

2017 DRAFTING REQUEST

Senate Amendment (SA-SB173)

For: Robert Cowles (608) 266-0484

Drafter: mpfotenh

By: Jason

Secondary Drafters: mshovers

Date: 10/18/2017

May Contact:

Same as LRB:

Submit via email: YES

Requester's email: Sen.Cowles@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Environmental remediation TIDs; no increment sharing, 12% rule exception, best practices; changes to VPLE property description

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 10/18/2017	kfollett 10/18/2017			
/1			lparisi 10/18/2017	lparisi 10/18/2017	

FE Sent For:

<END>

Pfotenhauer, Mary

From: Shovers, Marc
Sent: Monday, October 16, 2017 1:39 PM
To: Pfotenhauer, Mary
Subject: FW: Amendment relating to SB 173

Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Mary:

Could you please take care of this when you return?

Thanks,

Marc

From: Mugnaini, Jason
Sent: Monday, October 16, 2017 1:29 PM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: Amendment relating to SB 173

Marc,

Attached is a snippet from a document that DNR sent to me as they relate to the amendment to SB 173. Sorry that I had to send it over this way v. an electronic document, but their email is down, and this is as electronic as I have it.

This relates to Sections 6-11 of the amendment and Sections 19 and 20 of the bill. I think it would be best to draft a new amendment with the language below and the tif related items that are currently in SA1. (amendment sections 1-5)

Please let me know if you have any additional questions.

Thanks,

Jason Mugnaini Chief of Staff | Office of State Senator Robert Cowles
(608) 266-0484 | (847) 722-0219 (Cell) | 118 South, State Capitol | <http://legis.wisconsin.gov/senate/02/cowles>



SECTION 19. 292.15 (1) (c) of the statutes is created to read:

292.15 (1) (c) "Property" means the area of real property that is included in an application to obtain an exemption under this section, made up of a legally identifiable parcel or legally identifiable contiguous parcels, the legal description of which is contained in one or more deeds created in compliance with applicable laws.

* SECTION 20. 292.15 (2) (at) of the statutes is created to read:

292.15 (2) (at) *Subdivision, transfer, or other change in property.* If there is a subdivision or transfer of a property parcel or parcels within the property, a parcel within the property is combined with another parcel not in the property

or any other similar change to the legal boundaries of occurs to the parcels that affects property after the voluntary party submits an application approved by the department property in the VPLE program will remain the same as it was defined and submitted in application approved by department unless the voluntary party submits an application to modify the property.

If the voluntary party proposes to modify the property because of a subdivision, transfer or other change to parcels affecting the property, the voluntary party shall submit a revised application or applications for the new property or properties that meet the definition of property in Wis. Stat. § 292.15(1)c. If a new application is submitted and approved by the department to modify the property, each parcel within the new property that is not otherwise excluded under Wis. Stat. §§ 292.15(6m) or (7) would need to meet all the requirements in Wis. Stat. §§ 292.15(a), (ae), (af) or (ag). ~~the property do not affect a voluntary party's eligibility for the liability exemption under this section if change occurs after the department has approved any required environmental investigation and if all other applicable requirements for the exemption are met.~~



State of Wisconsin
2017 - 2018 LEGISLATURE

a1371/1
LRBa1326/2
MES&MCP:klm

ASAP

SENATE AMENDMENT ~~1~~,
TO SENATE BILL 173

Insert

October 13, 2017 - Offered by Senators COWLES and STROEBEL.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 8, line 20: delete “(c)” and substitute “(d) 1.”
- 3 **2.** Page 9, line 15: delete that line and substitute “do all of the following:
- 4 1. Obtain under par. (c) a certified site investigation report from the
- 5 department of”.
- 6 **3.** Page 9, line 18: after that line insert:
- 7 “2. Certify to the department of revenue that at least one of the items specified
- 8 in this subd. 2. a. or b. apply. The starting point for determining a tax incremental
- 9 district’s remaining life, under this subd. 2. a. and b., is the date on which the
- 10 planning commission adopts the project plan under sub. (4) (f) or an amendment to
- 11 the project plan under sub. (4) (h). The certified item shall be one of the following:

1 a. The project plan specifies that the city expects all project costs to be paid
2 within 90 percent of the tax incremental district's remaining life, based on the
3 district's termination date as calculated under sub. (7) (ak) to (au).

4 b. The project plan specifies that expenditures may be made only within the
5 first half of the tax incremental district's remaining life, based on the district's
6 termination date as calculated under sub. (7) (ak) to (au), and the limitation on the
7 expenditure period does not apply to any expenditure that is made to address
8 significant environmental pollution that was not identified in the original certified
9 site investigation report described in par. (c). No expenditure under this subdivision
10 may be made later than the time during which an expenditure may be made under
11 sub. (6) (am).".

12 **4.** Page 10, line 9: delete that line and substitute:

13 "1. The city may designate one environmental remediation tax incremental
14 district created under this subsection to which the 12 percent limit specified in sub.
15 (4) (gm) 4. c. does not apply. Once the city makes such a designation, it may not so
16 designate another environmental remediation tax incremental district until the
17 current district so designated terminates.".

18 **5.** Page 10, line 11: after that line insert:

19 "(e) An environmental remediation tax incremental district created under this
20 subsection may not allocate positive tax increments under sub. (6) (e) or (f) to another
21 tax incremental district that is not an environmental remediation tax incremental
22 district.".

23 **6.** Page 16, line 21: delete "a parcel" and substitute "a legally identifiable
24 parcel".

1 **7.** Page 16, line 22: before “contiguous parcels” insert “legally identifiable”.

2 **8.** Page 16, line 22: delete “, the legal description of which is contained in one
3 or more deeds” and substitute “created in compliance with applicable laws”.

4 **9.** Page 16, line 25: delete the material beginning with that line and ending
5 with page 17, line 1, and substitute “subdivision or transfer of a property or portion
6 of a property or the combination of parcels within a property do not”.

7 **10.** Page 17, line 3: before “change” insert “the”.

8 **11.** Page 17, line 4: after “investigation” insert “but before the department
9 issues a certificate of completion”.

10

(END)

Insert

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1371/?ins

McP...
...
...

the material beginning with that line 24 and ending with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

INSERT

1. Page 16, line 24: delete lines 24 to line 4 on page 17 and substitute:

“292.15 (2) (at) *Subdivision, transfer, or other change in property.* If, after the date on which the department approves the environmental investigation of the property, a parcel within the property is subdivided or transferred, a parcel within the property is combined with a parcel not within the property, or any other similar change is made to parcels affecting the property, the property that is included in an application to obtain an exemption under this section shall remain the same unless the voluntary party submits an application to the department to modify the property. If the voluntary party proposes to modify the property because of a subdivision, transfer, or other change to parcels affecting the property, the voluntary party shall submit a revised application or applications to obtain an exemption under this section for the modified property or properties as defined under sub. (1) (c). If the department approves a voluntary party’s proposed modification, each parcel within the modified property not otherwise excluded under subs. (6m) or (7) shall meet all of the requirements under sub. (15) (a), (ae), (af), or (ag) to be eligible for an exemption under this section.”

15

2
par.