

# State of Wisconsin



2003 Senate Bill 428

Date of enactment: April 7, 2004  
Date of publication\*: April 21, 2004

## 2003 WISCONSIN ACT 194

AN ACT to amend 66.1105 (6) (a) 4., 66.1105 (6) (a) 7., 66.1105 (6) (a) 8., 66.1105 (7) (am) 1. and 66.1105 (7) (am) 2.; to create 66.1105 (6) (a) 4m., 66.1105 (7) (ak), 66.1105 (7) (am) 3. and 66.1105 (8) (e) of the statutes; and to affect 2003 Wisconsin Act 126, section 44 (2) and 2003 Wisconsin Act 126, section 45 (1); relating to: the lifespan of tax incremental financing districts and the period during which tax increments may be allocated to such districts.

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

**SECTION 1.** 66.1105 (6) (a) 4. of the statutes, as affected by 2003 Wisconsin Act 126, is amended to read:

66.1105 (6) (a) 4. ~~Twenty-three~~ Twenty-seven years after the tax incremental district is created if the district is created after September 30, 1995, and before October 1, 2004, and if the district is a district about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is a blighted area or an area in need of rehabilitation or conservation work, except that if the life of the district is extended under sub. (7) (am) 1., an allocation under this subdivision may be made 31 years after such a district is created.

**SECTION 2.** 66.1105 (6) (a) 4m. of the statutes is created to read:

66.1105 (6) (a) 4m. Twenty-three years after the tax incremental district is created if the district is created after September 30, 1995, and before October 1, 2004, and if the district is a district about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is suitable for industrial sites.

**SECTION 3.** 66.1105 (6) (a) 7. of the statutes, as created by 2003 Wisconsin Act 126, is amended to read:

66.1105 (6) (a) 7. Twenty years after the tax incremental district is created if the district is created on or after October 1, 2004, and if the district is at least predominantly suitable for mixed-use development or industrial sites under sub. (4) (gm) 6., except that if the life of the district is extended under sub. (7) (am) 2., an allocation under this subdivision may be made 23 years after such a district is created.

**SECTION 4.** 66.1105 (6) (a) 8. of the statutes, as created by 2003 Wisconsin Act 126, is amended to read:

66.1105 (6) (a) 8. Twenty-seven years after the tax incremental district is created if the district is created on or after October 1, 2004, and if the district is a district specified under sub. (4) (gm) 6. other than a district specified under subd. 7., except that if the life of the district is extended under sub. (7) (am) 3., an allocation under this subdivision may be made 30 years after such a district is created.

**SECTION 5.** 66.1105 (7) (ak) of the statutes is created to read:

66.1105 (7) (ak) 1. Except as provided in par. (am) 1., for a district about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

property within the district is a blighted area or an area in need of rehabilitation or conservation work, and if the district to which the plan relates is created after September 30, 1995, and before October 1, 2004, 27 years after the district is created.

2. For a district that is created after September 30, 1995, and before October 1, 2004, and that is not subject to subd. 1., 23 years after the district was created, and for a district that is created before October 1, 1995, 27 years after the district is created.

**SECTION 6.** 66.1105 (7) (am) 1. of the statutes, as affected by 2003 Wisconsin Act 126, is amended to read:

66.1105 (7) (am) 1. For a district ~~about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is a blighted area or in need of rehabilitation or conservation work, 27 years after the district is created~~ described under par. (ak) 1., the time period specified in that subdivision, except that the city that created the district may, subject to sub. (8) (e), request that the joint review board extend the life of the district for an additional 4 years. Along with its request for a 4-year extension, the city may provide the joint review board with an independent audit that demonstrates that the district is unable to pay off its project costs within the 27 years after the district is created. The joint review board may deny or approve a request to extend the life of the district for 4 years if the request does not include the independent audit, and the board shall approve a request to extend the life of the district for 4 years if the request includes the audit. If the joint review board extends the district's life, the district shall terminate at the earlier of the end of the extended period or the period specified in par. (a).

**SECTION 7.** 66.1105 (7) (am) 2. of the statutes, as affected by 2003 Wisconsin Act 126, is amended to read:

66.1105 (7) (am) 2. For a district ~~that is created after September 30, 2004,~~ about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is suitable for industrial sites or mixed-use development, 20 years after the district is created, except that during the 18th year of such a district's existence, the city that created the district may, subject to sub. (8) (e), request that the joint review board extend the life of the district for an additional ~~5~~ 3 years. Along with its request for a ~~5-year~~ 3-year extension, the city may provide the joint review board with an independent audit that demonstrates that the district is unable to pay off its project costs within the 20 years after the district is created. The joint review board may deny or approve a request to extend the life of the district for ~~5~~ 3 years if the request does not include the independent audit, and the board shall approve a request to extend the life of the district for ~~5~~ 3 years if the request includes the audit. If the joint review board extends the district's life,

the district shall terminate at the earlier of the end of the extended period or the period specified in par. (a).

**SECTION 8.** 66.1105 (7) (am) 3. of the statutes is created to read:

66.1105 (7) (am) 3. For a district that is created after September 30, 2004, about which a finding is made under sub. (4) (gm) 4. a. that not less than 50 percent, by area, of the real property within the district is a blighted area or in need of rehabilitation, 27 years after the district is created, except that the city that created the district may, subject to sub. (8) (e), request that the joint review board extend the life of the district for an additional 3 years. Along with its request for a 3-year extension, the city may provide the joint review board with an independent audit that demonstrates that the district is unable to pay off its project costs within the 27 years after the district is created. The joint review board may deny or approve a request to extend the life of the district for 3 years if the request does not include the independent audit, and the board shall approve a request to extend the life of the district for 3 years if the request includes the audit. If the joint review board extends the district's life, the district shall terminate at the earlier of the end of the extended period or the period specified in par. (a).

**SECTION 8m.** 66.1105 (8) (e) of the statutes is created to read:

66.1105 (8) (e) A city shall notify the department of revenue at least one year before the date on which a tax incremental district is required to terminate under sub. (7) (am) if a joint review board approves a request to extend the life of the district under sub. (7) (am). If a city does not notify the department of revenue by that date, the department may deny the extension.

**SECTION 9.** 2003 Wisconsin Act 126, section 44 (2) is amended to read:

[2003 Wisconsin Act 126] Section 44 (2) Except as provided in subsection (3), the treatment of section 66.1105 (2) (f) 1. i. and 2. d., (4) (e) and (gm) 1. and 6., (4m) (a), (ae), (am), and (b) 2., 2m., and 4., (5) (a), (b), (c), and (ce), (6) (a) 4., 7., and 8., (7) (am) 2. and 3., and (8) (title), (a), (c), and (d) of the statutes, the renumbering and amendment of section 66.1105 (2) (f) 3. (as it relates to mixed-use development tax incremental districts) of the statutes, and the creation of 66.1105 (2) (f) 3. a. to c. of the statutes first applies to a tax incremental district that is created on October 1, 2004.

**SECTION 10.** 2003 Wisconsin Act 126, section 45 (1) is amended to read:

[2003 Wisconsin Act 126] Section 45 (1) The treatment of section 66.1105 (2) (f) 1. i. and 2. d., (3) (g), (4) (e), (gm) 1., 4. a. and c., and 6., and (h) 2., (4m) (a), (am), (b) 2., 2m., and 4., (5) (a), (b), (c), and (ce), (6) (a) 4., 7., and 8. and (am) 1., (7) ~~(am)~~, and (ar), and (8) (title), (c),

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and (d) of the statutes takes effect on October 1, 2004, or on the day after publication, whichever is later.

**SECTION 11. Initial applicability.**

(1) This act first applies to a tax incremental district that is in existence on the effective date of this subsection

or that is created on the effective date of this subsection.

**SECTION 12. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 66.1105 (6) (a) 7. of the statutes takes effect on October 1, 2004.

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