

2013 DRAFTING REQUEST

Bill

Received: 12/21/2012 Received By: mshovers
Wanted: As time permits Same as LRB:
For: John Nygren (608) 266-2343 By/Representing: Nels
May Contact: Drafter: mshovers
Subject: Local Gov't - tax incr financing Addl. Drafters:
Extra Copies: evm

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Extend the life of TID # 3 in Marinette; base the draft on 2011 AB 456 (LRB -3610)

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 1/10/2013			_____			
/1		jdyer 1/22/2013	jmurphy 1/22/2013	_____	mbarman 1/22/2013	mbarman 1/23/2013	State S&L

FE Sent For:

1/22/2013 12:00:00 AM

<END>

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("1")

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1/?	mshovers	1/22 jld					
11	MES	1/10/13		Self			
				Jan			
				1/22/13			

FE Sent For:

<END>

Shovers, Marc

From: Rude, Nels
Sent: Thursday, January 10, 2013 10:31 AM
To: Shovers, Marc
Subject: FW: City of Marinette TID #3 Extension

Marc- Please see the answer to your question from Marinette Public Works Director below.

Let me know if you have any questions.

Thanks

Nels

From: Miller, Brian [mailto:Bmiller@marinette.wi.us]
Sent: Wednesday, January 09, 2013 6:15 PM
To: Rude, Nels
Cc: Nygren, John; Ruleau, Denise; Sbar, Jonathan
Subject: RE: City of Marinette TID #3 Extension

Nels,

We discussed the questions below with our TIF consultant today.

Based upon our discussion, we want the maximum life of TID #3 to remain the same, terminate in 2018; and we want to extend the expenditure period by 5 years, through 2018. In other words, we would like option #2 as described by Marc Shovers -- notwithstanding the provision that limits expenditures to no later than 5 years before the termination date.

Let me know if you have any other questions.

Thanks, Brian.

From: Rude, Nels [mailto:Nels.Rude@legis.wisconsin.gov]
Sent: Friday, January 04, 2013 3:06 PM
To: Miller, Brian
Cc: Nygren, John
Subject: FW: City of Marinette TID #3 Extension

Hey Brian- Hope all is well. Can you answer the two questions below? Also, I don't have a lot to report on the wetland issue, but we have reached out to different groups and will continue working on it. We will be sure to keep you in the loop.

Thanks

Nels

From: Shovers, Marc
Sent: Friday, January 04, 2013 2:58 PM
To: Rude, Nels
Subject: FW: City of Marinette TID #3 Extension

Hi Nels:

I'm the attorney who will be drafting this bill as it's in my area, not Joe's.

Before I can complete the draft, I need a couple of questions answered. For how many additional years would you like the expenditure authority of the TID to be extended? Also, as Mr. Cosson correctly points out, a TID may make expenditures no later than 5 years before the TID is supposed to terminate which, in the case of TID # 3, is apparently 2018. Therefore, if you extend the expenditure period, you'd have to either extend the TID's maximum life or notwithstanding the provision that limits expenditures to no later than 5 years before the termination date if you don't want to extend that date. Which option would you prefer? Thanks for your help, Nels.

Marc

Marc Shovers
Managing Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

From: Kreye, Joseph
Sent: Monday, December 17, 2012 10:57 AM
To: Shovers, Marc
Subject: FW: City of Marinette TID #3 Extension

Mr. Shovers,

I believe this is for you.

Joe

Joseph Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266-2263

From: Rude, Nels
Sent: Monday, December 17, 2012 10:53 AM
To: Kreye, Joseph
Subject: FW: City of Marinette TID #3 Extension

Joe-

Below is information regarding a TID in Rep. Nygrens district. We would like to draft legislation, similar to 2011 AB456 (attached), that would extend the life of TID #3 in Marinette. Please call if you have any questions or need further information.

Thank you.

Nels

Nels Rude
Office of State Representative John Nygren
89th Assembly District

306 East, State Capitol
608.266.2344
nels.rude@legis.wi.gov

From: Miller, Brian [<mailto:Bmiller@marinette.wi.us>]
Sent: Thursday, December 13, 2012 9:26 AM
To: Rude, Nels
Cc: Ruleau, Denise; Sbar, Jonathan
Subject: City of Marinette TID #3 Extension

Nels,

It was a pleasure meeting you yesterday. The Mayor, City Attorney and I appreciate the time that you, Representative Nygren, and Matt Moroney spent with us to discuss the wetland issue in our Industrial Park.

We also appreciate the WDNR's willingness to work with the City to approve Lot #24 of the Marinette Industrial Park for the Menekaunee Harbor Dredge Disposal. As we discussed yesterday, the City is committed to a grant match for the WDNR project funding, but our only revenue source for this match is TID #3, and it expires July 2, 2013. Per the Agreement between the WDNR and the City, the project was to be completed in 2012. Since the project was not completed in 2012, and it now appears that it will not start until 2014, a time extension to expend TID funds will be required if the city is to provide a grant match.

We mentioned a previous TID extension that was approved by the State Legislature for the Village of Denmark. Attached is AB 456 which was used for the Denmark TID extension. We are hopeful The City of Marinette will receive a time extension for TID #3 using this same procedure.

Please contact me if you have any questions.

Thanks, Brian.

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

From: Phil Cosson [<mailto:PCosson@ehlers-inc.com>]
Sent: Monday, November 05, 2012 8:31 AM
To: Sbar, Jonathan
Cc: Fiest, Ronnie; Miller, Brian
Subject: RE: Marinette TIF #3

Good Morning All,

The TID was created on 7/2/91 as an industrial TID. Since it was a pre-1995 TID it has a maximum life of 27 years or 7/2/18. You can make expenditures up to 5 years before the maximum life, or in this case until 7/2/2013. That also means you can amend projects and/or the boundaries until 7/2/13. As for extending the life of the TID, the only way would be to distress the TID but that would require an amendment and it would also preclude you from spending any more funds in the TID.

Phil

Philip L. Cosson, CIPFA
Executive Vice President
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Brookfield, WI 53005-6202
Direct: 262-796-6161
Mobile: 262-617-0395
Toll Free: 800-717-9742
www.ehlers-inc.com



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0998/7
MES: Y:...

Today please (per request)

JLD RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BILL

gen

4

1 AN ACT ...; relating to: extending the expenditure period for a tax incremental
2 district in the city of Marinette.

Analysis by the Legislative Reference Bureau

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50 percent of the area to be included in the TID is blighted, in need of rehabilitation or conservation, suitable for industrial sites, or suitable for mixed-use development. Currently, towns and counties also have a limited ability to create a TID under certain circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Also under current law, once a TID has been created, the Department of Revenue (DOR) calculates the "tax incremental base" value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment." The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID.

The project costs of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created. Also under current law, a city or village may not generally make expenditures for project costs later than five years before the unextended termination date of the TID. Under certain circumstances, the life of the TID, the expenditure period, and the allocation period may be extended.

This bill extends the expenditure period for TID Number 3 in the city of Marinette from July 2, 2013, to its unextended termination date, which is July 2, 2018.

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. 66.1105 (6) (am) 2. f. of the statutes is created to read:

2 66.1105 (6) (am) 2. Expenditures for project costs for Tax Incremental

3 District Number 3 in the city of Marinette. Such expenditures may be made through

4 July 2, 2018.

5 (END)

Barman, Mike

From: Barman, Mike
Sent: Tuesday, January 22, 2013 2:07 PM
To: Rude, Nels
Subject: RE: Fiscal Estimate (LRB-0998/1)

I'll submit the draft to DOA for assignment. If you get a specific "need by" date please let me know.

Thanks,

MIKE BARMAN (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau

Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53763

(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Rude, Nels
Sent: Tuesday, January 22, 2013 2:00 PM
To: Barman, Mike
Subject: Fiscal Estimate

Hello Mike-

I was wondering if you could get us a fiscal estimate for the attached bill draft? This is somewhat time sensitive, so if it's possible to put a rush on it, please do.

Thanks much,

Nels

<< File: 13-0998_1.pdf >>

Nels Rude

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.267.2371
nels.rude@legis.wi.gov

Barman, Mike

From: Rude, Nels
Sent: Wednesday, January 23, 2013 12:52 PM
To: LRB.Legal
Subject: Draft Review: LRB -0998/1 Topic: Extend the life of TID # 3 in Marinette; base the draft on 2011 AB 456 (LRB -3610)

Please Jacket LRB -0998/1 for the ASSEMBLY.

Please rush this request.

Thank you.

Nels

Nels Rude

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