thursday, February 03, 2011 1:06 PM
To: Shovers, Marc
Subject: FW: Email from LRB Website

I believe this is yours, Mr. Shovers.

From: Lundie, Shawn
Sent: Thursday, February 03, 2011 12:45 PM
To: Kreye, Joseph
Subject: Email from LRB Website

Joe,

Senator Zipperer would like to draft stand alone legislation accomplishing the goals as explained in the following DOR proposal. While we certainly understand you are all incredibly busy, the Senator would like this bill drafted as soon as possible. Please let me know if you have any questions.

Thanks!

**-Shawn Lundie
Office of Senator Rich Zipperer**

**Legislative Proposal Summary
Wisconsin Department of Revenue
Research and Policy Division**

28 January 2011

TITLE: TOWN OF BROOKFIELD TIF EXCEPTION

DESCRIPTION OF CURRENT LAW AND PROBLEM

The Town of Brookfield (Waukesha County) would like to create a tax incremental financing (TIF) district to redevelop an older retail site for a department store. Under current town TIF law, a town may not create a TIF district for this purpose. Also under current law, the creation of a town TIF may require the approval of nearby or adjacent cities or villages if the proposed TIF district is within the extraterritorial jurisdiction of those cities or villages.

RECOMMENDATION FOR ACTION

Allow the Town of Brookfield to create one Tax Incremental Financing District (TID) for a project that is outside of those generally permitted for town TIDs. In addition, allow the Town of Brookfield to create this TID with or without the approval of any city or village which may have extraterritorial zoning jurisdiction over the area designated for the TID. This exception from general town TID criteria and requirements is not intended to limit or supplant the ability of the Town of Brookfield to create other TIDs as authorized under current law.

DRAFTING INSTRUCTIONS

Add language at the end of sec. 60.85 (2) [such as a new paragraph (d)] stating that:

Notwithstanding the limitations on allowable town TID projects under s.60.85(2)(b) and notwithstanding the general city or village resolution requirement under s.60.85(2)(c) (pertaining to extraterritorial zoning) for the creation of a town TID, the Town of Brookfield is permitted to create one TID for a retail project, including a department store, or for any purpose allowed under city/village TIF law under s.66.1103.

The Town of Brookfield may be described as a town created in 1843 located in Waukesha County, with a population according to the 2000 U. S. Census of between 6,300 and 6,500, that is adjacent to a second class city, and which levied a town property tax in excess of \$3,500,000 in 2009 (payable 2010) according to the Department of Revenue.

EFFECTIVE DATE AND/OR INITIAL APPLICABILITY

This proposal can take effect on the day after publication.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1300/1
MES...V.....

LPS: Please fix
request sheet. OK

Wij

RMA

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-note

WANTED
Fri 2/4

gen

1 AN ACT ...; **relating to:** authorizing the town of Brookfield in Waukesha County
2 to create a tax incremental district for a retail project.

Analysis by the Legislative Reference Bureau

Under current law, towns may use tax incremental financing (TIF) for limited purposes. A town may use TIF for projects related to tourism, agriculture, manufacturing, or forestry. A town may also use TIF for residential projects, but only to the extent that the residential project has a necessary and incidental relationship to a tourism, agricultural, manufacturing, or forestry project, and for retail projects to the extent that the retail development is related to the retail sale of a product that is produced due to an ~~agriculture~~, forestry, or manufacturing project.

agricultural

This bill authorizes the town of Brookfield in Waukesha County to use TIF for one project that is related either to retail purposes or to a purpose for which any city or village may create a TIF district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 60.85 (2) (b) 7. of the statutes is created to read:
4 60.85 (2) (b) 7. A project that is related either to retail purposes, or to a purpose
5 for which a city may create a district under s. 66.1105, except that this subdivision

1 applies only to the town of Brookfield in Waukesha County, and the town may create
2 only one district to which this subdivision applies.

3 SECTION 2. 60.85 (2) (c) of the statutes is amended to read:

4 60.85 (2) (c) ~~No~~ Except as provided in par. (b) 7., no town may exercise any
5 power under this subsection within the extraterritorial zoning jurisdiction of a city
6 or village, as that term is defined in s. 62.23 (7a) (a), unless the city's or village's
7 governing body adopts a resolution which approves the town's exercise of power
8 under this subsection within such an extraterritorial zoning jurisdiction.

9 SECTION 3. 60.85 (3) (h) 4. of the statutes is amended to read:

10 60.85 (3) (h) 4. Declares the district to be either an agricultural project district,
11 forestry project district, manufacturing project district, or tourism project district,
12 and identifies the North American Industry Classification System industry number
13 of each activity under each project for which project costs are to be expended; or
14 declares the district to be a project described in sub. (2) (b) 7.

15 SECTION 4. 60.85 (3) (h) 5. a. of the statutes is amended to read:

16 60.85 (3) (h) 5. a. That not less than 75 percent, by area, of the real property
17 within the district is to be used for projects of a single one of the project types listed
18 under sub. (2) (b) 1. to 4. or 7. and in accordance with the declaration under subd. 4.

19 SECTION 5. 60.85 (3) (h) 5. c. of the statutes is amended to read:

20 60.85 (3) (h) 5. c. That the project costs of the district are limited to those
21 specified under sub. (2) (b) and relate directly to a project described in sub. (2) (b) 7.
22 or to promoting agriculture, forestry, manufacturing, or tourism development.

23 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1300/3dn

MES.....:.....

Wlj

Date

Senator Zipperer:

This bill is drafted according to your instructions in that it will take effect on the day after publication. Typically, the Department of Revenue prefers that TIF bills take effect on October 1. You may wish to check with DOR to ensure that the effective date ~~under~~ this bill will not result in any administrative difficulties.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1300/1dn
MES:wlj:jf

February 4, 2011

Senator Zipperer:

This bill is drafted according to your instructions in that it will take effect on the day after publication. Typically, the Department of Revenue prefers that TIF bills take effect on October 1. You may wish to check with DOR to ensure that the effective date of this bill will not result in any administrative difficulties.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Parisi, Lori

From: Lundie, Shawn
Sent: Monday, February 21, 2011 4:09 PM
To: LRB.Legal
Cc: Loe, Emily; Rep.Farrow
Subject: Draft Review: LRB 11-1300/1 Topic: Allow the town of Brookfield in Waukesha County to create a tax incremental district (TID) for a retail project

Please Jacket LRB 11-1300/1 for the SENATE.

In addition, Senator Zipperer would like to allow Rep. Farrow to introduce the Assembly companion of the Senate bill.

Thank you!

Sincerely,

Shawn Lundie
Office of Senator Rich Zipperer