

2007 DRAFTING REQUEST

Bill

Received: 01/23/2007

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1103

By/Representing: Miner

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - 1st class cities

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Miner, BB0312 -

Topic:

Changes to inspection rights exercised by a redevelopment authority

Instructions:

See Attached

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 01/23/2007	jdye 01/23/2007		_____			Local
/1			nmatzke 01/24/2007	_____	sbasford 01/24/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/23/2007**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1103**

By/Representing: **Miner**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - 1st class cities**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0312 -

Topic:

Changes to inspection rights (city of Milwaukee Redevelopment Authority)

exercised by a redevelopment authority

Instructions:

See Attached

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	1 1/2 jld	nwn	MWn/ps			
11 MES	1/23/07		1/23	1/24			

FE Sent For:

<END>

mes

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: City of Milwaukee Redevelopment Authority Inspection Rights
- Tracking Code: BB0312
- SBO team: Environmental and Commercial Resources
- SBO analyst: Andrew Miner AM 1/08/07
 - Phone: 266-1103
 - Email: Andrew.Miner@Wisconsin.gov
- Agency acronym: COMM
- Agency number: 143
- Priority (Low, Medium, High): High

Amend s. 66.1331 to grant the Redevelopment Authority of the City of Milwaukee special inspection rights to enter a spot-blighted parcel of land "to make inspection, surveys, appraisals, soundings or test borings, and obtain a court order for this purpose if entry is denied or resisted." (Quotes denote language suggested by the City of Milwaukee.)

Shovers, Marc

From: Miner, Andrew - DOA
Sent: Tuesday, January 16, 2007 4:29 PM
To: Shovers, Marc
Subject: RE: Drafting request BB0312

Hi Mark,

I just spoke with Gregg Hagopian, the Milwaukee city attorney who's handling this request. Basically, the RDA currently has these inspection powers in a blighted area as defined under 66.1333 (2m)(b) (the project area definition under (2m)(h) is basically the same as a blighted area I believe, as it refers to it). They want to have such powers if they wish to acquire a blighted property (which they can also designate) that is outside of a designated blighted area. A blighted property is defined under 66.1333 (2m)(bm) and so that should be sufficient for "spot-blighted parcel." So perhaps 66.1333(5)(a)3 could be amended to read "enter into any building or property in any project area or blighted property in order to make inspections...", with the understanding of blighted property having the definition under (2m)(bm). That's just my idea; you're certainly the expert. Let me know if this gives you a place to go. Thanks,

Andrew

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Tuesday, January 16, 2007 12:29 PM
To: Miner, Andrew - DOA
Subject: RE: Drafting request BB0312

Hi Andrew:

The last time this statute was affected was last session. Wisconsin Act 453 made some changes, but those changes mostly affected the Milwaukee Public School District (MPS). Before that, the statute was affected by 2003 Wisconsin Acts 43 and 320; Act 43 again dealt mostly with MPS, and only added a cross-reference, and Act 320 was a Revisor's correction bill which made technical, nonsubstantive changes to a bunch of statutes. In the 2001 session, Act 30 hit s. 66.1333, but this was another Revisor's bill.

I haven't looked beyond the 2001 session, so I don't know when the last substantive revisions were done. We can find out, certainly, but I'm not sure what bearing it will have on this bill. Let me know if anyone really needs to know when the last substantive revision occurred.

In the meantime, I'll just hold onto the request until I hear from you regarding an explanation of what authority the RDA really wants and some insight into what the RDA attorney means by the use of the term "spot-blighted" parcel.

Marc

From: Miner, Andrew - DOA
Sent: Monday, January 15, 2007 2:26 PM
To: Shovers, Marc
Subject: RE: Drafting request BB0312

Hi Marc,

When I spoke to an RDA attorney regarding this request, he said the RDA had these rights for a blighted area but not for a

01/16/2007

specific parcel of land, and that was what this request was about. He believed it was intended to be put in the last time the law was revised but a "legislative snafu" kept it out. Do you happen to know when the last time this law was revised and what changes were made? Unfortunately I can't find my notes from the conversation, so I will try to contact the RDA again, hopefully tomorrow, and ask about their ideas for a definition of "spot-blighted parcel." Thanks,

Andrew

From: Shovers, Marc [<mailto:Marc.Shovers@legis.wisconsin.gov>]
Sent: Wednesday, January 10, 2007 5:47 PM
To: Miner, Andrew - DOA
Subject: Drafting request BB0312

Hi Andrew:

You've requested that s. 66.1331 be amended to grant Milwaukee's Redevelopment Authority special inspection rights to enter a "spot-blighted parcel of land" to "make inspection . . ." I assume you want s. 66.1333 amended, not s. 66.1331. In any event, it seems to me that Milwaukee's RDA already has this authority. Please see s. 66.1333 (5) (a) 3. of the statutes. It states, in relevant part:

"(5) Powers of redevelopment authorities.

66.1333(5)(a)

(a) (intro.) An authority may exercise all powers necessary or incidental to carry out and effectuate the purposes of this section, including the power to do all of the following:

3.

within the boundaries of the city, enter into any building or property in any project area in order to make inspections, surveys, appraisals, soundings or test borings, and obtain a court order for this purpose if entry is denied or resisted;"

Doesn't this statute give the RDA what it wants? If a "spot-blighted parcel" is in a "project area", as defined in s. 66.1333 (2m) (h), the current statutes provide sufficient authority. If the RDA believes it needs more authority, however, I'll need more direction from you as to what such a parcel consists of and where it might be located. I'll need enough information to draft a definition for a "spot-blighted parcel of land." Thanks for your help.

Marc

Marc E. Shovers

Senior Legislative Attorney

Legislative Reference Bureau

01/16/2007

Phone: (608) 266-0129

Fax: (608) 264-8522

e-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1638/2

MES: [handwritten initials]

LPS - fix request
sheet please

exercised by a
[handwritten signature]

DOA:.....Miner, BB0312 - Changes to inspection rights, city of Milwaukee
Redevelopment Authority

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

do not
gen

1 AN ACT ...; relating to: expanding the inspection rights of a redevelopment
2 authority. ✓

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT ✓

Under current law, a city or village may create a redevelopment authority, which is a separate and distinct public body. A redevelopment authority may exercise various specified powers to eliminate and prevent substandard, deteriorated, slum, and blighted areas and blighted properties through redevelopment.

One of the powers that a redevelopment authority has is the power to enter into any building or property in any project area to make inspections, surveys, appraisals, soundings, or test borings, and obtain a court order for these purposes if entry is denied or resisted (inspection rights). Current law defines a "project area" as a blighted area which the city or village declares to be in need of blight elimination, slum clearance, and urban renewal project.

This bill expands the power of a redevelopment authority to use its inspection rights on a blighted property, which is located in the city or village, but not necessarily in a project area.

For further information see the *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:

SECTION 1. 66.1333 (5) (a) 3. of the statutes is amended to read:

66.1333 (5) (a) 3. Within the boundaries of the city, acquire by purchase, lease, eminent domain, or otherwise, any real or personal property or any interest in the property, together with any improvements on the property, necessary or incidental to a redevelopment or urban renewal project; hold, improve, clear or prepare for redevelopment or urban renewal any of the property; sell, lease, subdivide, retain or make available the property for the city's use; mortgage or otherwise encumber or dispose of any of the property or any interest in the property; enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of the property in accordance with a redevelopment or urban renewal plan, and other covenants, restrictions and conditions that the authority considers necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; make any restrictions, conditions or covenants running with the land and provide appropriate remedies for their breach; arrange or contract for the furnishing of services, privileges, works or facilities for, or in connection with a project; temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for uses and purposes that may be deemed desirable even though not in conformity with the redevelopment plan for the area; within the boundaries of the city, enter into any blighted property, or building or property in any project area, in order to make inspections, surveys, appraisals, soundings or test borings, and obtain a court order

1 for this purpose if entry is denied or resisted; own and hold property and insure or
2 provide for the insurance of any real or personal property or any of its operations
3 against any risks or hazards, including paying premiums on any insurance; invest
4 any project funds held in reserves or sinking funds or the funds not required for
5 immediate disbursement in property or securities in which savings banks may
6 legally invest funds subject to their control; redeem its bonds issued under this
7 section at the redemption price established in the bonds or purchase the bonds at less
8 than redemption price, all bonds so redeemed or purchased to be canceled; develop,
9 test and report methods and techniques, and carry out demonstrations and other
10 activities, for the prevention and elimination of slums and blight; and disseminate
11 blight elimination, slum clearance and urban renewal information.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 172, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; s. 13.93 (1) (b).

12

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1638/1
MES:jld:nwn

DOA:.....Miner, BB0312 - Changes to inspection rights exercised by a redevelopment authority

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: expanding the inspection rights of a redevelopment
2 authority.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Under current law, a city or village may create a redevelopment authority, which is a separate and distinct public body. A redevelopment authority may exercise various specified powers to eliminate and prevent substandard, deteriorated, slum, and blighted areas and blighted properties through redevelopment.

One of the powers that a redevelopment authority has is the power to enter into any building or property in any project area to make inspections, surveys, appraisals, soundings, or test borings, and obtain a court order for these purposes if entry is denied or resisted (inspection rights). Current law defines a "project area" as a blighted area which the city or village declares to be in need of blight elimination, slum clearance, and urban renewal project.

This bill expands the power of a redevelopment authority to use its inspection rights on a blighted property, which is located in the city or village, but not necessarily in a project area.

For further information see the *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.** 66.1333 (5) (a) 3. of the statutes is amended to read:

2 66.1333 (5) (a) 3. Within the boundaries of the city, acquire by purchase, lease,
3 eminent domain, or otherwise, any real or personal property or any interest in the
4 property, together with any improvements on the property, necessary or incidental
5 to a redevelopment or urban renewal project; hold, improve, clear or prepare for
6 redevelopment or urban renewal any of the property; sell, lease, subdivide, retain or
7 make available the property for the city's use; mortgage or otherwise encumber or
8 dispose of any of the property or any interest in the property; enter into contracts
9 with redevelopers of property containing covenants, restrictions and conditions
10 regarding the use of the property in accordance with a redevelopment or urban
11 renewal plan, and other covenants, restrictions and conditions that the authority
12 considers necessary to prevent a recurrence of blighted areas or to effectuate the
13 purposes of this section; make any restrictions, conditions or covenants running with
14 the land and provide appropriate remedies for their breach; arrange or contract for
15 the furnishing of services, privileges, works or facilities for, or in connection with a
16 project; temporarily operate and maintain real property acquired by it in a project
17 area for or in connection with a project pending the disposition of the property for
18 uses and purposes that may be deemed desirable even though not in conformity with
19 the redevelopment plan for the area; within the boundaries of the city, enter into any
20 blighted property, or building or property in any project area, in order to make
21 inspections, surveys, appraisals, soundings or test borings, and obtain a court order

1 for this purpose if entry is denied or resisted; own and hold property and insure or
2 provide for the insurance of any real or personal property or any of its operations
3 against any risks or hazards, including paying premiums on any insurance; invest
4 any project funds held in reserves or sinking funds or the funds not required for
5 immediate disbursement in property or securities in which savings banks may
6 legally invest funds subject to their control; redeem its bonds issued under this
7 section at the redemption price established in the bonds or purchase the bonds at less
8 than redemption price, all bonds so redeemed or purchased to be canceled; develop,
9 test and report methods and techniques, and carry out demonstrations and other
10 activities, for the prevention and elimination of slums and blight; and disseminate
11 blight elimination, slum clearance and urban renewal information.

12 (END)