



**MARATHON COUNTY**  
**TAX INCREMENT FINANCING (TIF) TASK FORCE MEETING**  
**AGENDA**

**Date & Time of Meeting:** Monday, October 9, 2023 at 5:00 P.M.

**Meeting Location:** **Marathon County Public Library - 300 N. First St., Wausau, Community Room - 2<sup>nd</sup> Floor/Webex**

**Task Force Members:** Chair David Oberbeck, Allen Drabek, Gerry Fitzgerald, Jacob Langenhahn, Gayle Marshall, Lisa Rasmussen, Tom Rosenberg, Jean Schult.

**Task Force Purpose:** *To review existing tax incremental financing (TIF) and tax incremental district (TID) law and analyze Marathon County's current role in existing and proposed TID development and utilization with the goal of making commendations to the Marathon County Board of Supervisors as to policies and processes that the County may pursue in relation to existing and proposed TIDs.*

*Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:***

**Phone #: 1-408-418-9388**

**Access Code: 269 940 263**

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. **Call Meeting to Order**
2. **Public Comments (15 Minute limit)**
3. **Approval of the September 25, 2023 Minutes**
4. **Educational Presentations**
  - A. The Role and Authority of the Joint Review Board - Marathon County Finance Director Kristi Palmer
5. **Committee Discussion and Possible Action**
  - A. Discuss Marathon County's Delegate to the Joint Review Board
  - B. Discuss/Define Marathon County's Role in the Following TID Matters:
    1. Extensions of TID Timeline
    2. Exceedance of Valuation Limits
    3. Utilization of Donor TIDs
6. **Future Meeting Dates and Times**
  - A. Schedule future Meeting Dates
    - 1) Establishing a Bi-Weekly Monday Meeting Schedule at 5pm in the Library Community Room
      - **October 9<sup>th</sup>; October 23<sup>rd</sup>; November 6<sup>th</sup>; November 20<sup>th</sup>; December 4<sup>th</sup>; December 18<sup>th</sup>**
7. **Adjournment**

*"Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail [countyclerk@co.marathon.wi.us](mailto:countyclerk@co.marathon.wi.us) one business day before the meeting.*

**SIGNED** /s/ David Oberbeck  
Presiding Officer or Designee

EMAILED TO: Wausau Daily Herald, City Pages, and other Media Groups

EMAILED BY: Toshia Ranallo

DATE & TIME: 10/05/2023 at 11:30 a.m.

NOTICE POSTED AT COURTHOUSE \_\_\_\_\_

BY: Toshia Ranallo

DATE & TIME: 10/5/2023 at 11:30 a.m.

## III. Joint Review Board (JRB)

### A. JRB Purpose

State law requires a JRB to oversee each Tax Incremental District (TID). State law defines its members and responsibilities. JRB members represent a taxing jurisdiction (municipality, county, school, technical college). It is the JRB's responsibility to approve or deny the creation or amendment of a TID. When the JRB approves a TID, it agrees the development needs Tax Incremental Financing (TIF) to proceed. The JRB jurisdictions agree to sacrifice some amount of tax revenue for years into the future expecting the tax base will ultimately increase.

### B. JRB Members

The JRB consists of one representative from each taxation jurisdiction (school district, technical college, county, municipality), and one public member.

#### District representatives

- **School** – the school board president, or their designee with preference to the school district's finance director. If the TID is located in a union high school district, the school seat is shared by the union high school representative and school district representative; each having one-half vote.
- **Technical college** – the technical college district director, or their designee with preference to the district's chief financial officer
- **County** – the county executive or the county board chairperson, or this person's designee with preference to the county treasurer

- **City/village/town** – the mayor or city manager, the village board president, town board chairperson or their designee with preference to the person who administers the economic development programs, the municipal treasurer or another person with knowledge of local government finances
- **Public member** – a majority of the other members chooses the public member at the JRB's first meeting. State law has no requirements for the public member. A public member can be appointed as chairperson. For a multijurisdictional TID, each participating municipality may appoint one public member.

If more than one school, union high school, technical college or county district has the power to levy taxes on the property within the TID, the district with the greatest **value** chooses the representative to the JRB.

## Examples:

- School District "A" serves 75% of the area in the TID, but only has 40% of the TID value. School District "B" serves 25% of the area in the TID but has 60% of the TID value. District "B" chooses the JRB member.
- In the case of a territory amendment, if adding property from one county to an existing TID in a different county, the county with the majority value chooses the JRB member. The calculation to determine majority value is the existing base value plus the additional parcels' current value.

## C. JRB Procedures

### 1. Organize the JRB

- When creating a TID, the municipality must send the overlying taxing districts a letter with a copy of the public hearing notice (by first class mail before the notice is published) to request a representative serve on the JRB
- Within 14 days after the public hearing notice is published and before the public hearing, all JRB members must be appointed and the first organizational meeting held. At the organizational meeting, the members must select a public member and chairperson by majority vote. They may also review details of the TID proposal. **Note:** For any TID amendment, state law requires an initial JRB meeting before the public hearing
- Any JRB member may request additional JRB meetings or public hearings
- At all JRB meetings, one of the members must take minutes and record votes. The municipality must keep the minutes in the TID records.
- The municipality must publish a notice for any JRB meeting at least five days before the meeting, under state law (ch. [985](#) and sec. [66.1105\(4m\)\(e\)](#), Wis. Stats.). This does not apply to town TIDs created under sec. [60.85](#), Wis. Stats. or Environmental Remediation TIDs created under sec. [66.1106](#), Wis. Stats.

### 2. Approve or deny the resolution

- After receiving the municipal resolution, the JRB must meet again to vote on the resolution:
  - » **Within 45 days** – City/Village TIDs created under sec. [66.1105](#), Wis. Stats.
  - » **Between 10 days and 45 days** – Town TIDs created under sec. [60.85](#), Wis. Stats. or Environmental Remediation TIDs created under sec. [66.1106](#), Wis. Stats.
- The JRB adopts its own resolution to document its decision based on the three criteria required in state law

### 3. Respond to municipality

- JRB must respond to municipal officials within seven days of its decision
- If the JRB rejects a resolution, the JRB must explain in writing why the proposal did not meet the decision criteria

## D. JRB Document Review

The municipality must provide the JRB with specific information under state law (secs. [66.1105\(4\)\(i\)](#) and [60.85\(3\)\(k\)](#), Wis. Stats.). JRB members may request missing or additional information.

### 1. Required information the municipality must provide

- Specific projects and costs, including the amounts expected to be paid by tax increments and the estimated tax increments over the life of the TID
- Value increment after project costs are paid and the TID terminates
- Reasons why the property owners benefitting from the improvements within the TID should not pay the project costs
- Share of the projected tax increments estimated to be paid by the property owners in each of the overlying taxing jurisdictions
- Benefits the taxpayers will receive to compensate for their share of the projected tax increments

### 2. Additional information the JRB must review (sec. [66.1105\(4m\)\(b\)1.](#), Wis. Stats.)

- **Public records** – copies of the public hearing minutes and notices
- **Planning documents** – copies of the project plan and signed development agreement, if applicable
- **Resolutions** – copies of the Planning Commission and municipal resolutions

### 3. Additional information the JRB may request

- **Economic feasibility study** – detailing the projected tax increments and estimates of increased property values
- **For multijurisdictional TIDs** – copy of the signed intergovernmental agreement created under state law (sec. [66.0301](#), Wis. Stats.). The agreement must provide the specific information listed in sec. [66.1105\(18\)\(b\)](#), Wis. Stats.

## E. JRB Decision Criteria

The JRB must make a decision based on the documents and information provided by the municipality and three criteria found in state law (secs. [66.1105\(4m\)\(c\)](#), [66.1106\(3\)\(c\)](#), and [60.85\(4\)\(c\)](#), Wis. Stats.). The JRB must determine whether the:

1. Development expected in the TID would occur without the use of TIF ("but for" requirement)
2. Economic benefits of the TID, as measured by increased employment, business and personal income and property value, are sufficient to compensate for the cost of the improvements
3. Benefits of the proposal outweigh the anticipated tax increments to be paid by the property owners in the overlying taxing jurisdictions

Each criterion is important to ensure the TIF project is beneficial for all taxpayers in the overlying taxing jurisdictions. Many consider the first criterion, the "but for" requirement, the most important. "But for" gets its name from the phrase, "This development would not happen but for the financial support of TIF." This means the project is not economically viable without the use of TIF to pay for the infrastructure improvements. Review [But for Requirement](#) for more information.

### Questions to consider

1. Would the expected development occur without ("but for") the use of TIF? Would the development occur if the project was scaled back or the timeframe pushed out? Did similar projects proceed without the use of TIF?
2. Will the development's economic benefits measured by increased employment, business and personal income and property value, compensate for the cost of the improvements?
3. Do the benefits outweigh the taxes residents of overlying districts are expected to pay?
4. How does the planned development fit into the overall economic picture in the district? How does the development fit with other development in the district? Will the potential businesses benefit the district in the long term? How many and what type of jobs will this development create?

5. How does the TID benefit taxpayers in my district? Is the total expenditure for eligible project costs feasible?
6. Is there a better use for the development site, the tax revenue and the limited TIF capacity?
7. What is the general opinion of my district's residents on this TID?
8. How will the planned development affect the demand for services in my district? Consider items such as: increased population, traffic impact, fire and police protection, emergency medical services, water, sewer, administrative services, increased student population, demand for training or housing.
9. Is the developer receiving a subsidy, such as a cash grant, incentive or forgivable loan? If so, how was the need and benefit analyzed? Is there a written developer's agreement? Was the public informed of the developer's subsidy in the published hearing notice?
10. What guarantees are in place to ensure the development will occur as anticipated and the property value will increase as expected?

## F. DOR Review Procedure

Under state law (sec. [66.1105\(4m\)\(b\)4](#), Wis. Stats.), the JRB may request DOR review the facts contained in the documents listed in [Additional information the JRB must review](#).

### 1. To request a DOR review

- Majority of the JRB members must support the request
- JRB must submit a written request to DOR and must specify which fact or item the members believe is inaccurate or incomplete
- Review [JRB Request for DOR Review](#) for more information

### 2. DOR review

- Within 10 working days of receiving a request for review that complies with the filing requirements, DOR will investigate the issues raised and send a written response to the JRB
- If DOR determines the information does not comply with state law or contains a factual inaccuracy, the JRB may request (but may not require) that the municipality correct and resubmit the proposal for review
  - » **If the municipality resubmits the proposal** – the JRB must vote to approve or reject based on the criteria in state law. The JRB must submit its decision to the municipality within 10 working days after receiving the resubmitted proposal.
  - » **If the municipality does not resubmit the proposal** – the TID is not certified
- If DOR does not identify any factual inaccuracies, the JRB must vote to approve or reject as otherwise specified in state law. The JRB must submit its decision to the municipality within 10 working days of receiving DOR's written response.

## G. After the JRB approves a TID

- Municipality sends DOR a request to certify the TID and includes all the required documents. If DOR determines procedures were followed, DOR will email the municipality a certification letter.
- While the TID is active, the JRB must meet yearly to review the annual performance and status of the TID based on the annual report (secs. [60.85\(4\)\(d\)](#), [66.1105\(4m\)\(f\)](#) and [66.1106\(3\)\(e\)](#), Wis. Stats.)

## Tax Incremental District (TID) Dates and Requirements

Follow this schedule during a TID's life		
Due Dates	Links – System/Form/Web	Details
April 15	<a href="#">My Tax Account</a> (MTA) – system used to pay TID fees	<ul style="list-style-type: none"> <li>An administrative certification fee is posted in MTA (TIF account) by March 15 for all municipalities with active TIDs</li> <li>Every year municipalities must pay \$150 for each active TID using MTA. DOR does not accept paper checks.</li> </ul>
2nd Monday in June	<a href="#">Municipal Assessment Report</a> (MAR) – online form	<ul style="list-style-type: none"> <li>Assessor must report the assessed value for all realand personal property in each TID (by school and special district) as a part of the MAR</li> <li>Assessor must electronically file (e-file) the report with DOR by the second Monday in June</li> </ul>
July 1	<a href="#">PE-300</a> (TID Annual Report) – online form	<ul style="list-style-type: none"> <li>Form PE-300 is available in mid-February</li> <li>E-file one report per TID with DOR by July 1</li> <li>TID Annual Report includes revenue and expenditures for the previous year, as well as future costs and revenue for the TID's remaining life</li> <li>Joint Review Board (JRB) must meet to review this report</li> </ul>
October 31	<a href="#">TID Creation</a> web page <a href="#">TID ER Creation</a> web page <a href="#">TID Territory Addition</a> web page <a href="#">TID Territory Subtraction</a> web page <a href="#">TID Redetermination</a> web page	<ul style="list-style-type: none"> <li>Use these web pages to access forms, publications and information for TID creations, territory amendments and base value redeterminations</li> <li>Municipal resolution must be adopted on or before September 30</li> </ul>
December 31	<a href="#">TID Allocation or Project Plan Amendment</a> web page	<ul style="list-style-type: none"> <li>Use this web page to access forms, publications and information for TID allocation and/or project plan amendments</li> <li>Municipal resolution must be adopted on or before December 31</li> </ul>
3rd Monday in December	<a href="#">PC-202</a> (Tax Increment Worksheet) – online form	<ul style="list-style-type: none"> <li>Form PC-202 is available by December 1</li> <li>Complete this form before calculating the tax rates</li> <li>This form calculates the amount the tax increment adds to a taxation district's levy</li> <li>If the municipality does not include the tax increment amounts when calculating property taxes, the municipal levy is reduced unnecessarily</li> <li>Questions, contact <a href="#">DOR Local Government Services</a></li> </ul>

## General TID Information for Municipalities

### TID records to maintain in the municipal office include:

- **Creation** – project plan, legal documents, value forms, boundary legal description and map, developer agreement (if any), certification letter
- **Territory Amendment** – project plan, legal documents, value forms, boundary legal description and map, developer agreement (if any), recertification letter
- **Redetermination Amendment** – project plan, legal documents, decrement form, redetermination value letter
- **Project Plan and/or Allocation Amendment** – project plan, legal documents, developer agreement (if any), approval letter
- **Extension** – adopted resolution, meeting notice and minutes, approval letter
- **Annual Reports** – reports, JRB review meeting notices and minutes
- **Audit Reports** – completed by a Certified Public Accountant after 30 percent of project expenditures are made, after the end of the expenditure period and after termination
- **Termination** – adopted resolution, Final Accounting Submission Date Agreement ([Form PE-223](#)), Final Audit, Final Accounting Report ([Form PE-110](#))

### Municipality must notify DOR at [tif@wisconsin.gov](mailto:tif@wisconsin.gov) within 60 days after:

- Adopting a:
  - Resolution for a TID creation or amendment (territory, redetermination, project plan, allocation)
  - Termination resolution or by April 15, whichever comes first

### Popular TIF program links

- [TIF Information](#) – online services, TIF law, TID forms/information and common questions
- [TIF Manual](#) – describes the TIF statutes, rules and processes
- [TID Criteria Matrix](#) – explains the requirements and limitations for each TID type
- [TID Creation Timeframes](#) – explains by creation year, the first year the municipality is responsible for adding the TID number to the tax roll, paying the administrative fee, filing the annual report, when the first equalized values are established, and when the first increment is received
- [TID Termination Timeframes](#) – explains by termination year, when the TID number is removed from the tax roll, when no more increment is collected, when filing the TID Annual Report and paying yearly fees end, and when the last equalized values are established
- [TID Extension Types](#) – explains the three types of extensions available: standard, technical college and affordable housing
- [Allocation Amendment Types](#) – explains the three types of allocations allowed

### TID published reports and DOR subscription sign-up

- [Reports](#) – select category "Tax Incremental Finance"
- [Subscribe to E-filing News](#)

### TIF program contact information

- (608) 266-7750 press 3 for Tax Incremental Finance
- [tif@wisconsin.gov](mailto:tif@wisconsin.gov)

## 2023 Active Tax Incremental Districts (TIDs)

CoMun #	County	TVC	Municipality	TID #	Type	Base Yr.	Resolution Date	Maximum Life	Life Extended
37281	MARATHON	CITY OF	SCHOFIELD	2	1	1994	4/4/1994	4/4/2021	4/4/2031
37291	MARATHON	CITY OF	WAUSAU	3	99	1994	9/1/1994	9/1/2031	
37102	MARATHON	VILLAGE OF	ATHENS	1	1D	1995	9/25/1995	9/25/2022	9/25/2032
37281	MARATHON	CITY OF	SCHOFIELD	3	3D	1997	9/22/1997	9/22/2024	3/28/2024
37146	MARATHON	VILLAGE OF	MAINE	1	4D	1997	9/29/1997	9/29/2020	9/29/2030
37192	MARATHON	VILLAGE OF	WESTON	1	99	1998	3/30/1998	3/30/2031	
37186	MARATHON	VILLAGE OF	UNITY	1	3	1998	6/8/1998	6/8/2025	
37151	MARATHON	VILLAGE OF	MARATHON	1	99	2002	1/3/2002	1/3/2035	
37121	MARATHON	VILLAGE OF	EDGAR	1	2	2002	6/10/2002	6/10/2029	10/11/2034
37192	MARATHON	VILLAGE OF	WESTON	2	2	2004	5/17/2004	5/17/2031	
37121	MARATHON	VILLAGE OF	EDGAR	3	6D	2005	10/11/2004	10/11/2024	10/11/2034
37145	MARATHON	VILLAGE OF	KRONENWETTER	3	5	2005	11/3/2004	11/3/2024	11/3/2034
37145	MARATHON	VILLAGE OF	KRONENWETTER	4	5D	2005	11/3/2004	11/3/2024	11/3/2034
37145	MARATHON	VILLAGE OF	KRONENWETTER	1	5S	2005	11/3/2004	11/3/2024	11/3/2044
37145	MARATHON	VILLAGE OF	KRONENWETTER	2	99	2005	11/3/2004	11/3/2029	11/3/2034
37291	MARATHON	CITY OF	WAUSAU	6	5	2005	5/10/2005	5/10/2025	
37251	MARATHON	CITY OF	MOSINEE	2	5	2006	10/24/2005	10/24/2025	
37291	MARATHON	CITY OF	WAUSAU	7	6	2006	1/10/2006	1/10/2026	
37182	MARATHON	VILLAGE OF	STRATFORD	3	6	2006	4/18/2006	4/18/2026	4/18/2032
37102	MARATHON	VILLAGE OF	ATHENS	2	6	2007	2/26/2007	2/26/2027	2/26/2030
37136	MARATHON	VILLAGE OF	HATLEY	1	6	2007	3/6/2007	3/6/2027	3/6/2033
37201	MARATHON	CITY OF	ABBOTSFORD	5	6	2008	9/24/2008	9/24/2028	
37291	MARATHON	CITY OF	WAUSAU	8	3	2012	4/10/2012	4/10/2039	
37291	MARATHON	CITY OF	WAUSAU	9	2	2012	9/25/2012	9/25/2039	
37176	MARATHON	VILLAGE OF	ROTHSCHILD	2	3	2013	1/28/2013	1/28/2040	
37291	MARATHON	CITY OF	WAUSAU	10	5	2013	9/10/2013	9/10/2033	
37181	MARATHON	VILLAGE OF	SPENCER	3	6	2013	9/16/2013	9/16/2033	
37251	MARATHON	CITY OF	MOSINEE	3	2	2013	9/23/2013	9/23/2040	
37182	MARATHON	VILLAGE OF	STRATFORD	4	6	2015	6/9/2015	6/9/2035	
37151	MARATHON	VILLAGE OF	MARATHON	2	6	2016	6/20/2016	6/20/2036	
37121	MARATHON	VILLAGE OF	EDGAR	4	6	2016	9/15/2016	9/15/2036	
37201	MARATHON	CITY OF	ABBOTSFORD	6	6	2016	9/21/2016	9/21/2036	
37181	MARATHON	VILLAGE OF	SPENCER	4	6	2016	9/29/2016	9/29/2036	
37291	MARATHON	CITY OF	WAUSAU	11	5	2017	7/11/2017	7/11/2037	
37291	MARATHON	CITY OF	WAUSAU	12	3	2017	7/18/2017	7/18/2044	
37281	MARATHON	CITY OF	SCHOFIELD	4	2	2017	9/12/2017	9/12/2044	
37068	MARATHON	TOWN OF	RIB MOUNTAIN	1A	6	2020	9/29/2020	9/29/2040	
37211	MARATHON	CITY OF	COLBY	3	6	2021	1/5/2021	1/5/2042	
37281	MARATHON	CITY OF	SCHOFIELD	5	2	2021	7/13/2021	7/13/2048	
37211	MARATHON	CITY OF	COLBY	4	6	2022	6/7/2022	6/7/2042	



**Wisconsin Department of Revenue**  
**2022 Tax Incremental District (TID) Certification – Municipality/County**

County	CoMun	TVC	Municipality	Base		Current Value	Base Value	Increment
				TID #	Yr.			
MARATHON	37201	CITY OF	ABBOTSFORD	005	2008	14,314,700	11,954,100 \$	2,360,600.00
MARATHON	37201	CITY OF	ABBOTSFORD	006	2016	23,110,900	5,923,100 \$	17,187,800.00
MARATHON	37102	VILLAGE OF	ATHENS	001	1995	6,625,100	44,500 \$	6,580,600.00
MARATHON	37102	VILLAGE OF	ATHENS	002	2007	13,241,100	1,889,500 \$	11,351,600.00
MARATHON	37211	CITY OF	COLBY	003	2021	1,367,000	1,335,200 \$	31,800.00
MARATHON	37121	VILLAGE OF	EDGAR	001	2002	1,847,700	789,300 \$	1,058,400.00
MARATHON	37121	VILLAGE OF	EDGAR	003	2005	6,278,300	55,700 \$	6,222,600.00
MARATHON	37121	VILLAGE OF	EDGAR	004	2016	4,667,100	1,655,200 \$	3,011,900.00
MARATHON	37136	VILLAGE OF	HATLEY	001	2007	18,928,100	3,240,500 \$	15,687,600.00
MARATHON	37145	VILLAGE OF	KRONENWETTER	001	2005	18,230,300	2,262,300 \$	15,968,000.00
MARATHON	37145	VILLAGE OF	KRONENWETTER	002	2005	68,000,000	5,398,600 \$	62,601,400.00
MARATHON	37145	VILLAGE OF	KRONENWETTER	003	2005	1,260,300	405,100 \$	855,200.00
MARATHON	37145	VILLAGE OF	KRONENWETTER	004	2005	10,587,200	106,600 \$	10,480,600.00
MARATHON	37146	VILLAGE OF	MAINE	001	1997	12,061,600	447,100 \$	11,614,500.00
MARATHON	37151	VILLAGE OF	MARATHON	001	2002	42,771,500	7,361,400 \$	35,410,100.00
MARATHON	37151	VILLAGE OF	MARATHON	002	2016	7,561,500	1,146,800 \$	6,414,700.00
MARATHON	37251	CITY OF	MOSINEE	002	2006	34,074,800	12,930,700 \$	21,144,100.00
MARATHON	37251	CITY OF	MOSINEE	003	2013	13,760,300	8,228,900 \$	5,531,400.00
MARATHON	37068	TOWN OF	RIB MOUNTAIN	001A	2020	27,436,500	20,078,900 \$	7,357,600.00
MARATHON	37176	VILLAGE OF	ROTHSCHILD	002	2013	70,493,500	44,864,400 \$	25,629,100.00
MARATHON	37281	CITY OF	SCHOFIELD	002	1994	20,585,600	3,273,500 \$	17,312,100.00
MARATHON	37281	CITY OF	SCHOFIELD	003	1997	14,191,200	4,748,500 \$	9,442,700.00
MARATHON	37281	CITY OF	SCHOFIELD	004	2017	16,506,800	5,682,100 \$	10,824,700.00
MARATHON	37281	CITY OF	SCHOFIELD	005	2021	1,001,500	935,200 \$	66,300.00
MARATHON	37181	VILLAGE OF	SPENCER	002	1999	8,891,300	2,954,600 \$	5,936,700.00
MARATHON	37181	VILLAGE OF	SPENCER	003	2013	3,793,700	519,500 \$	3,274,200.00
MARATHON	37181	VILLAGE OF	SPENCER	004	2016	6,694,600	7,044,900 \$	(350,300.00)
MARATHON	37182	VILLAGE OF	STRATFORD	003	2006	10,923,400	2,413,400 \$	8,510,000.00
MARATHON	37182	VILLAGE OF	STRATFORD	004	2015	28,406,500	9,055,500 \$	19,351,000.00
MARATHON	37186	VILLAGE OF	UNITY	001	1998	338,000	196,000 \$	142,000.00
MARATHON	37291	CITY OF	WAUSAU	003	1994	173,650,900	42,818,700 \$	130,832,200.00
MARATHON	37291	CITY OF	WAUSAU	006	2005	234,477,800	80,579,300 \$	153,898,500.00
MARATHON	37291	CITY OF	WAUSAU	007	2006	101,000,700	29,441,600 \$	71,559,100.00
MARATHON	37291	CITY OF	WAUSAU	008	2012	73,516,800	41,343,200 \$	32,173,600.00
MARATHON	37291	CITY OF	WAUSAU	009	2012	2,133,900	1,232,400 \$	901,500.00

MARATHON	37291	CITY OF	WAUSAU	010	2013	63,913,000	45,713,000	\$	18,200,000.00
MARATHON	37291	CITY OF	WAUSAU	011	2017	70,568,700	1,386,400	\$	69,182,300.00
MARATHON	37291	CITY OF	WAUSAU	012	2017	28,057,700	12,441,300	\$	15,616,400.00
MARATHON	37192	VILLAGE OF	WESTON	001	1998	360,153,200	38,651,600	\$	321,501,600.00
MARATHON	37192	VILLAGE OF	WESTON	002	2004	68,233,200	34,485,600	\$	33,747,600.00
						\$1,683,656,000.00	\$495,034,200.00		\$1,188,621,800.00

**Wisconsin Department of Revenue**  
**2023 Tax Incremental Financing (TIF) Value Limitation Report**

Municipality	TID		Base Year	2023 TID	2023 TID	2023 Total Muni Equalized Value	5% Test	7% Test	12% Test
	Co-muni Code	TID No.		Current Value	Value Increment				
Abbotsford	37201	5	2008	14,688,100	2,734,000				
Abbotsford	10201	5	2008	1,387,200	928,400				
Abbotsford	10201	6	2016	27,872,100	24,925,000				
Abbotsford	37201	6	2016	23,579,000	17,655,900				
Abbotsford	10201	7	2016	2,081,900	462,400				
Abbotsford - Municipal Totals				69,608,300	46,705,700	185,345,500			25.2
Athens	37102	1	1995	6,808,100	6,763,600				
Athens	37102	2	2007	14,314,100	12,424,600				
Athens - Municipal Totals				21,122,200	19,188,200	91,418,300			20.99
Colby	37211	3	2021	1,373,300	38,100				
Colby	37211	4	2022	3,688,000	175,200				
Colby	10211	4	2022	4,433,700	1,252,900				
Colby - Municipal Totals				9,495,000	1,466,200	111,147,900			1.32
Edgar	37121	1	2002	2,199,600	1,410,300				
Edgar	37121	3	2005	8,099,700	8,044,000				
Edgar	37121	4	2016	5,222,200	3,567,000				
Edgar - Municipal Totals				15,521,500	13,021,300	107,760,400			12.08
Hatley	37136	1	2007	20,824,100	17,583,600				
Hatley - Municipal Totals				20,824,100	17,583,600	60,958,700			28.85
Kronenwetter	37145	1	2005	18,430,200	16,167,900				
Kronenwetter	37145	2	2005	65,227,400	59,828,800				
Kronenwetter	37145	3	2005	2,824,500	2,419,400				
Kronenwetter	37145	4	2005	9,279,900	9,173,300				
Kronenwetter - Municipal Totals				95,762,000	87,589,400	895,765,200			9.78
Maine	37146	1	1997	11,910,100	11,463,000				
Maine - Municipal Totals				11,910,100	11,463,000	353,453,200			3.24
Marathon	37151	1	2002	45,597,300	38,235,900				
Marathon	37151	2	2016	7,575,500	6,428,700				

Marathon - Municipal Totals			53,172,800	44,664,600	212,193,400	21.05
Mosinee	37251	2 2006	41,943,600	29,012,900		
Mosinee	37251	3 2013	20,597,800	12,368,900		
Mosinee - Municipal Totals			62,541,400	41,381,800	508,293,400	8.14
Rib Mountain	37068 001A	2020	29,876,900	9,798,000		
Rib Mountain - Municipal Totals			29,876,900	9,798,000	1,151,428,800	0.85
Rothschild	37176	2 2013	76,412,600	31,548,200		
Rothschild - Municipal Totals			76,412,600	31,548,200	682,928,100	4.62
Schofield	37281	2 1994	21,740,400	18,466,900		
Schofield	37281	3 1997	15,266,100	10,517,600		
Schofield	37281	4 2017	32,601,100	26,919,000		
Schofield	37281	5 2021	1,065,600	130,400		
Schofield - Municipal Totals			70,673,200	56,033,900	326,035,200	17.19
Spencer	37181	3 2013	4,921,000	4,401,500		
Spencer	37181	4 2016	9,253,800	2,208,900		
Spencer - Municipal Totals			14,174,800	6,610,400	148,114,500	4.46
Stratford	37182	3 2006	11,735,800	9,322,400		
Stratford	37182	4 2015	34,025,300	24,969,800		
Stratford - Municipal Totals			45,761,100	34,292,200	151,955,200	22.57
Unity	37186	1 1998	403,300	207,300		
Unity	10186	1 1998	1,537,800	1,418,300		
Unity - Municipal Totals			1,941,100	1,625,600	20,975,100	7.75
Wausau	37291	3 1994	200,046,200	157,227,500		
Wausau	37291	6 2005	258,189,400	177,610,100		
Wausau	37291	7 2006	122,291,900	92,850,300		
Wausau	37291	8 2012	91,074,600	49,731,400		
Wausau	37291	9 2012	2,246,000	1,013,600		
Wausau	37291	10 2013	77,168,200	31,455,200		
Wausau	37291	11 2017	79,683,100	78,296,700		
Wausau	37291	12 2017	32,198,300	19,757,000		
Wausau - Municipal Totals			862,897,700	607,941,800	4,030,170,800	15.08
Weston	37192	1 1998	395,666,900	357,015,300		
Weston	37192	2 2004	74,709,200	40,223,600		

Weston - Municipal Totals	470,376,100	397,238,900	1,682,640,200	23.61
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\*A negative increment is treated as zero increment

NOTE: With the exception of Muni Equalized Value column totals do not include Environmental Remediation TID information

2023 TID Total Value Increment : \$ 1,428,152,800.00

2023 Muni Total TID Current Value : \$ 1,932,070,900.00

2023 Muni Total Equalized Value : \$ 10,720,583,900.00

**WISCONSIN DEPARTMENT OF REVENUE  
2023 STATEMENT OF CHANGES IN EQUALIZED VALUES BY CLASS AND ITEM**

County 37 Marathon

**COUNTY TOTALS**

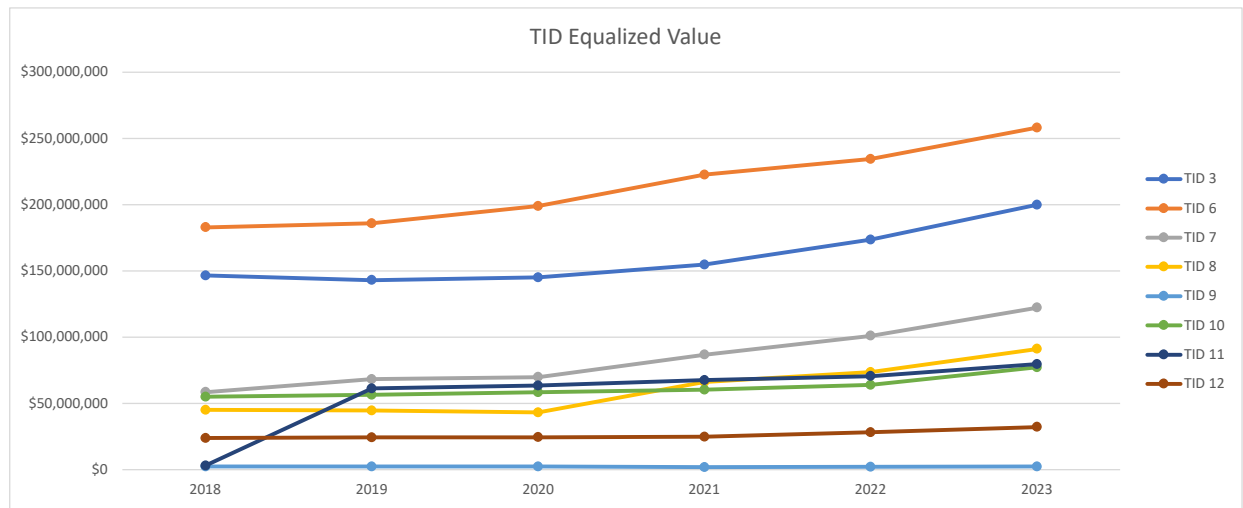
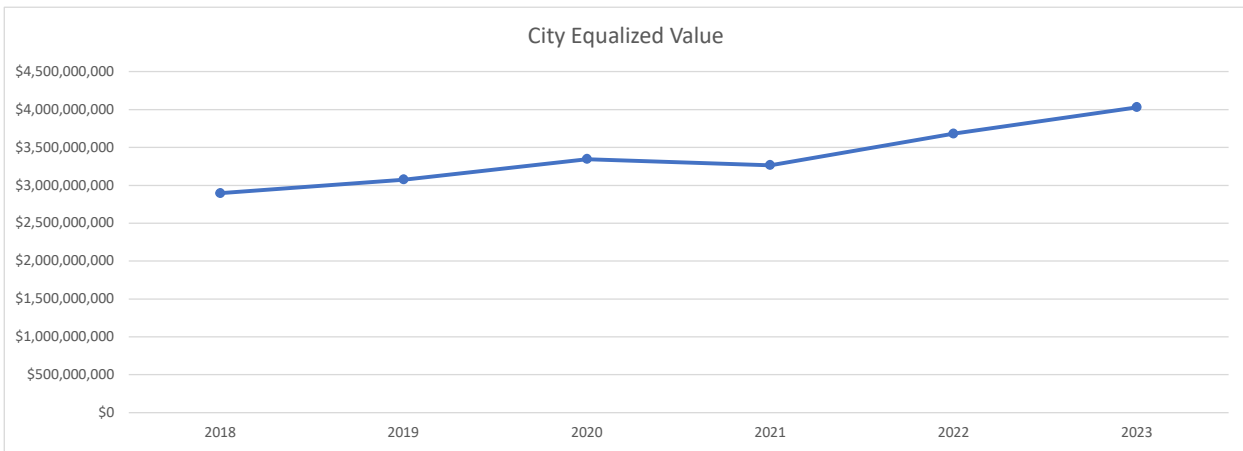
REAL ESTATE	2022 RE Equalized Value	Removal of Prior Year Compensation	% Change	\$ Amount of Economic Change	% Change	\$ Amount of New Constr	% Change	Correction & Compensation	% Change	\$ Amount of All Other Changes	% Change	2023 RE Equalized Value	Total \$ Change in R.E. Value	% Change
<b>Residential</b>														
Land	1,695,360,400	670,400	0%	162,756,400	10%	5,142,400	0%	3,203,000	0%	21,867,700	1%	1,889,000,300	193,639,900	11%
Imp	7,750,937,700	4,228,000	0%	720,004,300	9%	124,649,600	2%	2,559,800	0%	160,183,900	2%	8,762,563,300	1,011,625,600	13%
Total	9,446,298,100	4,898,400	0%	882,760,700	9%	129,792,000	1%	5,762,800	0%	182,051,600	2%	10,651,563,600	1,205,265,500	13%
<b>Commercial</b>														
Land	619,136,300	-71,000	0%	-10,346,700	-2%	5,262,700	1%	5,400	0%	10,883,300	2%	624,870,000	5,733,700	1%
Imp	2,229,255,800	2,312,200	0%	-34,284,300	-2%	167,937,200	8%	6,746,200	0%	30,417,500	1%	2,402,384,600	173,128,800	8%
Total	2,848,392,100	2,241,200	0%	-44,631,000	-2%	173,199,900	6%	6,751,600	0%	41,300,800	1%	3,027,254,600	178,862,500	6%
<b>Manufacturing</b>														
Land	68,587,700	0	0%	4,455,500	6%	0	0%	0	0%	246,700	0%	73,289,900	4,702,200	7%
Imp	568,229,100	-331,600	0%	37,302,700	7%	23,904,600	4%	0	0%	3,456,700	1%	632,561,500	64,332,400	11%
Total	636,816,800	-331,600	0%	41,758,200	7%	23,904,600	4%	0	0%	3,703,400	1%	705,851,400	69,034,600	11%
<b>Agricultural</b>														
Land/Total	79,268,700	-45,400	0%	9,588,400	12%	0	0%	-425,600	-1%	-113,500	0%	88,272,600	9,003,900	11%
<b>Undeveloped</b>														
Land/Total	74,449,900	425,200	1%	5,027,000	7%	0	0%	-794,000	-1%	367,000	0%	79,475,100	5,025,200	7%
<b>Ag Forest</b>														
Land/Total	176,988,000	-620,800	0%	10,214,800	6%	0	0%	2,102,400	1%	133,000	0%	188,817,400	11,829,400	7%
<b>Forest</b>														
Land/Total	305,864,900	500,600	0%	14,572,500	5%	0	0%	3,907,200	1%	-803,000	0%	324,042,200	18,177,300	6%
<b>Other</b>														
Land	44,544,200	121,300	0%	2,193,100	5%	0	0%	-295,200	-1%	-116,700	0%	46,446,700	1,902,500	4%
Imp	378,010,100	-81,300	0%	427,200	0%	8,082,400	2%	-2,584,400	-1%	110,922,000	29%	494,776,000	116,765,900	31%
Total	422,554,300	40,000	0%	2,620,300	1%	8,082,400	2%	-2,879,600	-1%	110,805,300	26%	541,222,700	118,668,400	28%
<b>Total Real Estate</b>														
Land	3,064,200,100	980,300	0%	198,461,000	6%	10,405,100	0%	7,703,200	0%	32,464,500	0%	3,314,214,200	250,014,100	8%
Imp	10,926,432,700	6,127,300	0%	723,449,900	7%	324,573,800	3%	6,721,600	0%	304,980,100	0%	12,292,285,400	1,365,852,700	13%
Total	13,990,632,800	7,107,600	0%	921,910,900	7%	334,978,900	2%	14,424,800	0%	337,444,600	0%	15,606,499,600	1,615,866,800	12%

PERSONAL PROPERTY	Non-Mfg Personal Property			Manufacturing Personal Property			Total of All Personal Property			
	2022	2023	% Change	2022	2023	% Change	2022 Total	2023 Total	Tot. \$ Chg in PP	% Change
Watercraft	2,800	2,700	-4%	83,000	83,900	1%	85,800	86,600	800	1%
Machinery Tools & Patterns	0	0	N/A	61,204,800	65,792,000	7%	61,204,800	65,792,000	4,587,200	7%
Furniture Fixtures & Equip	123,539,600	143,412,600	16%	16,502,000	16,853,500	2%	140,041,600	160,266,100	20,224,500	14%
All Other	54,699,200	65,904,000	20%	12,958,400	12,635,900	-2%	67,657,600	78,539,900	10,882,300	16%
Prior Year Compensation	3,519,100	1,037,800		0	-861,600		3,519,100	176,200	-3,342,900	
<b>Total Personal Property</b>	181,760,700	210,357,100	16%	90,748,200	94,503,700	4%	272,508,900	304,860,800	32,351,900	12%
<b>TOTAL EQUALIZED VALUE</b>	<b>2022 Total</b>							<b>2023 Total</b>	<b>Total \$ Change</b>	<b>% Change</b>
Real Estate & Personal Property	14,263,141,700							15,911,360,400	1,648,218,700	12%

Equalized Values in the City of Wausau

Equalized Value						
	2018	2019	2020	2021	2022	2023
<b>City</b>	<b>\$2,896,505,400</b>	<b>\$3,075,863,100</b>	<b>\$3,345,281,800</b>	<b>\$3,265,016,200</b>	<b>\$3,680,737,900</b>	<b>\$4,030,170,800</b>
TID 3	\$146,621,800	\$143,102,900	\$145,034,800	\$154,854,600	\$173,650,900	\$200,046,200
TID 6	\$182,937,300	\$185,917,600	\$198,944,700	\$222,689,800	\$234,477,800	\$258,189,400
TID 7	\$58,546,000	\$68,348,900	\$69,814,300	\$86,717,600	\$101,000,700	\$122,291,900
TID 8	\$45,036,800	\$44,493,800	\$43,117,700	\$66,093,100	\$73,516,800	\$91,074,600
TID 9	\$2,260,700	\$2,174,900	\$2,233,900	\$1,860,600	\$2,133,900	\$2,246,000
TID 10	\$54,938,100	\$56,367,200	\$58,352,700	\$60,322,800	\$63,913,000	\$77,168,200
TID 11	\$2,980,000	\$61,254,900	\$63,434,900	\$67,444,200	\$70,568,700	\$79,683,100
TID 12	\$23,866,700	\$24,348,300	\$24,402,300	\$24,807,900	\$28,057,700	\$32,198,300

% Change From Previous Year					
City	2019	2020	2021	2022	2023
<b>City</b>	<b>6.19%</b>	<b>8.76%</b>	<b>-2.40%</b>	<b>12.73%</b>	<b>9.49%</b>
TID 3	-2.40%	1.35%	6.77%	12.14%	15.20%
TID 6	1.63%	7.01%	11.94%	5.29%	10.11%
TID 7	16.74%	2.14%	24.21%	16.47%	21.08%
TID 8	-1.21%	-3.09%	53.29%	11.23%	23.88%
TID 9	-3.80%	2.71%	-16.71%	14.69%	5.25%
TID 10	2.60%	3.52%	3.38%	5.95%	20.74%
TID 11	1955.53%	3.56%	6.32%	4.63%	12.92%
TID 12	2.02%	0.22%	1.66%	13.10%	14.76%



## Project Plan Guidelines – Tax Incremental Financing (TIF)

Under state law (secs. [66.1105\(4\)\(f\)](#), [60.85\(3\)\(f\)](#) and [60.23\(32\)\(f\)2.](#), Wis. Stats.) the following information must be included in the project plan for a Tax Incremental District (TID). A municipality must make this plan available to the public. Contact us with comments or questions: [tif@wisconsin.gov](mailto:tif@wisconsin.gov).

An amended project plan must also include the information listed below. The amended project plan should include the amended information **and** must also indicate what information from the original/prior project plan did not change.

### A. The following information must be included in a project plan (original or amended):

#### 1. State number, location and type of proposed public works – describe the general goals of the TID, including TID type, a list of major public improvement categories, and the reason for each improvement

##### General category examples:

- Utilities (ex: sanitary or storm sewer, water system improvements, gas or electric infrastructure)
- Streets and amenities
- Site preparation
- Land assembly costs
- Administrative and organizational costs
- Relocation costs
- Financing costs
- Development incentives/cash grants\*

\* Eligible project costs **only** if the developer and municipality signed a development agreement and the intention to provide cash grants is indicated in the public hearing notice. Cash grants are not eligible project costs for town TIDs (sec. [60.85\(1\)\(h\)2.d.](#), Wis. Stats.)

#### 2. Economic feasibility study – there are several ways to prepare an economic feasibility study, but the study must include:

- Indication the municipality has the resources to finance proposed projects (ex: a general obligation borrowing limit projection or the non-general obligation securities the municipality will use)
- Anticipated value of new development
- Projected tax increment revenues and when the municipality will receive them
- Annual cash flow during the TID's life demonstrating expected revenue covers the anticipated expenditures
- Municipality's general economic condition and impact of the anticipated development

#### 3. Detailed list of project costs

##### Include:

- Financing costs
- Estimated expenditures for each major category of public improvements (See #1 above – General category examples)
- Specific improvements paid with TIF increments
- Amount and improvements not paid with tax increments (non-project costs)
- Total costs (both paid **and** not paid with increments)
- For costs not paid with increment revenue, include details of the planned revenue sources (ex: grants, special assessments, utility assessments, other tax revenue or other sources)

#### 4. Description of how the projects will be financed – include the financing methods, timeframes for those costs or planned monetary obligations

**Example** – if the municipality intends to issue municipal bonds to finance the projects:

- Show the security type and repayment schedule
- Show when it expects to complete each project
- Plan a bond issue based on the expenditures for each year
- Budget a bond issue to pay for projects to be completed in more than one year



**5. Proposed changes in zoning ordinances, master plan, building codes, map, and city ordinances**

Describe any changes made or proposed changes because of the TID. If none are planned, state this.

**6. List and estimate non-project costs** – list the portion of costs, by project, that will not be paid with TIF. If there are no non-project costs or the non-project costs are unknown, state this.

**Non-project costs include:**

- Portion of costs paid from sources other than TIF, for example:
  - Grants
  - Special assessments paid by property owners
  - User fees
- Portion of costs for projects that only partly benefit the TID
  - If the project benefits property outside the district, that part of the cost is a non-project cost
  - Allowable project costs are limited to the amount that benefits the TID
- Costs not eligible for payment by tax increments:
  - State law (secs. [66.1105\(2\)\(f\)2.](#) and [60.85\(1\)\(h\)2.](#), Wis. Stats.), list costs that are not allowable project costs, including:
    - Construction or expansion of administrative buildings
    - General government operating expenses unrelated to the TID development
    - Cash grants to developers without a signed development agreement

**Examples of non-project costs:**

- Partial "non-project" costs – interceptor sewer or water tower serving property both in and out of the TID
- Ineligible costs – cost of building a new City Hall (administrative building) or paying election costs (general operating expenses)

**7. Plan for relocating any displaced persons or businesses** – if relocation of people or businesses is expected due to the project, describe how the municipality will comply with state law (sec. [32.19](#), Wis. Stats.). Contact the municipal attorney to determine the required actions.

**Using TIF does not relieve** the municipality of its responsibility to pay relocation benefits. These are an eligible project cost; the municipality can pay them with tax increments.

**8. Describe how the district's creation promotes the municipality's orderly development** – explain how the development fits into the community's overall development plan

**Examples:**

- Using TIF to offset some costs, the municipality can encourage development in the desired area rather than using open areas where costs may be lower
- A specified company will be able to build a new facility increasing the tax base and creating jobs

**9. Map** – show existing uses and conditions of real property in the district

**10. Map** – show proposed improvements and future land uses in the district

**11. Signed attorney's opinion that the plan is complete and complies with the state law**

- Written by municipality attorney or attorney hired by the municipality
- Opinion must be on municipal or attorney's letterhead and include the attorney's signature

**12. For town TIDs created under sec. 60.23(32), Wis. Stats.** – specify the expenditure option selected:

- **Option (a)** – (sec. [60.23\(32\)\(f\)2.a.](#), Wis. Stats.)
  - At least 51% of the public infrastructure improvement value must be financed by a private developer or entity
  - Development agreement is required to receive cash grants which will solely repay the developer or entity for public infrastructure costs
- **Option (b)** – (sec. [60.23\(32\)\(f\)2.b.](#), Wis. Stats.)
  - The town expects all project costs to be paid within 90% of the TID's remaining life
- **Option (c)** – (sec. [60.23\(32\)\(f\)2.c.](#), Wis. Stats.)
  - Expenditures may be made only within the first half of the TID's remaining life
  - Joint Review Board (JRB) can unanimously approve additional expenditures but not beyond the original expenditure period

**13. For Environmental Remediation TIDs created under sec. 66.1105., Wis. Stats.** – specify the expenditure option selected:

- **Option (a)** – (sec. [66.1105\(20m\)\(b\)2.a.](#), Wis. Stats.)
  - All project costs are expected to be paid within 90% of the TID's remaining life
- **Option (b)** – (sec. [66.1105\(20m\)\(b\)2.b.](#), Wis. Stats.)
  - Expenditures may be made only within the first half of the TID's remaining life
  - Limitation on the expenditure period does not apply to any expenditure made to address significant environmental pollution not identified in the original certified site investigation report
  - No expenditures may be made beyond the original expenditure period

**14. For Base Value Redetermination amendments** – specify the expenditure option selected:

- **Option (3)** – (sec. [66.1105\(5\)\(i\)3.](#), Wis. Stats.)
  - At least 51% of the public infrastructure improvement value must be financed by a private developer or entity
  - Development agreement is required to receive cash grants which will solely repay the developer or entity for public infrastructure costs
- **Option (4)** – (sec. [66.1105\(5\)\(i\)4.](#), Wis. Stats.)
  - All project costs are expected to be paid within 90% of the TID's remaining life
- **Option (5)** – (sec. [66.1105\(5\)\(i\)5.](#), Wis. Stats.)
  - Expenditures may be made only within the first half of the TID's maximum life
  - JRB can unanimously approve additional expenditures but not beyond the original expenditure period

**B. Under state law, a municipality must provide the JRB the following:**

**1. Project costs and tax increments** – (sec. [66.1105\(4\)\(i\)1.](#), Wis. Stats.)

- Specific projects and costs that will be paid with tax increments
- Projected tax increments generated over the life of the TID

**2. TID's value increment** – (sec. [66.1105\(4\)\(i\)2.](#), Wis. Stats.)

- Value increment when the project costs are paid and the TID terminates

**3. Justify the use of TIF** – (sec. [66.1105\(4\)\(i\)3.](#), Wis. Stats.)

- Reasons why project costs should not be paid by property owners within the TID

**4. Tax increment share projections** – (sec. [66.1105\(4\)\(i\)4.](#), Wis. Stats.)

- Estimated share of tax increments paid by property owners in each overlying taxing jurisdiction
  - a. Municipality
  - b. School District and/or Union High
  - c. Technical College
  - d. County
  - e. Special District (ex: sewer, sanitary or lake rehabilitation district), if applicable

**5. Benefits to taxpayers** – (sec. [66.1105\(4\)\(i\)5.](#), Wis. Stats.)

- Benefits taxpayers will receive to compensate for their share of projected tax increments

# Tax Incremental District (TID) Checklist

This checklist is a guide for creating or amending a TID. If you have comments or questions, email [tif@wisconsin.gov](mailto:tif@wisconsin.gov) or visit our [website](#).

<b>Email the required documents as attachments to: <a href="mailto:tif@wisconsin.gov">tif@wisconsin.gov</a></b> <i>(Note: Do not send the Wisconsin Department of Revenue your checklist; it is for your use only)</i>		Creations			Amendments			
		City/Village, Town (sec. 60.23)	Town (sec. 60.85)	Environmental Remediation (sec. 66.1105)	Territory Addition	Territory Subtraction	Project Plan or Allocation	Base Value Redetermination
<b>Legal Documents – scan all documents together and use name: LegalDocs.pdf</b>								
<input type="checkbox"/>	<b>City/Village Legal Requirements Form</b> – ( <a href="#">PE-605</a> , <a href="#">PE-605T</a> , <a href="#">PE-605A</a> , or <a href="#">PE-605B</a> )	X	X	X	X	X	X	X
<input type="checkbox"/>	<b>Proof you sent a <a href="#">public hearing notice</a> to the overlying taxing jurisdictions before you published it</b> – include copies of cover letters sent with the notice. <ul style="list-style-type: none"> <li>• Must be sent by first-class mail to administrator of all local government entities, school districts and any special districts (ex: sewer, sanitary or lake rehabilitation district) with authority to levy taxes on TID property</li> <li>• Public notice must state:               <ul style="list-style-type: none"> <li>○ Proposed project plan will be "provided upon request"</li> <li>○ If applicable, "cash grants will be paid to property owners, lessees or developers as part of a development agreement"                   <ul style="list-style-type: none"> <li>▪ Cash grants are not eligible project costs for town TIDs (sec. <a href="#">60.85(1)(h)2.d.</a>, Wis. Stats.)</li> </ul> </li> <li>○ For an amendment – the cost of the amendment</li> <li>○ For an allocation amendment – the donor TID number and recipient TID number, and allocation amount</li> </ul> </li> </ul>	X	X	X	X	X	X	X
<input type="checkbox"/>	<b>Proof of publication for Joint Review Board (JRB) meeting notices</b> – publish one notice at least <b>5 days</b> before each JRB meeting. Provide a copy of the affidavits verifying the newspaper publication date and readable copies of the <a href="#">meeting notices</a> . <b>Two JRB meetings required:</b> <ul style="list-style-type: none"> <li>• First meeting must be within 14 days after the public hearing notice – review the plan with JRB members</li> <li>• Second meeting must be after the municipal creation resolution – JRB must approve or deny the TID creation/amendment within 45 days after receiving the municipal resolution</li> </ul>	X		X	X	X	X	X
<input type="checkbox"/>	<b>Copy of notice to property owners in the TID</b> – send a notice at least <b>15 days</b> before the public hearing. Provide a copy of the letter with hearing notice or recipient list with hearing notice. Include parcel numbers on the letters or recipient list. <ul style="list-style-type: none"> <li>• <b>TID created under sec. <a href="#">66.1105</a>, Wis. Stats.</b> – if the TID is created as Blighted or in need of Rehabilitation/Conservation, send a notice to those property owners whose property was identified as such</li> <li>• <b>TID created under sec. <a href="#">60.85</a>, Wis. Stats. (Towns)</b> – send a copy of the notice to <b>all</b> property owners in the TID</li> </ul>	X	X		X			
<input type="checkbox"/>	<b>Proof of publication for public hearing notice</b> <ul style="list-style-type: none"> <li>• <b>Creation</b> – publish two consecutive notices, one per week, with the second notice at least <b>7 days</b> before the public hearing. Provide a copy of the affidavit verifying newspaper publication dates and readable copies of the actual <a href="#">public hearing notices</a>.</li> <li>• <b>Amendments</b> – publish one notice at least <b>7 days</b> before the public hearing. Provide a copy of the affidavit verifying the newspaper publication date and a readable copy of the actual <a href="#">public hearing notice</a>.</li> </ul>	X	X	X	X	X	X	X
<input type="checkbox"/>	<b>Copy of Planning Commission Resolution or minutes approving TID creation/amendment</b>	X	X	X	X	X	X	X

# Tax Incremental District (TID) Checklist

<b>Email the required documents as attachments to: <a href="mailto:tif@wisconsin.gov">tif@wisconsin.gov</a></b> <i>(Note: Do not send the Wisconsin Department of Revenue your checklist; it is for your use only)</i>		Creations			Amendments		
		City/Village, Town (sec. 60.23)	Town (sec. 60.85)	Environmental Remediation (sec. 66.1105)	Territory Addition	Territory Subtraction	Project Plan or Allocation
<b>Legal Documents – scan all documents together and use name: LegalDocs.pdf</b>							
<input type="checkbox"/>	<b>Copy of Municipal Creation Resolution (approving TID boundary and project plan)</b> – See the <a href="#">Resolution Checklist</a> (PE-222) for all resolution requirements <ul style="list-style-type: none"> <li>• <b>Territory Amendments</b> – must contain the same findings as the creation resolution</li> <li>• <b>Municipal TIDs created or amended under sec. 66.1105, Wis. Stats.</b> <ul style="list-style-type: none"> <li>○ Must wait <b>14 days</b> after the public hearing to adopt the municipal resolution (creation only)</li> <li>○ Resolutions to add territory must include a finding that the municipality does not exceed the 12% TID limit</li> <li>○ Environmental Remediation (ER) TID designated as excluded from the 12% limit – include a statement in the resolution (only one ER TID can be designated as excluded)</li> </ul> </li> <li>• <b>Town TIDs created or amended under sec. 60.85, Wis. Stats.</b> <ul style="list-style-type: none"> <li>○ Must wait at least <b>30 days</b> after the public hearing to adopt the creation resolution</li> <li>○ <b>Resolutions that create or amend district boundaries must include one of these findings:</b> <ul style="list-style-type: none"> <li>▪ Equalized Value (of the district's taxable property and all existing districts) – does not exceed 7% of the total Equalized Value of the town's taxable property</li> <li>▪ Equalized Value (of the district's taxable property) plus the value increment of all existing districts – does not exceed 5% of the total Equalized Value of the town's taxable property</li> </ul> </li> </ul> </li> </ul>	X	X	X	X	X	X
<input type="checkbox"/>	<b>Copy of JRB Resolution</b> – must confirm the proposal meets <b>three criteria</b> (sec. <a href="#">66.1105(4m)(c)</a> , Wis. Stats.): <ol style="list-style-type: none"> <li>1. Development would not occur without the TID creation or amendment</li> <li>2. Economic benefits are sufficient to compensate for the cost</li> <li>3. Benefits outweigh the anticipated tax increments to be paid by property owners in the district</li> </ol> <ul style="list-style-type: none"> <li>• TIDs created under sec. <a href="#">60.23(32)</a> or <a href="#">66.1105</a>, Wis. Stats. – JRB approval must occur within <b>45 days</b> after receiving the municipal resolution</li> <li>• Town TIDs created under sec. <a href="#">60.85</a>, Wis. Stats. – JRB approval must occur <b>10-45 days</b> after receiving the municipal resolution</li> <li>• JRB must submit its decision to the municipality within <b>7 days</b> after adopting the JRB resolution</li> <li>• <b>For Base Value Redeterminations</b> – resolution must confirm a 10% decline for <b>2 consecutive years</b></li> <li>• <b>DOR email notification</b> – within <b>60 days</b> of approval</li> </ul>	X	X	X	X	X	X
<input type="checkbox"/>	<b>Retail percentage</b> – in the municipal resolution or project plan, include the estimated percentage of territory in the TID that will be devoted to retail business or confirm the percentage is below 35% (sec. <a href="#">66.1105(5)(b)</a> , Wis. Stats.)	X		X	X		X

## Tax Incremental District (TID) Checklist

<b>Email the required documents as attachments to: <a href="mailto:tif@wisconsin.gov">tif@wisconsin.gov</a></b> (Note: Do not send the Wisconsin Department of Revenue your checklist; it is for your use only)		Creations			Amendments			
		City/Village, Town (sec. 60.23)	Town (sec. 60.85)	Environmental Remediation (sec. 66.1105)	Territory Addition	Territory Subtraction	Project Plan or Allocation	Base Value Redetermination
<b>Boundary and Map – scan the parcel map and legal description and use name: Bounds-Map.pdf</b>								
<input type="checkbox"/>	<b>Boundary Description of the TID</b> – provide the district boundary legal description as adopted in the creation or territory amendment resolution. <ul style="list-style-type: none"> <li>It must be a "metes and bounds" type description describing the district's outer boundary. It must include more than a list of lots and blocks or legal descriptions of individual parcels.</li> <li>If wetlands exist within the TID boundary – include a statement that wetlands are excluded at the end of the description</li> <li>For a territory amendment – provide the full outer TID boundary description, updated with the added parcels and without the subtracted parcels</li> </ul>	X	X	X	X	X		
<input type="checkbox"/>	<b>Map of the TID with outer boundaries clearly marked and parcels numbered</b> – submit a TID map with all parcel numbers. It must clearly show boundaries, identify streets, and be large enough to read parcel numbers and parcel boundaries. <ul style="list-style-type: none"> <li>Use the same parcel numbers on the map as on the <a href="#">Base Value Workbook</a>. If parcel numbers are too large for the area on the map, use a numbering system to designate the parcels.</li> <li>Label any areas that do not have a parcel number (streets, railroad tracks, alleys, rights-of-way, wetlands or bodies of water)</li> <li>County real property lister may be able to assist with the mapping</li> <li>For amendments – the map must show where parcels are added or subtracted from the original TID</li> <li>For any <b>overlapping</b> TIDs – include a map showing the parcels being overlapped and the overlapped TID boundaries</li> <li>When approving projects within a half-mile radius of the TID, include a map of this area</li> </ul>	X	X	X	X	X		
<input type="checkbox"/>	<b>County Real Property Lister notification</b> – notify the county real property lister of a TID creation or amendment. Include a list of parcels, map and legal description with the notification.	X	X	X	X	X		
<b>Project Plan – save the project plan and use name: ProjectPlan.pdf</b>								
<input type="checkbox"/>	<b>Copy of the Project Plan</b> – must contain the items found in the <a href="#">Guidelines for Project Plans</a> (PE-215). <ul style="list-style-type: none"> <li><b>For amendments</b> – if some of the items did not change from the original plan, indicate this in the updated project plan</li> <li><b>For <a href="#">Base Value Redeterminations</a></b> – update the project plan to show:                             <ul style="list-style-type: none"> <li>Value is at least 10% below the base value for <b>2 consecutive years</b> – include the <a href="#">TID Base Redetermination Worksheet</a></li> <li>Financial analysis</li> <li>Statement on expenditure option selected (sec. <a href="#">66.1105(5)(i)</a>, (3, 4 or 5), Wis. Stats.)</li> </ul> </li> <li><b>For ER TIDs</b> – indicate the expenditure option selected (sec. <a href="#">66.1105(20m)(b)2</a>, (a or b), Wis. Stats.)</li> <li><b>For Town TIDs</b> – created under sec. <a href="#">60.23(32)</a>, Wis. Stats., include statements addressing:                             <ul style="list-style-type: none"> <li><b>Population</b> for prior year (must be at least 3,500)</li> <li><b>Equalized value</b> for prior year (must be at least \$500 million)</li> <li><b>Sewer service</b> that serves or will serve the TID</li> <li><b>Expenditure</b> option selected (sec. <a href="#">60.23(32)(f)2</a>, (a, b, or c), Wis. Stats.)</li> </ul> </li> </ul>	X	X	X	X	X	X	
<input type="checkbox"/>	<b>DNR Certification</b> – provide a dated copy of DNR's certification and a copy of the site investigation report			X				

## Tax Incremental District (TID) Checklist

<b>Email the required documents as attachments to: <a href="mailto:tif@wisconsin.gov">tif@wisconsin.gov</a></b> <i>(Note: Do not send the Wisconsin Department of Revenue your checklist; it is for your use only)</i>		Creations			Amendments		
		City/Village, Town (sec. 60.23)	Town (sec. 60.85)	Environmental Remediation (sec. 66.1105)	Territory Addition	Territory Subtraction	Project Plan or Allocation
<b>Equalized Value Excel Forms – save the Excel Workbook and use name: Value Forms.xls</b>							
<input type="checkbox"/>	<b>Creation or Territory Addition Amendment</b> – use the <a href="#">Base Value Workbook</a> <ul style="list-style-type: none"> <li>• Enter information in the Excel workbook and email to DOR when complete. Follow the instructions in the workbook. The workbook has tabs for each form listed below:               <ul style="list-style-type: none"> <li>○ PE-606 – Equalized Value Determination Request</li> <li>○ PE-608 – TID Local Real Property</li> <li>○ PE-601A – TID Local Personal Property</li> <li>○ PE-619 – TID Municipal-Owned Real Property</li> <li>○ PE-608M – TID Manufacturing Real Property</li> <li>○ PE-608MP – TID Manufacturing Personal Property</li> <li>○ PE-615A – TID Assessment Summary</li> <li>○ Assessor Declaration – assessor must complete</li> <li>○ If the TID does not have property for a specific form, enter "None" on the form</li> </ul> </li> <li>• For a territory addition amendment – only include information for the added parcels</li> </ul>	X	X	X	X		
<input type="checkbox"/>	<b>Subtraction Territory Amendment</b> – use the <a href="#">Territory Subtraction Workbook</a> <ul style="list-style-type: none"> <li>• Enter information in the Excel workbook and email to DOR when complete. Follow the instructions in the workbook. The workbook has tabs for each form listed below:               <ul style="list-style-type: none"> <li>○ PE-606 – Equalized Value Determination Request</li> <li>○ Parcel – Property - Base Values</li> <li>○ Parcel – Property - Current Values</li> <li>○ Assessor Declaration – assessor must complete</li> </ul> </li> <li>• For a territory subtraction amendment – only include information for the subtracted property</li> </ul>				X		
<input type="checkbox"/>	<b>Special Circumstances</b> <ul style="list-style-type: none"> <li>• <b>Annexation</b> – report annexed parcels and/or personal property using a separate <a href="#">Base Value Workbook</a> <ul style="list-style-type: none"> <li>○ The town clerk and town assessor must complete the workbook</li> <li>○ Use the value of the property in the town as of Jan. 1 of the year the TID was created or amended</li> <li>○ If the TID has no property for a specific form, enter "None" on the form</li> </ul> </li> <li>• <b>Multiple County TIDs</b> – when TID parcels are located in more than one county:               <ul style="list-style-type: none"> <li>○ Provide a <a href="#">Base Value Workbook</a> for each county</li> <li>○ If the TID has no property for a specific form, enter "None" on the form</li> </ul> </li> </ul>	X	X	X	X		
<input type="checkbox"/>	<b>Assessor Input</b> – DOR recommends involving both the municipal and manufacturing assessors when developing the TID to confirm the assessed values	X	X	X	X	X	
<input type="checkbox"/>	<b>Copies of Appraisals</b> – if a TID is created at the same time as an amendment to subtract territory from an existing TID without stating in the resolution that the TID meets the 12% limit under sec. <a href="#">66.1105(17)</a> , Wis. Stats., the municipality must provide DOR with two appraisals from a certified appraiser, under sec. <a href="#">458.01(7)</a> , Wis. Stats. <ul style="list-style-type: none"> <li>• <b>Appraisals must contain the current fair market value of the taxable property</b> – for the new district and the territory being subtracted from the existing district, excluding any overlapped property</li> <li>• <b>Both appraisals must show</b> – the value of the taxable property subtracted from an existing district equals or exceeds the amount necessary to meet the 12% limit when the new district is created</li> </ul>	X		X	X		

# Tax Incremental District (TID) Checklist

TIF Fees				Creations			Amendments		
				City/Village, Town (sec. 60.23)	Town (sec. 60.85)	Environmental Remediation (sec. 66.1105)	Territory Addition	Territory Subtraction	Project Plan or Allocation
<input type="checkbox"/>	<b>Tax Incremental Financing Remittance Fee</b> – pay all fees electronically through <a href="#">My Tax Account</a>								
	<b>Type</b>	<b>Fee</b>	<b>Type</b>						
	New TID (creation)	\$1,000	Simultaneous Creation and Subtraction	\$2,000	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Territory Amendment (add or subtract)	\$1,000	Project Plan Amendment	\$0					
	Territory Amendment (add and subtract)	\$2,000	Allocation Amendment	\$0					
	Base Value Redetermination Amendment	\$1,000	Administrative fee (per active TID per year)	\$150					
TIF Timeframes				Municipal Resolution Adopted					
<b>2022 TID Documents</b>									
<ul style="list-style-type: none"> <li>• <b>Due by October 31, 2022</b> – Municipal Creation (including towns under secs. <a href="#">66.1105</a> and <a href="#">60.23(32)</a>, Wis. Stats.), Territory Amendment, or Base Value Redetermination</li> </ul>				<b>October 1, 2021 - September 30, 2022</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2022</b> – Town Creation (under sec. <a href="#">60.85</a>, Wis. Stats.)</li> </ul>				<b>October 1, 2021 - September 30, 2022</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2022</b> – Project Plan Amendment or Allocation Amendment</li> </ul>				<b>January 1, 2022 - December 31, 2022</b>					
<b>2023 TID Documents</b>									
<ul style="list-style-type: none"> <li>• <b>Due by October 31, 2023</b> – Municipal Creation (including towns under secs. <a href="#">66.1105</a> and <a href="#">60.23(32)</a>, Wis. Stats.), Territory Amendment, or Base Value Redetermination</li> </ul>				<b>October 1, 2022 - September 30, 2023</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2023</b> – Town Creation (under sec. <a href="#">60.85</a>, Wis. Stats.)</li> </ul>				<b>October 1, 2022 - September 30, 2023</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2023</b> – Project Plan Amendment or Allocation Amendment</li> </ul>				<b>January 1, 2023 - December 31, 2023</b>					
<b>2024 TID Documents</b>									
<ul style="list-style-type: none"> <li>• <b>Due by October 31, 2024</b> – Municipal Creation (including towns under secs. <a href="#">66.1105</a> and <a href="#">60.23(32)</a>, Wis. Stats.), Territory Amendment, or Base Value Redetermination</li> </ul>				<b>October 1, 2023 - September 30, 2024</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2024</b> – Town Creation (under sec. <a href="#">60.85</a>, Wis. Stats.)</li> </ul>				<b>October 1, 2023 - September 30, 2024</b>					
<ul style="list-style-type: none"> <li>• <b>Due by December 31, 2024</b> – Project Plan Amendment or Allocation Amendment</li> </ul>				<b>January 1, 2024 - December 31, 2024</b>					

## Tax Incremental District (TID) Criteria Matrix

	Existing TIDs	Blighted or Rehabilitation/ Conservation TIDs		Industrial or Mixed-Use TIDs		Environmental Remediation (ER) TIDs	Town TIDs	Environmental Remediation (ER) TIDs
<b>Creation resolution date</b>	Before 10/1/95	10/1/95 – 9/30/04	After 9/30/04	10/1/95 – 9/30/04	After 9/30/04	After 11/29/17	After 9/30/04	10/15/97 – 11/29/17
<b>Expenditure period</b>	22 years (6)(am)1.			18 years (6)(am)1.	15 years (6)(am)1.	22 years (6)(am)1.	5 years (6)(b)1.	15 years (2)(b)
<b>Maximum life before extensions</b>	<b>27 years</b> (6)(a)2.	<b>27 years</b> (6)(a)4.	<b>27 years</b> (6)(a)8.	<b>23 years</b> (6)(a)4m.	<b>20 years</b> (6)(a)7.	<b>27 years</b> (6)(a)8.	<b>16 years</b> (6)(a)2.	<b>23 years</b> (1)(i)
<b>Standard extension allowed</b>	No	+4 years (7)(am)1.	+3 years (7)(am)3.	No	+3 years (7)(am) 2., unless it is a donor	+3 years (7)(am)3.	No	No
<b>Creation, territory or redetermination documents due to DOR</b>	n/a	October 31	October 31	October 31	October 31	October 31	December 31	December 31
<b>Termination notice to DOR</b>	Email notice within 60 days of adopted termination resolution or by April 15, whichever comes first (8)(a) and (b)						Email notice within 10 days of termination resolution (10)(a)	Email notice within 10 days of termination resolution (12)(a)
<b>Final accounting to DOR after termination</b>	E-file TID Final Accounting Report ( <a href="#">Form PE-110</a> ) by final accounting submission date (8)(c)						February 15 of year after termination (10)(c)	Within 6 months after termination(10)(d)
<b>Overlaps allowed (unless overlapped TID is designated distressed)</b>	Yes (10)	Yes (10)	Yes (10)	Yes (10)	Yes (10)	Yes (10)	Yes (12)	No
<b>Annexation restrictions</b>	Yes (4)(gm)1.	Yes (4)(gm)1.	Yes (4)(gm)1.	Yes (4)(gm)1.	Yes (4)(gm)1.	Yes (4)(gm)1.	Yes (17)	Yes (13)
<b>Base value redetermination allowed</b>	Yes (5)(h)	Yes (5)(h)	Yes (5)(h)	Yes (5)(h)	Yes (5)(h)	Yes (5)(h)	No	No
<b>Limitation restrictions</b>	12% – denial (4)(gm)4.c.					12% – one active ER TID per municipality may be excluded from 12% (20m)(d)1. – denial (4)(gm)4.c	5% and 7% (3)(h)5.d – Denial (5)(g)	None
<b>Territory amendments allowed and notice to DOR</b>	Up to four amendments subtracting or adding territory (or both at the same time) (4)(h)2. Email notice within 60 days of adopting amendment resolution (5)(cm).						Once during first 5 years with 2 additional years of expenditures (3)(j)2.	No
<b>Allocation amendments</b>	See <a href="#">Allocation Amendment Types</a>							
<b>Extensions</b>	See <a href="#">TID Extension Types</a>						No	No
<b>Statute reference</b>	Secs. <a href="#">66.1105</a> and <a href="#">60.23</a>						Sec. <a href="#">60.85</a>	Sec. <a href="#">66.1106</a>



**66.1105 Tax increment law.**

66.1105(1)

- (1) **SHORT TITLE.** This section shall be known and may be cited as the "Tax Increment Law".
- (2) **DEFINITIONS.** In this section, unless a different intent clearly appears from the context:
- (ab) "Affordable housing" means housing that costs a household no more than 30 percent of the household's gross monthly income.
- (ae)
1. "Blighted area" means any of the following:
    - a. An area, including a slum area, in which the structures, buildings or improvements, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.
    - b. An area which is predominantly open and which consists primarily of an abandoned highway corridor, as defined in s. 66.1333 (2m) (a), or that consists of land upon which buildings or structures have been demolished and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.
  2. "Blighted area" does not include predominantly open land area that has been developed only for agricultural purposes.
- (aj) "Decrement situation" means a situation in which the aggregate value, as equalized by the department of revenue, of all taxable property located within a tax incremental district on or about the date on which a resolution is adopted under sub. (5) (h) 1. is at least 10 percent less than the current tax incremental base of that district.
- (am) "Environmental pollution" has the meaning given in s. 299.01 (4).
- (bm) "Highway" has the meaning provided in s. 340.01 (22).
- (bq) "Household" means an individual and his or her spouse and all minor dependents.
- (c) "Local legislative body" means the common council.
- (cm) "Mixed-use development" means development that contains a combination of industrial, commercial, or residential uses, except that lands proposed for newly platted residential use, as shown in the project plan, may not exceed 35 percent, by area, of the real property within the district.
- (e) "Planning commission" means a plan commission created under s. 62.23, a board of public land commissioners if the city has no plan commission, or a city plan committee of the local legislative body, if the city has neither a commission nor a board.
- (f)
1. "Project costs" mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in this subd. 1. (intro.) or subds. 1. k., 1. m., and 1. n., or sub. (20) (c), without the district, plus any incidental costs, diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of the plan. For any tax incremental district for which a project plan is approved on or after July 31, 1981, only a proportionate share of the costs permitted under this subdivision may be included as project costs to the extent that they benefit the tax incremental district, except that expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by a 1st class city, to fund parking facilities ancillary to and within one mile from public entertainment facilities, including a sports and entertainment arena, shall be considered to benefit any tax incremental district located in whole or in part within a one-mile radius of such parking facilities. To the extent the costs benefit the municipality outside the tax incremental district, a proportionate share of the cost is not a project cost. "Project costs" include:
    - a. Capital costs including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures, and fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures other than the demolition of listed properties as defined in s. 44.31 (4); the acquisition of equipment to service the district; the removal or containment of, or the restoration of soil or groundwater affected by, environmental pollution; and the clearing and grading of land.

- b. Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs, any premium paid over the principal amount of the obligations because of the redemption of the obligations prior to maturity, and payments made by the city or village to a county or other municipality that issues obligations to finance project costs of a district pursuant to sub. (20).
  - c. Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the city of real property within a tax incremental district for consideration which is less than its cost to the city.
  - d. Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering, and legal advice and services.
  - e. Imputed administrative costs, including, but not limited to, reasonable charges for the time spent by city employees in connection with the implementation of a project plan.
  - f. Relocation costs, including, but not limited to, those relocation payments made following condemnation under ss. 32.19 and 32.195.
  - g. Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public with respect to the creation of tax incremental districts and the implementation of project plans.
  - h. The amount of any contributions made under s. 66.1333 (13) in connection with the implementation of the project plan.
  - i. Payments made, in the discretion of the local legislative body, which are found to be necessary or convenient to the creation of tax incremental districts or the implementation of project plans, including payments made to a town that relate to property taxes levied on territory to be included in a tax incremental district as described in sub. (4) (gm) 1.
  - j. That portion of costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets or the rebuilding or expansion of streets the construction, alteration, rebuilding or expansion of which is necessitated by the project plan for a district and is within the district.
  - k. That portion of costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets outside the district if the construction, alteration, rebuilding or expansion is necessitated by the project plan for a district, and if at the time the construction, alteration, rebuilding or expansion begins there are improvements of the kinds named in this subdivision on the land outside the district in respect to which the costs are to be incurred.
  - L. Costs for the removal, or containment, of lead contamination in buildings or infrastructure if the city declares that such lead contamination is a public health concern.
  - m. With regard to a tax incremental district that is located in a city to which sub. (6) (d) applies and about which a finding has been made that not less than 50 percent, by area, of the real property within the district is a blighted area, project costs incurred for territory that is located within a one-half mile radius of the district's boundaries.
  - n. With regard to a tax incremental district that is located anywhere other than a city to which sub. (6) (d) applies, and subject to sub. (4m) (d), project costs incurred for territory that is located within a one-half mile radius of the district's boundaries and within the city that created the district.
  - p. Notwithstanding subd. 2. a., a grant, loan, or appropriation of funds to assist a local exposition district created under subch. II of ch. 229 in the development and construction of sports and entertainment arena facilities, as defined in s. 229.41 (11g), provided that the city and the local exposition district enter into a development agreement.
2. Notwithstanding subd. 1., except subd. 1. p., none of the following may be included as project costs for any tax incremental district for which a project plan is approved on or after July 31, 1981:
- a. The cost of constructing or expanding administrative buildings, police and fire buildings, libraries, community and recreational buildings and school buildings, unless the administrative buildings, police and fire buildings, libraries and community and recreational buildings were damaged or destroyed before January 1, 1997, by a natural disaster.
  - b. The cost of constructing or expanding any facility, except a parking structure that supports redevelopment activities, if the city generally finances similar facilities only with utility user fees.
  - c. General government operating expenses, unrelated to the planning or development of a tax incremental district.
  - d. Cash grants made by the city to owners, lessees, or developers of land that is located within the tax incremental district unless the grant recipient has signed a development agreement with the city, a copy of which shall be sent to the appropriate joint review board or, if that joint review board has been dissolved, retained by the city in the official records for that tax incremental district.
  - e. For a tax incremental district in the city of Milwaukee, direct or indirect expenses related to developing, constructing, or operating a rail fixed guideway transportation system, as defined in s. 85.066 (1), in the city of Milwaukee. This subd. 2. e. does not apply to the development or construction of a rail fixed guideway transportation system route traversing Clybourn Street and Michigan Street, referred to as the "Lakefront Line."

3. Notwithstanding subd. 1., project costs may include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city for newly platted residential development only for any tax incremental district for which a project plan is approved before September 30, 1995, or for a mixed-use development tax incremental district to which one of the following applies:
- a. The density of the residential housing is at least 3 units per acre.
  - b. The residential housing is located in a conservation subdivision, as defined in s. 66.1027 (1) (a).
  - c. The residential housing is located in a traditional neighborhood development, as defined in s. 66.1027 (1) (c).
- (g) "Project plan" means the properly approved plan for the development or redevelopment of a tax incremental district, including all properly approved amendments thereto.
- (h) "Real property" has the meaning prescribed in s. 70.03.
- (i)
1. Except as provided in subd. 2., "tax increment" means that amount obtained by multiplying the total county, city, school and other local general property taxes levied on all taxable property within a tax incremental district in a year by a fraction having as a numerator the value increment for that year in the district and as a denominator that year's equalized value of all taxable property in the district. In any year, a tax increment is "positive" if the value increment is positive; it is "negative" if the value increment is negative.
  2. For purposes of any agreement between the taxing jurisdiction and a developer regarding the tax incremental district entered into prior to June 22, 2023, "tax increment" includes the amount that a taxing jurisdiction is obligated to attribute to a tax incremental district under s. 79.096 (3).
- (j) "Tax incremental base" means the aggregate value, as equalized by the department of revenue, of all taxable property located within a tax incremental district on the date as of which the district is created, determined as provided in sub. (5) (b). The base of districts created before October 1, 1980, does not include the value of property exempted under s. 70.111 (17).
- (k)
1. "Tax incremental district" means a contiguous geographic area within a city defined and created by resolution of the local legislative body, consisting solely of whole units of property as are assessed for general property tax purposes, other than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or highways may be included in a tax incremental district only if they are continuously bounded on either side, or on both sides, by whole units of property as are assessed for general property tax purposes which are in the tax incremental district. "Tax incremental district" does not include any area identified as a wetland on a map under s. 23.32, except for an area identified on such a map that has been converted in compliance with state law so that it is no longer a wetland and except as provided in subd. 2.
  2. For an area that is identified as a wetland on a map under s. 23.32 and that is within the boundaries of a tax incremental district or is part of a tax incremental district parcel, the area shall be considered part of the tax incremental district for determining the applicability of exemptions from or compliance with water quality standards that are applicable to wetlands.
- (L) "Taxable property" means all real and personal taxable property located in a tax incremental district.
- (m) "Value increment" means the equalized value of all taxable property in a tax incremental district in any year minus the tax incremental base. In any year "value increment" is positive if the tax incremental base is less than the aggregate value of taxable property as equalized by the department of revenue; it is negative if that base exceeds that aggregate value.
- (3) POWERS OF CITIES.** In addition to any other powers conferred by law, a city may exercise any powers necessary and convenient to carry out the purposes of this section, including the power to:
- (a) Create tax incremental districts and define the boundaries of the districts;
  - (b) Cause project plans to be prepared, approve the plans, and implement the provisions and effectuate the purposes of the plans;
  - (c) Issue tax incremental bonds and notes;
  - (d) Deposit moneys into the special fund of any tax incremental district; or
  - (e) Enter into any contracts or agreements, including agreements with bondholders, determined by the local legislative body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans. The contracts or agreements may include conditions, restrictions, or covenants which either run with the land or which otherwise regulate the use of land.
  - (f) Designate, by ordinance or resolution, the local housing authority, the local redevelopment authority, or both jointly, or the local community development authority, as agent of the city, to perform all acts, except the development of the master plan of the city, which are otherwise performed by the planning commission under this section and s. 66.1337.

**(4) CREATION OF TAX INCREMENTAL DISTRICTS AND APPROVAL OF PROJECT PLANS.** In order to implement the provisions of this section, the following steps and plans are required:

- (a) Holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries of the district. Notice of the hearing shall be published as a class 2 notice, under ch. 985. Before publication, a copy of the notice shall be sent by first class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property located within the proposed district and to the school board of any school district which includes property located within the proposed district. For a county with no chief executive officer or administrator, notice shall be sent to the county board chairperson.
- (b) Designation by the planning commission of the boundaries of a tax incremental district recommended by it and submission of the recommendation to the local legislative body.
- (c) Identification of the specific property to be included under par. (gm) 4. as blighted or in need of rehabilitation or conservation work. Owners of the property identified shall be notified of the proposed finding and the date of the hearing to be held under par. (e) at least 15 days prior to the date of the hearing. In cities with a redevelopment authority under s. 66.1333, the notification required under this paragraph may be provided with the notice required under s. 66.1333 (6) (b) 3., if the notice is transmitted at least 15 days prior to the date of the hearing to be held under par. (e).
- (d) Preparation and adoption by the planning commission of a proposed project plan for each tax incremental district.
- (e) At least 14 days before adopting a resolution under par. (gm), holding of a public hearing by the planning commission at which interested parties are afforded a reasonable opportunity to express their views on the proposed project plan. The hearing may be held in conjunction with the hearing provided for in par. (a). If the city anticipates that the proposed project plan's project costs may include cash grants made by the city to owners, lessees, or developers of land that is located within the tax incremental district, the hearing notice shall contain a statement to that effect. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement advising that a copy of the proposed project plan will be provided on request. Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For a county with no chief executive officer or administrator, notice shall be sent to the county board chairperson.
- (f) Adoption by the planning commission of a project plan for each tax incremental district and submission of the plan to the local legislative body. The plan shall include a statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided in sub. (2) (f) 1. k. and 1. n., outside the district, an economic feasibility study, a detailed list of estimated project costs, and a description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred. The plan shall also include a map showing existing uses and conditions of real property in the district; a map showing proposed improvements and uses in the district; proposed changes of zoning ordinances, master plan, if any, map, building codes and city ordinances; a list of estimated nonproject costs; and a statement of the proposed method for the relocation of any persons to be displaced. The plan shall indicate how creation of the tax incremental district promotes the orderly development of the city. The city shall include in the plan an opinion of the city attorney or of an attorney retained by the city advising whether the plan is complete and complies with this section.
- (g) Approval by the local legislative body of a project plan prior to or concurrent with the adoption of a resolution under par. (gm). The approval shall be by resolution which contains findings that the plan is feasible and in conformity with the master plan, if any, of the city.
- (gm) Adoption by the local legislative body of a resolution which:
  1. Describes the boundaries, which may, but need not, be the same as those recommended by the planning commission, of a tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the district. The boundaries of the tax incremental district may not include any annexed territory that was not within the boundaries of the city on January 1, 2004, unless at least 3 years have elapsed since the territory was annexed by the city, unless the city enters into a cooperative plan boundary agreement, under s. 66.0301 (6) or 66.0307, with the town from which the territory was annexed, or unless the city and town enter into another kind of agreement relating to the annexation except that, notwithstanding these conditions, the city may include territory that was not within the boundaries of the city on January 1, 2004, if the city pledges to pay the town an amount equal to the property taxes levied on the territory by the town at the time of the annexation for each of the next 5 years. If, as the result of a pledge by the city to pay the town an amount equal to the property taxes levied on the territory by the town at the time of the annexation for each of the next 5 years, the city includes territory in a tax incremental district that was not within the boundaries of the city on January 1, 2004, the city's pledge is enforceable by the town from which the territory was annexed. The boundaries shall include only those whole units of property as are assessed for general property tax purposes. For a tax incremental district created before March 3, 2016, property standing vacant for an entire 7-year period immediately preceding adoption of the resolution creating a tax incremental district may not comprise more than 25 percent of the area in the tax incremental district, unless the tax incremental district is suitable under subd. 4. a. for either industrial sites or mixed use development and the local legislative body implements an approved project plan to promote industrial development within the meaning of s. 66.1101 if the district has been designated as suitable for industrial sites, or mixed-use development if the district has been designated as suitable for mixed-use development. In this subdivision, "vacant property" includes property where the fair market value or

replacement cost value of structural improvements on the parcel is less than the fair market value of the land. In this subdivision, "vacant property" does not include property acquired by the local legislative body under ch. 32, property included within the abandoned Park East freeway corridor or the abandoned Park West freeway corridor in Milwaukee County, or property that is contaminated by environmental pollution, as defined in s. 66.1106 (1) (d).

2. Creates the district as of a date provided in the resolution. If the resolution is adopted during the period between January 2 and September 30, then the date shall be the next preceding January 1. If the resolution is adopted during the period between October 1 and December 31, then the date shall be the next subsequent January 1. If the resolution is adopted on January 1, the district is created on that January 1.
  3. Assigns a name to the district for identification purposes. The first district created shall be known as "Tax Incremental District Number One, City of ...." and the first district created under sub. (18) shall be known as "Multijurisdictional District Number One, City of ...". Each subsequently created district shall be assigned the next consecutive number.
  4. Contains findings that:
    - a. Not less than 50 percent, by area, of the real property within the district is at least one of the following: a blighted area; in need of rehabilitation or conservation work, as defined in s. 66.1337 (2m) (a); suitable for industrial sites within the meaning of s. 66.1101 and has been zoned for industrial use; or suitable for mixed-use development; and
    - b. The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district. It is not necessary to identify the specific parcels meeting the criteria; and
    - bm. The project costs relate directly to eliminating blight, directly serve to rehabilitate or conserve the area or directly serve to promote industrial or mixed-use development, consistent with the purpose for which the tax incremental district is created under subd. 4. a.; and
    - c. Except as provided in subs. (10) (c), (16) (d), (17), (18) (c) 3., (20) (b), and (20m) (d) 1., the equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city. In determining the equalized value of taxable property under this subd. 4. c., the department of revenue shall base its calculations on the most recent equalized value of taxable property of the district that is reported under s. 70.57 (1m) before the date on which the resolution under this paragraph is adopted. If the department of revenue determines that a local legislative body exceeds the 12 percent limit described in this subd. 4. c., the department shall notify the city of its noncompliance, in writing, not later than December 31 of the year in which the department receives the completed application or amendment forms described in sub. (5) (b).
  5. If the district is declared to be an industrial district under subd. 6., confirms that any real property within the district that is found suitable for industrial sites and is zoned for industrial use under subd. 4. a. will remain zoned for industrial use for the life of the tax incremental district.
  6. Declares that the district is a blighted area district, a rehabilitation or conservation district, an industrial district, or a mixed-use district based on the identification and classification of the property included within the district under par. (c) and subd. 4. a. If the district is not exclusively blighted, rehabilitation or conservation, industrial, or mixed use, the declaration under this subdivision shall be based on which classification is predominant with regard to the area described in subd. 4. a.
- (gs) Review by a joint review board, acting under sub. (4m), that results in its approval of the resolution under par. (gm).
- (h)
1. Subject to subs. 2., 4., 5., and 6., the planning commission may, by resolution, adopt an amendment to a project plan. The amendment is subject to approval by the local legislative body and approval requires the same findings as provided in par. (g) and, if the amendment adds territory to a district under subd. 2., approval also requires the same findings as provided in par. (gm) 4. c. Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 1 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For a county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.
  2. Except as provided in subs. 4., 5., 7., 9., 10., and 11., the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries, not more than 4 times during the district's existence, by subtracting territory from the district in a way that does not remove contiguity from the district or by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan. A single amendment to a project plan that both adds and subtracts territory shall be counted under this subdivision as one amendment of a project plan.

4. With regard to a village that has a population of less than 10,000, was incorporated in 1914 and is located in a county that has a population of less than 25,000 and that contains a portion of the Yellow River and the Chequamegon Waters Flowage, not more than once during the 11 years after the tax incremental district is created, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is to be served by public works or improvements that were created as part of the district's project plan. Expenditures for project costs that are incurred because of an amendment to a project plan to which this subdivision applies may be made for not more than 5 years after the date on which the local legislative body adopts a resolution amending the project plan.
  5. With regard to a city that has a population of at least 80,000 that was incorporated in 1850 and that is in a county with a population of less than 175,000 that is adjacent to one of the Great Lakes, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan not more than once during the expenditure period specified in sub. (6) (am) 1. for a district that is located in a city to which sub. (6) (d) applies, except that in no case may expenditures for project costs that are incurred because of an amendment to a project plan that is authorized under this subdivision be made later than 17 years after the district is created. This subdivision does not apply to a tax incremental district that is created after January 1, 2004.
  6. Notwithstanding subd. 1., a project plan shall be considered to have been amended, without compliance with any of the procedures required under subd. 1., if the only change to the project plan is the extension of the period during which expenditures may be made under sub. (6) (am) 1., as authorized under that subdivision by a provision of state law that takes effect after a tax incremental district's project plan is first adopted under par. (f).
  7. If the department of revenue, acting under sub. (5) (dm), makes a determination that any of the conditions listed in sub. (5) (de) apply, a planning commission may amend its project plan to ensure that, with regard to that mixed-use district, the percentage of lands proposed for newly platted residential use does not exceed the percentage specified in sub. (2) (cm), or that at least one of the conditions specified in sub. (2) (f) 3. a. to c. applies, even if such an amendment to a project plan would exceed the number of amendments allowed under subd. 2.
  9. Notwithstanding the limitation in subd. 2., the planning commission in the city of Middleton may adopt an amendment to a project plan under subd. 1. to modify the boundaries of Tax Incremental District Number 3 not more than 7 times during the district's existence. A single amendment to a project plan that both adds and subtracts territory shall be counted under this subdivision as one amendment of a project plan.
  10. Notwithstanding the limitation in subd. 2., the planning commission in the city of Wausau may adopt an amendment to a project plan under subd. 1. to modify the boundaries of Tax Incremental District Number 3 not more than 5 times during the district's existence. A single amendment to a project plan that both adds and subtracts territory shall be counted under this subdivision as one amendment of a project plan.
  11. Notwithstanding the limitation in subd. 2., the planning commission may at any time during the district's existence, by resolution, adopt an amendment to a project plan under subd. 1., to modify the district's boundaries by subtracting territory from the district in a way that does not remove contiguity from the district or by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan if during the district's existence, the annual and total amount of tax increments to be generated over the life of the district are adversely impacted by 2013 Wisconsin Act 145.
- (i) The local legislative body shall provide the joint review board with the following information and projections:
1. The specific items that constitute the project costs, the total dollar amount of these project costs to be paid with the tax increments, and the amount of tax increments to be generated over the life of the tax incremental district.
  2. The amount of the value increment when the project costs in subd. 1. are paid in full and the tax incremental district is terminated.
  3. The reasons why the project costs in subd. 1. may not or should not be paid by the owners of property that benefits by improvements within the tax incremental district.
  4. The share of the projected tax increments in subd. 1. estimated to be paid by the owners of taxable property in each of the taxing jurisdictions overlying the tax incremental district.
  5. The benefits that the owners of taxable property in the overlying taxing jurisdictions will receive to compensate them for their share of the projected tax increments in subd. 4.

**(4e) DISTRESSED, OR SEVERELY DISTRESSED, TAX INCREMENTAL DISTRICTS.**

- (a) Before October 1, 2015, and subject to par. (am) and the limitations in this subsection, a city may designate a tax incremental district that it created before October 1, 2008, as a distressed or severely distressed tax incremental district if all of the following occur or apply:
1. The local legislative body adopts a resolution finding that its project costs incurred, with regard to the tax incremental district, exceed the amount of revenues from all sources that the city expects the district to generate to pay off such project costs during the life of the district.

2. The clerk of the local legislative body certifies the resolution and forwards a copy of the certified resolution and a copy of all of the financial data that the local legislative body used in the adoption process under subd. 1. to the department of revenue and the joint review board.
  3. Subject to par. (e), the planning commission amends the district's project plan under sub. (4) (h) 1. to reflect the district's distressed status.
  5. Except as provided in subd. 3., the local legislative body has not approved an amendment to the tax incremental district's project plan after October 1, 2009.
- (am) To be designated as a severely distressed tax incremental district under par. (a), a district must meet all of the conditions under par. (a) and its value increment in any year must have declined at least 25 percent from the district's highest value increment determined by the department of revenue over the course of the district's life. The joint review board may request that the department of revenue certify that a district meets the decline in value increment percentage described in this paragraph.
- (b)
1. Adoption of a resolution under par. (a) 1. shall be preceded by a public hearing held by the common council at which interested parties shall be afforded a reasonable opportunity to express their views on the proposed designation of a distressed, or severely distressed, tax incremental district. Notice of the hearing shall be published as a class 2 notice under ch. 985. The notice shall describe the resolution and shall advise that a copy of the resolution will be provided on request. The notice shall also explain that the life of a distressed tax incremental district may be extended, that it may receive excess tax increments from a donor district, and that the life of the donor district may be extended to provide such increments. Before publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district that includes property located within the proposed district. For a county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.
  2. Following receipt of the resolution and the financial data under par. (a) 2., the joint review board shall evaluate the resolution and data to determine whether the designation of the district as a distressed, or severely distressed, district or the sharing of tax increments by a donor district with the distressed, or severely distressed, district is likely to enhance the ability of the city to pay its project costs related to the district within the time specified in par. (d) 2. The joint review board may approve or deny the designation and shall send a written copy of its findings to the common council.
  3. A resolution adopted under par. (a) 1. may not take effect unless the joint review board approves, by resolution, the designation under subd. 2. The joint review board shall approve or deny the designation within 45 days after receiving the resolution under subd. 2.
- (c) If the department of revenue prescribes any forms that the city clerk must complete as part of the designation of a distressed, or severely distressed, tax incremental district, the clerk shall submit the forms to the department on or before December 31 of the year the district is designated as distressed, or severely distressed.
- (d)
1. Notwithstanding the time limits for the allocation of positive tax increments under sub. (6) (a), but subject to sub. (6) (a) 1., and notwithstanding the requirement under sub. (6) (f) 1. b., the department of revenue shall allocate positive tax increments for up to 10 years after a district would otherwise be required to terminate, if the district is designated as a distressed district under this subsection, or up to 40 years after the district is created, if the district is designated as a severely distressed district under this subsection.
  2. Notwithstanding the time limits for termination under sub. (7) (ak) to (at), but subject to sub. (7) (a) and (b), a district may remain in existence for up to 10 years after the district would otherwise be required to terminate, if the district is designated as a distressed district under this subsection, or up to 40 years after the district is created, if the district is designated as a severely distressed district under this subsection.
  3. Notwithstanding the time limits and other provisions for termination under sub. (7), a donor tax incremental district under sub. (6) (d), (dm), (e), and (f) may share tax increments with a distressed, or severely distressed, district until the earlier of the following occurs:
    - a. The distressed, or severely distressed, district terminates under sub. (7) (a), (au), or (b).
    - b. Following its creation, the donor district has existed for 10 years after the district would otherwise be required to terminate, if the district is sharing its increment with a district designated as a distressed district under this subsection, or until the donor district has been in existence for 40 years, if the district is sharing its increment with a district designated as a severely distressed district under this subsection.
- (e) A distressed, or severely distressed, tax incremental district may not do any of the following:
1. Amend its project plan to add any new project costs.
  2. Become part of a district with overlapping boundaries under sub. (10).
  3. Expend any funds outside of the tax incremental district's boundaries.
  4. Add any territory to the district under sub. (4) (h) 2.
  5. Become a donor district under sub. (6) (d), (dm), (e), or (f).

6. Make any expenditures after its expenditure period, as determined before its designation as a distressed, or severely distressed, district expires.

- (f) If the joint review board approves a designation under par. (b) 3., the department of revenue shall certify the district as a distressed, or severely distressed, tax incremental district and shall send a copy of the certification to the city and to all overlying taxation jurisdictions. The department may impose a fee of \$500 on a city for each district in the city that is so designated, for the additional costs incurred by the department in administering such a district.
- (g) If any tax increments allocated to a distressed, or severely distressed, tax incremental district under this subsection exceed the amount needed to meet the distressed, or severely distressed, district's annual expenditures identified in its existing project plan, the excess amount shall be used to retire any outstanding debt obligations of the district or to establish a reserve fund that may be used only to retire outstanding debt obligations of the distressed, or severely distressed, district.

**(4m) JOINT REVIEW BOARD.**

- (a) Any city that seeks to create a tax incremental district, amend a project plan, have a district's tax incremental base redetermined under sub. (5) (h), or incur project costs as described in sub. (2) (f) 1. n. for an area that is outside of a district's boundaries, shall convene a standing joint review board under this paragraph to review the proposal. If a city creates more than one tax incremental district consisting of different overlying taxing jurisdictions, it shall create a separate joint review board for each combination of overlying jurisdictions. The joint review board shall remain in existence for the entire time that any tax incremental district exists in the city with the same overlying taxing jurisdictions as the overlying taxing jurisdictions represented on the standing joint review board. Except as provided in par. (am) and (as), and subject to par. (ae), the board shall consist of one representative chosen by the school district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the technical college district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the county that has power to levy taxes on the property within the tax incremental district, one representative chosen by the city, and one public member. If more than one school district, more than one union high school district, more than one elementary school district, more than one technical college district or more than one county has the power to levy taxes on the property within the tax incremental district, the unit in which is located property of the tax incremental district that has the greatest value shall choose that representative to the board. The public member and the board's chairperson shall be selected by a majority of the other board members before the public hearing under sub. (4) (a) or (h) 1. is held. All board members shall be appointed and the first board meeting held within 14 days after the notice is published under sub. (4) (a) or (h) 1. Meetings of the board in addition to the meeting required under this paragraph and par. (f) shall be held upon the call of any member. The city that seeks to create the tax incremental district, amend its project plan, have a district's tax incremental base redetermined under sub. (5) (h), or make or incur an expenditure as described in sub. (2) (f) 1. n. for an area that is outside of a district's boundaries shall provide administrative support for the board. By majority vote, the board may disband following the termination under sub. (7) of all existing tax incremental districts in the city with the same overlying taxing jurisdictions as the overlying taxing jurisdictions represented on the joint review board.

(ae)

1. A representative chosen by a school district under par. (a), (am), or (as) shall be the president of the school board, or his or her designee. If the school board president appoints a designee, he or she shall give preference to the school district's finance director or another person with knowledge of local government finances.
2. The representative chosen by the county under par. (a) or (as) shall be the county executive or, if the county does not have a county executive, the chairperson of the county board, or the executive's or chairperson's designee. If the county executive or county board chairperson appoints a designee, he or she shall give preference to the county treasurer or another person with knowledge of local government finances.
3. The representative chosen by the city under par. (a) or (as) shall be the mayor, or city manager, or his or her designee. If the mayor or city manager appoints a designee, he or she shall give preference to the person in charge of administering the city's economic development programs, the city treasurer, or another person with knowledge of local government finances.
4. The representative chosen by the technical college district under par. (a) or (as) shall be the district's director or his or her designee. If the technical college district's director appoints a designee, he or she shall give preference to the district's chief financial officer or another person with knowledge of local government finances.

(am) If a city seeks to create a tax incremental district that is located in a union high school district, the seat that is described under par. (a) for the school district representative to the board shall be held by 2 representatives, each of whom has one-half of a vote. Subject to par. (ae), one representative shall be chosen by the union high school district that has the power to levy taxes on the property within the tax incremental district and one representative shall be chosen by the elementary school district that has the power to levy taxes on the property within the tax incremental district.

(as) With regard to a multijurisdictional tax incremental district created under this section, all of the following apply:

1. Each participating city may appoint one public member to the joint review board under par. (a).



2. If more than one school district, more than one union high school district, more than one elementary school district, more than one technical college district, or more than one county has the power to levy taxes on the property within the tax incremental district, each such jurisdiction may select a representative to the joint review board under par. (a), or 2 representatives as provided under par. (am), unless the jurisdiction's governing body opts out of this authority by adopting a resolution to that effect.
- (b)
1. The board shall review the public record, planning documents and the resolution passed by the local legislative body or planning commission under sub. (4) (gm) or (h) 1., or sub. (5) (h) 1. As part of its deliberations the board may hold additional hearings on the proposal.
  2. No tax incremental district may be created and no project plan may be amended unless the board approves the resolution adopted under sub. (4) (gm) or (h) 1., and no tax incremental base may be redetermined under sub. (5) (h) unless the board approves the resolution adopted under sub. (5) (h) 1., by a majority vote within 45 days after receiving the resolution. With regard to a multijurisdictional tax incremental district created under this section, each public member of a participating city must be part of the majority that votes for approval of the resolution or the district may not be created. The board may not approve the resolution under this subdivision unless the board's approval contains a positive assertion that, in its judgment, the development described in the documents the board has reviewed under subd. 1. would not occur without the creation of a tax incremental district. The board may not approve the resolution under this subdivision unless the board finds that, with regard to a tax incremental district that is proposed to be created by a city under sub. (17) (a), such a district would be the only existing district created under that subsection by that city.
  - 2m. For a tax incremental district created after December 31, 2024, at the time of approval under subd. 2., the board shall establish the year of expected termination of the tax incremental district.
  3. The board shall submit its decision to the city no later than 7 days after the board acts on and reviews the items in subd. 2., except that, if the board requests a department of revenue review under subd. 4., the board shall do one of the following:
    - a. Submit its decision to the city no later than 10 working days after receiving the department's written response.
    - b. If the city resubmits its proposal under subd. 4. no later than 10 working days after the board receives the department's written response, submit its decision to the city no later than 10 working days after receiving the city's resubmitted proposal.
  4. Before the joint review board submits its decision under subd. 3., or sub. (4e) (b) 3., a majority of the members of the board may request that the department of revenue review the objective facts contained in any of the documents listed in subd. 1., or sub. (4e) (a) 2. to determine whether the information submitted to the board complies with this section or whether any of the information contains a factual inaccuracy. The request must be in writing and must specify which particular objective fact or item the members believe is incomplete or inaccurate. Not later than 10 working days after receiving a request that complies with the requirements of this subdivision, the department of revenue shall investigate the issues raised in the request and shall send its written response to the board. If the department of revenue determines that the information in the proposal does not comply with this section or contains a factual inaccuracy, the department shall return the proposal to the city. The board shall request, but may not require, that the city resolve the problems in its proposal and resubmit the proposal to the board. If the city resubmits its proposal, the board shall review the resubmitted proposal and vote to approve or deny the proposal as specified in this paragraph.
  - 4m. The board shall notify prospectively the governing body of every local governmental unit that is not represented on the board, and that has power to levy taxes on the property within the tax incremental district, of meetings of the board and of the agendas of each meeting for which notification is given.
- (c)
1. The board shall base its decision to approve or deny a proposal on the following criteria:
    - a. Whether the development expected in the tax incremental district would occur without the use of tax incremental financing.
    - b. Whether the economic benefits of the tax incremental district, as measured by increased employment, business and personal income and property value, are insufficient to compensate for the cost of the improvements.
    - c. Whether the benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing districts.
  2. The board shall issue a written explanation describing why any proposal it rejects fails to meet one or more of the criteria specified in subd. 1.
- (d) Before a city may make or incur an expenditure for project costs, as described in sub. (2) (f) 1. n., for an area that is outside of a district's boundaries, the joint review board must approve the proposed expenditure.
- (e) Notice of all meetings held by a joint review board shall be published as a class 1 notice, under ch. 985, at least 5 days before the meeting.
- (f) The joint review board shall meet annually on July 1, or when an annual report under sub. (6m) (c) becomes available, to review annual reports under sub. (6m) (c) and to review the performance and status of each district governed by the board.

**(5) DETERMINATION OF TAX INCREMENT AND TAX INCREMENTAL BASE.**

- (a) Subject to sub. (8) (d), upon the creation of a tax incremental district, upon adoption of any amendment subject to par. (c), or upon the adoption and approval of a resolution under par. (h), its tax incremental base shall be determined or redetermined as soon as reasonably possible. The department of revenue may impose a fee of \$1,000 on a city to determine or redetermine the tax incremental base of a tax incremental district under this subsection, except that if the redetermination is based on a single amendment to a project plan that both adds and subtracts territory, the department may impose a fee of \$2,000.
- (b) Upon application in writing by the city clerk, in a form prescribed by the department of revenue, the department shall determine according to its best judgment from all sources available to it the full aggregate value of the taxable property in the tax incremental district. The application shall state the percentage of territory within the tax incremental district which the local legislative body estimates will be devoted to retail business at the end of the maximum expenditure period specified in sub. (6) (am) 1. if that estimate is at least 35 percent. Subject to sub. (8) (d), the department shall certify this aggregate valuation to the city clerk, and the aggregate valuation constitutes the tax incremental base of the tax incremental district. The city clerk shall complete these forms, including forms for the amendment of a project plan, and submit the completed application or amendment forms on or before October 31 of the year the tax incremental district is created, as defined in sub. (4) (gm) 2. or, in the case of an amendment, on or before October 31 of the year in which the changes to the project plan take effect.
- (bf) Notwithstanding the time limits in par. (b), if the city clerk of a city that created a tax incremental district in July 1997 files with the department of revenue, not later than May 31, 1999, the forms and application that were originally due on or before December 31, 1997, the tax incremental base of the district shall be calculated by the department of revenue as if the forms and application had been filed on or before December 31, 1997, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the forms and application had been filed on or before December 31, 1997, except that the department may not certify a value increment under par. (b) before 1999.
- (bh) Notwithstanding the time limits in subs. (4) (e) and (4m) (b) 2., if the village clerk of a village that created, or attempted to create, a tax incremental district before June 2000 and amended or tried to amend the district's boundaries in September 2000 files with the department of revenue, not later than November 30, 2000, the forms and application that were originally due on or before December 31, 2000, the tax incremental base of the district shall be calculated by the department of revenue as if the time limits described in subs. (4) (e) and (4m) (b) 2. had been strictly complied with and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the time limits described in subs. (4) (e) and (4m) (b) 2. had been strictly complied with and as if the district were created on January 1, 2000, except that the department of revenue may not certify a value increment under par. (b) before 2002.
- (bi) Notwithstanding the time limits in par. (b), if the village clerk of a village that created, or attempted to create, a tax incremental district on January 1, 2005, based on actions taken by the village board in October 2004, files with the department of revenue, not later than December 31, 2006, the forms and application that were originally due on or before December 31, 2005, the tax incremental base of the district shall be calculated by the department of revenue as if the forms and application had been filed on or before December 31, 2005, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the forms and application had been filed on or before December 31, 2005, except that the department of revenue may not certify a value increment under par. (b) before 2007.
- (bj) Notwithstanding the requirements in sub. (4) (a), (c), and (e), if a city that created, or attempted to create, a tax incremental district in October 1999 and in September 2000 and published the notices required under sub. (4) (a), (c), and (e), and was in substantial compliance with the notice requirements although such notices contained technical deficiencies regarding the time, place, or subject of the required hearings, the department of revenue shall determine the tax incremental bases of the districts, allocate tax increments, and treat the districts in all other respects as if the requirements under sub. (4) (a), (c), and (e) had been strictly complied with and as if the districts were created on January 1, 2000.
- (bk) Notwithstanding the requirements in sub. (4) (a), (c), and (e), if the village of Kimberly created, or attempted to create, a tax incremental district on January 1, 2005, based on a resolution described under sub. (4) (gm) 2. that was adopted in April 2005, and attempted to publish, but did not actually publish, the notices required under sub. (4) (a), (c), and (e), but was otherwise in substantial compliance as specified in sub. (15), the department of revenue shall determine the tax incremental base of the district, allocate tax increments, and treat the district in all other respects as if the requirements under sub. (4) (a), (c), and (e) had been strictly complied with and as if the district was created on January 1, 2005.
- (bl) The requirement under s. 66.1105 (4m) (b) 2., 2001 stats., that a vote by the board take place not less than 10 days nor more than 30 days after receiving a resolution does not apply to a resolution amending a project plan under sub. (4) (h) 1. if the resolution related to tax incremental district number 3 in the city of Altoona. The department of revenue shall approve the boundary amendment, allocate tax increments, redetermine the tax incremental base of the district using the January 1, 2003, values, and treat the district in all other respects as if the provisions of s. 66.1105 (4m) (b) 2., 2001 stats., had been complied with, except that the department of revenue may not certify a value increment under par. (b) before 2007.
- (bn) Notwithstanding the requirement that the total equalized value not exceed 12 percent, as described in sub. (4) (gm) 4. c., if the village of Union Grove created, or attempted to create, tax incremental district number 4 on January 1, 2006, based on actions taken by the village board on February 27, 2006, the tax incremental base of the district shall be calculated by the department of revenue as if the tax incremental district had been created on January 1, 2006, and, until the tax

incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the district had been created on January 1, 2006, except that the department of revenue may not certify a value increment under par. (b) before 2008.

- (bo) Notwithstanding the requirement that the total equalized value not exceed 12 percent, as described in sub. (4) (gm) 4. c., if the village of Elmwood created, or attempted to create, tax incremental district number 4 on January 1, 2006, based on actions taken by the village board on May 8, 2006, the tax incremental base of the district shall be calculated by the department of revenue as if the tax incremental district had been created on January 1, 2006, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the district had been created on January 1, 2006, except that the department of revenue may not certify a value increment under par. (b) before 2010.
- (bp) Notwithstanding the time limits in par. (b), if the city clerk of a city that amended, or attempted to amend, the project plan of a tax incremental district on January 1, 2006, based on actions taken by the common council in April 2006, files with the department of revenue, not later than December 31, 2007, the forms and application that were originally due on or before December 31, 2006, the tax incremental base of the district shall be redetermined by the department of revenue as if the forms and application had been filed on or before December 31, 2006, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the forms and application had been filed on or before December 31, 2006, except that the department of revenue may not certify a value increment under par. (b) before 2008.
- (bq) Notwithstanding the time limits in par. (b), if the city clerk of a city that amended, or attempted to amend, the project plan of a tax incremental district on January 1, 2007, based on actions taken by the common council in November 2006, files with the department of revenue, not later than December 31, 2009, the forms and application that were originally due on or before December 31, 2007, the tax incremental base of the district shall be redetermined by the department of revenue as if the forms and application had been filed on or before December 31, 2007, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the forms and application had been filed on or before December 31, 2007, except that the department of revenue may not certify a value increment under par. (b) before 2010.
- (br) Notwithstanding the requirement that the findings under sub. (4) (gm) 4. a. specify the type of district that is being created as blighted, in need of rehabilitation or conservation work, suitable for industrial sites, or suitable for mixed-use development, if the city of Waukesha created, or attempted to create, Tax Incremental District Number 18 on January 1, 2008, based on actions taken by the common council on July 16, 2008, the department of revenue shall certify the tax incremental base of the district as if the tax incremental district had been created on January 1, 2008, as a blighted area district and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the district had been created on January 1, 2008, except that the department of revenue may not certify a value increment under par. (b) before 2010.
- (bs) Notwithstanding the time limits in par. (b), if the city clerk of a city that created, or attempted to create, a tax incremental district on January 1, 2009, based on actions taken by the common council in December 2008, files with the department of revenue, not later than May 31, 2010, the forms and application that were originally due on or before December 31, 2009, the tax incremental base of the district shall be calculated by the department of revenue as if the forms and application had been filed on or before December 31, 2009, and, until the tax incremental district terminates, the department of revenue shall allocate tax increments and treat the district in all other respects as if the forms and application had been filed on or before December 31, 2009, except that the department of revenue may not certify a value increment under par. (b) before 2011.
- (bt) If the city of New Lisbon amends, or attempts to amend, the project plan of Tax Incremental District Number 12 on January 1, 2012, based on actions taken by the common council between July 1, 2011, and December 31, 2011, the tax incremental base of the district shall be redetermined by the department of revenue as if the district's project plan had been amended on January 1, 2012, except that the department of revenue may not certify a value increment under par. (b), that reflects the amendment to the district's plan, before 2012. In addition, the time limits specified for the city clerk in par. (b), and the provisions relating to the 12 percent limit findings requirement under sub. (4) (gm) 4. c., do not apply to an amendment to the project plan of Tax Incremental District Number 12 in the city of New Lisbon.
- (c)
1. For a tax incremental district created before March 3, 2016, if the city adopts an amendment to the original project plan for any district which subtracts territory from the district or which includes additional project costs at least part of which will be incurred after the period specified in sub. (6) (am) 1., the tax incremental base for the district shall be redetermined, if sub. (4) (h) 2., 4., or 5. applies to the amended project plan, either by subtracting from the tax incremental base the value of the taxable property and the value of real property owned by the city, other than property described under s. 66.1105 (5) (bm), 2013 stats. that is subtracted from the existing district or by adding to the tax incremental base the value of the taxable property and the value of real property owned by the city, other than property described in s. 66.1105 (5) (bm), 2013 stats., that is added to the existing district under sub. (4) (h) 2., 4., or 5. or, if sub. (4) (h) 2., 4., or 5. does not apply to the amended project plan, under s. 66.1105 (5) (b), 2013 stats., as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that

date. With regard to a district to which territory has been added, the tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under s. 66.1105 (5) (b), 2013 stats.

2. For a tax incremental district created on or after March 3, 2016, if the city adopts an amendment to the original project plan for any district which subtracts territory from the district or which includes additional project costs at least part of which will be incurred after the period specified in sub. (6) (am) 1., the tax incremental base for the district shall be redetermined, if sub. (4) (h) 2. applies to the amended project plan, either by subtracting from the tax incremental base the value of the taxable property that is subtracted from the existing district or by adding to the tax incremental base the value of the taxable property that is added to the existing district under sub. (4) (h) 2. or, if sub. (4) (h) 2. does not apply to the amended project plan, under par. (b), as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. With regard to a district to which territory has been added, the tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under par. (b).

(ce)

1. For a tax incremental district created before March 3, 2016, if the city adopts an amendment, to which sub. (4) (h) 2., 4., or 5. applies, the tax incremental base for the district shall be redetermined, either by subtracting from the tax incremental base the value of the taxable property and the value of real property owned by the city, other than property described under s. 66.1105 (5) (bm), 2013, stats., that is subtracted from the existing district or by adding to the tax incremental base the value of the taxable property and the value of real property owned by the city, other than property described in s. 66.1105 (5) (bm), 2013, stats., that is added to the existing district under sub. (4) (h) 2., 4., or 5., as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. With regard to a district to which territory has been added, the tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under s. 66.1105 (5) (b), 2013 stats.
2. For a tax incremental district created on or after March 3, 2016, if the city adopts an amendment, to which sub. (4) (h) 2. applies, the tax incremental base for the district shall be redetermined, either by subtracting from the tax incremental base the value of the taxable property that is subtracted from the existing district or by adding to the tax incremental base the value of the taxable property that is added to the existing district under sub. (4) (h) 2. as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. With regard to a district to which territory has been added, the tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under par. (b).

(cm) The city clerk shall give written notice of the adoption of an amendment to the department of revenue within 60 days after its adoption. The department of revenue may prescribe forms to be used by the city clerk when giving notice as required by this paragraph.

(d) Subject to pars. (de) and (dm), the department of revenue may not certify the tax incremental base as provided in par. (b) until it determines that each of the procedures and documents required by sub. (4) (a), (b), (gm) or (h) and par. (b) has been timely completed and all notices required under sub. (4) (a), (b), (gm) or (h) timely given. The facts supporting any document adopted or action taken to comply with sub. (4) (a), (b), (gm) or (h) are not subject to review by the department of revenue under this paragraph, except that the department may not certify the tax incremental base as provided in par. (b) until it reviews and approves of the findings that are described in sub. (4) (gm) 4. c.

(de) With regard to a mixed-use development tax incremental district, the department of revenue may not certify the tax incremental base of such a district if the department determines that any of the following apply:

1. The lands proposed for newly platted residential use exceed the percentage specified in sub. (2) (cm).
2. Tax increments received by the city are used to subsidize residential development and none of the conditions specified in sub. (2) (f) 3. a. to c. apply.

(dm) If the department of revenue certifies the tax incremental base of a mixed-use development tax incremental district and then determines that any of the conditions listed in the par. (de) apply, the department may not certify the tax incremental base of any other tax incremental district in that city until the department certifies that the mixed-use development district complies with the percentage specified in sub. (2) (cm) and that at least one of the conditions specified in sub. (2) (f) 3. a. to c. applies.

(e) It is a rebuttable presumption that any property within a tax incremental district acquired or leased as lessee by the city, or any agency or instrumentality of the city, within the one year immediately preceding the date of the creation of the district was acquired or leased in contemplation of the creation of the district. The presumption may be rebutted by the city with proof that the property was leased or acquired primarily for a purpose other than to reduce the tax incremental

base. If the presumption is not rebutted, in determining the tax incremental base of the district, but for no other purpose, the taxable status of the property shall be determined as if the lease or acquisition had not occurred.

- (f) The city assessor shall identify upon the assessment roll returned and examined under s. 70.45 those parcels of property which are within each existing tax incremental district, specifying the name of each district. A similar notation shall appear on the tax roll made by the city clerk under s. 70.65.
- (g) The department of revenue shall annually give notice to the designated finance officer of all governmental entities having the power to levy taxes on property within each district as to the equalized value of the property, the equalized value due to new construction less the value of improvements destroyed or removed, and the equalized value of the tax increment base. The notice shall also explain that the tax increment allocated to a city shall be paid to the city as provided under sub. (6) (b) from the taxes collected.
- (h)
  - 1. Subject to subds. 2. and 3. and par. (i), a local legislative body may adopt a resolution requiring the department of revenue to redetermine the tax incremental base of a district that is in a decrement situation that has continued for at least 2 consecutive years.
  - 2. A resolution adopted under subd. 1. may not take effect unless it is approved by a joint review board under sub. (4m), acting as it would if the district's project plan was to be amended.
  - 3. A local legislative body may not adopt a resolution under subd. 1. more than once during the life of a tax incremental district.
  - 4. Upon approval by a joint review board under subd. 2., the department of revenue shall redetermine the tax incremental base of the district under par. (a).
  - 5. Notwithstanding the 2 consecutive year provision described in subd. 1., the village of Kimberly may adopt a resolution and proceed under this paragraph with regard to Tax Incremental District Number 6, which was created on September 12, 2016. To act under this subdivision, the village of Kimberly must adopt a resolution under subd. 1. not later than September 30, 2017, and shall provide the department of revenue with all required materials no later than October 31, 2017.
- (i)
  - 1. Before a local legislative body may adopt a resolution described in par. (h) 1., the local legislative body must complete a financial analysis, as described in subd. 2., and must amend the project plan so that at least one of the items specified in subd. 3., 4., or 5. occurs. The starting point for determining a tax incremental district's remaining life, under subds. 4. and 5., is the date on which the joint review board acts under par. (h) 2. and approves the resolution.
  - 2. The local legislative body shall conduct a financial analysis of the tax incremental district that includes, in addition to the items specified in sub. (4) (f) and (i) 1., the annual and total amount of tax increments to be generated over the life of the district, and the annual debt service costs on bonds issued by the city. If the city does not have the expertise to complete the requirements of this subdivision, it shall hire an entity which has the needed expertise to complete the financial analysis.
  - 3. The project plan specifies that, with regard to the total value of public infrastructure improvements in the district that occur after approval by the joint review board under par. (h) 2., at least 51 percent of the value of such improvements must be financed by a private developer, or other private entity, in return for the city's agreement to repay the developer or other entity for those costs solely through the payment of cash grants as described in sub. (2) (f) 2. d. To receive the cash grants, the developer or other private entity must enter into a development agreement with the city as described in sub. (2) (f) 2. d.
  - 4. The project plan specifies that the city expects all project costs to be paid within 90 percent of the tax incremental district's remaining life, based on the district's termination date as calculated under sub. (7) (ak) to (au).
  - 5. The project plan specifies that expenditures may be made only within the first half of the tax incremental district's remaining life, based on the district's termination date as calculated under sub. (7) (ak) to (au), except that expenditures may be made after this period if the expenditures are approved by a unanimous vote of the joint review board. No expenditure under this subdivision may be made later than the time during which an expenditure may be made under sub. (6) (am).
- (j) Upon receiving a written application from the city clerk, in a form prescribed by the department of revenue, the department shall recalculate the base value of a tax incremental district affected by 2023 Wisconsin Act 12 to remove the value of the personal property. A request received under this paragraph no later than October 31 is effective in the year following the year in which the request is made. A request received after October 31 is effective in the 2nd year following the year in which the request is made.

**(6) ALLOCATION OF POSITIVE TAX INCREMENTS.**

- (a) If the joint review board approves the creation of the tax incremental district under sub. (4m), and subject to pars. (ae) and (ag), positive tax increments with respect to a tax incremental district are allocated to the city which created the district or, in the case of a city or village that annexes or attaches a district created under sub. (16), to the annexing or attaching city or village, for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue may not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) has been completed and all related notices given in a timely manner. The department of revenue may authorize

allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information, including the value of new construction less the value of improvements destroyed or removed, in a form and manner prescribed by the department, on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue under this paragraph. After the allocation of tax increments is authorized, the department of revenue shall annually authorize allocation of the tax increment to the city that created the district until the soonest of the following events:

1. The department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b).
  2. Twenty-seven years after the tax incremental district is created if the district is created before October 1, 1995.
  4. 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. If the life of the district is extended under sub. (7) (am) 1., an allocation under this subdivision may be made 31 years after the district is created. If the life of the district is extended under sub. (7) (am) 4., an allocation under this subdivision may be made for not more than an additional 3 years after allocations would otherwise have been terminated under this subdivision.
  - 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.
  5. Thirty-one years after the tax incremental district is created if the district is created before October 1, 1995, and the expenditure period is specified in par. (am) 2. c.
  6. Forty-two years after the tax incremental district is created if the district is created before October 1, 1995, and if the district is located in a city to which par. (d) applies.
  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. 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. If the life of the district is extended under sub. (7) (am) 4., an allocation under this subdivision may be made for not more than an additional 3 years after allocations would otherwise have been terminated under this subdivision. For a tax incremental district created after March 3, 2016, the period during which a tax increment may be allocated under this subdivision shall be increased by one year if that district's project plan is adopted under sub. (4) (g) after September 30 and before May 15.
  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. 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. If the life of the district is extended under sub. (7) (am) 4., an allocation under this subdivision may be made for not more than an additional 3 years after allocations would otherwise have been terminated under this subdivision. For a tax incremental district created after March 3, 2016, the period during which a tax increment may be allocated under this subdivision shall be increased by one year if that district's project plan is adopted under sub. (4) (g) after September 30 and before May 15.
  9. Thirty-seven years after the tax incremental district is created if the district is created before October 1, 1983, and the expenditure period is specified in par. (am) 2. d.
  10. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 3 in the city of Middleton.
  11. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 3 in the city of Wausau.
  12. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 1 in the village of Wales.
  13. Thirty-three years after the tax incremental district is created if the district is Tax Incremental District Number 1 in the village of Weston.
  14. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 1 in the village of Caledonia.
  15. Thirty years after the tax incremental district is created if the district is Tax Incremental District Number 4 in the village of Caledonia.
  16. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 3 in the village of Lake Delton.
  17. Thirty-seven years after the tax incremental district is created if the district is Tax Incremental District Number 4 in the village of Lake Delton.
  18. Twenty-five years after the tax incremental district is created if the district is Tax Incremental District Number 2 in the village of Kronenwetter.
  19. Thirty-three years after the tax incremental district is created if the district is Tax Incremental District Number 1 in the village of Marathon City.
  20. December 31, 2036, if the district is Tax Incremental District Number 3 in the city of Wisconsin Dells and notwithstanding sub. (4e) (e) 1., 3., and 6. and (g).
- (ae) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the city that created the district an annual administrative fee of \$150 that the city shall pay to the department no later than April 15. If the city does not pay the fee that

is required under this paragraph, by April 15, the department may not authorize the allocation of a tax increment under par. (a) for that city.

(ag) With regard to a multijurisdictional tax incremental district, the department of revenue may allocate positive tax increments to each participating city only to the extent that a city's component of the district has generated a positive value increment.

(am)

1. Except as otherwise provided in this paragraph, no expenditure may be made later than 5 years before the unextended termination date of a tax incremental district under sub. (7) (ak) or (am).
2. The limitations on the period during which expenditures may be made under subd. 1. do not apply to:
  - a. Expenditures to pay project costs incurred under ch. 32.
  - b. Expenditures authorized by the adoption of an amendment to the project plan under sub. (5) (c) or (ce).
  - c. Expenditures for project costs for Tax Incremental District Number 6 in a city with a population of at least 45,000 that is located in a county that was created in 1836 and that is adjacent to one of the Great Lakes. Such expenditures may be made no later than 26 years after the tax incremental district is created, and may be made through December 31, 2017.
  - d. Expenditures for project costs for Tax Incremental District Number 2 in the city of Racine. Such expenditures may be made no later than 32 years after the district is created and may be made through 2015.
  - e. Expenditures for project costs for Tax Incremental District Number 1 in the village of Denmark. Such expenditures may be made through 2014.
  - em. Expenditures for project costs for Tax Incremental District Number 3 in the city of Middleton. Such expenditures may be made no later than 32 years after the district is created and may be made through 2025.
  - f. Expenditures for project costs for Tax Incremental District Number 3 in the city of Marinette. Such expenditures may be made through July 2, 2018.
  - fm. Expenditures for project costs for Tax Incremental District Number 3 in the city of Wausau. Such expenditures may be made no later than 32 years after the district is created and may be made through 2026.
  - g. Expenditures for project costs for Tax Incremental District Number 1 in the village of Wales. Such expenditures may be made no later than 32 years after the district is created and may be made through 2038.
  - h. Expenditures for project costs for Tax Incremental District Number 1 in the village of Weston. Such expenditures may be made no later than 28 years after the district is created and may be made through 2026.
  - i. Expenditures for project costs for Tax Incremental District Number 1 in the village of Caledonia. Such expenditures may be made no later than 32 years after the district is created and may be made through 2039.
  - j. Expenditures for project costs for Tax Incremental District Number 4 in the village of Caledonia. Such expenditures may be made no later than 25 years after the district is created and may be made through 2039.
  - k. Expenditures for project costs for Tax Incremental District Number 3 in the village of Lake Delton. Such expenditures may be made no later than 32 years after the district is created and may be made through 2037.
  - L. Expenditures for project costs for Tax Incremental District Number 4 in the village of Lake Delton. Such expenditures may be made no later than 32 years after the district is created and may be made through 2039.
  - m. Expenditures for project costs for Tax Incremental District Number 2 in the village of Kronenwetter. Such expenditures may be made no later than 20 years after the district is created and may be made through 2024.
  - n. Expenditures for project costs for Tax Incremental District Number 1 in the village of Marathon City. Such expenditures may be made through January 3, 2023.
  - o. Expenditures for project costs for Tax Incremental District Number 3 in the city of Wisconsin Dells, notwithstanding sub. (4e) (e) 1., 3., and 6. and (g). Such expenditures may be made through 2031.
3. For tax incremental districts for which the resolution under sub. (4) (gm) is adopted on or after July 31, 1981, no expenditure may be made before the date the project plan is approved, except for costs directly related to planning the tax incremental district. In this subdivision "expenditure" means the exchange of money for the delivery of goods or services.
5. No expenditure may be made later than 5 years before the termination date of a tax incremental district to which par. (d) applies.

(b) Notwithstanding any other provision of law, every officer charged by law to collect and pay over or retain local general property taxes shall, on the settlement dates provided by law, pay over to the city treasurer out of all the taxes which the officer has collected the proportion of the tax increment due the city that the general property taxes collected in the city bears to the total general property taxes levied by the city for all purposes included in the tax roll, exclusive of levies for state trust fund loans, state taxes and state special charges.

(c) Except for tax increments allocated under par. (d), (dm), (e), (f), or (g), or erroneous reporting of value increments as described in par. (h), all tax increments received with respect to a tax incremental district shall, upon receipt by the city treasurer, be deposited into a special fund for that district. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of such fund except to pay project costs with respect to that district, to reimburse the city for such payments, to pay project costs of a district under par. (d), (dm), (e), (f), or (g), to pay property tax reimbursements as described under par. (h), or to satisfy claims of holders of bonds or notes issued with respect to such district. Subject to par. (d), (dm), (e), (f), or (g), moneys paid out of the fund to pay project costs with respect to a district may be paid out before or after the district is terminated under sub. (7). Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other city funds if any investment earnings are applied to reduce project costs. After all project costs and all bonds and notes with respect to the district have been paid or the payment thereof provided for, subject to any agreement with bondholders, if there remain in the fund any moneys that are not allocated under par. (d), (dm), (e), (f), or (g), they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in the amounts that belong to each respectively, having due regard for that portion of the moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

(d)

1. Subject to subd. 1m., after the date on which a tax incremental district pays off the aggregate of all of its project costs under its project plan, but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission in which soil affected by environmental pollution exists to the extent that development has not been able to proceed according to the project plan because of the environmental pollution.
- 1m. After December 31, 2016, subd. 1. applies only to Tax Incremental District Number One, Tax Incremental District Number Four, and Tax Incremental District Number Five in the City of Kenosha, and no increments may be allocated under that subdivision, after December 31, 2016, unless the allocation is approved by the joint review board.
2. Except as provided in subd. 2m., no tax increments may be allocated under this paragraph later than 16 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made.
- 2m. No tax increments may be allocated under this paragraph later than 35 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made if the district is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 42 years.
3. This paragraph applies only in a city with a population of at least 80,000 that was incorporated in 1850 and that is in a county with a population of less than 175,000 which is adjacent to one of the Great Lakes.
4. This paragraph does not apply after August 1, 2031.
5. This paragraph does not apply to a tax incremental district that is created after January 1, 2004.

(dm)

- 1m. Either before, after or on the date on which a tax incremental district that is located in a city that is described in subd. 3. pays off the aggregate of all of its project costs under its project plan, but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission in which soil affected by environmental pollution exists to the extent that development has not been able to proceed according to the project plan because of the environmental pollution.
2. Except as provided in subd. 2m., no tax increments may be allocated under this paragraph later than 16 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made.
- 2m. No tax increments may be allocated under this paragraph later than 20 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made if the district is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.
3. This paragraph applies only to a city with a population of at least 50,000 that was incorporated in 1853 and that is in a county which has a population of at least 140,000 and that contains a portion of the Fox River and Lake Winnebago.
5. This paragraph, with regard to a city that is described in subd. 3., does not apply after January 1, 2016.

(e)



1. Before the date on which a tax incremental district terminates under sub. (7) (a), but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) the project plan of the tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission if all of the following conditions are met:
  - a. The donor tax incremental district, the positive tax increments of which are to be allocated, and the recipient tax incremental district have the same overlying taxing jurisdictions.
  - b. Except as provided in subd. 1. e., the donor tax incremental district and the recipient tax incremental district have been created before October 1, 1995.
  - d. The donor tax incremental district is able to demonstrate, based on the positive tax increments that are currently generated, that it has sufficient revenues to pay for all project costs that have been incurred under the project plan for that district and sufficient surplus revenues to pay for some of the eligible costs of the recipient tax incremental district.
  - e. With respect to a tax incremental district that has been created by a 4th class city incorporated in 1882 that is located in the Pecatonica River watershed, the recipient tax incremental district has been created before October 1, 1996, and the donor tax incremental district has been created before October 1, 2003.
  - f. Notwithstanding subd. 1. b. and subject to subd. 1. a. and d., the planning commission of the village of Biron may amend, under sub. (4) (h), the project plan of Tax Incremental District Number 2 in the village to allocate positive tax increments generated by that district to Tax Incremental District Number 3 in the village.
3. A project plan that is amended under sub. (4) (h) to authorize the allocation of positive tax increments under subd. 1. may authorize the allocation for a period not to exceed 5 years, except that if the planning commission determines that the allocation may be needed for a period longer than 5 years, the planning commission may authorize the allocation for up to an additional 5 years if the project plan is amended under sub. (4) (h) during the 4th year of the allocation. In no case may positive tax increments under subd. 1. be allocated from one donor tax incremental district for a period longer than 10 years.

(f)

1. Not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) the project plan of a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission or to an environmental remediation tax incremental district created under s. 66.1106 by the same governing body if all of the following conditions are met:
  - a. The donor tax incremental district, the positive tax increments of which are to be allocated, and the recipient tax incremental district have the same overlying taxing jurisdictions.
  - b. The allocation of tax increments under this paragraph is approved by the joint review board.
2. An allocation of tax increments under this paragraph may be used by the recipient district only if one of the following applies:
  - a. The project costs in the recipient district are used to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination.
  - b. The recipient district was created upon a finding that not less than 50 percent, by area, of the real property within the district is blighted or in need of rehabilitation.
  - c. The recipient district is a mixed-use or industrial-use district that has been designated as a distressed, or severely distressed, district under sub. (4e).
  - d. The recipient district is an environmental remediation tax incremental district created under s. 66.1106.
3. The allocation of positive tax increments from a donor district to one or more recipient districts cannot be made unless the donor district has first satisfied all of its current-year debt service and project cost obligations.
4. No city may request or receive under sub. (7) (am) 2. an extension for the life of a donor tax incremental district.

(g)

1. After the date on which a tax incremental district created by a city pays off the aggregate of all of its project costs, and notwithstanding the time at which such a district would otherwise be required to terminate under sub. (7), a city may extend the life of the district for one year if the city does all of the following:
  - a. The city adopts a resolution extending the life of the district for a specified number of months. The resolution shall specify how the city intends to improve its housing stock, as required in subd. 3.
  - b. The city forwards a copy of the resolution to the department of revenue, notifying the department that it must continue to authorize the allocation of tax increments to the district under par. (a).
2. If the department of revenue receives a notice described under subd. 1. b., it shall continue authorizing the allocation of tax increments to the district under par. (a) during the district's life, as extended by the city, as if the district's costs had not been paid off and without regard to whether any of the time periods specified in par. (a) 2. to 8. would otherwise require terminating the allocation of such increments.

3. If a city receives tax increments as described in subd. 2., the city shall use at least 75 percent of the increments received to benefit affordable housing in the city. The remaining portion of the increments shall be used by the city to improve the city's housing stock.

(h) For property values reported to the department of revenue in 2018, if a city erroneously reports a higher value increment for its tax incremental districts in an aggregate amount of at least \$50,000,000, that city's tax incremental districts may transfer the excess tax increments collected resulting from this error directly to the city's general fund for the sole purpose of reimbursing taxpayers for the resulting erroneously higher property tax rates imposed on the taxpayers. A city that acts under this paragraph shall verify with the department of revenue the amounts being transferred and disbursed before those transactions may take place.

**(6c) NOTIFICATION OF POSITION OPENINGS.**

(a) Any person who operates for profit and is paid project costs under sub. (2) (f) 1. a., d., j. and k. in connection with the project plan for a tax incremental district shall notify the department of workforce development and the local workforce development board established under 29 USC 2832, of any positions to be filled in the county in which the city which created the tax incremental district is located during the period commencing with the date the person first performs work on the project and ending one year after receipt of its final payment of project costs. The person shall provide this notice at least 2 weeks prior to advertising the position.

(b) Any person who operates for profit and buys or leases property in a tax incremental district from a city for which the city incurs real property assembly costs under sub. (2) (f) 1. c. shall notify the department of workforce development and the local workforce development board established under 29 USC 2832, of any position to be filled in the county in which the city creating the tax incremental district is located within one year after the sale or commencement of the lease. The person shall provide this notice at least 2 weeks prior to advertising the position.

**(6m) REVIEW.**

(a) The city shall cause a certified public accountant to conduct audits of each tax incremental district to determine if all financial transactions are made in a legal and proper manner and to determine if the tax incremental district is complying with its project plan and with this section. Any city that creates a tax incremental district under this section and has an annual general audit may include the audits required under this subsection as part of the annual general audit.

(b) Audits shall be conducted no later than:

1. Twelve months after 30 percent of the project expenditures are made;
2. Twelve months after the end of the expenditure period specified in sub. (6) (am) 1.; and
3. Twelve months after the termination of the tax incremental district under sub. (7).

(c) The city shall prepare and make available to the public updated annual reports describing the status of each existing tax incremental district, including expenditures and revenues. The city shall file a copy of the report with each overlying district and the department of revenue by July 1 annually. The copy of the report filed with the department of revenue shall be in electronic format. The annual report shall contain at least all of the following information:

1. The name assigned to the district under sub. (4) (gm) 3.
2. The declared classification of the tax incremental district under sub. (4) (gm) 6. and the scope of the project.
3. The name of any developer who is named in a developer's agreement with the city or who receives any financial assistance from tax increments allocated for the tax incremental district.
4. The date that the city expects the tax incremental district to terminate under sub. (7).
5. The amount of tax increments to be deposited into a special fund for that district under sub. (6) (c).
6. An analysis of the special fund under sub. (6) (c) for the district. The analysis shall include all of the following:
  - a. The balance in the special fund at the beginning of the fiscal year.
  - b. All amounts deposited in the special fund by source, including all amounts received from another tax incremental district.
  - c. An itemized list of all expenditures from the special fund by category of permissible project costs.
  - d. The balance in the special fund at the end of the fiscal year, including a breakdown of the balance by source and a breakdown of the balance identifying any portion of the balance that is required, pledged, earmarked, or otherwise designated for payment of, or securing of, obligations and anticipated project costs. Any portion of the ending balance that has not been previously identified and is not identified in the current analysis as being required, pledged, earmarked, or otherwise designated for payment of, or securing of, obligations or anticipated project costs shall be designated as surplus.
7. The contact information of a person designated by the city to respond to questions or concerns regarding the annual report.
8. The value of new construction in the tax incremental district and the value of improvements removed from the tax incremental district.
9. An analysis of the impact on property taxes and levy limits resulting from the value of new construction less improvements removed in each tax incremental district. The analysis shall include all of the following:

- a. The values reported under subd. 8.
- b. The amount of the valuation factor under s. 66.0602 (1) (d) for the municipality that is attributable to the value reported under subd. 8. for each tax incremental district for the current year and for each of the previous years from January 1, 2023, to the current year.
- c. The amount of the valuation factor under s. 66.0602 (1) (d) for the municipality that is attributable to the total of the values reported under subd. 8. for all tax incremental districts in the municipality, expressed as a dollar amount and as a percentage.
- d. The amount of any increase in the municipality's property tax levy attributable to the total of the values reported under subd. 8., expressed as a dollar amount per each \$100,000 of increase in the levy.

**Cross-reference:** See also s. Tax 12.60, Wis. adm. code.

(d)

1. The department of revenue shall, by rule, designate a format for annual reports under par. (c) and shall require these reports to be filed electronically.
2. The department of revenue shall post annual reports on its official Internet site no later than 45 days after the department receives the report from the city. The department shall also post a list of cities that have not submitted a required annual report to the department of revenue.
4. If an annual report is not timely filed under par. (c), the department of revenue shall notify the city that the report is past due. If the city does not file the report within 60 days of the date on the notice, except as provided in this subdivision, the department shall charge the city a fee of \$100 per day for each day that the report is past due, up to a maximum penalty of \$6,000 per report. If the city does not pay within 30 days of issuance, the department of revenue shall reduce and withhold the amount of the shared revenue payments to the city under s. 79.02 (1), in the following year, by an amount equal to the unpaid penalty.

**(7) TERMINATION OF TAX INCREMENTAL DISTRICTS.** A tax incremental district terminates when the earlier of the following occurs:

- (a) That time when the city has received aggregate tax increments with respect to the district in an amount equal to the aggregate of all project costs under the project plan and any amendments to the project plan for the district, except that this paragraph does not apply to a district whose positive tax increments have been allocated under sub. (6) (d), (dm), (e), or (f) until the district to which the allocation is made has paid off the aggregate of all of its project costs under its project plan.

(ak)

1. Except as provided in par. (am) 1. and 4., 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 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. Except as provided in par. (am) 4., for a district that is created after September 30, 1995, and before October 1, 2004, and that is not subject to subd. 1., 4., or 5., 23 years after the district was created, and, except as provided in subd. 3., for a district that is created before October 1, 1995, 27 years after the district is created.
3. For Tax Incremental District Number 2 in the city of Racine, 37 years after the district is created.
4. For Tax Incremental District Number 1 in the village of Weston, 33 years after the district is created.
5. For Tax Incremental District Number 1 in the village of Marathon City, 33 years after the district is created.

(am)

1. Except as provided in subd. 4., for a district 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).
2. Except as provided in subds. 4., 5., 6., 7., and 9., 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 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 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 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). For a tax incremental district created after March 3, 2016, the termination date for a district to which

this subdivision applies shall either be increased by one year beyond the otherwise applicable termination date under this subdivision if that district's project plan is adopted under sub. (4) (g) after September 30 and before May 15, or shall be the period specified in par. (a), whichever is earlier.

3. Except as provided in subds. 4. and 8., 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). For a tax incremental district created after March 3, 2016, the termination date for a district to which this subdivision applies shall either be increased by one year beyond the otherwise applicable termination date under this subdivision if that district's project plan is adopted under sub. (4) (g) after September 30 and before May 15, or shall be the period specified in par. (a), whichever is earlier.
4.
  - a. At any time during the district's existence, but subject to sub. (8) (e), the city that created the district described under subd. 1., 2., or 3. or par. (ak) 1. or 2. may request that the joint review board extend the life of the district for an additional 3 years in addition to an extension authorized under subd. 1., 2., or 3., if during the district's existence, the annual and total amount of tax increments to be generated over the life of the district are adversely impacted by 2013 Wisconsin Act 145.
  - b. Together with its request for a 3-year extension under this subdivision, 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 time specified under subd. 1., 2., or 3., whichever is applicable. The joint review board may deny or approve the request if the request does not include the independent audit, and the board shall approve the request 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).
5. For Tax Incremental District Number 1 in the village of Caledonia, 37 years after the district is created.
6. For Tax Incremental District Number 4 in the village of Caledonia, 30 years after the district is created.
7. For Tax Incremental District Number 3 in the village of Lake Delton, 37 years after the district is created.
8. For Tax Incremental District Number 4 in the village of Lake Delton, 37 years after the district is created.
9. For Tax Incremental District Number 2 in the village of Kronenwetter, 25 years after the district is created.
- (ar) Notwithstanding par. (am), 35 years after the district is created if it was created before October 1, 1995, and if the project plan is amended under sub. (4) (h) 4.
- (as) Notwithstanding par. (am), 35 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created before October 1, 1995, and sub. (6) (d) applies to the district.
- (at) Notwithstanding par. (am), 31 years after the district is created if the district is created before October 1, 1995, and the expenditure period is specified in sub. (6) (am) 2. c.
- (au) With regard to a distressed, or severely distressed, tax incremental district under sub. (4e), the time period specified in sub. (4e) (d) 2.
- (b) The local legislative body, by resolution, dissolves the district at which time the city becomes liable for all unpaid project costs actually incurred which are not paid from the special fund under sub. (6) (c), except this paragraph does not make the city liable for any tax incremental bonds or notes issued.

**(8) NOTICE OF DISTRICT TERMINATION, REPORTING REQUIREMENTS.**

- (a) A city which creates a tax incremental district under this section shall give the department of revenue written notice within 60 days of the termination of the tax incremental district under sub. (7).
- (b) If the department of revenue receives a notice under par. (a) during the period from January 1 to April 15, the effective date of the notice is the date the notice is received. If the notice is received during the period from April 16 to December 31, the effective date of the notice is the first January 1 after the department of revenue receives the notice.
- (c) After a city transmits to the department of revenue the notice required under par. (a), the city and the department shall agree on a date by which the city shall send to the department, on a form prescribed by the department, all of the following information that relates to the terminated tax incremental district:
  1. A final accounting of all expenditures made by the city.
  2. The total amount of project costs incurred by the city.
  3. The total amount of positive tax increments received by a city.

4. The total amount of project costs, if any, not paid for with tax increments that became obligations of the city after the district was terminated.
- (d) If a city does not send to the department of revenue the form specified in par. (c) within the time limit agreed to by the city and the department under par. (c), the department may not certify the tax incremental base of a tax incremental district under sub. (5) (a) and (b) until the form is sent to the department.
- (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.

**(9) FINANCING OF PROJECT COSTS.**

(a) Payment of project costs may be made by any one or more of the following methods:

1. Payment by the city from the special fund of the tax incremental district;
2. Payment out of its general funds;
3. Payment out of the proceeds of the sale of bonds or notes issued by it under ch. 67;
4. Payment out of the proceeds of the sale of public improvement bonds issued by it under s. 66.0619;
5. Payment as provided under s. 66.0713 (2) and (4) or 67.16;
6. Payment out of the proceeds of revenue bonds or notes issued by it under s. 66.0621;
7. Payment out of the proceeds of revenue bonds issued by it under s. 66.0913;
8. Payment out of the proceeds of the sale of tax incremental bonds or notes issued by it under this subsection; or
9. Payment out of the proceeds of revenue bonds issued by the city as provided by s. 66.1103, for a purpose specified in that section.
10. With regard to a tax incremental district created by a 1st class city, payment out of the proceeds of revenue bonds issued by a redevelopment authority acting in concert with the city pursuant to a contract under s. 66.0301.

(b)

1. For the purpose of paying project costs or of refunding municipal obligations issued under ch. 67 or this subsection for the purpose of paying project costs, the local legislative body may issue tax incremental bonds or notes payable out of positive tax increments. Each bond or note and accompanying interest coupon, if any, is a negotiable instrument. The bonds and notes shall not be included in the computation of the constitutional debt limitation of the city. Bonds and notes issued under this subsection, together with their interest and income, shall be taxed in the same manner as are municipal obligations issued under s. 67.04.
2. Tax incremental bonds or notes shall be authorized by resolution of the local legislative body without the necessity of a referendum or any elector approval, but a referendum or election may be held, through the procedures provided in s. 66.1103 (10) (d). The resolution shall state the name of the tax incremental district, the amount of bonds or notes authorized, and the interest rate or rates to be borne by the bond or notes. The resolution may prescribe the terms, form and content of the bonds or notes and any other matters that the local legislative body deems useful.
3. Tax incremental bonds or notes may not be issued in an amount exceeding the aggregate project costs. The bonds or notes shall mature over a period not exceeding 23 years from the date of issuance or a period terminating with the date of termination of the tax incremental district, whichever period terminates earlier. The bonds or notes may contain a provision authorizing the redemption of the bonds or notes, in whole or in part, at stipulated prices, at the option of the city, on any interest payment date and shall provide the method of selecting the bonds or notes to be redeemed. The principal and interest on the bonds and notes may be payable at any time and at any place. The bonds or notes may be payable to bearer or may be registered as to the principal or principal and interest. The bonds or notes may be in any denominations. The bonds or notes may be sold at public or private sale. To the extent consistent with this subsection, the provisions of ch. 67 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes apply to bonds or notes issued under this subsection.
4. Tax incremental bonds or notes are payable only out of the special fund created under sub. (6) (c). Each bond or note shall contain the recitals necessary to show that it is only so payable and that it does not constitute an indebtedness of the city or a charge against its general taxing power. The local legislative body shall irrevocably pledge all or a part of the special fund to the payment of the bonds or notes. The special fund or the designated part of the fund may then be used only for the payment of the bonds or notes and interest on the bonds or notes until the bonds or notes have been fully paid; and a holder of the bonds or notes or of any coupons appertaining to the bonds or notes has a lien against the special fund for payment of the bonds or notes and interest on the bonds or notes and may either at law or in equity protect and enforce the lien.
5. To increase the security and marketability of tax incremental bonds or notes, the city may:
  - a. Create a lien for the benefit of the bondholders upon any public improvements or public works financed by the bonds or notes or the revenues from the bonds or notes; or

- b. Make covenants and do any acts, not inconsistent with the Wisconsin constitution, or desirable in order to additionally secure the bonds or notes or tend to make the bonds or notes more marketable according to the best judgment of the local legislative body.

**(10) OVERLAPPING TAX INCREMENTAL DISTRICTS.**

- (a) Subject to any agreement with bondholders, and except as provided in par. (d), a tax incremental district may be created, the boundaries of which overlap one or more existing districts, except that districts created as of the same date may not have overlapping boundaries.
- (b) If the boundaries of 2 or more tax incremental districts overlap, in determining how positive tax increments generated by that area which is within 2 or more districts are allocated among the overlapping districts, but for no other purpose, the aggregate value of the taxable property in the area as equalized by the department of revenue in any year as to each earlier created district is that portion of the tax incremental base of the district next created which is attributable to the overlapped area.
- (c) The department of revenue shall exclude any parcel in a newly created tax incremental district that is located in an existing district when determining compliance with the 12 percent limit described in sub. (4) (gm) 4. c.
- (d) A proposed tax incremental district, the boundaries of which would overlap an existing multijurisdictional tax incremental district, may be created only if all of the following apply:
1. The creation is approved by a resolution adopted by the governing body of each of the multijurisdictional district's participating cities.
  2. The creation is approved by a resolution adopted by the multijurisdictional district's joint review board.

**(11) EQUALIZED VALUATION FOR APPORTIONMENT OF PROPERTY TAXES.** With respect to the county, school districts and any other local governmental body having the power to levy taxes on property located within a tax incremental district, if the allocation of positive tax increments has been authorized by the department of revenue under sub. (6) (a), the calculation of the equalized valuation of taxable property in a tax incremental district for the apportionment of property taxes may not exceed the tax incremental base of the district until the district is terminated.

**(12) EQUALIZED VALUATION; THE 12 PERCENT LIMIT.** If the department of revenue notifies a local legislative body that is not in compliance with the 12 percent limit described in sub. (4) (gm) 4. c., the local legislative body shall do one of the following:

- (a) Rescind its approval of the project plan resolution described under sub. (4) (g).
- (b) Remove parcels from the district's, or proposed district's, boundaries so that the district, or proposed district, complies with the 12 percent limit. Such a removal of parcels may not substantially alter the project plan as approved under sub. (4) (g), or the resolution adopted under sub. (4) (gm) and approved by the joint review board under sub. (4m) (b) 2. Not later than 30 days after receiving the department's notice of noncompliance under sub. (4) (gm) 4. c., the city clerk shall submit, or resubmit, to the department the application described under sub. (5) (b), and the application shall reflect the removal of parcels under this paragraph.

**(14) USE OF TAX INCREMENTAL FINANCING FOR INLAND LAKE PROTECTION AND REHABILITATION PROHIBITED.** Notwithstanding sub. (9), no tax incremental financing project plan may be approved and no payment of project costs may be made for an inland lake protection and rehabilitation district or a county acting under s. 59.70 (8).

**(15) SUBSTANTIAL COMPLIANCE.** Substantial compliance with subs. (3), (4) (a), (b), (c), (d), (e), (f), and (h), (4m), and (5) (b) by a city that creates, or attempts to create, a tax incremental district is sufficient to give effect to any proceedings conducted under this section if, in the opinion of the department of revenue, any error, irregularity, or informality that exists in the city's attempts to comply with subs. (3), (4) (a), (b), (c), (d), (e), (f), and (h), (4m), and (5) (b) does not affect substantial justice. If the department of revenue determines that a city has substantially complied with subs. (3), (4) (a), (b), (c), (d), (e), (f), and (h), (4m), and (5) (b), the department of revenue shall determine the tax incremental base of the district, allocate tax increments, and treat the district in all other respects as if the requirements under subs. (3), (4) (a), (b), (c), (d), (e), (f), and (h), (4m), and (5) (b) had been strictly complied with based on the date that the resolution described under sub. (4) (gm) 2. is adopted.

**(16) TAX INCREMENTAL DISTRICTS IN TOWNS.**

- (a) A town may create a tax incremental district under this section if all of the following apply:
1. The town enters into a cooperative plan with a city or village, under s. 66.0307, under which part or all of the town will be annexed or attached by the city or village in the future.
  2. The city or village into which the town territory will be annexed or attached adopts a resolution approving the creation of the tax incremental district.
  3. The tax incremental district is located solely within territory that is to be annexed or attached by a city or village as described under subd. 1.
- (b) Along with the application that is filed under sub. (5) (b), a town shall include a copy of the cooperative plan to which it is a party.
- (c) If a district created under this subsection is annexed or attached by a city or village it shall be administered by that city or village, and all of the following apply to the district as if it were created by that city or village:
1. The lifespan of the district and the allocation of tax increments under sub. (6).

2. Except as provided in par. (e), the date on which the district terminates under sub. (7).
  3. The creation date of the district by the town.
  4. The project plan of the district.
  5. The procedures to amend the district's project plan under sub. (4) (h).
  6. The procedures to extend the life of the district under sub. (7) (am).
- (d) The department of revenue may not include the equalized value of taxable property of a district created under this subsection when applying the 12 percent limit findings requirement under sub. (4) (gm) 4. c. to a city or village which annexes or attaches such a district.
- (e) If a city or village annexes or attaches a district created under this subsection before the last day on which the cooperative plan entered into under s. 66.0307 allows a boundary change, the district shall remain in existence at least through December 31 of the last calendar year of the period during which a boundary change could have occurred, notwithstanding sub. (7). The annexing or attaching city or village is responsible for all contracts, agreements, and obligations of the town related to the district.
- (f)
1. Except as provided in subd. 2., if a city or village is in the process of annexing or attaching a district created under this subsection, but has not completed the process, the city or village may enter into a contract or agreement related to the district, with any person, or may assume an obligation of the district, and the town would continue to receive any tax increments for which it is eligible until the annexation or attachment process is complete.
  2. A contract, agreement, or obligation, as described under subd. 1., does not apply and may not be enforced until the annexation or attachment process is complete and the city or village begins to receive tax increments associated with the district.

**(17) EXCEPTIONS TO THE 12 PERCENT LIMIT.**

- (a) *Subtraction of territory, creation of new district.* Subject to par. (b), a city may simultaneously create a tax incremental district under this section and adopt an amendment to a project plan to subtract territory from an existing district without adopting a resolution containing the 12 percent limit findings specified in sub. (4) (gm) 4. c. if all of the following occur:
1. The city includes with its application described under sub. (5) (b) a copy of its amendment to a project plan that subtracts territory from an existing district, as described in sub. (4) (h) 2.
  2. The city provides the department of revenue with 2 appraisals from certified appraisers, as defined in s. 458.01 (7), which demonstrate all of the following:
    - a. The current fair market value of the taxable property within the district that the city proposes to create.
    - b. The current fair market value of the taxable property that the city proposes to subtract from an existing district.
  3. Both appraisals under subd. 2. demonstrate that the value of the taxable property that is subtracted from an existing district equals or exceeds the amount that the department of revenue believes is necessary to ensure that, when the proposed district is created, the 12 percent limit specified in sub. (4) (gm) 4. c. is met.
  4. The city certifies to the department of revenue that no other district created under this paragraph currently exists in the city.
- (b) *Limits on creation of new district.* A city may not act under par. (a) if a tax incremental district that has been created under par. (a) currently exists in the city.
- (d) *First class city exception.* If a 1st class city creates a tax incremental district and approves a project plan after July 1, 2015, with project costs that include those described under sub. (2) (f) 1. p., the 12 percent limit specified in sub. (4) (gm) 4. c. does not apply to that district.
- (e) *Village of Weston exception.* The 12 percent limit described under sub. (4) (gm) 4. c. does not apply to an amendment to a project plan for Tax Incremental District Number 1 in the village of Weston that is adopted by the planning commission of the village of Weston. The exception in this paragraph may not be used for more than one amendment of that project plan.
- (f) *Village of Oostburg exception.* The 12 percent limit described under sub. (4) (gm) 4. c. shall be 15 percent with regard to Tax Incremental District Number 3 that is created by the village board of the village of Oostburg, except that this paragraph does not apply upon the termination of that Tax Incremental District Number 3.

**(18) MULTIJURISDICTIONAL DISTRICTS.**

- (a) *Requirements.* Two or more cities may enter into an intergovernmental cooperation agreement under s. 66.0301 to jointly create a multijurisdictional tax incremental district under this section if all of the following apply:
1. The district's borders contain territory in all of the cities that are a party to the agreement.
  2. The district is contiguous.
  3. At least one parcel in each participating city touches at least one parcel in at least one of the other cities.

- (b) *Contents of an agreement.* The agreement described under par. (a) shall contain provisions that specify at least all of the following with regard to the proposed multijurisdictional tax incremental district:
1. A detailed description of how all of the participating cities will be able to exercise the powers authorized under sub. (3) and meet the requirements under sub. (4).
  2. A detailed description of how determinations will be made that relate to incurring debt, expending funds for project costs, and distributing positive tax increments allocated by the department of revenue.
  3. The extent to which one of the cities will be authorized by all of the other participating cities to act on behalf of all of the participating cities on some or all matters relating to the district.
  4. A binding dispute resolution procedure to be used by the cities to resolve in a timely fashion any disputes between the participating cities related to the agreement or to the district. The dispute resolution procedure shall include a dissolution provision that allows all of the participating cities to agree to jointly dissolve the district at any time before a dispute is settled by the binding dispute resolution procedure and before the district would otherwise terminate under sub. (7). The dissolution provision shall describe in detail how and under what circumstances the district may be dissolved before it would otherwise terminate under sub. (7) and shall specify how the district's assets, liabilities, and any other outstanding obligations will be distributed among the participating cities.
  5. A detailed description of the proposed membership of the joint review board.
  6. A detailed description of the responsibilities of each city's planning commission, the membership and authority of the planning commission for the district, and the operating procedures to be followed by the district's planning commission.
  7. A detailed description of the responsibilities of each city's clerk, treasurer, assessor, and any other officer or official to carry out the requirements of this section, and a detailed description of which clerk, treasurer, assessor, officer, or official will be responsible for each task specified in this section.
  8. Which city will be the lead city for purposes of completing any documents or tasks that this section or the department of revenue require to be completed, which city will be responsible for submitting the district's creation documents, and which city will be responsible for submitting the district's project plan amendment documents.
  9. That all of the participating cities agree that the district's application will be submitted in its entirety as one complete application by the lead city, as determined by the department of revenue.
  10. Consistent with the requirements of sub. (7), a statement that the entire district will terminate at one time as a single entity and that the lead city shall submit to the department of revenue all necessary notices and reports relating to the termination of the district.
  11. A detailed description of the procedures the participating cities will follow to determine all of the following:
    - a. Whether the district's life may be extended under sub. (6) (g) 1. or (7) (am) 2. or 3.
    - b. How the project plan or boundaries of the district may be amended under sub. (4) (h) 1. or 2.
  12. A description of how any annexation costs incurred by a participating city under s. 66.0219 (10) (a) 1. will be shared among all of the participating cities if the annexed territory is part of the district.

(c) *Limitations.*

1. Notwithstanding the provisions under sub. (6) (d), (dm), (e), or (f), a multijurisdictional tax incremental district may not become a donor district, or receive tax increments from a donor district.
2. Notwithstanding the provisions under sub. (2) (f) 1. k., m., and n., a multijurisdictional tax incremental district may not incur project costs for any area that is outside of the district's boundaries.
3. The 12 percent limit findings requirement under sub. (4) (gm) 4. c. apply on an aggregate basis to all cities that are part of a multijurisdictional district except, for one or more of the participating cities in the multijurisdictional district, the part of the district that is in an individual city may cause that city to exceed the 12 percent limit if the governing bodies of all the taxation districts that overlay that city adopt a resolution approving the creation of the district even though that city exceeds the 12 percent limit.
4. Any town which may create a tax incremental district under this section or s. 60.85 may be part of a multijurisdictional tax incremental district. If a town board exercises the powers of a city under this subsection, it is subject to the same duties as a common council under this section and the town is subject to the same duties and liabilities as a city under this section.

- (d) *Role of the department of revenue.* The department of revenue may require each participating city to submit any forms prescribed by the department without regard to whether a particular city is the lead city as described under par. (b) 8. and without regard to the responsibility of each participating city as specified in the agreement described under par. (a).



(e) *Miscellaneous provisions.*

1. A copy of the agreement described under par. (a), as signed by all of the participating cities, shall be forwarded to the department of revenue by the lead city as described under par. (b) 8.
2. Without regard to the number of participating cities in the multijurisdictional tax incremental district, the department of revenue may impose only one fee under sub. (5) (a) for each action taken by the department under that paragraph for such a district. Unless the agreement under par. (a) provides otherwise, the lead city, as described under par. (b) 8., is responsible for any fees imposed by the department under sub. (5) (a).
3. Without regard to the number of participating cities in the multijurisdictional tax incremental district, the department of revenue may impose only one annual administrative fee described in sub. (6) (ae) in the amount specified in that paragraph. Unless the agreement under par. (a) provides otherwise, the lead city, as described under par. (b) 8., is responsible for the annual fee and shall submit it to the department.

**(19) ALTERNATE METHOD TO CREATE A DISTRICT IN RECENTLY ANNEXED TOWN TERRITORY.**

(a) *Authorization.* If, within 90 days of annexing town territory, a city holds a hearing under sub. (4) (a) on the proposed creation of a tax incremental district that is to be located in that former town territory, the city may create a tax incremental district under this section and subject to the limitations and conditions in par. (b), or the city may create a district in such annexed territory as otherwise provided in this section without being subject to the limitations and conditions in par. (b).

(b) *Limitations and conditions.*

1. Notwithstanding sub. (7), a district created under this subsection must terminate upon the earlier of 7 years after the district's creation or when the city has received aggregate tax increments with respect to the district in an amount equal to the aggregate of all project costs under the project plan and any amendments to the project plan for the district.
2. A district created under this subsection may not allocate positive tax increments to another district as described in sub. (6) (e) or (f).
3. The 12 percent limit described in sub. (4) (gm) 4. c. does not apply to a district created under this subsection until 2016.
4. Notwithstanding the limit on expenditures described in sub. (6) (am) 1., a district created under this subsection may make expenditures until October 1, 2016.

**(20) DISTRICTS WITHIN AN ELECTRONICS AND INFORMATION TECHNOLOGY MANUFACTURING ZONE.**

(a) *Creation.* With regard to a tax incremental district that is created in an electronics and information technology manufacturing zone that is designated under s. 238.396 (1m), the district may only be a district that is suitable for industrial sites or mixed-use development, as described in sub. (4) (gm) 4. a., and all of the following apply:

1. Notwithstanding the dates specified in sub. (4) (gm) 2., if the resolution described under sub. (4) (gm) is adopted during the period between January 1 and December 1, the creation date shall be either the January 1 of the year in which the resolution is adopted or the next subsequent January 1, as specified by the local legislative body in the resolution. If a resolution is adopted during the period between December 2 and December 31, the creation date shall be the next subsequent January 1.
2. Notwithstanding the October 31 deadline for the city clerk's submission of the forms described in sub. (5) (b), the city clerk shall complete and submit the required forms for a tax incremental district described in this subsection either:
  - a. On or before December 31 of the year the resolution under subd. 1. is adopted if the resolution is adopted between January 1 and December 1, and the resolution specifies that the district's creation date is January 1 of the year in which the resolution is adopted.
  - b. On or after the next subsequent April 1 and before the next subsequent December 1 of the year the resolution under subd. 1. is adopted if the resolution is adopted between January 1 and December 1 and the resolution specifies that the district's creation date is the next subsequent January 1 or the resolution is adopted between December 2 and December 31.

(b) *Exception to the 12 percent limit.* Notwithstanding the 12 percent limit findings requirement described under sub. (4) (gm) 4. c.:

1. That findings requirement does not apply to a local legislative body's resolution which relates to a district described under this subsection.
2. After a local legislative body's creation of a district described under this subsection, if that body makes the calculation under sub. (4) (gm) 4. c. for a tax incremental district created under this section but not under this subsection, that findings requirement may not include the value increment of the district created under this subsection, provided that the district created under this subsection has not terminated.

(c) *Expenditures.* With regard to a tax incremental district described under this subsection, and subject to par. (ce), the creating city may incur project costs for any of the following, provided that the expenditures benefit the district:

1. Territory that is located in the same county as the district.
2. Notwithstanding the provisions of sub. (2) (f) 2. a. and c., the cost of constructing or expanding fire stations, purchasing police and fire equipment, and the cost of general government operating expenses related to providing police and fire protection services, provided that the total of such

expenditures do not exceed, over the district's lifetime, 15 percent of the total positive tax increments received by the creating city over the district's lifetime. With regard to capital expenditures that may be made under this subdivision, such expenditures may be made only for the first 180 months following the district's creation, and any expenditures made under this subdivision for constructing or expanding fire stations may be made only for fire stations located within a one-mile radius of the electronics and information technology manufacturing zone that is designated under s. 238.396 (1m).

- (ce) *Certification.* Before the creating city may incur project costs for any territory that is located outside the district but in the same county as the district, the city must obtain certification from the department of administration that the department believes such a proposed expenditure benefits the district.
- (cm) *Expenditure period.* Notwithstanding the limitation on expenditures described in sub. (6) (am) 1., expenditures for a district described under this subsection may be made up to the unextended termination date described in par. (e).
- (d) *Allocation of positive increments.*
  - 1. Notwithstanding the 20-year limit for allocating positive tax increments described in sub. (6) (a) 7., for a tax incremental district described under this subsection, that limit shall be 30 years for purposes of sub. (6) (a) 7.
  - 2. No tax incremental district described under this subsection may allocate positive tax increments as provided under sub. (4e) or (6) (d), (dm), (e), or (f).
- (e) *Termination.* Notwithstanding the 20-year termination requirement specified in sub. (7) (am) 2., for a tax incremental district described under this subsection, that limit shall be 30 years for purposes of sub. (7) (am) 2.

**(20m) ENVIRONMENTAL REMEDIATION DISTRICTS.**

(a) In this subsection:

- 1. "Environmental pollution" means all of the following:
  - a. Environmental pollution, as defined in s. 299.01 (4).
  - b. Substances that if released into the air, land, or waters of the state due to the redevelopment of an existing structure would be harmful to public health or harmful for commercial or recreational use.
- 2. "Environmental remediation tax incremental district" means a tax incremental district created under this section, most of the territory of which consists of areas that contain significant environmental pollution, and which is subject to the conditions and limitations contained in this subsection.

(b) Before a city may adopt a resolution under sub. (4) (gm) with regard to an environmental remediation tax incremental district, the local legislative body shall do all of the following:

- 1. Obtain under par. (c) a certified site investigation report from the department of natural resources. The city shall submit a copy of the certified report to the department of revenue before the department may allocate tax increments under sub. (6).
- 2. Certify to the department of revenue that at least one of the items specified in this subd. 2. a. or b. apply. The starting point for determining a tax incremental district's remaining life, under this subd. 2. a. and b., is the date on which the planning commission adopts the project plan under sub. (4) (f) or an amendment to the project plan under sub. (4) (h). The certified item shall be one of the following:
  - a. The project plan specifies that the city expects all project costs to be paid within 90 percent of the tax incremental district's remaining life, based on the district's termination date as calculated under sub. (7) (ak) to (au).
  - b. The project plan specifies that expenditures may be made only within the first half of the tax incremental district's remaining life, based on the district's termination date as calculated under sub. (7) (ak) to (au), and the limitation on the expenditure period does not apply to any expenditure that is made to address significant environmental pollution that was not identified in the original certified site investigation report described in par. (c). No expenditure under this subdivision may be made later than the time during which an expenditure may be made under sub. (6) (am).

(c) To obtain a certified site investigation report, the city shall send to the department of natural resources a detailed description of the significant environmental pollution that exists in the proposed district, and a proposed remedial action plan that contains cost estimates for anticipated project costs and a schedule for the design, implementation, and construction that is needed to complete the remediation with respect to the proposed district in accordance with rules promulgated by the department of natural resources. If the department of natural resources agrees with the city's description of the conditions in the proposed district and approves of the city's proposed remedial action plan, it shall provide the city with written certification that the department of natural resources has approved the site investigation report. If the department of natural resources does not approve the report, the city may modify and resubmit the report to the department of natural resources.

(d) With regard to an environmental remediation tax incremental district created under this subsection:

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

current district so designated terminates.

2. Notwithstanding the provisions of sub. (5), the tax incremental base of the district shall be \$1 when the district is created.

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

**History:** 1975 c. 105, 199, 311; 1977 c. 29 ss. 724m, 725, 1646 (1), (3); 1977 c. 418; 1979 c. 221, 343; 1979 c. 361 s. 112; 1981 c. 20, 317; 1983 a. 27, 31, 207, 320, 405, 538; 1985 a. 29, 39, 285; 1987 a. 27, 186, 395; 1989 a. 31, 336; 1993 a. 293, 337, 399; 1995 a. 27 ss. 3330c to 3337, 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 335; 1997 a. 3, 27, 237, 252; 1999 a. 9; 1999 a. 150 ss. 457 to 472; Stats. 1999 s. 66.1105; 2001 a. 5, 11, 16, 104; 2003 a. 34, 46, 126, 127, 194, 320, 326; 2005 a. 6, 13, 46, 328, 331, 385; 2007 a. 2, 10, 21, 41, 43, 57, 73, 96; 2009 a. 5, 28, 67, 170, 176, 310, 312; 2011 a. 10, 12, 32, 40, 41, 77, 137, 139; 2011 a. 260 s. 81; 2013 a. 2, 32, 90; 2013 a. 165 ss. 43, 44, 114; 2013 a. 173 s. 32; 2013 a. 183, 193, 284, 299; 2015 a. 60, 75, 96; 2015 a. 195 s. 83; 2015 a. 197 s. 51; 2015 a. 254, 255, 256, 257; 2017 a. 1, 15, 58, 59, 70, 223, 349; 2017 a. 364 ss. 10, 48, 49; 2017 a. 365; 2019 a. 21, 37, 179; 2021 a. 1, 68, 94, 142, 149; 2021 a. 238 s. 44; 2021 a. 239 ss. 73, 74; 2021 a. 240 ss. 29, 30; 2023 a. 8, 12; s. 35.17 correction in (2) (f) 2. e.

The tax increment law constitutionally authorizes financing of described public improvements, but does not authorize acquisition of private property by condemnation. *Sigma Tau Gamma Fraternity House v. Menomonie*, 93 Wis. 2d 392, 288 N.W.2d 85 (1980).

TIF bonds that a city proposed to issue under this section constituted debt under article XI, section 3 and are subject to its debt limits. *City of Hartford v. Kirley*, 172 Wis. 2d 191, 493 N.W.2d 45 (1992).

Whether the city appropriately determined the project costs under sub. (2) (f) 1. is not a relevant consideration for the joint review board under sub. (4m) (c) 1. The joint review board generally considers the benefits and costs of the TIF district. A failure to consider whether the project plan should include the cost of improving areas outside the TIF district is not grounds for invalidating the board's decision. *State ex rel. Olson v. City of Baraboo Joint Review Board*, 2002 WI App 64, 252 Wis. 2d 628, 643 N.W.2d 796, 01-0201.

While sub. (4m) (c) 1. directs the joint review board to consider whether the development expected in the TIF district would occur without the use of tax incremental financing, it does not follow that the joint review board is barred from approving a TIF district if there is any land within the district that would have otherwise been developed. *State ex rel. Olson v. City of Baraboo Joint Review Board*, 2002 WI App 64, 252 Wis. 2d 628, 643 N.W.2d 796, 01-0201.

TIF districts can be created or amended without notice to or input from towns that adjoin the creating municipality. Although property taxpayers in adjoining towns that lie within the same overlying taxing districts are arguably affected when TIF districts are created or amended, the towns themselves are not, and lack legally protected interests at stake in the amendment of the TIF district. Consequently, towns lack standing to challenge the creation of a TIF district by an adjoining municipality. *Town of Baraboo v. Village of West Baraboo*, 2005 WI App 96, 283 Wis. 2d 479, 699 N.W.2d 610, 04-0980.

A city may lawfully agree to cooperate with a business venture in an effort to create a TIF district as long as it is clear from the agreement that all applicable laws and procedures are to be followed. The city is not bound until the common council votes to approve the agreement. *Town of Brockway v. City of Black River Falls*, 2005 WI App 174, 285 Wis. 2d 708, 702 N.W.2d 418, 04-2916.

A finding of blight under sub. (4) (gm) 4. a. and a "but for" assertion under sub. (4m) (b) 2. are not susceptible to an action for declaratory judgment because they are legislative determinations that do not give rise to justiciable issues of fact or law. The plain language of the provisions does not require that the local legislative body itemize the evidence in the record that supports the finding of blight or "but for" assertion. *Voters with Facts v. City of Eau Claire*, 2018 WI 63, 382 Wis. 2d 1, 913 N.W.2d 131, 15-1858.

When there are no statutory provisions for judicial review, the action of a board or commission may be reviewed by way of certiorari. No statutory appeal process has been created to review the formation of a tax incremental district; therefore, certiorari review of the decisions of both the city common council and the joint review board is appropriate. *Voters with Facts v. City of Eau Claire*, 2018 WI 63, 382 Wis. 2d 1, 913 N.W.2d 131, 15-1858.

Tax increment law appears constitutional on its face. 65 Atty. Gen. 194.

A joint review board created under sub. (4m) may conclude that an amendment to a tax incremental district (TID) to provide for payment of already-scheduled street paving work is appropriate for inclusion as proposed project costs. The board could also approve actual street paving expenditures incurred outside of a TID and within a one-half mile radius of the TID's boundaries, if the expenditures are in accordance with the approved project plan. OAG 6-11.

A Modest Proposal: Eliminating Blight, Abolishing But-For, and Putting New Purpose in Wisconsin's Tax Increment Financing Law. Farwell. 89 MLR 407 (2005).

Developer-Funded Tax Incremental Financing: Promoting Development Without Breaking the Bank. Ishikawa. Wis. Law. May 2006.

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