

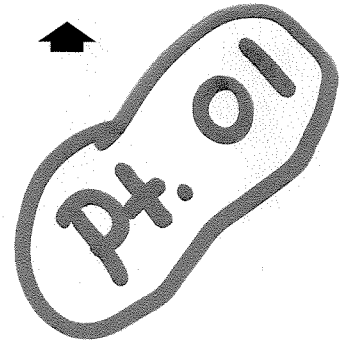


State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/02/2004 (Per: MES)



☞ The 2003 drafting file for LRB 03-2260/4

has been transferred to the drafting file for

2005 LRB 05-1111

☞ This cover sheet, the final request sheet, and the final version of the 2003 draft were copied on yellow paper, and returned to the original 2003 drafting file.

☞ The attached 2003 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2003 DRAFTING REQUEST

Bill

Received: **03/08/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Jeff**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize the creation of neighborhood improvement districts

Instructions:

See Attached. Authorize creation of neighborhood improvement districts, based on the business improvement district statute, s. 66.1109

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 03/08/2003	kfollett 03/12/2003					S&L
/1			pgreensl 03/12/2003		mbarman 03/12/2003		S&L

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FE Sent For:

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		kfollett 12/12/2003		_____			
/3	mshovers 02/15/2004	kfollett 02/17/2004	rschluet 02/17/2004	_____	sbasford 02/17/2004		

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 FE Sent For: 2-18
 CH
 PK 2-18
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Handwritten signatures and initials are present over the Drafting History table, including a large signature over the 'jfrantze' entry and initials 'CH' and '2.3.4' below it.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/3	mshovers 02/15/2004	lrb_editor		_____			

FE Sent For:

<END>

Shovers, Marc

From: Kostelic, Jeff
Sent: Monday, February 16, 2004 3:31 PM
To: Shovers, Marc
Subject: RE: NID bill

Marc,

Thanks for your work on this bill. Just a point of clarification - Representative Colon has divorced himself from this legislation. Representative Richards is taking the lead. The modifications you incorporated into the bill are at the request of Rep. Richards.

Jeff

-----Original Message-----

From: Shovers, Marc
Sent: Monday, February 16, 2004 3:25 PM
To: Kostelic, Jeff
Subject: RE: NID bill



Hi Jeff:

Yes, I finished it yesterday and it's in editing now. It should be out tomorrow. As you'll see in the drafter's note on the bill when you get it, the pre-drafted instructions were confusing in one particular area and resulted in a fair amount of complexity. Consequently, I'm not sure that I've captured Rep. Colon's intent. Let me know if any changes are needed.

Marc

-----Original Message-----

From: Kostelic, Jeff
Sent: Monday, February 16, 2004 3:21 PM
To: Shovers, Marc
Subject: NID bill

Marc,

Were you able to finish the new draft of the NID bill?

Jeff Kostelic
Office of Representative Jon Richards
266-0650

2003 DRAFTING REQUEST

Bill

Received: 03/08/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: *Rep. Richards*
Pedro Colon (608) 267-7669 *266-0650*

By/Representing: Joe

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact: *Rep. Richards, Sen. Kanavas,*
+ their staffs

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Colon@legis.state.wi.us

Carbon copy (CC:) to:

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For: **Pedro Colon (608) 267-7669**

By/Representing: **Joe**

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Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Colon@legis.state.wi.us** ✓

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/1			pgreensl 03/12/2003	_____	mbarman 03/12/2003		

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12/12 [Signature] 12/2

FE Sent For:

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Wanted: **As time permits**

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By/Representing: **Joe**

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Subject: **Munis - miscellaneous**

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11 MES	3/8/03	3/12	pg	pg			

1/?

11 MES mshovers

3/8/03

1/1 lgf 3/12

3/12 pg pg

FE Sent For:

<END>

Shovers, Marc

From: Marchant, Robert
Sent: Monday, March 03, 2003 12:50 PM
To: Shovers, Marc
Subject: Drafting request

Hi, Marc--

Welcome back. While you were gone, Joe Hoey from Pedro Colon's office contacted PG, who contacted me, concerning neighborhood improvement districts. Representative Colon wants something modeled after business improvement districts. Since business improvement districts are something you handle, would you contact Joe? If you think this draft should be done by me, please let me know. Thanks.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
608-261-4454



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1446/P1

MES:kjfrs

-2260/1

OTHER

RMNA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 66.1110 of the statutes; relating to: authorizing the creation
2 of residential improvement zones. *neighborhood districts*

Analysis by the Legislative Reference Bureau

Under current law a city, village, or town (municipality) may create a business improvement district (BID), upon being petitioned to do so by an owner of real property used for commercial purposes, if a number of steps are taken. In general, a BID is an area within a municipality consisting of contiguous parcels that are subject to general real estate taxes, other than railroad rights-of-way. If a BID is created under an approved operating plan, the municipality may impose special assessments on real property located within the BID, other than property used exclusively for residential purposes, to provide for the development, redevelopment, maintenance, operation, and promotion of the BID. A BID may not be created, however, if a petition opposing the proposed BID is submitted to the municipality's governing body by the owners of property to be assessed under the proposed plan having a valuation equal to at least 40% of the valuation of all property to be so assessed.

This bill allows a municipality to create a residential improvement zone (RIZ), upon being petitioned to do so by an owner of real property used exclusively for residential purposes, if a number of steps are taken. These steps are based on the current law that allows the creation of a BID. In general, under the bill, a RIZ is an area within a municipality consisting of parcels that are nearby, but not necessarily contiguous, and that are used exclusively for residential purposes and are subject to general real estate taxes, and also includes property that is acquired by the RIZ. If

neighborhood district
NEO

NID
 a RIZ is created under an approved operating plan, the municipality may impose special assessments on real property located within the RIZ, other than property used exclusively for commercial or manufacturing purposes, to provide for the development, redevelopment, maintenance, operation, and promotion of the RIZ. Under the bill, a municipality or a RIZ board, as specified in the operating plan, has all of the powers necessary or convenient to implement the operating plan, and specifically grants a municipality or a RIZ board the power to enter into contracts and to acquire and transfer property within the RIZ.

In general, the provisions in this bill related to the filing of a petition to create a RIZ, the imposition of special assessments on real property located within the RIZ, and the termination of a RIZ, are very similar to the current law provisions related to a BID, although this bill contains additional procedures under which a RIZ may not be created or may be terminated.

A RIZ may not be created if the owners of property who constitute more than 40% of the total number of owners of real property to be assessed under the proposed initial operating plan have filed a petition with the planning commission protesting the proposed RIZ or its proposed operating plan. In addition, a RIZ may be terminated if the owners of property who constitute more than 50% of the total number of owners of real property who are assessed under the operating plan file a petition with the planning commission requesting the termination of the RIZ.

Under this bill a RIZ may include property owned by a RIZ and, if a RIZ terminates, any property owned by the RIZ becomes property of the municipality in which the RIZ is located or, if specified in the operating plan, property owned by the RIZ may become property of a benevolent association that is located in the RIZ if the association certifies in writing to the municipality that the association will use the real property only for a public purpose. The bill defines "benevolent association" as a corporation, organization, or association, under the Internal Revenue Code (IRC), that is organized for educational, scientific, charitable, or religious purposes and is exempt from taxation under the IRC.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 66.1110 of the statutes is created to read:

2 66.1110 ~~Residential improvement zones~~ ^{Neighborhood[Ⓟ] districts[Ⓟ]} (1) In this section:

3 (a) "Benevolent association" means a corporation, organization, or association
 4 described in section 501 (c) 3 of the Internal Revenue Code that is exempt from
 5 taxation under section 501 (a) of the Internal Revenue Code.

1 (b) "Board" means a residential improvement zone board appointed under sub.

2 (4) (a).

3 (c) "Chief executive officer" means a mayor, city manager, village president, or
4 town chairperson.

5 (d) "Local legislative body" means a common council, village board of trustees,
6 or town board of supervisors.

7 (e) "Municipality" means a city, village, or town.

8 (f) "Operating plan" means a plan adopted or amended under this section for
9 the development, redevelopment, maintenance, operation, and promotion of a
10 residential improvement zone.

11 (g) "Owner" means the owner of real property that is used exclusively for
12 residential purposes and is located within the boundaries, or the proposed
13 boundaries, of a residential improvement zone.

14 (h) "Planning commission" means a plan commission under s. 62.23 or, if none
15 exists, a board of public land commissioners or, if none exists, a planning committee
16 of the local legislative body.

17 (i) "Residential improvement zone" means an area within a municipality
18 consisting of nearby, but not necessarily contiguous, parcels that are used exclusively
19 for residential purposes and are subject to general real estate taxes, and property
20 that is acquired by the board under sub. (4) (d).

21 (2) An operating plan shall include at least all of the following elements:

22 (a) The special assessment method applicable to the residential improvement
23 zone.

24 (b) The kind, number, and location of all proposed expenditures within the
25 residential improvement zone.

neighbourhood district

*use
3
time*

*use
twice*

Neighborhood district

more

neighbourhood

*use
twice*

*use
twice*

1 (c) A description of the methods of financing all estimated expenditures and the
2 time when related costs will be incurred.

3 (d) A description of how the creation of the ^{neighborhood} residential improvement ^{district} zone,
4 promotes the orderly development of the municipality, including its relationship to
5 any municipal master plan.

6 (e) A legal opinion that pars. (a) to (d) have been complied with.

7 (3) A municipality may create a residential improvement zone and adopt its
8 operating plan if all of the following conditions are met:

9 (a) An owner of real property used exclusively for residential purposes and
10 located in the proposed residential improvement zone designated under par. (b) has
11 petitioned the municipality for creation of a residential improvement zone.

12 (b) The planning commission has designated a proposed residential
13 improvement zone and adopted its proposed initial operating plan.

14 (c) At least 30 days before creation of the residential improvement zone and
15 adoption of its initial operating plan by the municipality, the planning commission
16 has held a public hearing on its proposed residential improvement zone and initial
17 operating plan. Notice of the hearing shall be published as a class 2 notice under ch.
18 985. Before publication, a copy of the notice, together with a copy of the proposed
19 initial operating plan and a copy of a detail map showing the boundaries of the
20 proposed residential improvement zone, shall be sent by certified mail to all owners
21 of real property within the proposed residential improvement zone. The notice shall
22 state the boundaries of the proposed residential improvement zone and shall
23 indicate that copies of the proposed initial operating plan are available from the
24 planning commission on request.

neighborhood
1 (d) Within 30 days after the hearing under par. (c), one of the following has not
2 filed a petition with the planning commission protesting the proposed residential
3 improvement ~~zone~~ ^{district} or its proposed initial operating plan:

4 1. The owners of property to be assessed under the proposed initial operating
5 plan having a valuation equal to more than 40% of the valuation of all property to
6 be assessed under the proposed initial operating plan, using the method of valuation
7 specified in the proposed initial operating plan.

8 2. The owners of property to be assessed under the proposed initial operating
9 plan having an assessed valuation equal to more than 40% of the assessed valuation
10 of all property to be assessed under the proposed initial operating plan.

11 3. The owners of property who constitute more than 40% of the total number
12 of owners of real property to be assessed under the proposed initial operating plan.

13 (e) The local legislative body has voted to adopt the proposed initial operating
14 plan for the municipality.

15 (4) (a) The chief executive officer shall appoint members to a residential
16 improvement ~~zone~~ board to implement the operating plan. Board members shall be
17 confirmed by the local legislative body, shall serve staggered terms designated by the
18 local legislative body, and shall own residential property in the residential
19 improvement ~~zone~~. The board shall have at least 5 members.

20 (b) The board shall annually consider and may make changes to the operating
21 plan, which may include termination of the plan, for the residential improvement
22 ~~zone~~. The board shall then submit the operating plan to the local legislative body for
23 its approval. If the local legislative body disapproves the operating plan, the board
24 shall consider and may make changes to the operating plan and may continue to
25 resubmit the operating plan until local legislative body approval is obtained. Any

district

neighborhood

1 change to the special assessment method applicable to the residential improvement
2 zone shall be approved by the local legislative body.

3 (c) The board shall prepare and make available to the public annual reports
4 describing the current status of the residential improvement zone, including
5 expenditures and revenues. The report shall include an independent certified audit
6 of the implementation of the operating plan obtained by the municipality. The
7 municipality shall obtain an additional independent certified audit upon
8 termination of the residential improvement zone.

9 (d) Either the board or the municipality, as specified in the operating plan as
10 adopted, or amended and approved under this section, has all of the powers
11 necessary or convenient to implement the operating plan, including all of the
12 following:

13 1. The power to contract.

14 2. The power to acquire, by purchase or gift, and the power to transfer, property
15 within the residential improvement zone.

16 (5) All special assessments received from a residential improvement zone and
17 all other appropriations by the municipality or other moneys received for the benefit
18 of the residential improvement zone shall be placed in a segregated account in the
19 municipal treasury. No disbursements from the account may be made except to
20 reimburse the municipality for appropriations other than special assessments, to
21 pay the costs of audits required under sub. (4) (c) or on order of the board for the
22 purpose of implementing the operating plan. On termination of the residential
23 improvement zone by the municipality, all moneys collected by special assessment
24 remaining in the account shall be disbursed to the owners of specially assessed
25 property in the residential improvement zone, in the same proportion as the last

1 collected special assessment, and all property owned by the residential improvement
 2 zone shall become property of the municipality or, if specified in the operating plan,
 3 property owned by the residential improvement zone may become property of a
 4 benevolent association that is located in the residential improvement zone if the
 5 association certifies in writing to the municipality that it will use the real property
 6 only for a public purpose.

7 (6) (a) Subject to pars. (b) and (c), a municipality shall terminate a residential
 8 improvement zone if one of the following files a petition with the planning
 9 commission requesting termination of the residential improvement zone:

10 1. The owners of property assessed under the operating plan having a valuation
 11 equal to more than 50% of the valuation of all property assessed under the operating
 12 plan, using the method of valuation specified in the operating plan.

13 2. The owners of property assessed under the operating plan having an
 14 assessed valuation equal to more than 50% of the assessed valuation of all property
 15 assessed under the operating plan.

16 3. The owners of property who constitute more than 50% of the total number
 17 of owners of real property who are assessed under the operating plan.

18 (b) 1. A petition may not be filed under this subsection earlier than one year
 19 after the date on which the municipality first adopts the operating plan for the
 20 residential improvement zone.

21 2. On and after the date on which a petition is filed under this subsection,
 22 neither the board nor the municipality may enter into any new obligations by
 23 contract or otherwise to implement the operating plan until the expiration of 30 days
 24 after the date of the hearing under subd. 3. and unless the residential improvement
 25 zone is not terminated under par. (c).

district

neighborhood

neighborhood

district zone

neighborhood

district

1 3. Within 30 days after the filing of a petition under this subsection, the
 2 planning commission shall hold a public hearing on the proposed termination.
 3 Notice of the hearing shall be published as a class 2 notice under ch. 985. Before
 4 publication, a copy of the notice, together with a copy of a detail map showing the
 5 boundaries of the residential improvement zone, shall be sent by certified mail to all
 6 owners of real property within the residential improvement zone. The notice shall
 7 state the boundaries of the residential improvement zone and shall indicate that
 8 copies of the operating plan are available from the planning commission on request
 9 and are posted in the building in which the municipality's governing body regularly
 10 holds its meetings.

11 4. Within 30 days after the date of the hearing under subd. 3., every owner of
 12 property assessed under the operating plan may send written notice to the planning
 13 commission indicating, if the owner signed a petition under this subsection, that the
 14 owner retracts the owner's request to terminate the residential improvement zone,
 15 or, if the owner did not sign the petition, that the owner requests termination of the
 16 residential improvement zone.

17 (c) After the expiration of 30 days after the date of the hearing under par. (b)
 18 3., and after subtracting any retractions under par. (b) 4., the municipality shall
 19 terminate the residential improvement zone on the date on which the obligation with
 20 the latest completion date entered into to implement the operating plan expires if the
 21 owners who have signed the petition requesting the termination of the residential
 22 improvement zone constitute one of the groups specified in par. (a).

23 (7) (a) Real property used exclusively for commercial or manufacturing
 24 purposes may not be specially assessed for purposes of this section.

25 (b) A municipality may terminate a residential improvement zone at any time.

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, March 19, 2003 1:34 PM
To: Hoey, Joseph
Subject: LRB -2260/1 (attached)



03-2260/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Shovers, Marc

From: Hoey, Joseph
Sent: Tuesday, September 23, 2003 4:52 PM
To: Shovers, Marc
Subject: LRB 2260

Marc,

Don't know if you've gotten any changes to LRB 2260 from Audra Millen, but in case you haven't Pedro would like you to go ahead and make the changes outlined in the attached file.

Please let me know if you have any questions.

Thanks.

Joe Hoey
Rep. Colón's Office



Changes to
draft.doc

Starting on Page 2 Line 10 -

Change definition of "Neighborhood improvement district" -

not done

"Neighborhood improvement district" means an area within a municipality consisting of nearby, but not necessarily contiguous, parcels [located within the same block or in adjacent blocks separated only by a public street] that are used [at least in part] exclusively for residential purposes and are subject to general real estate taxes, and property that is acquired [and owned] by the board [if the local legislative body approved acquisition of the property as part of the local legislative body's adoption of the operating plan.

Starting on Page 3 Line 6 -

Strike "used exclusively for residential purposes and is"

On Page 3 change (e) and add (f) and (g)

(e) A statement as to whether the neighborhood improvement district has the authority to own real property.

(f) In the event that the neighborhood improvement district is vested with authority to own real property, a description of the real property to be owned, the purpose of such ownership and to whom the real property will be transferred upon termination of the neighborhood improvement district.

(g) A legal opinion that pars. (a) to (f) have been complied with.

Starting on Page 4 Line 1 -

Replace "used exclusively for residential purposes" with "subject to general real estate taxes"

Page 5 -

Change (4)(a) to replace the requirement that all board members own residential property in the NID with a requirement that a majority of board members own or occupy property in the NID. City attorney came up with the following language-

"The chief executive officer shall appoint members to a neighborhood improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and, shall serve staggered terms designated by the local legislative body, and shall own residential property in the neighborhood improvement district. The board shall have at least 5 members. [A majority of board members shall own or occupy real property in the neighborhood improvement district.]"

Page 6 Line 18

*2
makes no sense w/ this requirement*

Modify language regarding termination of a NID to require a request for termination from both a group representing 50% of all property owners assessed under the plan and a group comprising 50% of the value of all real property assessed under the plan. City attorney came up with the following language –

(6) (a) Subject to pars. (b) and (c), a municipality shall terminate a neighborhood improvement district if both of the following file a petition with the planning commission requesting termination of the neighborhood improvement district:

1. (i) The owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan or

(ii) The owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan; and.

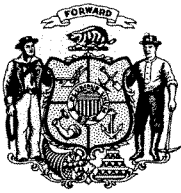
2. The owners of property who constitute more than 50% of the total number of owners of real property who are assessed under the operating plan.

Page 8 Line 10

Cut “one of”

Page 8 Line 12

Cut (a)



Other

State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2260/1

MES:kjf:pg

2
FMR

2003 BILL

D-note

paper

1 AN ACT to create 66.1110 of the statutes; relating to: authorizing the creation
2 of neighborhood improvement districts.

Analysis by the Legislative Reference Bureau

Under current law a city, village, or town (municipality) may create a business improvement district (BID), upon being petitioned to do so by an owner of real property used for commercial purposes, if a number of steps are taken. In general, a BID is an area within a municipality consisting of contiguous parcels that are subject to general real estate taxes, other than railroad rights-of-way. If a BID is created under an approved operating plan, the municipality may impose special assessments on real property located within the BID, other than property used exclusively for residential purposes, to provide for the development, redevelopment, maintenance, operation, and promotion of the BID. A BID may not be created, however, if a petition opposing the proposed BID is submitted to the municipality's governing body by the owners of property to be assessed under the proposed plan having a valuation equal to at least 40% of the valuation of all property to be so assessed.

This bill allows a municipality to create a neighborhood improvement district (NID), upon being petitioned to do so by an owner of real property used exclusively for residential purposes, if a number of steps are taken. These steps are based on the current law that allows the creation of a BID. In general, under the bill, a NID is an area within a municipality consisting of parcels that are nearby, but not necessarily contiguous, and that are used exclusively for residential purposes and are subject to general real estate taxes, and also include property that is acquired by the NID. If

percent that is located in the NID or in the proposed NID

at least some of which

board board and owned

- 2 -
(Not)

A municipality may authorize a NID board to own real property.

BILL

a NID is created under an approved operating plan, the municipality may impose special assessments on real property located within the NID, ~~other than property used exclusively for commercial or manufacturing purposes~~ to provide for the development, redevelopment, maintenance, operation, and promotion of the NID. Under the bill, a municipality or a NID board, as specified in the operating plan, has all of the powers necessary or convenient to implement the operating plan, and specifically grants a municipality or a NID board the power to enter into contracts.

In general, the provisions in this bill related to the filing of a petition to create a NID, the imposition of special assessments on real property located within the NID, and the termination of a NID are very similar to the current law provisions related to a BID, although this bill contains additional procedures under which a NID may not be created or may be terminated.

Percent A NID may not be created if the owners of property who constitute more than 40% of the total number of owners of real property to be assessed under the proposed initial operating plan have filed a petition with the planning commission protesting the proposed NID or its proposed operating plan. In addition, a NID may be terminated if the owners of property who constitute more than 50% of the total number of owners of real property who are assessed under the operating plan file a petition with the planning commission requesting the termination of the NID. *percent*

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

and if either one of two specified groups of property owners file a similar petition

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

1 SECTION 1. 66.1110 of the statutes is created to read:

2 **66.1110 Neighborhood improvement districts.** (1) In this section:

3 (a) "Board" means a neighborhood improvement district board appointed
4 under sub. (4) (a).

5 (b) "Chief executive officer" means a mayor, city manager, village president, or
6 town chairperson.

7 (c) "Local legislative body" means a common council, village board of trustees,
8 or town board of supervisors.

9 (d) "Municipality" means a city, village, or town.

10 (e) "Neighborhood improvement district" means an area within a municipality
11 consisting of nearby but not necessarily contiguous parcels *at least some of which* are used ~~exclusively~~

BILL

and owned by if the local legislative body approved acquisition of the property

1 for residential purposes and are subject to general real estate taxes, and property
2 that is acquired by the board under sub. (4) (d).

as part of its approval of the initial operating plan under sub. (3) (e)

3 (f) "Operating plan" means a plan adopted or amended under this section for
4 the development, redevelopment, maintenance, operation, and promotion of a
5 neighborhood improvement district.

6 (g) "Owner" means the owner of real property that is ~~used exclusively for~~
7 ~~residential purposes and is~~ located within the boundaries, or the proposed
8 boundaries, of a neighborhood improvement district.

9 (h) "Planning commission" means a plan commission under s. 62.23 or, if none
10 exists, a board of public land commissioners or, if none exists, a planning committee
11 of the local legislative body.

12 (2) An operating plan shall include at least all of the following elements:

13 (a) The special assessment method applicable to the neighborhood
14 improvement district.

15 (b) The kind, number, and location of all proposed expenditures within the
16 neighborhood improvement district.

17 (c) A description of the methods of financing all estimated expenditures and the
18 time when related costs will be incurred.

19 (d) A description of how the creation of the neighborhood improvement district
20 promotes the orderly development of the municipality, including its relationship to
21 any municipal master plan.

*NS
3-21*

22 (f) ~~(e)~~ A legal opinion that pars. (a) to ~~(d)~~ ^(e) have been complied with.

23 (3) A municipality may create a neighborhood improvement district and adopt
24 its operating plan if all of the following conditions are met:

BILL

subject to general real estate taxes

1 (a) An owner of real property ~~used exclusively for residential purposes~~ and
2 located in the proposed neighborhood improvement district designated under par. (b)
3 has petitioned the municipality for creation of a neighborhood improvement district.

4 (b) The planning commission has designated a proposed neighborhood
5 improvement district and adopted its proposed initial operating plan.

6 (c) At least 30 days before creation of the neighborhood improvement district
7 and adoption of its initial operating plan by the municipality, the planning
8 commission has held a public hearing on its proposed neighborhood improvement
9 district and initial operating plan. Notice of the hearing shall be published as a class
10 2 notice under ch. 985. Before publication, a copy of the notice, together with a copy
11 of the proposed initial operating plan and a copy of a detail map showing the
12 boundaries of the proposed neighborhood improvement district, shall be sent by
13 certified mail to all owners of real property within the proposed neighborhood
14 improvement district. The notice shall state the boundaries of the proposed
15 neighborhood improvement district and shall indicate that copies of the proposed
16 initial operating plan are available from the planning commission on request.

17 (d) Within 30 days after the hearing under par. (c), one of the following has not
18 filed a petition with the planning commission protesting the proposed neighborhood
19 improvement district or its proposed initial operating plan:

20 1. The owners of property to be assessed under the proposed initial operating
21 plan having a valuation equal to more than 40% *one percent* of the valuation of all property to
22 be assessed under the proposed initial operating plan, using the method of valuation
23 specified in the proposed initial operating plan.

BILL

1 2. The owners of property to be assessed under the proposed initial operating
2 plan having an assessed valuation equal to more than 40%^{e percent} of the assessed valuation
3 of all property to be assessed under the proposed initial operating plan.

4 3. The owners of property who constitute more than 40%^{e percent} of the total number
5 of owners of real property to be assessed under the proposed initial operating plan.

6 (e) The local legislative body has voted to adopt the proposed initial operating
7 plan for the municipality.

8 (4) (a) The chief executive officer shall appoint members to a neighborhood
9 improvement district board to implement the operating plan. Board members shall
10 be confirmed by the local legislative body^{and} shall serve staggered terms designated by
11 the local legislative body^{and} shall own^{or occupy} residential property in the neighborhood
12 improvement district. The board shall have at least 5 members^{a majority of whom}

13 (b) The board shall annually consider and may make changes to the operating
14 plan, which may include termination of the plan, for the neighborhood improvement
15 district. The board shall then submit the operating plan to the local legislative body
16 for its approval. If the local legislative body disapproves the operating plan, the
17 board shall consider and may make changes to the operating plan and may continue
18 to resubmit the operating plan until local legislative body approval is obtained. Any
19 change to the special assessment method applicable to the neighborhood
20 improvement district shall be approved by the local legislative body.

21 (c) The board shall prepare and make available to the public annual reports
22 describing the current status of the neighborhood improvement district, including
23 expenditures and revenues. The report shall include an independent certified audit
24 of the implementation of the operating plan obtained by the municipality. The

BILL

1 municipality shall obtain an additional independent certified audit upon
2 termination of the neighborhood improvement district.

3 (d) Either the board or the municipality, as specified in the operating plan as
4 adopted, or amended and approved under this section, has all of the powers
5 necessary or convenient to implement the operating plan, including the power to
6 contract.

7 (5) All special assessments received from a neighborhood improvement district
8 and all other appropriations by the municipality or other moneys received for the
9 benefit of the neighborhood improvement district shall be placed in a segregated
10 account in the municipal treasury. No disbursements from the account may be made
11 except to reimburse the municipality for appropriations other than special
12 assessments, to pay the costs of audits required under sub. (4) (c) or on order of the
13 board for the purpose of implementing the operating plan. On termination of the
14 neighborhood improvement district by the municipality, all moneys collected by
15 special assessment remaining in the account shall be disbursed to the owners of
16 specially assessed property in the neighborhood improvement district, in the same
17 proportion as the last collected special assessment.

18 (6) (a) Subject to pars. (b) and (c), a municipality shall terminate a
19 neighborhood improvement district if ^{the owners described under} ~~one of the following~~ ^{subd. 3, and either the owners} files a petition with the
20 planning commission requesting termination of the neighborhood improvement
21 district: ^{described under subd. 1. or 2.}

22 1. The owners of property assessed under the operating plan having a valuation
23 equal to more than ^{50 percent} 50% of the valuation of all property assessed under the operating
24 plan, using the method of valuation specified in the operating plan.

BILL

1 2. The owners of property assessed under the operating plan having an
2 assessed valuation equal to more than 50%^{er percent} of the assessed valuation of all property
3 assessed under the operating plan.

4 3. The owners of property who constitute more than 50%^{er percent} of the total number
5 of owners of real property who are assessed under the operating plan.

6 (b) 1. A petition may not be filed under this subsection earlier than one year
7 after the date on which the municipality first adopts the operating plan for the
8 neighborhood improvement district.

9 2. On and after the date on which a petition is filed under this subsection,
10 neither the board nor the municipality may enter into any new obligations by
11 contract or otherwise to implement the operating plan until the expiration of 30 days
12 after the date of the hearing under subd. 3. and unless the neighborhood
13 improvement district is not terminated under par. (c).

14 3. Within 30 days after the filing of a petition under this subsection, the
15 planning commission shall hold a public hearing on the proposed termination.
16 Notice of the hearing shall be published as a class 2 notice under ch. 985. Before
17 publication, a copy of the notice, together with a copy of a detail map showing the
18 boundaries of the neighborhood improvement district, shall be sent by certified mail
19 to all owners of real property within the neighborhood improvement district. The
20 notice shall state the boundaries of the neighborhood improvement district and shall
21 indicate that copies of the operating plan are available from the planning
22 commission on request and are posted in the building in which the municipality's
23 governing body regularly holds its meetings.

24 4. Within 30 days after the date of the hearing under subd. 3., every owner of
25 property assessed under the operating plan may send written notice to the planning

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1 commission indicating, if the owner signed a petition under this subsection, that the
 2 owner retracts the owner's request to terminate the neighborhood improvement
 3 district, or, if the owner did not sign the petition, that the owner requests termination
 4 of the neighborhood improvement district.

5 (c) After the expiration of 30 days after the date of the hearing under par. (b)
 6 3., and after subtracting any retractions under par. (b) 4., the municipality shall
 7 terminate the neighborhood improvement district on the date on which the
 8 obligation with the latest completion date entered into to implement the operating
 9 plan expires if the owners who have signed the petition requesting the termination
 10 of the neighborhood improvement district constitute ~~one~~ ^{required} of the groups specified in
 11 par. (a).

12 ~~(7) (a) Real property used exclusively for commercial or manufacturing~~
 13 ~~purposes may not be specially assessed for purposes of this section.~~

14 ~~no~~ (a) ~~(a)~~ A municipality may terminate a neighborhood improvement district at any
 15 time.

16 (b) ~~(a)~~ This section does not limit the power of a municipality under other law to
 17 regulate the use of or specially assess real property.

18 (END)

D- Note

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2260/2ins
MES:kjf:pg

INSERT 3-21

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a statement of to whom the real property will be transferred if the neighborhood improvement district is terminated.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2260/2dn
MES:kjf:pg

Date

Representative Colon:

As I read it,
I have made the changes you requested, except I did not incorporate all of your suggested changes to the definition of "neighborhood improvement district." Your instructions suggested that the definition state that NID means "an area within a municipality consisting of nearby, but not necessarily contiguous, parcels *located within the same block or in adjacent blocks separated only by a public street* that are used *at least in part exclusively* for residential purposes. . . ." The first italicized phrase ~~adds nothing~~ to the definition. I left the phrase out because I did not see how its addition would result in a meaning that was at all different from the /1 version of the bill. Please let me know if this is not OK and if I have misunderstood your intent. And instead of referring to contiguous parcels "that are used *at least in part exclusively* for residential purposes", this version states "contiguous parcels, at least some of which, are used for residential purposes." It seems to me that something must be "exclusively" A or B — it can't be "in part *exclusively*" something. Again, please let me know if this is not OK and if I have misunderstood your intent.

Also, please review the procedure to ^{fr}appoint board members in created s. 66.1110 (4) (a), as redrafted in this version. Your instructions stated that all board members *must own* residential property in a NID **and** that a *majority* of board members must either *own or occupy* real property in a NID. Please review how I reconciled this inconsistency and let me know if any changes need to be made.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

to add anything

doesn't seem

X

X

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2260/2dn
MES:kjf:jf

December 12, 2003

Representative Colon:

I have made the changes you requested, except I did not incorporate all of your suggested changes to the definition of "neighborhood improvement district." Your instructions suggested that the definition state that NID means "an area within a municipality consisting of nearby, but not necessarily contiguous, parcels *located within the same block or in adjacent blocks separated only by a public street* that are used *at least in part exclusively* for residential purposes. . . ." As I read it, the first italicized phrase doesn't seem to add anything to the definition. I left the phrase out because I did not see how its addition would result in a meaning that was at all different from the /1 version of the bill. Please let me know if this is not OK and if I have misunderstood your intent. And instead of referring to contiguous parcels "that are used *at least in part exclusively* for residential purposes," this version states "contiguous parcels, at least some of which, are used for residential purposes." It seems to me that something must be "exclusively" A or B — it can't be "in part *exclusively*" something. Again, please let me know if this is not OK and if I have misunderstood your intent.

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Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Shovers, Marc

From: Kostelic, Jeff
Sent: Wednesday, January 14, 2004 3:36 PM
To: Shovers, Marc
Subject: FW:

Marc,

Here is the email Rep. Colon sent you regarding this draft.

Let me know if I need to get a new email from Rep. Colon prior to the release of 2260.

Thanks.

Jeff

-----Original Message-----

From: Rep.Colon
Sent: Thursday, October 30, 2003 3:42 PM
To: Shovers, Marc
Cc: Kostelic, Jeff; Richards, Mike
Subject:

Marc,

Please feel free to discuss LRB 2260 with Representative Richards, Senator Kanavas and their staff members.

Thank you.

Pedro Colón

Shovers, Marc

From: Kostelic, Jeff
Sent: Tuesday, January 27, 2004 2:14 PM
To: Shovers, Marc
Subject: FW: NID Legislation



1054177_1.doc

Marc,

Attached, please find a document detailing the changes Representative Richards would like to see made to LRB 2260/2.

Please contact me if you have any questions about this request.

Jeff Kostelic
Office of Representative Richards
266-0650

-----Original Message-----

From: Carol M. Wirkkula [mailto:cwirkkul@reinhartlaw.com]
Sent: Friday, January 23, 2004 2:48 PM
To: 'Jeff.kostelic@legis.state.wi.us'
Subject: FW: NID Legislation

> -----Original Message-----

> **From:** Carol M. Wirkkula
> **Sent:** Friday, January 23, 2004 2:42 PM
> **To:** 'Rep. Jon Richards c/o Jeff.kostelic@legis.state.wi.us';
> 'sen.kanavas@legis.state.wi.us'; Richard W. Graber;
> 'bethn@milwaukee downtown.com'; 'kovari@stepupmilwaukee.com';
> 'amille@milwaukee.gov'; 'tbernacc@zilber.com';
> 'tangen@historicthirdward.org'
> **Cc:** Deborah C. Tomczyk
> **Subject:** NID Legislation

> <<1054177_1.doc>>

> I enclose a redraft of the proposed NID legislation reflecting the changes
> agreed upon among Rep. Richards, Tom Bernacchi, Einar Tangen, Beth Nicols
> and me at our meeting late last week. Blacklining shows changes from the
> last version of the NID legislation generated by LRB. Feel free to make
> language change suggestions!

> I also received a voice mail message from Tara Vasby asking for
> information about amounts of BID assessments. BID 21 (the Downtown
> Milwaukee Management District) assesses its owners @ \$1.40 - \$1.50 per
> \$1,000 of real estate assessed value. I asked Audra Millen to help me
> figure out what other BIDs assess.

> Please do not hesitate to call me with questions.

> Deborah C. Tomczyk
> Reinhart Boerner Van Deuren, s.c.
> 1000 North Water Street

> Milwaukee, WI 53202
> Phone: (414) 298-8331
> Fax: (414) 298-8097
> E-mail: dtomczyk@reinhardtllaw.com

>
>
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2003 BILL

1 AN ACT *to create* 66.1110 of the statutes; **relating to:** authorizing the creation
2 of neighborhood improvement districts

Analysis by the Legislative Reference Bureau

Under current law a city, village, or town (municipality) may create a business improvement district (BID), upon being petitioned to do so by an owner of real property used for commercial purposes, if a number of steps are taken. In general, a BID is an area within a municipality consisting of contiguous parcels that are subject to general real estate taxes, other than railroad rights-of-way. If a BID is created under an approved operating plan, the municipality may impose special assessments on real property located within the BID, other than property used exclusively for residential purposes, to provide for the development, redevelopment, maintenance, operation, and promotion of the BID. A BID may not be created, however, if a petition opposing the proposed BID is submitted to the municipality's governing body by the owners of property to be assessed under the proposed plan having a valuation equal to at least 40 percent of the valuation of all property to be so assessed.

This bill allows a municipality to create a neighborhood improvement district (NID), upon being petitioned to do so by an owner of real property that is located in the NID or in the proposed NID, if a number of steps are taken. These steps are based on the current law that allows the creation of a BID. In general, under the bill, a NID is an area within a municipality consisting of parcels that are nearby, but not necessarily contiguous, at least some of which are used for residential purposes and are subject to general real estate taxes, and also may include property that is

BILL

acquired and owned by the NID board. If a NID is created under an approved operating plan, the municipality may impose special assessments on real property located within the NID to provide for the development, redevelopment, maintenance, operation, and promotion of the NID. Under the bill, a municipality or a NID board, as specified in the operating plan, has all of the powers necessary or convenient to implement the operating plan, and specifically grants a municipality or a NID board the power to enter into contracts. A municipality may authorize a NID board to own real property.

In general, the provisions in this bill related to the filing of a petition to create a NID, the imposition of special assessments on real property located within the NID, and the termination of a NID are very similar to the current law provisions related to a BID, although this bill contains additional procedures under which a NID may ~~not be created or may be terminated~~.

~~A NID may not be created if the owners of property who constitute more than 40 percent of the total number of owners of real property to be assessed under the proposed initial operating plan have filed a petition with the planning commission protesting the proposed NID or its proposed operating plan. In addition, a NID may shall be terminated if the owners of property who constitute more than 50 percent of the total number of owners of real property who are assessed under the operating plan having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan file a petition with the planning commission requesting the termination of the NID or if the predominant use (commercial or residential) of property assessed under the operating plan changes and owners of property having a valuation equal to more than 50 percent of the valuation of all property assessed under the operating plan fail to petition the planning commission to continue the neighborhood improvement district, and if either one of two specified groups of property owners file a similar petition.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 66.1110 of the statutes is created to read:
- 2 **66.1110 Neighborhood improvement districts.** (1) In this section:
- 3 (a) "Board" means a neighborhood improvement district board appointed
- 4 under sub. (4) (a).

BILL

1 (b) "Chief executive officer" means a mayor, city manager, village president,
2 or town chairperson.

3 (c) "Local legislative body" means a common council, village board of
4 trustees, or town board of supervisors.

5 (d) "Municipality" means a city, village, or town.

6 (e) "Neighborhood improvement district" means an area within a
7 municipality consisting of nearby but not necessarily contiguous parcels, at least
8 some of which are used for residential purposes and are subject to general real estate
9 taxes, and property that is acquired and owned by the board if the local legislative
10 body approved acquisition of the property under sub. (4) (d) as part of its approval of
11 the initial operating plan under sub. (3) (e).

12 (f) "Operating plan" means a plan adopted or amended under this section for
13 the development, redevelopment, maintenance, operation, and promotion of a
14 neighborhood improvement district.

15 (g) "Owner" means the owner of real property that is located within the
16 boundaries, or the proposed boundaries, of a neighborhood improvement district.

17 (h) "Planning commission" means a plan commission under s. 62.23 or, if
18 none exists, a board of public land commissioners or, if none exists, a planning
19 committee of the local legislative body.

20 (2) An operating plan shall include at least all of the following elements:

21 (a) The special assessment method applicable to the neighborhood
22 improvement district.

23 (b) The kind, number, and location of all proposed expenditures within the
24 neighborhood improvement district.

BILL

1 (c) A description of the methods of financing all estimated expenditures and
2 the time when related costs will be incurred.

3 (d) A description of how the creation of the neighborhood improvement
4 district promotes the orderly development of the municipality, including its
5 relationship to any municipal master plan.

6 (e) A statement as to whether the local legislative body authorizes the board
7 to own real property and, if so, a description of the real property to be owned, the
8 purpose of the ownership, and a statement of to whom the real property will be
9 transferred if the neighborhood improvement district is terminated.

10 (f) A legal opinion that pars. (a) to (e) have been complied with.

11 (3) A municipality may create a neighborhood improvement district and
12 adopt its operating plan if all of the following conditions are met:

13 (a) An owner of real property subject to general real estate taxes and located
14 in the proposed neighborhood improvement district designated under par. (b) has
15 petitioned the municipality for creation of a neighborhood improvement district.

16 (b) The planning commission has designated a proposed neighborhood
17 improvement district and adopted its proposed initial operating plan.

18 (c) At least 30 days before creation of the neighborhood improvement district
19 and adoption of its initial operating plan by the municipality, the planning
20 commission has held a public hearing on its proposed neighborhood improvement
21 district and initial operating plan. Notice of the hearing shall be published as a
22 class 2 notice under ch. 985. Before publication, a copy of the notice, together with a
23 copy of the proposed initial operating plan and a copy of a detail map showing the
24 boundaries of the proposed neighborhood improvement district, shall be sent by
25 certified mail to all owners of real property within the proposed neighborhood

BILL

1 improvement district. The notice shall state the boundaries of the proposed
2 neighborhood improvement district and shall indicate that copies of the proposed
3 initial operating plan are available from the planning commission on request.

4 (d) Within 30 days after the hearing under par. (c), ~~one of the following has~~
5 ~~not filed a petition with the planning commission protesting the proposed~~
6 ~~neighborhood improvement district or its proposed initial operating plan:~~

7 1. ~~The owners of property to be assessed under the proposed initial~~
8 ~~operating plan having a valuation equal to more than 40 percent of the valuation of~~
9 ~~all property to be assessed under the proposed initial operating plan, using the~~
10 ~~method of valuation specified in the proposed initial operating plan, or~~

11 2. ~~The owners of property to be assessed under the proposed initial~~
12 ~~operating plan having an assessed valuation equal to more than 40 percent of the~~
13 ~~assessed valuation of all property to be assessed under the proposed initial operating~~
14 ~~plan; have not filed a petition with the planning commission protesting the proposed~~
15 ~~neighborhood improvement district or its proposed initial operating plan.~~

16 3. ~~The owners of property who constitute more than 40 percent of the total~~
17 ~~number of owners of real property to be assessed under the proposed initial operating~~
18 ~~plan.~~

19 (e) The local legislative body has voted to adopt the proposed initial
20 operating plan for the municipality.

21 (4) (a) The chief executive officer shall appoint members to a neighborhood
22 improvement district board to implement the operating plan. Board members shall
23 be confirmed by the local legislative body and shall serve staggered terms designated
24 by the local legislative body. The board shall have at least 5 members, ~~a majority of~~
25 ~~whom~~ All board members shall own or occupy ~~residential~~ real property in the

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1 neighborhood improvement district. The number of board members representing
2 commercial and residential properties, respectively, shall bear the same relationship
3 to the total number of board members as the aggregate valuation of properties used
4 for commercial purposes and the aggregate valuation of properties used for
5 residential purposes in the neighborhood improvement district, respectively, bear to
6 the total valuation of all property assessed by the neighborhood improvement district
7 under any operating plan. The number of board members representing commercial
8 and residential properties based on the respective valuations of such types of
9 properties shall be readjusted in each annual operating plan prepared for the
10 neighborhood improvement district.

11 (b) The board shall annually consider and may make changes to the operating
12 plan, which may include termination of the plan, for the neighborhood improvement
13 district. The board shall then submit the operating plan to the local legislative body
14 for its approval. If the local legislative body disapproves the operating plan, the
15 board shall consider and may make changes to the operating plan and may continue
16 to resubmit the operating plan until local legislative body approval is obtained. Any
17 change to the special assessment method applicable to the neighborhood
18 improvement district shall be approved by the local legislative body.

19 (c) The board shall prepare and make available to the public annual reports
20 describing the current status of the neighborhood improvement district, including
21 expenditures and revenues. The report shall include an independent certified audit of
22 the implementation of the operating plan obtained by the municipality. The
23 municipality shall obtain an additional independent certified audit upon termination
24 of the neighborhood improvement district.

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1 (d) Either the board or the municipality, as specified in the operating plan as
2 adopted, or amended and approved under this section, has all of the powers necessary
3 or convenient to implement the operating plan, including the power to contract.

4 (5) All special assessments received from a neighborhood improvement
5 district and all other appropriations by the municipality or other moneys received for
6 the benefit of the neighborhood improvement district shall be placed in a segregated
7 account in the municipal treasury. No disbursements from the account may be made
8 except to reimburse the municipality for appropriations other than special
9 assessments, to pay the costs of audits required under sub. (4) (c) or on order of the
10 board for the purpose of implementing the operating plan. On termination of the
11 neighborhood improvement district by the municipality, all moneys collected by
12 special assessment remaining in the account shall be disbursed to the owners of
13 specially assessed property in the neighborhood improvement district, in the same
14 proportion as the last collected special assessment.

15 (6) (a) Subject to pars. (b) and (c), a municipality shall terminate a
16 neighborhood improvement district if: ~~the owners described under subd. 3., and~~
17 ~~either the owners described under subd. 1. or 2., file a petition with the planning~~
18 ~~commission requesting termination of the neighborhood improvement district:~~

19 1. The owners of property assessed under the operating plan having a
20 valuation equal to more than 50 percent of the valuation of all property assessed
21 under the operating plan, using the method of valuation specified in the operating
22 plan, or

23 2. ~~The~~ owners of property assessed under the operating plan having an
24 assessed valuation equal to more than 50 percent of the assessed valuation of all

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1 property assessed under the operating plan: file a petition with the planning
2 commission requesting termination of the neighborhood improvement district; or

3 2. The owners of property assessed under the operating plan having a
4 valuation equal to more than 50 percent of the valuation of all property assessed
5 under the operating plan fail to petition the planning commission to continue the
6 neighborhood improvement district within one year following any January 1 on
7 which the make up of the board of the neighborhood improvement district changes
8 such that if a majority of board members in the previous year represented commercial
9 properties, the majority as of January 1 in the new year will represent residential
10 properties, or vice versa.~~3. The owners of property who constitute more than 50~~
11 ~~percent of the total number of owners of real property who are assessed under the~~
12 ~~operating plan.~~

13 (b) 1. A petition may not be filed under this subsection earlier than one
14 year after the date on which the municipality first adopts the operating plan for the
15 neighborhood improvement district.

16 2. On and after the date on which a petition is filed under this subsection,
17 neither the board nor the municipality may enter into any new obligations by contract
18 or otherwise to implement the operating plan until the expiration of 30 days after the
19 date of the hearing under subd. 3. and unless the neighborhood improvement district
20 is not terminated under par. (c).

21 3. Within 30 days after the filing of a petition under this subsection, the
22 planning commission shall hold a public hearing on the proposed termination.
23 Notice of the hearing shall be published as a class 2 notice under ch. 985. Before
24 publication, a copy of the notice, together with a copy of a detail map showing the
25 boundaries of the neighborhood improvement district, shall be sent by certified mail

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1 to all owners of real property within the neighborhood improvement district. The
 2 notice shall state the boundaries of the neighborhood improvement district and shall
 3 indicate that copies of the operating plan are available from the planning commission
 4 on request and are posted in the building in which the municipality's governing body
 5 regularly holds its meetings.

6 4. Within 30 days after the date of the hearing under subd. 3., every owner
 7 of property assessed under the operating plan may send written notice to the planning
 8 commission indicating, if the owner signed a petition under this subsection, that the
 9 owner retracts the owner's ~~request to terminate the neighborhood improvement~~
 10 ~~district, petition~~ or, if the owner did not sign the petition, that the owner requests to
 11 file a petition ~~termination of the neighborhood improvement district.~~

*2.
 file to
 terminate or
 file to continue.*

12 (c) After the expiration of 30 days after the date of the hearing under
 13 par. (b) 3., and after subtracting any retractions under par. (b) 4., the municipality
 14 shall terminate the neighborhood improvement district on the date on which the
 15 obligation with the latest completion date entered into to implement the operating
 16 plan expires if the owners who have signed the petition requesting the termination of
 17 the neighborhood improvement district constitute the required groups specified in
 18 par. (a)(1) or if an insufficient representation of owners petition to continue the
 19 neighborhood improvement district pursuant to par. (a)(2).

20 (7) (a) A municipality may terminate a neighborhood improvement district
 21 at any time.

22 (b) This section does not limit the power of a municipality under other law to
 23 regulate the use of or specially assess real property.

(END)