



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0763/en
CMH:jld

2017 SENATE BILL 51

1 **AN ACT** *to repeal* 60.85 (3) (L), 60.85 (5) (c), 60.85 (6) (f) 3., 66.1105 (5) (be),
2 66.1105 (6m) (d) 3. and 66.1106 (10m) (c); and *to amend* 60.85 (5) (b), 60.85 (5)
3 (d) 1., 60.85 (5) (f), 60.85 (6) (am), 60.85 (6) (f) 4., 60.85 (10) (b), 66.1105 (4) (gm)
4 4. bm., 66.1105 (5) (cm), 66.1105 (6) (ae), 66.1105 (6m) (d) 4., 66.1105 (8) (b),
5 66.1106 (7) (am), 66.1106 (7) (c) and 66.1106 (10m) (d) of the statutes; **relating**
6 **to:** technical changes to the tax incremental financing statutes.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 60.85 (3) (L) of the statutes is repealed.
8 **SECTION 2.** 60.85 (5) (b) of the statutes is amended to read:
9 60.85 (5) (b) Upon application in writing by the town clerk, in a form prescribed
10 by the department of revenue, the department shall determine according to its best

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1 judgment from all sources available to it the full aggregate value of the taxable
2 property and, ~~except as provided in par. (c), of the town-owned property in the tax~~
3 incremental district. Subject to sub. (10) (d), the department shall certify this
4 aggregate valuation to the town clerk, and the aggregate valuation constitutes the
5 tax incremental base of the tax incremental district. The town clerk shall complete
6 these forms upon the creation of a tax incremental district or upon the amendment
7 of a district's project plan and shall submit the application on or before December 31
8 of the year the tax incremental district is created, as defined in sub. (3) (h) 2. or, in
9 the case of an amendment, on or before December 31 of the year in which the changes
10 to the project plan take effect.

11 **SECTION 3.** 60.85 (5) (c) of the statutes is repealed.

12 **SECTION 4.** 60.85 (5) (d) 1. of the statutes is amended to read:

13 60.85 (5) (d) 1. If the town adopts an amendment to the original project plan
14 under sub. (3) (j) for any district which includes additional project costs at least part
15 of which will be incurred after the period specified in sub. (6) (b) 1., the tax
16 incremental base for the district shall be redetermined by adding to the tax
17 incremental base the value of the taxable property, and, ~~except as provided in par.~~
18 ~~(c), of the town-owned property,~~ that is added to the existing district as of the
19 January 1 of the same calendar year for a resolution adopted before October 1 or as
20 of January 1 of the next subsequent calendar year for a resolution adopted after
21 September 30. The tax incremental base as redetermined under this subdivision is
22 effective for the purposes of this section only if it exceeds the original tax incremental
23 base determined under par. (b).

24 **SECTION 5.** 60.85 (5) (f) of the statutes is amended to read:

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1 60.85 (5) (f) ~~The town clerk shall annually, after May 1 but before May 21, by~~
2 ~~written notice, inform the department of revenue of any amendment to the project~~
3 ~~plan which has been adopted.~~ The town clerk shall also give written notice of the
4 adoption of an amendment to the department of revenue within 60 days after its
5 adoption. The department of revenue may prescribe forms to be used by the town
6 clerk when giving notice as required by this paragraph.

7 **SECTION 6.** 60.85 (6) (am) of the statutes is amended to read:

8 60.85 (6) (am) With regard to each district for which the department of revenue
9 authorizes the allocation of a tax increment under par. (a), the department shall
10 charge the town that created the district an annual administrative fee of \$150 that
11 the town shall pay to the department no later than ~~May~~ April 15. If the town does
12 not pay the fee that is required under this paragraph, by ~~May~~ April 15, the
13 department may not authorize the allocation of a tax increment under par. (a) for
14 that town.

15 **SECTION 7.** 60.85 (6) (f) 3. of the statutes is repealed.

16 **SECTION 8.** 60.85 (6) (f) 4. of the statutes is amended to read:

17 60.85 (6) (f) 4. If an annual report is not timely filed under ~~subd. 3. or sub. (8)~~
18 (c), the department of revenue shall notify the town that the report is past due. If
19 the town does not file the report within 60 days of the date on the notice, the
20 department shall charge the town a fee of \$100 per day for each day that the report
21 is past due, up to a maximum penalty of \$6,000 per report. If the town does not pay
22 within 30 days of issuance, the department of revenue shall reduce and withhold the
23 amount of the shared revenue payments to the town under subch. I of ch. 79, in the
24 following year, by an amount equal to the unpaid penalty.

25 **SECTION 9.** 60.85 (10) (b) of the statutes is amended to read:

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1 60.85 (10) (b) If the department of revenue receives a notice under par. (a)
2 during the period from January 1 to ~~May~~ April 15, the effective date of the notice is
3 the date the notice is received. If the notice is received during the period from ~~May~~
4 April 16 to December 31, the effective date of the notice is the first January 1 after
5 the department of revenue receives the notice.

6 **SECTION 10.** 66.1105 (4) (gm) 4. bm. of the statutes is amended to read:

7 66.1105 (4) (gm) 4. bm. The project costs relate directly to eliminating blight,
8 directly serve to rehabilitate or conserve the area or directly serve to promote
9 industrial or mixed-use development, consistent with the purpose for which the tax
10 incremental district is created under subd. 4. a.; and

11 **SECTION 11.** 66.1105 (5) (be) of the statutes is repealed.

12 **SECTION 12.** 66.1105 (5) (cm) of the statutes is amended to read:

13 66.1105 (5) (cm) ~~The city clerk shall annually, after May 1 but before May 21,~~
14 ~~by written notice, inform the department of revenue of any amendment to the project~~
15 ~~plan which has been adopted.~~ The city clerk shall also give written notice of the
16 adoption of an amendment to the department of revenue within 60 days after its
17 adoption. The department of revenue may prescribe forms to be used by the city clerk
18 when giving notice as required by this paragraph.

19 **SECTION 13.** 66.1105 (6) (ae) of the statutes is amended to read:

20 66.1105 (6) (ae) With regard to each district for which the department of
21 revenue authorizes the allocation of a tax increment under par. (a), the department
22 shall charge the city that created the district an annual administrative fee of \$150
23 that the city shall pay to the department no later than ~~May~~ April 15. If the city does
24 not pay the fee that is required under this paragraph, by ~~May~~ April 15, the

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1 department may not authorize the allocation of a tax increment under par. (a) for
2 that city.

3 **SECTION 14.** 66.1105 (6m) (d) 3. of the statutes is repealed.

4 **SECTION 15.** 66.1105 (6m) (d) 4. of the statutes is amended to read:

5 66.1105 **(6m)** (d) 4. If an annual report is not timely filed under ~~subd. 3.~~ or par.
6 (c), the department of revenue shall notify the city that the report is past due. If the
7 city does not file the report within 60 days of the date on the notice, except as provided
8 in this subdivision, the department shall charge the city a fee of \$100 per day for each
9 day that the report is past due, up to a maximum penalty of \$6,000 per report. If the
10 city does not pay within 30 days of issuance, the department of revenue shall reduce
11 and withhold the amount of the shared revenue payments to the city under subch.
12 I of ch. 79, in the following year, by an amount equal to the unpaid penalty.

13 **SECTION 16.** 66.1105 (8) (b) of the statutes is amended to read:

14 66.1105 **(8)** (b) If the department of revenue receives a notice under par. (a)
15 during the period from January 1 to ~~May~~ April 15, the effective date of the notice is
16 the date the notice is received. If the notice is received during the period from ~~May~~
17 April 16 to December 31, the effective date of the notice is the first January 1 after
18 the department of revenue receives the notice.

19 **SECTION 17.** 66.1106 (7) (am) of the statutes is amended to read:

20 66.1106 **(7)** (am) With regard to each district for which the department
21 authorizes the allocation of a tax increment under par. (a), the department shall
22 charge the political subdivision that created the district an annual administrative
23 fee of \$150 that the political subdivision shall pay to the department no later than
24 ~~May~~ April 15. If the political subdivision does not pay the fee that is required under

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1 this paragraph, by ~~May~~ April 15, the department may not authorize the allocation
2 of a tax increment under par. (a) for that political subdivision.

3 **SECTION 18.** 66.1106 (7) (c) of the statutes is amended to read:

4 66.1106 (7) (c) If the department receives the notice described under sub. (10)
5 (b) during the period from January 1 to ~~May~~ April 15, the effective date of the notice
6 is the date on which the notice is received. If the department receives the notice
7 described under sub. (10) (b) during the period from ~~May~~ April 16 to December 31,
8 the effective date of the notice is the first January 1 after the date on which the notice
9 is received.

10 **SECTION 19.** 66.1106 (10m) (c) of the statutes is repealed.

11 **SECTION 20.** 66.1106 (10m) (d) of the statutes is amended to read:

12 66.1106 (10m) (d) If an annual report is not timely filed under ~~par. (e) or~~ sub.
13 (10) (a), the department of revenue shall notify the political subdivision that the
14 annual report is past due. If the political subdivision does not file the report within
15 60 days of the date on the notice, the department shall charge the political
16 subdivision a fee of \$100 per day for each day that the report is past due, up to a
17 maximum penalty of \$6,000 per report. If the political subdivision does not pay
18 within 30 days of issuance, the department of revenue shall reduce and withhold the
19 amount of the shared revenue payments to the political subdivision under subch. I
20 of ch. 79, in the following year, by an amount equal to the unpaid penalty.

21 **SECTION 21. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

23 (1) PENALTIES. The treatment of sections 60.85 (6) (f) 3. and 4., 66.1105 (6m) (d)
24 3. and 4., and 66.1106 (10m) (c) and (d) of the statutes takes effect on the January
25 1 after publication.

