



**ASSEMBLY AMENDMENT 3,
TO SENATE BILL 338**

February 17, 2014 – Offered by Representative STEINEKE.

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

2 **2.** Page 3, line 9: after that line, after the material inserted by senate
3 amendment 2 and senate amendment 3, insert:

4 “**SECTION 5s.** 66.1105 (6) (f) 1. (intro.) of the statutes is amended to read:

5 66.1105 (6) (f) 1. (intro.) Not later than the date on which a tax incremental
6 district terminates under sub. (7) (am), a planning commission may amend under
7 sub. (4) (h) the project plan of a tax incremental district to allocate positive tax
8 increments generated by that tax incremental district to another tax incremental
9 district created by that planning commission or to an environmental remediation tax
10 incremental district created under s. 66.1106 by the same governing body if all of the
11 following conditions are met:

12 **SECTION 5u.** 66.1105 (6) (f) 2. d. of the statutes is created to read:

1 66.1105 (6) (f) 2. d. The recipient district is an environmental remediation tax
2 incremental district created under s. 66.1106.

3 **SECTION 6m.** 66.1105 (19) of the statutes is created to read:

4 66.1105 (19) ALTERNATE METHOD TO CREATE A DISTRICT IN RECENTLY ANNEXED TOWN
5 TERRITORY. (a) *Authorization.* If, within 90 days of annexing town territory, a city
6 holds a hearing under sub. (4) (a) on the proposed creation of a tax incremental
7 district that is to be located in that former town territory, the city may create a tax
8 incremental district under this section and subject to the limitations and conditions
9 in par. (b), or the city may create a district in such annexed territory as otherwise
10 provided in this section without being subject to the limitations and conditions in par.
11 (b).

12 (b) *Limitations and conditions.* 1. Notwithstanding sub. (7), a district created
13 under this subsection must terminate upon the earlier of 7 years after the district's
14 creation or when the city has received aggregate tax increments with respect to the
15 district in an amount equal to the aggregate of all project costs under the project plan
16 and any amendments to the project plan for the district.

17 2. A district created under this subsection may not allocate positive tax
18 increments to another district as described in sub. (6) (e) or (f).

19 3. The 12 percent limit described in sub. (4) (gm) 4. c. does not apply to a district
20 created under this subsection until 2016.

21 4. Notwithstanding the limit on expenditures described in sub. (6) (am) 1., a
22 district created under this subsection may make expenditures until October 1, 2016.

23 **SECTION 7m.** 66.1106 (1) (i) of the statutes is amended to read:

24 66.1106 (1) (i) "Period of certification" means a period of not more than 23 years
25 beginning after the department certifies the environmental remediation tax

1 incremental base under sub. (4), a period before all eligible costs have been paid, or
2 a period before all eligible costs or project costs of a recipient district designated
3 under sub. (2) (c) have been paid, whichever occurs first.

4 **SECTION 7p.** 66.1106 (2) (c) of the statutes is amended to read:

5 66.1106 (2) (c) Notwithstanding par. (a) or (b), or sub. (7) (d) 1. or (11) (a), if the
6 governing body of a political subdivision determines that all eligible costs of an
7 environmental remediation tax incremental district that it created will be paid
8 before the date specified in sub. (11) (b), the governing body of that political
9 subdivision may adopt a resolution requesting that the department allocate positive
10 environmental remediation tax increments generated by that donor environmental
11 remediation tax incremental district to pay the eligible costs of another
12 environmental remediation tax incremental district created by that governing body
13 or to pay project costs, as defined in s. 66.1105 (2) (f), of a tax incremental district
14 created under s. 66.1105 and located in the same overlying taxing jurisdictions and
15 that satisfies one of the requirements under s. 66.1105 (6) (f) 2. A resolution under
16 this paragraph must be adopted before the expiration of the period of certification.

17 **SECTION 7s.** 66.1106 (7) (e) (intro.) of the statutes is amended to read:

18 66.1106 (7) (e) (intro.) Notwithstanding par. (d), if the governing body of a
19 political subdivision adopts a resolution described in sub. (2) (c), it shall provide a
20 copy of the resolution to the department. The department shall authorize a positive
21 environmental remediation tax increment generated by a donor district, as described
22 in sub. (2) (c), to the political subdivision that incurred eligible costs to remediate
23 environmental pollution in another district within that political subdivision or that
24 incurred project costs, as defined in s. 66.1105 (2) (f), for a tax incremental district
25 within that political subdivision that was created under s. 66.1105 and that satisfies

1 one of the requirements under s. 66.1105 (6) (f) 2., as described in sub. (2) (c), until
2 the earlier of the following occurs:

3 **SECTION 7u.** 66.1106 (7) (e) 1. of the statutes is amended to read:

4 66.1106 (7) (e) 1. The political subdivision has received aggregate
5 ~~environmental remediation~~ tax increments with respect to the recipient district in
6 an amount equal to the aggregate of all of the eligible costs or project costs for that
7 district.

8 **SECTION 7w.** 66.1106 (7) (e) 2. of the statutes is amended to read:

9 66.1106 (7) (e) 2. The donor district terminates under sub. (11) (b) or s. 66.1105
10 (7).

11 **SECTION 8m.** 70.111 (18) of the statutes, as affected by 2013 Wisconsin Act 20,
12 is amended to read:

13 70.111 (18) ENERGY SYSTEMS. Biogas or synthetic gas energy systems, solar
14 energy systems, and wind energy systems. In this subsection, “biogas or synthetic
15 gas energy system” means equipment which directly converts biomass, as defined
16 under section 45K (c) (3) of the Internal Revenue Code, as interpreted by the Internal
17 Revenue Service, into biogas or synthetic gas, equipment which generates electricity,
18 heat, or compressed natural gas exclusively from biogas or synthetic gas, equipment
19 which is used exclusively for the direct transfer or storage of biomass, biogas, or
20 synthetic gas, and any structure used exclusively to shelter or operate such
21 equipment, or the portion of any structure used in part to shelter or operate such
22 equipment that is allocable to such use, if all such equipment, and any such
23 structure, is located at the same site, and includes manure, substrate, and other
24 feedstock collection and delivery systems, pumping and processing equipment,
25 gasifiers and digester tanks, biogas and synthetic gas cleaning and compression

1 equipment, fiber separation and drying equipment, and heat recovery equipment,
2 but does not include equipment or components that are present as part of a
3 conventional energy system. In this subsection, “synthetic gas” is a gas that qualifies
4 as a renewable resource under s. 196.378 (1) (h) 1. h. In this subsection, “solar energy
5 system” means equipment which directly converts and then transfers or stores solar
6 energy into usable forms of thermal or electrical energy, but does not include
7 equipment or components that would be present as part of a conventional energy
8 system or a system that operates without mechanical means. In this subsection,
9 “wind energy system” means equipment which converts and then transfers or stores
10 energy from the wind into usable forms of energy, but does not include equipment or
11 components that would be present as part of a conventional energy system. Until the
12 tax incremental district terminates, the exemption under this subsection for biogas
13 or synthetic gas energy systems does not apply to property in existence on January
14 1, 2014, and located in a tax incremental financing district in effect on January 1,
15 2014.

16 **SECTION 9m. Initial applicability.**

17 (1) The treatment of section 70.111 (18) of the statutes first applies to the
18 property tax assessments as of January 1, 2014.”.

19 (END)