

MS:ty

11/06/2014

1 **AN ACT to amend** 60.85 (4) (b) 2., 66.1105 (4e) (b) 3., (4m) (b) 2., and 2m. and
 2 66.1106 (3) (b) 2. of the statutes; **relating to:** the review period for joint review
 3 board approval of a tax incremental district creation or amendment resolution.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Study Committee on Review of Tax Incremental Financing.

Background

Before a city, village, or town (municipality) resolution to create a tax incremental district (TID), amend a TID’s project plan, or require the Department of Revenue (DOR) to redetermine the TID’s base value may take effect, several steps are required. These steps include approval by a joint review board (JRB), which consists of members who represent the overlying taxation districts. In general, the JRB must approve the resolution by a majority vote within 30 days after receiving the resolution. However, the review period applicable to an industry-specific TID located in a town and an environmental remediation, is not less than 10 days nor more than 30 days.

Bill Draft

The draft amends the maximum review period the JRB has to approve a municipality’s resolution related to a TID from 30 days to 45 days after receiving the resolution.

4 **SECTION 1.** 60.85 (4) (b) 2. of the statutes is amended to read:
 5 60.85 (4) (b) 2. No tax incremental district may be created and no project plan may be
 6 amended unless the joint review board approves the resolution adopted under sub. (3) (h) or
 7 (j) 1. by a majority vote not less than 10 days nor more than ~~30~~ 45 days after receiving the
 8 resolution.

NOTE: This SECTION extends the maximum review period that the JRB has to approve the creation or amendment of an industry-specific town TID from 30 days to 45 days.

1 **SECTION 2.** 66.1105 (4e) (b) 3., (4m) (b) 2., and 2m., of the statutes are amended to read:

2 66.1105 **(4e)** (b) 3. A resolution adopted under par. (a) 1. may not take effect unless the
3 joint review board approves, by resolution, the designation under subd. 2. The joint review
4 board shall approve or deny the designation within ~~30~~ 45 days after receiving the resolution
5 under subd. 2.

6 **(4m)** (b) 2. Except as provided in subd. 2m., no tax incremental district may be created
7 and no project plan may be amended unless the board approves the resolution adopted under
8 sub. (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5) (h)
9 unless the board approves the resolution adopted under sub. (5) (h) 1., by a majority vote
10 within ~~30~~ 45 days after receiving the resolution. With regard to a multijurisdictional tax
11 incremental district created under this section, each public member of a participating city must
12 be part of the majority that votes for approval of the resolution or the district may not be
13 created. The board may not approve the resolution under this subdivision unless the board's
14 approval contains a positive assertion that, in its judgment, the development described in the
15 documents the board has reviewed under subd. 1. would not occur without the creation of a
16 tax incremental district. The board may not approve the resolution under this subdivision
17 unless the board finds that, with regard to a tax incremental district that is proposed to be
18 created by a city under sub. (17) (a), such a district would be the only existing district created
19 under that subsection by that city.

20 **(4m)** (b) 2m. The requirement under subd. 2., 2013-14 stats., that a vote by the board
21 take place within 30 days after receiving a resolution does not apply to a resolution amending
22 a project plan under sub. (4) (h) 1. if the resolution relates to a tax incremental district, the

1 application for the redetermination of the tax incremental base of which was made in 1998,
2 that is located in a village that was incorporated in 1912, has a population of at least 3,800 and
3 is located in a county with a population of at least 108,000.

NOTE: THIS SECTION extends the review period that the JRB has to approve the designation of a TID as distressed or severely distressed from 30 days to 45 days. It also extends the review period that the JRB has to approve the creation or amendment of a TID located in a city or village from 30 days to 45 days and amends the statutory reference applicable to an exception to the 30-day JRB review period.

4 **SECTION 3.** 66.1106 (3) (b) 2. of the statutes is amended to read:

5 66.1106 (3) (b) 2. No written application may be submitted under sub. (4) unless the
6 board approves the written proposal under sub. (2) by a majority vote not less than 10 days
7 nor more than ~~30~~ 45 days after receiving the proposal.

NOTE: This SECTION extends the maximum review period that the JRB has to approve the written proposal and statement required for the creation of an environmental remediation TID.

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(END)