

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 08/26/1999

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing: helen forster

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters: mlief
shoveme

Subject: Bonding - municipal
Bonding - state
Education - MPS

Extra Copies: RAC

Pre Topic:

No specific pre topic given

Topic:

Miscellaneous bond counsel amendments to MPS proposal

Instructions:

See Attached

File "Guts" Moved
to 99 b1881
10-02-99
Per PG

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>
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/P1			haugca 09/07/1999	_____	lrb_docadmin 09/07/1999		
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/3	grantpr 09/22/1999	chanaman 09/22/1999	kfollet 09/22/1999	_____	lrb_docadmin 09/22/1999	lrb_docadmin 09/22/1999	
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/1	grantpr 09/17/1999	ygeller 09/20/1999		_____	lrb_docadmin 09/20/1999	lrb_docadmin 09/20/1999	

Handwritten notes:
1/4 9/24 cmh
9/24 mrc/cmh
mrc 9/24

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FE Sent For:

Kjf
9/22

Kjf/mc
9/22

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9/22*

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FE Sent For:

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FE Sent For:

9/17 *9/17* *9/17*

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FOLEY & LARDNER

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August 5, 1999

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Post-It® Fax Note	7671	Date	8-9-99	# of pages	8
To	Helen	From	Jason Helgerson		
Dept.	Krupa Office	Co.			
Phone #		Phone #	(414) 286-2200		
Fax #	(414) 264-6967	Fax #			

Re: MPS - Intradistrict Transportation Aids

Dear Jason, Tom, Jim, Keith and John:

Enclosed is a revision to my prior legislative suggestions.

Very truly yours,

Richard A. Weiss
Richard A. Weiss

Enclosure

8/5/99

MARKED COPY

SUGGESTED CHANGES TO LRB-3206/1

1. Delete Section 6.

The proposed change was not necessary.

2. Delete Sections 7 and 8 and replace them with a new Section 6. See Exhibit A attached.

These changes are to correct Constitutional and Statutory problems with the current Sections 7 and 8.

3. Renumber Section 9 to become Section 7.

4. Insert a new Section 8. See Exhibit B attached.

This empowers the school board to pledge the state intradistrict aids.

5. Renumber Sections 10 through 30 to become Sections 9 through 29.

6. Renumber Section 31 to become Section 30. Change the two references to "66.431(5)(a)4." to become "66.431(5r)." Add a new subdivision 4. See Exhibit C.

The new subd. 4 language is an attempt to invoke the "contracts clause" to protect the hold harmless provisions.

7. Renumber Sections 32 through 37 to become Sections 31 through 36.

Rick Weiss
Foley & Lardner
(414)297-5756

EXHIBIT A

Section 6. 66.431(5r) of the statutes is created to read:

66.431(5r) Financing of Certain School Facilities.

NOT
TO

(a) **Legislative Declaration.** The legislature determines that the development of new schools will help alleviate the substandard conditions described in sub. (2) and will promote the sound growth and economic development of cities and enhance the education of youth in neighborhood settings. The legislature determines that the social and economic problems sought to be addressed are particularly acute in more densely populated areas. The legislature desires to make certain financing and economic tools available in cities of the first class with the view that there are likely to be positive statewide benefits in light of the impact that cities of the first class have on the economy and welfare of the entire state and also because ~~experimental programs, if found successful, can subsequently be authorized for statewide implementation.~~

change
in
every
sub. (5)
of
ch. 119.

(b) **Bond Issuance for School Facilities.** Bonds may be issued by authorities of cities of the first class to finance or refinance the development or redevelopment of sites and facilities to be used for public instruction under ch. 119. The terms and conditions of such bonds shall be in accordance with sub. 5(a)4, except that when proceeding under authority of this sub. (5r) it shall not be necessary that the financed property be located in a project area or a blighted area. The following are conditions to the issuance of bonds under authority of this sub. (5r):

1. The authority shall find and determine that the purposes of the financing promote the sound growth of the city and are consistent with the city's master plan.

2. The board of school directors of the school district operating under ch. 119 shall have requested the issuance of the bonds to implement a report approved under 1999 Wisconsin Act [Revisor to insert Act and Section Number] or a similar report similarly approved as authorized by subsequent legislation.

3. The bonds may not have a maturity in excess of 20 years from the date of their issuance and may not be issued later than the first day of the 60th month beginning after the effective date of this sub. (5r) [Revisor to insert date].

Not needed
see
66.431(5)
(a)

(c) **Development Powers.** When proceeding under this sub. (5r), authorities of cities of the first class shall have all powers necessary or convenient to carryout the development or redevelopment of sites and facilities to be used for public instruction under ch. 119, including, without limitation, the powers set forth in sub. (5) except that it shall not be necessary for the exercise of such powers that the financed property be located in a project area or a blighted area.

(d) **Designation of Special Debt Service Reserve Funds.** The authority may designate one or more accounts in funds created under the resolution authorizing the issuance of bonds under authority of this sub. (5r) as special debt service reserve funds if, prior to each issuance of bonds to be secured by the special debt service reserve fund, the secretary of administration determines that all of the following conditions are met with respect to the bonds:

1. **Purpose.** The proceeds of the bonds, other than refunding bonds, will be used for public school facilities in a school district operating under ch. 119.

2. **Feasibility.** There is a reasonable likelihood that the bonds will be repaid without the necessity of drawing on funds in the special debt service reserve fund that secures the bonds. The secretary of administration may make this determination of reasonable likelihood only after considering all of the following:

a. The extent to which and manner by which revenues of the school district operating under ch. 119 are pledged to the payment of the bonds.

b. The proposed interest rates on the bonds and the resulting cash-flow requirements.

c. The projected ratio of annual pledged revenues from the school district operating under ch. 119 to annual debt service on the bonds, taking into account capitalized interest.

d. Whether an understanding exists providing for repayment by the authority to the state of all amounts appropriated to the special debt service reserve fund pursuant to par. (j).

e. Whether the authority has agreed that the department of administration will have direct and immediate access, at any time and without notice, to all records of the authority relating to the bonds.

3. **Limit on Bonds Issued.** The principal amount of all bonds issued under authority of this sub. (5r), other than refunding bonds, that would be secured by special debt service reserve funds of the authority shall not exceed \$200,000,000.

4. **Refunding Bonds.** All refunding bonds to be secured by the special debt service reserve fund must meet all of the following conditions:

a. The refunding bonds are to be issued to fund, refund or advance refund bonds issued under authority of this sub. (5r) and secured by a special debt service reserve fund.

b. The refunding will not adversely affect the risk that the state will be called on to make a payment under par. (j).

why "pledged"?
 don't you want
 all revenues to
 see
 if they are
 overburdened?

shouldn't that = debt service?

why?



5. ***Approval of Outstanding Debt.*** All outstanding bonds of the authority issued under authority of this sub. (5r) have been reviewed and approved by the secretary of administration. In determining whether to approve outstanding bonds, the secretary may consider any factor which the secretary determines to have a bearing on whether the state moral obligation pledge under par. (j) should be granted with respect to an issuance of bonds.

6. ***Financial Reports.*** The authority has agreed to provide to the department of administration all financial reports of the authority and all regular monthly statements of any trustee of the bonds on a direct and ongoing basis.

(e) **Payment of Funds into a Special Debt Service Reserve Fund.** The authority shall pay into any special debt service reserve fund of the authority any moneys appropriated and made available by the state for the purposes of the special debt service reserve fund, any proceeds of a sale of bonds to the extent provided in the bond resolution authorizing the issuance of the bonds and any other moneys that are made available to the authority for the purpose of the special debt service reserve fund from any other source.

(f) **Use of Moneys in the Special Debt Service Reserve Fund.** All moneys held in any special debt service reserve fund of the authority for bonds issued under authority of this sub. (5r), except as otherwise specifically provided, shall be used solely for the payment of the principal of the bonds, the making of sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds or the payment of any redemption premium required to be paid when the bonds are redeemed prior to maturity. If moneys in a special debt service reserve fund at any time are less than the special debt service reserve fund requirement under par. (h) for the special debt service reserve fund, the authority may not use the moneys for any optional purchase or optional redemption of the bonds. Any income or interest earned by, or increment to, any special debt service reserve fund due to the investment of moneys in the special debt service reserve fund may be transferred by the authority to other funds or accounts of the authority relating to the bonds to the extent that the transfer does not reduce the amount of the special debt service reserve fund below the special debt service reserve fund requirement under par. (h) for the special debt service reserve fund.

(g) **Limitation on Bonds Secured by a Special Debt Service Reserve Fund.** The authority shall accumulate in each special debt service reserve fund an amount equal to the special debt service reserve fund requirement under par. (h) for the special debt service reserve fund. The authority may not at any time issue bonds under authority of sub. (5r) secured in whole or in part by a special debt service reserve fund if upon the issuance of the bonds the amount in the special debt service reserve fund will be less than the special debt service reserve fund requirement under par. (h) for the special debt service reserve fund.

(h) **Special Debt Service Reserve Fund Requirement.** The special debt service reserve fund requirement for a special debt service reserve fund, as of any particular date of computation, is equal to an amount of money, as provided in the bond resolution authorizing bonds under this sub. (5r) with respect to which the special debt service reserve

fund is established, that may not exceed the maximum annual debt service on the bonds of the authority for that fiscal year or any future fiscal year of the authority secured in whole or in part by that special debt service reserve fund. In computing the annual debt service for any fiscal year, bonds deemed to have been paid in accordance with the defeasance provisions of the bond resolution authorizing the issuance of the bonds shall not be included in bonds outstanding on such date of computation. The annual debt service for any fiscal year is the amount of money equal to the aggregate of all of the following calculated on the assumption that the bonds will, after the date of computation, cease to be outstanding by reason, but only by reason, of the payment of bonds when due, and the payment when due, and application in accordance with the bond resolution authorizing those bonds, of all of the sinking fund payments payable at or after the date of computation:

1. All interest payable during the fiscal year on all bonds that are secured in whole or in part by the special debt service reserve fund and that are outstanding on the date of computation.
2. The principal amount of all of the bonds that are secured in whole or in part by the special debt service reserve fund, are outstanding on the date of computation and mature during the fiscal year.
3. All amounts specified in bond resolutions of the authority authorizing any of the bonds that are secured in whole or in part by the special debt service reserve fund to be payable during the fiscal year as a sinking fund payment with respect to any of the bonds that mature after the fiscal year.

(i) Valuation of Securities. In computing the amount of a special debt service reserve fund for the purposes of this subsection, securities in which all or a portion of the special debt service reserve fund is invested shall be valued at par, or, if purchased at less than par, at their cost to the authority.

(j) State Moral Obligation Pledge. This par. (j) applies only to bonds issued under authority of this sub. (5r) following compliance with par. (d). If at any time of valuation the special debt service reserve fund requirement under par. (h) for a special debt service reserve fund exceeds the amount of moneys in the special debt service reserve fund, the authority shall certify to the secretary of administration, the governor and the joint committee on finance the amount necessary to restore the special debt service reserve fund to an amount equal to the special debt service reserve fund requirement under par. (h) for the special debt service reserve fund. If this certification is received by the secretary of administration in an even-numbered year prior to the completion of the budget compilation under s.16.43, the secretary shall include the certified amount in the budget compilation. In any case, the joint committee on finance shall introduce in either house, in bill form, an appropriation of the amount so certified to the appropriate special debt service reserve fund of the authority. Recognizing its moral obligation to do so, the legislature hereby expresses its expectation and aspiration that, if ever called upon to do so, it shall make this appropriation.

116(3)(c)

EXHIBIT B

ie borrow money from the redev. authority?
no: cd means lease too

Section 8. 119(3)(c) is created to read:

119(3)(c) The board may obtain financing to carry out par. (a) from a redevelopment authority under s. 66.431(5r), and in connection therewith the board may pledge state aids under s. 121.85(6)(a) to secure any or all of its obligations to the redevelopment authority.

albe lease when

Q: cd the hel borrow
from redev. authority
use ~~all~~ # other than
121.85(6)(a) to repay?

(1) predicate this on
authority issuing the
bonds? (PS)

(2) RE using 121.85(6) to
repay: put that in s. 121.85

Rule: it is to
a tie the hands of
the leg

→ see comparable language
for com. ctors
shows intention

EXHIBIT C

121.85(6)(ar)4 If bonds are issued by a redevelopment authority pursuant to s. 66.431(5r) and the bonds are secured by a pledge from a school district operating under ch. 119 of its state aids under par. (a), the state pledges to and agrees with the bondholders that the state will not alter par. (a), (am) or (ar) unless adequate provision is made by law for the protection of the bondholders.

Rick W: if
leg. speaks, bondholder
act. see + wd. with

unless it
protects bondholder

= promise not to
amend or RP law

→ can't bind future
leg.

→ no legal effect

→ why needed? already

have moral obligation
pledge, so this seems
unnecessary

that protects the
bondholders, so
why need this to
do same thing?

"Specific Fund but not"
Bromberg

9/1/99

Both weirs

was insufficient auth for interaction bet. MPS + real. auth.

2 const concerns

① want to invoke ^{state's} moral obligation pledge to back real. auth. bonds (local govt)
ans.: leg. findings

② auth of MPS to ~~not~~ commit itself long-term to real. auth. to pay off bonds
i.e. incur debt

→ don't want it to be characterized as debt

2 possible ans. ① lease

② "spec fund district" from

Preuss case

Shd. draft be broader + not lhd. to

~~interact~~ with intradistrict aid?

→ (if broader probably don't need exhibit C

Med bonds
9/1/99
6/1/99

1999

Date (time) needed

Mon. a.m.

Tues, 9/9

LRB # 61715, P1

AMENDMENT

DN

PC, MSL & MES: CMK: _____

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A. AMENDMENT _____ (LRBa _____),

TO S A SUBSTITUTE AMENDMENT 1 (LRBs _____),

TO 1999 SB SJR SR AB AJR AR 133 (LRB _____)

At the locations indicated, amend the amendment as follows:

(fill ONLY if "engrossed" or "as shown by")

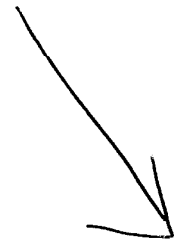
#. Page , line :

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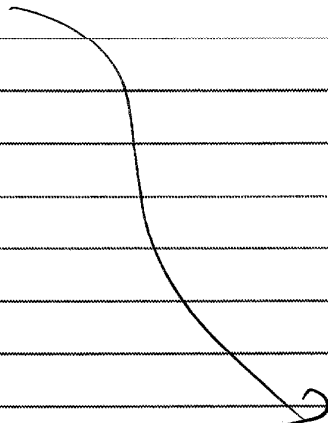
#. Page , line :



Page 786, line 19: delete the material beginning with that line and ending with page 788, line 24.

#. Page 788, line 25: substitute "(sr)" for "(sm)".

#. Page 789, line 1: delete that line and substitute:



Text
treat

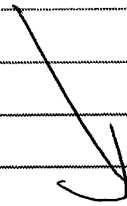
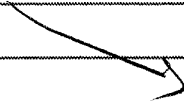
9

B

as

" 66.431 (5r) FINANCING OF CERTAIN SCHOOL FACILITIES.

~~Legislative declaration~~



3

ital./no underscore

~~EXHIBIT A~~

lowercase

Section 6, 66.431(5k) of the statutes is created to read:

66.431(5r) Financing of Certain School Facilities.

1st class

~~no 9~~ (a) Legislative Declaration. The legislature determines that the development of new schools will help alleviate the substandard conditions described in sub. (2) and will promote the sound growth and economic development of cities and enhance the education of youth in neighborhood settings. The legislature determines that the social and economic problems sought to be addressed are particularly acute in more densely populated areas. The legislature desires to make certain financing and economic tools available in cities ~~of the first class~~ with the view that there are likely to be positive statewide benefits in light of the impact that cities ~~of the first class~~ have on the economy and welfare of the entire state and also because experimental programs, if found successful, can subsequently be authorized ~~for~~ statewide implementation.

ADP
Time

1st class

~~(b) Bond Issuance for School Facilities~~ Bonds may be issued by authorities

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change
in course
p. 66.431(5)
(a) 4. d.

NOT near
Ave. in
city in
boundaries
the city see
0.66.431(5)(a)

1. The authority shall find and determine that the purposes of the financing promote the sound growth of the city and are consistent with the city's master plan.

2. The board of school directors of the school district operating under ch. 119 shall have requested the issuance of the bonds to implement a report approved under 1999 Wisconsin Act [Revisor to insert Act and Section Number] or a similar report similarly approved as authorized by subsequent legislation.

3. The bonds may not have a maturity in excess of 20 years from the date of their issuance and may not be issued later than the first day of the 60th month beginning after the effective date of this sub. (5r) [Revisor to insert date].

(c) Development Powers. When proceeding under this sub. (5r), authorities of cities of the first class shall have all powers necessary or convenient to carry out the development or redevelopment of sites and facilities to be used for public instruction under ch. 119, including, without limitation, the powers set forth in sub. (5) except that it shall not be necessary for the exercise of such powers that the financed property be located in a project area or a blighted area.

not
res.
p. 66.431(5)
(a)

ital.

(91) (b) Bond issuance for school facilities. The authority of a 1st class city may issue bonds to finance ~~or~~ ^{or} refinance the development ^{or} redevelopment of sites and facilities to be used for public instruction ~~under~~ by the board of school directors of the school district operating under chs. 119. if: ^{92.} The authority determines that the purposes of the financing are consistent with the 1st class city's master plan.

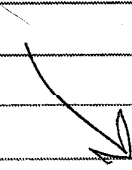
⁹⁹ ~~all~~ all of the following apply:

¶ 1. The board of school directors of the school district operating under chs. 119 requests the issuance of the bonds to implement the report approved under 1989 Wisconsin Act ^(tw) ~~...~~ (this act), section 9139(7)(tw) (b).

^{ital.}
(9) (c) Terms and conditions ^{conditions}. The terms and
conditions of bonds issued under this subsection
shall be those ~~provided~~ specified in
sub. (5)(a)4, except that it shall not be
necessary ~~that~~ that the financed property be
located ^{located} in a project area or a blighted area. The
bonds may not have a ^{maturity} maturity in excess
of 20 years and may not be issued
later than the first ^{day} day of the 60th
month beginning after the effective date
of this paragraph ^{...} [review inserts date].

(9) (d) Designation of special "

ital



(6)

Page 189, line 3: delete
" s. 66.066(2)(e) " and substitute
" the resolution authorizing the ^{issuance} issuance
of bonds under this ~~and~~ subsection " .

Page 189, line 6: delete " described
under sub. (5)(a) ⁴ & d. " .

Page 189, line 13: delete lines 13 to 16 and

Page 189, line 19: after " annual " insert " pledged " .

Page 189, line 20: delete " of the authority " and
substitute " on the bonds " .

Page 189, line 24: substitute

" (j) " for " (g) " .

substitute :

(f) " a. The extent to which and
manner by which revenues of the
school district operating under
challg are pledged to the payment
of the bonds. " .

Page 790, line 4: before "amount"
insert "principal".

Page 790, line 11: delete "of bonds
by the redeeming bonds".

Page 790, line 12: substitute "(j)"
for "(g)".

Page 790, line 13: delete "debt
of the authority relating".

Page 790, line 14: delete "to the
bonds has" and substitute "bonds of the
authority issued under this subsection have".

Page 790, line 15: substitute "bonds"
for "debt".

Page 790, line 17: substitute "(j)" for
"(g)".

Page 790, line 22: substitute
" (e) " for " (b) " :

Page 790, line 25: delete
" described under sub. (5)(a) 4. " :

Page 791, line 1: delete " d. " :

Page 791, line 4: substitute " (f) " for
" (c) " :

Page 791, line 5: after " authority "
insert " for bonds issued under this subsection " :

Page 791, line 6: delete the material beginning with
on these bonds

delete " bonds secured in " delete the part by the
and ending with " special debt semi reserve fund " on line 7
and

substitute " the bonds " :

substitute " the bonds, the purchase or redemption of the " for " these bonds, the purchase or redemption of these ".

Page 791, line 8: on lines

Page 791, line 9: place in

9 and 10, substitute " the "
for " these " .



Page 791, line 12: on line 12 and
19, substitute " (h) " for " (e) " .

Page 791, line 20: substitute
" (g) " for " (d) " .

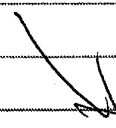
Page 791, line 22: substitute
" (h) " for " (e) " .

Page 791, line 23: after " bonds "
insert " under this subsection " .

Page 792, line 1: substitute " (h) "
for " (e) " .

Page 792, line 3: substitute " (h) " for " (e) " .

Page 792, line 6: delete " the bonds "
and substitute " bonds " under this subsection " .



Page 793, line 9: substitute "(j)" for "(g)".

Page 793, line 5: substitute "(i)"
for "(f)".

Page 793, line 10: { on lines 10 and 14,
substitute "(h)"
for "(e)".

Page 793, line 22: after "appropriation."
insert "This paragraph applies only to bonds
issued under, and in ~~strict~~ compliance with,
this subsection."

Page 1130, line 9: { on lines 9 and 13,
delete "(5)(a) 4."
and substitute "(5r)".

INSERT

Page 1130, line 18: delete "FOR
DEBT SERVICE. The" and substitute "TO
REPAY WAM. If the".

END

D-NOTES

cmv

DN

90 This is a preliminary draft that incorporates only items 1 ^{and} 2 from Rick Weiss's memo of August 5. Once additional information is received, the other items will be added.

91 The only substantive change this draft makes to Rick's ~~memo~~ ^{suggested language} appears in §. 66-431 (5r) (b) 1. I did not ~~include~~ ^{include} ~~language that Rick suggested~~ at the end of that subdivision, "or a similar report similarly approved as authorized by subsequent legislation," This ^{language} appears in (b) 2. of Rick's Exhibit A. I did not include this ^{language} ~~phrase for review~~ ^{reasons:}

because it's unclear how similar such a report or would have to be ~~approved~~ ^{who would}

make that determination ~~is~~ and if
~~such~~ a report is subsequently issued,
the legislature ^{the}
the legislature could in ~~a~~ subsequent
legislation ^{mentioned by Rick} identify it ~~and~~ ~~declare~~
~~provide that the report~~ approve the
report for this purpose.

⑨ If you have questions ^{or} need
more information, please let me know.

PL

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1715/P1dn

PG:cmh:ch

September 7, 1999

This is a preliminary draft that incorporates only items 1 and 2 from Rick Weiss's memo of August 5. Once additional information is received, the other items will be added.

The only substantive change this draft makes to Rick's suggested language appears in s. 66.431 (5r) (b) 1. I did not include, at the end of that subdivision, "or a similar report similarly approved as authorized by subsequent legislation." This language appears in (b) 2. of Rick's Exhibit A. I did not include this language because it's unclear how similar such a report would have to be or who would make that determination, and if such a report is subsequently issued, the legislature could in the subsequent legislation mentioned by Rick approve the report for this purpose.

If you have questions or need more information, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

9/14/99 mtg w/ Bill Steiger, Helen Foster Russ,
 Ruth Handberg, Peter Maternowski

① need ^{overall} zoom bond limit
 (not just limit on ^{itself} moral ~~planning~~ obligation.)

② need D>A general area of moral obligation clause not involved? ←

(depends on how later ~~is~~ issues are resolved)

A: → if C removed, don't need this

③ B is still on hold re ownership & lease of blimp
 MPS supposed to proceed with.

④ RE C:

Steiger: "most of all possible worlds"

= new level of liability

(but no ~~is~~ in emergency)

[state might as well issue bonds]

suggestion = allow 'em to pay ~~out~~ ^{general} & delete C

(^{Reith:} MPS doesn't like this idea, though)

conclusions

⑤ without C, don't need leg. intent statement?
 (or ed. be less expansive)
 → delete last part RB experiment

~~the original, 2th~~

~~parent of the bill~~

9/15/99

HELEN FORSTER :

① ≠ 170M ← cap it ✓

② "C" is out ✓

③ RE 61520

- include p. 1 & 2-3 ✓

- p. 4-5 & 7-11 ✓

- item 3 (plus procedure, see FAX ?)

④ just intradist aid ✓

A date ? (re leg. council study)

Proposed Changes to Milwaukee Neighborhood Schools Initiative

ok
1. Clarifying language – Bonding may only be used for schools which are an instrumentality of MPS. Private schools are specifically excluded.

#5
2. On May 1, 2000 the implementation plan goes to both JFC and the Senate and Assembly Education Committees. If a hearing is requested by a member of an Education Committee within 30 days, it must be held within two weeks.

3. MPS Board – Hearing Schedule

- Included
specifics*
- A) General listening session
 - B) Goals and objectives
 - C) Finalize goals and objectives
 - D) Ideas on plan to implement goals and objectives
 - E) Draft plan on implementation – may have alternatives
 - F) Final draft
 - G) Plan to JFC

TO: Peter Grant LRB
4-8522

FM: H.F. Craig office

msnort
DN

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 786, line 19: delete the material beginning with that line and ending
3 with page 788, line 24.

4 2. Page 788, line 25: substitute "(5r)" for "(5m)".

5 3. Page 789, line 1: delete that line and substitute:

6 "66.431 (5r) FINANCING OF CERTAIN SCHOOL FACILITIES. (a) *Legislative*
7 *declaration.* The legislature determines that the development of new schools will
8 help alleviate the substandard conditions described in sub. (2) and will promote the
9 sound growth and economic development of cities and enhance the education of
10 youth in neighborhood settings. The legislature determines that the social and
11 economic problems sought to be addressed are particularly acute in more densely

1 populated areas. The legislature desires to make certain financing and economic
 2 tools available in 1st class cities with the view that there are likely to be positive
 3 statewide benefits in light of the impact that 1st class cities have on the economy and
 4 welfare of the entire state ~~and also because experimental programs, if found~~
 5 ~~successful, can subsequently be authorized statewide.~~

6 (b) *Bond issuance for school facilities.* The authority of a 1st class city may issue
 7 bonds to finance or refinance the development or redevelopment of sites and facilities
 8 to be used for public instruction by the board of school directors of the school district
 9 operating under ch. 119 ^{INS. 2-9} if all of the following apply:

10 1. The board of school directors of the school district operating under ch. 119
 11 requests the issuance of the bonds to implement the report approved under 1999
 12 Wisconsin Act (this act), section ⁹¹⁵⁸ ~~9139~~ (7tw) (b).

13 2. The authority determines that the purposes of the financing are consistent
 14 with the 1st class city's master plan.

15 (c) *Terms and conditions.* The terms and conditions of bonds issued under this
 16 subsection shall be those specified in sub. (5) (a) 4. except that it shall not be
 17 necessary that the financed property be located in a project area or a blighted area.
 18 The bonds may not have a maturity in excess of 20 years and may not be issued later
 19 than the first day of the 60th month beginning after the effective date of this
 20 paragraph [revisor inserts date].

21 (d) *Designation of special*".

22 4. Page 789, line 3: delete "s. 66.066 (2) (e)" and substitute "the resolution
 23 authorizing the issuance of bonds under this subsection".

24 5. Page 789, line 6: delete "described under sub. (5) (a) 4. d.".

up to \$ 170,000,000 in

1 **6.** Page 789, line 13: delete lines 13 to 16 and substitute:

2 “a. The extent to which and manner by which revenues of the school district
3 operating under ch. 119 are pledged to the payment of the bonds.”.

4 **7.** Page 789, line 19: after “annual” insert “pledged”.

5 **8.** Page 789, line 20: delete “of the authority” and substitute “on the bonds”.

6 **9.** Page 789, line 24: substitute “(j)” for “(g)”.

7 **10.** Page 790, line 4: before “amount” insert “principal”.

8 *# - Page 790, line 6: substitute “\$170,000,000” for “\$200,000,000”.*
11. Page 790, line 11: delete “of bonds by the refunding bonds”.

9 **12.** Page 790, line 12: substitute “(j)” for “(g)”.

10 **13.** Page 790, line 13: delete “debt of the authority relating”.

11 **14.** Page 790, line 14: delete “to the bonds has” and substitute “bonds of the
12 authority issued under this subsection have”.

13 **15.** Page 790, line 15: substitute “bonds” for “debt”.

14 **16.** Page 790, line 17: substitute “(j)” for “(g)”.

15 **17.** Page 790, line 22: substitute “(e)” for “(b)”.

16 **18.** Page 790, line 25: delete “described under sub. (5) (a) 4.”.

17 **19.** Page 791, line 1: delete “d.”.

18 **20.** Page 791, line 4: substitute “(f)” for “(c)”.

19 **21.** Page 791, line 5: after “authority” insert “for bonds issued under this
20 subsection”.

1 **22.** Page 791, line 6: delete the material beginning with “bonds secured in”
2 and ending with “special debt service reserve fund” on line 7 and substitute “the
3 bonds”.

4 **23.** Page 791, line 8: substitute “the bonds, the purchase or redemption of the”
5 for “these bonds, the purchase or redemption of these”.

6 **24.** Page 791, line 9: on lines 9 and 10, substitute “the” for “these”.

7 **25.** Page 791, line 12: on lines 12 and 19, substitute “(h)” for “(e)”.

8 **26.** Page 791, line 20: substitute “(g)” for “(d)”.

9 **27.** Page 791, line 22: substitute “(h)” for “(e)”.

10 **28.** Page 791, line 23: after “bonds” insert “under this subsection”.

11 **29.** Page 792, line 1: substitute “(h)” for “(e)”.

12 **30.** Page 792, line 3: substitute “(h)” for “(e)”.

13 **31.** Page 792, line 6: delete “the bonds” and substitute “bonds under this
14 subsection”.

15 **32.** Page 793, line 5: substitute “(i)” for “(f)”.

16 **33.** Page 793, line 9: substitute “(j)” for “(g)”.

17 **34.** Page 793, line 10: on lines 10 and 14, substitute “(h)” for “(e)”.

18 **35.** Page 793, line 22: after “appropriation.” insert “This paragraph applies
19 only to bonds issued under, and in compliance with, this subsection.”.

20 **36.** Page 1130, line 9: on lines 9 and 13, delete “(5) (a) 4.” and substitute “(5r)”.

1130
4-
19

~~SECRET~~



-5-

Page 793, line 5: substitute "(i)"
for "(f)".

Page 793, line 10: ^{on lines 10 and 14,} substitute "(h)"
for "(e)".

Page 793, line 22: after "appropriation."
insert " This paragraph applies only to bonds
issued under, and in ~~strict~~ compliance with,
this subsection."

Page 1130, line 9, ^{or lines 9 and 13,} delete "(5)(a) 4."
and substitute "(5r)".

~~DEBT~~

Page 1130, line 18: delete ~~DEBT SERVICE~~

^(CS) "DEBT SERVICE" The " and substitute " ^{(LEASE OR} ~~DEBT~~ ^{LOAN} ^(CS)
^(CS) PAYMENTS
~~DEBT SERVICE~~ If the "



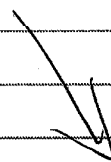
redevelopment authority
of the city or

Page 1130, line 19: after
" 119²⁴ insert "borrows money from the
redevelopment authority of the city under
s. 119.16 (3) (c), it".

Page 1130, line 20: delete
" pay debt service on bonds issued under
s. 66.431 (5m) " and substitute " make lease
payments or
repay the loan ".

Page 1130, line 21: delete " pay
the debt service " and substitute " make
lease payments or
repay the loan ".

~~End~~



1 ~~"SECTION 2108m. 119.16 (10) (cm) of the statutes is created to read:~~
 2 ~~119.16 (10) (cm) The board shall hold hearings on the plan under 1999~~
 3 ~~Wisconsin Act (this act), section 9158 (7tw) (a) before submission of the plan to the~~
 4 ~~joint committee on finance."~~

5 **4.** Page 1568, line 1: after "(b)" insert "and to the senate and assembly
 6 education committees".

INS
7-6 →

7 **5.** Page 1568, line 16: after that line insert:

8
9
10

"(bm) If a member of the senate or assembly education ~~reform~~ committees
 requests a hearing within 30 days after submission of the ~~plan~~^{report} under paragraph (a),
 the member's committee shall hold a hearing on the ~~plan~~^{report} within 2 weeks after the
 request."

11
 12 (END)

2-9

NO 9

, including instruction in charter
schools that are instrumentalities of
that school district, NO 9

(END OF INSERT)

4-19:1

Page 117, line 12: after that line insert:

Section #. 119.16 (3) (b) of the statutes is amended to read:

2108g ← letter "g"

119.16 (3) (b) Except as provided in para (c), schoolhouses and the sites on which they are situated shall be the property of the city, ~~but no~~ ^{• No} site may be purchased or leased and no schoolhouse may be constructed unless a resolution therefor is duly adopted by the board. ~~Deeds~~ of conveyance and leases shall be made to the city.

History: 1973 c. 17, 188; 1975 c. 353; 1977 c. 109; 1983 a. 391; 1985 a. 29; 1987 a. 395; 1989 a. 290; 1993 a. 492.

Except as provided in para. (c), deeds

strike comma

~~INSERT~~

4-19-2

Page 1117, line 12. after that

~~insert:~~

91 ~~SECTION~~ [✓] SECTION 2108R. CR, 119.16(3)(c)

^(B)
119.16(3)(c), the business may borrow money from the redevelopment authority of the city for the purposes of par. (a)."

~~and may use state aid under s. 111.02 s. 126.85 (6) to repay the loan.~~

If the redevelopment authority of the city issues bonds under s. 66.431 (5r), the board may lease ^{redevelopment} buildings or sites from the authority or

(END OF INSERT)

7-6.

Page 1568 line 13: after that
line insert:

nonstatute

"(am) Before submitting the report under paragraph (a) to the joint committee on finance ^{and the senate and assembly education committees,} the board shall hold of school directors hearings on the report. Each hearing shall consist of a general listening session and a session at which goals and objectives are discussed. Once the board has finalized its goals and objectives, the board shall solicit ideas on a plan to implement the goals and objectives and then draft a plan for implementing the goals and objectives."

(END OF INSERT)

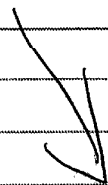
91 (e) It requires that the mps
board hold hearings on the ~~plan~~ ^{report} and
that the board submit the ~~plan~~ ^{report} to the
senate and assembly education committee
in addition to the joint committee on
finance. The draft also includes language
describing the "schedule" for the hearings on the
report. Please review this language ^{carefully}, because the
instructions for this section were rather cryptic.

91 (f) It provides that if ~~a~~ ^a member
of the senate or assembly education committee
requests a hearing on the ~~plan~~ ^{report} within the
members' committee must hold ^{such} a hearing.

91 2. The joint finance ^{committee} substitute amendment
includes a provision requesting
~~request~~ that the joint legislative council
to conduct a study of the special transfer
program. ~~and~~ if the council conducts the

study, it must report its findings to the legislature by January 1, 2000. Do you want to ~~delay~~ this amendment to ~~be~~ postpone that date?

⑨ 3. (As mentioned above, ~~this~~ amendment authorizes the MPS to lease buildings or sites from the redevelopment authority. Because this authority is in direct ^{conflict with} s. 119.16 (3) (b) ^{stats. (which} requires that "schoolhouses and the sites on which they are situated" be the property of the city and that "leases shall be made to the city"), I amended s. 119.16 (3) (b). OK?



It lacked the ~~authority~~ ^{power} to levy
a tax to ~~repay the borrowed money~~ ^{bonds} because
the district's ~~bonds~~ ^{bonds} were payable ~~solely~~ ^{solely}
from a special fund that did not
include any property tax ~~revenues~~ ^{revenues}. In
the court's view, an obligation payable
~~solely~~ ^{solely} from such a fund is not a
debt within the meaning of ~~the~~ ^{one could argue that} constitutional
debt limitations. Similarly, ~~it is~~ ^{under} this
amendment the obligation to ~~repay~~ ^{repay} ~~the~~
~~loan~~ ^{redevelopment} money borrowed from the ~~redvelopment~~
authority is ~~not~~ ^{not} a debt within the meaning
of the constitution because ~~it is~~ ^{the obligation} payable
from state ~~aid~~ ^{aid} and not from property
tax revenues.

Insert
A to D-note

(9) (c) It provides that the proceeds of the bonds issued by the redevelopment authority may be used ~~to~~ for ~~the~~ charter schools that are MPS instrumentalities.

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1715/1dn
PG:cmh:jf

September 17, 1999

1. This redraft makes the following changes and additions:

(a) It deletes the last phrase of the intent statement relating to experimental programs.

(b) It clarifies that the authority may not issue more than \$170,000,000 in bonds. See s. 66.431 (5r) (b) (intro.).

(c) It provides that the proceeds of the bonds issued by the redevelopment authority may be used for charter schools that are MPS instrumentalities.

(d) It explicitly authorizes MPS to lease school buildings or sites from the redevelopment authority and to borrow money from the authority for the purposes of constructing, purchasing or leasing buildings or sites.

(e) It requires that the MPS board hold hearings on the report and that the board submit the report to the senate and assembly education committees in addition to the joint committees on finance. The draft also includes language describing the "schedule" for the hearings on the report. Please review this language carefully, because the instructions for this section were rather cryptic.

(f) It provides that if a member of the senate or assembly education committee requests a hearing on the report, the member's committee must hold such a hearing.

2. The joint finance committee substitute amendment includes a provision requesting the joint legislative council to conduct a study of the special transfer program. If the council conducts the study, it must report its findings to the legislature by January 1, 2000. Do you want this amendment to postpone that date?

3. As mentioned above, this amendment authorizes the MPS board to lease buildings or sites from the redevelopment authority. Because this authority is in direct conflict with s. 119.16 (3) (b), stats. (which requires that "schoolhouses and the sites on which they are situated" be the property of the city and that "...leases shall be made to the city"), I amended s. 119.16 (3) (b). OK?

4. Finally, please note that, as we have discussed, this amendment may be vulnerable to a legal challenge based on article XI, section 3 (3), of the Wisconsin Constitution. Under that provision, any school district incurring indebtedness must levy an annual tax sufficient to pay the interest and principal on the debt. Because MPS is not authorized to levy taxes, one could argue that it may not incur debt.

However, in *Libertarian Party v. State*, 199 Wis.2d 790 (1996), the court determined that a professional baseball park district could borrow money even though it lacked the power to levy a tax because the district's bonds were payable solely from a special fund that did not include any property tax revenues. In the court's view, an obligation payable solely from such a fund is not a debt within the meaning of constitutional debt limitations. Similarly, one could argue that under this amendment the obligation to repay money borrowed from the redevelopment authority is not a debt within the meaning of the constitution because the obligation is payable from state aid and not from property tax revenues.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1715/1dn
PG:cmb:jf

September 17, 1999

*Redraft
to change
date.*

[Signature]

1. This redraft makes the following changes and additions:

(a) It deletes the last phrase of the intent statement relating to experimental programs.

(b) It clarifies that the authority may not issue more than \$170,000,000 in bonds. See s. 66.431 (5r) (b) (intro.).

(c) It provides that the proceeds of the bonds issued by the redevelopment authority may be used for charter schools that are MPS instrumentalities.

(d) It explicitly authorizes MPS to lease school buildings or sites from the redevelopment authority and to borrow money from the authority for the purposes of constructing, purchasing or leasing buildings or sites.

(e) It requires that the MPS board hold hearings on the report and that the board submit the report to the senate and assembly education committees in addition to the joint committees on finance. The draft also includes language describing the "schedule" for the hearings on the report. Please review this language carefully, because the instructions for this section were rather cryptic.

(f) It provides that if a member of the senate or assembly education committee requests a hearing on the report, the member's committee must hold such a hearing.

2. The joint finance committee substitute amendment includes a provision requesting the joint legislative council to conduct a study of the special transfer program. If the council conducts the study, it must report its findings to the legislature by January 1, ~~2000~~. Do you want this amendment to postpone that date?

3. As mentioned above, this amendment authorizes the MPS board to lease buildings or sites from the redevelopment authority. Because this authority is in direct conflict with s. 119.16 (3) (b), stats. (which requires that "schoolhouses and the sites on which they are situated" be the property of the city and that "...leases shall be made to the city"), I amended s. 119.16 (3) (b). OK?

4. Finally, please note that, as we have discussed, this amendment may be vulnerable to a legal challenge based on article XI, section 3 (3), of the Wisconsin Constitution. Under that provision, any school district incurring indebtedness must levy an annual tax sufficient to pay the interest and principal on the debt. Because MPS is not authorized to levy taxes, one could argue that it may not incur debt.

However, in *Libertarian Party v. State*, 199 Wis.2d 790 (1996), the court determined that a professional baseball park district could borrow money even though it lacked the power to levy a tax because the district's bonds were payable solely from a special fund that did not include any property tax revenues. In the court's view, an obligation payable solely from such a fund is not a debt within the meaning of constitutional debt limitations. Similarly, one could argue that under this amendment the obligation to repay money borrowed from the redevelopment authority is not a debt within the meaning of the constitution because the obligation is payable from state aid and not from property tax revenues.

Peter R. Grant
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E-mail: Peter.Grant@legis.state.wi.us



Today

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

(P. 5)

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 786, line 19: delete the material beginning with that line and ending
3 with page 788, line 24.

4 **2.** Page 788, line 25: substitute "(5r)" for "(5m)".

5 **3.** Page 789, line 1: delete that line and substitute:

6 "66.431 (5r) FINANCING OF CERTAIN SCHOOL FACILITIES. (a) *Legislative*
7 *declaration.* The legislature determines that the development of new schools will
8 help alleviate the substandard conditions described in sub. (2) and will promote the
9 sound growth and economic development of cities and enhance the education of
10 youth in neighborhood settings. The legislature determines that the social and
11 economic problems sought to be addressed are particularly acute in more densely
12 populated areas. The legislature desires to make certain financing and economic

1 tools available in 1st class cities with the view that there are likely to be positive
2 statewide benefits in light of the impact that 1st class cities have on the economy and
3 welfare of the entire state.

4 (b) *Bond issuance for school facilities.* The authority of a 1st class city may issue
5 up to \$170,000 in bonds to finance or refinance the development or redevelopment
6 of sites and facilities to be used for public instruction by the board of school directors
7 of the school district operating under ch. 119, including instruction in charter schools
8 that are instrumentalities of that school district, if all of the following apply:

9 1. The board of school directors of the school district operating under ch. 119
10 requests the issuance of the bonds to implement the report approved under 1999
11 Wisconsin Act (this act), section 9158 (7tw) (b).

12 2. The authority determines that the purposes of the financing are consistent
13 with the 1st class city's master plan.

14 (c) *Terms and conditions.* The terms and conditions of bonds issued under this
15 subsection shall be those specified in sub. (5) (a) 4. except that it shall not be
16 necessary that the financed property be located in a project area or a blighted area.
17 The bonds may not have a maturity in excess of 20 years and may not be issued later
18 than the first day of the 60th month beginning after the effective date of this
19 paragraph [revisor inserts date].

20 (d) *Designation of special*".

21 **4.** Page 789, line 3: delete "s. 66.066 (2) (e)" and substitute "the resolution
22 authorizing the issuance of bonds under this subsection".

23 **5.** Page 789, line 6: delete "described under sub. (5) (a) 4. d.". .

24 **6.** Page 789, line 13: delete lines 13 to 16 and substitute:

- 1 “a. The extent to which and manner by which revenues of the school district
2 operating under ch. 119 are pledged to the payment of the bonds.”
- 3 **7.** Page 789, line 19: after “annual” insert “pledged”.
- 4 **8.** Page 789, line 20: delete “of the authority” and substitute “on the bonds”.
- 5 **9.** Page 789, line 24: substitute “(j)” for “(g)”.
- 6 **10.** Page 790, line 4: before “amount” insert “principal”.
- 7 **11.** Page 790, line 6: substitute “\$170,000,000” for “\$200,000,000”.
- 8 **12.** Page 790, line 11: delete “of bonds by the refunding bonds”.
- 9 **13.** Page 790, line 12: substitute “(j)” for “(g)”.
- 10 **14.** Page 790, line 13: delete “debt of the authority relating”.
- 11 **15.** Page 790, line 14: delete “to the bonds has” and substitute “bonds of the
12 authority issued under this subsection have”.
- 13 **16.** Page 790, line 15: substitute “bonds” for “debt”.
- 14 **17.** Page 790, line 17: substitute “(j)” for “(g)”.
- 15 **18.** Page 790, line 22: substitute “(e)” for “(b)”.
- 16 **19.** Page 790, line 25: delete “described under sub. (5) (a) 4.”.
- 17 **20.** Page 791, line 1: delete “d.”.
- 18 **21.** Page 791, line 4: substitute “(f)” for “(c)”.
- 19 **22.** Page 791, line 5: after “authority” insert “for bonds issued under this
20 subsection”.

- 1 **23.** Page 791, line 6: delete the material beginning with “bonds secured in”
2 and ending with “special debt service reserve fund” on line 7 and substitute “the
3 bonds”.
- 4 **24.** Page 791, line 8: substitute “the bonds, the purchase or redemption of the”
5 for “these bonds, the purchase or redemption of these”.
- 6 **25.** Page 791, line 9: on lines 9 and 10, substitute “the” for “these”.
- 7 **26.** Page 791, line 12: on lines 12 and 19, substitute “(h)” for “(e)”.
- 8 **27.** Page 791, line 20: substitute “(g)” for “(d)”.
- 9 **28.** Page 791, line 22: substitute “(h)” for “(e)”.
- 10 **29.** Page 791, line 23: after “bonds” insert “under this subsection”.
- 11 **30.** Page 792, line 1: substitute “(h)” for “(e)”.
- 12 **31.** Page 792, line 3: substitute “(h)” for “(e)”.
- 13 **32.** Page 792, line 6: delete “the bonds” and substitute “bonds under this
14 subsection”.
- 15 **33.** Page 793, line 5: substitute “(i)” for “(f)”.
- 16 **34.** Page 793, line 9: substitute “(j)” for “(g)”.
- 17 **35.** Page 793, line 10: on lines 10 and 14, substitute “(h)” for “(e)”.
- 18 **36.** Page 793, line 22: after “appropriation.” insert “This paragraph applies
19 only to bonds issued under, and in compliance with, this subsection.”.
- 20 **37.** Page 1117, line 12: after that line insert:
21 **“SECTION 2108g. 119.16 (3) (b) of the statutes is amended to read:**

1 119.16 (3) (b) Schoolhouses Except as provided in par. (c), schoolhouses and the
2 sites on which they are situated shall be the property of the city, ~~but no~~. No site may
3 be purchased or leased and no schoolhouse may be constructed unless a resolution
4 therefor is duly adopted by the board. Deeds Except as provided in par. (c), deeds of
5 conveyance and leases shall be made to the city.

6 **SECTION 2108r.** 119.16 (3) (c) of the statutes is created to read:

7 119.16 (3) (c) If the redevelopment authority of the city issues bonds under s.
8 66.431 (5r), the board may lease buildings or sites from the redevelopment authority
9 or borrow money from the redevelopment authority for the purposes of par. (a).”.

10 **38.** Page 1130, line 9: on lines 9 and 13, delete “(5) (a) 4.” and substitute “(5r)”.

11 **39.** Page 1130, line 18: delete “DEBT SERVICE. The” and substitute “LEASE OR
12 LOAN PAYMENTS. If the”.

13 **40.** Page 1130, line 19: after “119” insert “leases buildings or sites from the
14 redevelopment authority of the city or borrows money from the redevelopment
15 authority of the city under s. 119.16 (3) (c), it”.

16 **41.** Page 1130, line 20: delete “pay debt service on bonds issued under s.
17 66.431 (5m)” and substitute “make lease payments or repay the loan”.

18 **42.** Page 1130, line 21: delete “pay the debt service” and substitute “make
19 lease payments or repay the loan”.

20 **43.** Page 1568, line 1: after “(b)” insert “and to the senate and assembly
21 education committees”.

22 **44.** Page 1568, line 13: after that line insert:

→ #. Page 1536, line 23: substitute “2001” for “2000”.

1 “(am) Before submitting the report under paragraph (a) to the joint committee
2 on finance and the senate and assembly education committees, the board of school
3 directors shall hold hearings on the report. Each hearing shall consist of a general
4 listening session and a session at which goals and objectives are discussed. Once the
5 board has finalized its goals and objectives, the board shall solicit ideas on a plan to
6 implement the goals and objectives and then draft a plan for implementing the goals
7 and objectives.”.

8 **45.** Page 1568, line 16: after that line insert:

9 “(bm) If a member of the senate or assembly education committees requests a
10 hearing within 30 days after submission of the report under paragraph (a), the
11 member’s committee shall hold a hearing on the report within 2 weeks after the
12 request.”.

13

(END)

Now

P. 2

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 786, line 19: delete the material beginning with that line and ending
3 with page 788, line 24.

4 **2.** Page 788, line 25: substitute "(5r)" for "(5m)".

5 **3.** Page 789, line 1: delete that line and substitute:

6 "66.431 (5r) FINANCING OF CERTAIN SCHOOL FACILITIES. (a) *Legislative*
7 *declaration.* The legislature determines that the development of new schools will
8 help alleviate the substandard conditions described in sub. (2) and will promote the
9 sound growth and economic development of cities and enhance the education of
10 youth in neighborhood settings. The legislature determines that the social and
11 economic problems sought to be addressed are particularly acute in more densely
12 populated areas. The legislature desires to make certain financing and economic

1 tools available in 1st class cities with the view that there are likely to be positive
2 statewide benefits in light of the impact that 1st class cities have on the economy and
3 welfare of the entire state.

4 (b) *Bond issuance for school facilities.* The authority of a 1st class city may issue
5 up to ~~\$170,000~~ ^{\$190,500,500} in bonds to finance or refinance the development or redevelopment
6 of sites and facilities to be used for public instruction by the board of school directors
7 of the school district operating under ch. 119, including instruction in charter schools
8 that are instrumentalities of that school district, if all of the following apply:

9 1. The board of school directors of the school district operating under ch. 119
10 requests the issuance of the bonds to implement the report approved under 1999
11 Wisconsin Act (this act), section 9158 (7tw) (b).

12 2. The authority determines that the purposes of the financing are consistent
13 with the 1st class city's master plan.

14 (c) *Terms and conditions.* The terms and conditions of bonds issued under this
15 subsection shall be those specified in sub. (5) (a) 4. except that it shall not be
16 necessary that the financed property be located in a project area or a blighted area.
17 The bonds may not have a maturity in excess of 20 years and may not be issued later
18 than the first day of the 60th month beginning after the effective date of this
19 paragraph [revisor inserts date].

20 (d) *Designation of special*".

21 4. Page 789, line 3: delete "s. 66.066 (2) (e)" and substitute "the resolution
22 authorizing the issuance of bonds under this subsection".

23 5. Page 789, line 6: delete "described under sub. (5) (a) 4. d.".

24 6. Page 789, line 13: delete lines 13 to 16 and substitute:

1 “a. The extent to which and manner by which revenues of the school district
2 operating under ch. 119 are pledged to the payment of the bonds.”.

3 **7.** Page 789, line 19: after “annual” insert “pledged”.

4 **8.** Page 789, line 20: delete “of the authority” and substitute “on the bonds”.

5 **9.** Page 789, line 24: substitute “(j)” for “(g)”.

6 **10.** Page 790, line 4: before “amount” insert “principal”.

7 **11.** Page 790, line 6: substitute “\$170,000,000” for “\$200,000,000”.

8 **12.** Page 790, line 11: delete “of bonds by the refunding bonds”.

9 **13.** Page 790, line 12: substitute “(j)” for “(g)”.

10 **14.** Page 790, line 13: delete “debt of the authority relating”.

11 **15.** Page 790, line 14: delete “to the bonds has” and substitute “bonds of the
12 authority issued under this subsection have”.

13 **16.** Page 790, line 15: substitute “bonds” for “debt”.

14 **17.** Page 790, line 17: substitute “(j)” for “(g)”.

15 **18.** Page 790, line 22: substitute “(e)” for “(b)”.

16 **19.** Page 790, line 25: delete “described under sub. (5) (a) 4.”.

17 **20.** Page 791, line 1: delete “d.”.

18 **21.** Page 791, line 4: substitute “(f)” for “(c)”.

19 **22.** Page 791, line 5: after “authority” insert “for bonds issued under this
20 subsection”.

1 **23.** Page 791, line 6: delete the material beginning with “bonds secured in”
2 and ending with “special debt service reserve fund” on line 7 and substitute “the
3 bonds”.

4 **24.** Page 791, line 8: substitute “the bonds, the purchase or redemption of the”
5 for “these bonds, the purchase or redemption of these”.

6 **25.** Page 791, line 9: on lines 9 and 10, substitute “the” for “these”.

7 **26.** Page 791, line 12: on lines 12 and 19, substitute “(h)” for “(e)”.

8 **27.** Page 791, line 20: substitute “(g)” for “(d)”.

9 **28.** Page 791, line 22: substitute “(h)” for “(e)”.

10 **29.** Page 791, line 23: after “bonds” insert “under this subsection”.

11 **30.** Page 792, line 1: substitute “(h)” for “(e)”.

12 **31.** Page 792, line 3: substitute “(h)” for “(e)”.

13 **32.** Page 792, line 6: delete “the bonds” and substitute “bonds under this
14 subsection”.

15 **33.** Page 793, line 5: substitute “(i)” for “(f)”.

16 **34.** Page 793, line 9: substitute “(j)” for “(g)”.

17 **35.** Page 793, line 10: on lines 10 and 14, substitute “(h)” for “(e)”.

18 **36.** Page 793, line 22: after “appropriation.” insert “This paragraph applies
19 only to bonds issued under, and in compliance with, this subsection.”.

20 **37.** Page 1117, line 12: after that line insert:

21 “SECTION 2108g. 119.16 (3) (b) of the statutes is amended to read:

1 119.16 (3) (b) ~~Schoolhouses~~ Except as provided in par. (c), schoolhouses and the
2 sites on which they are situated shall be the property of the city, ~~but no~~ No site may
3 be purchased or leased and no schoolhouse may be constructed unless a resolution
4 therefor is duly adopted by the board. ~~Deeds~~ Except as provided in par. (c), deeds of
5 conveyance and leases shall be made to the city.

6 **SECTION 2108r.** 119.16 (3) (c) of the statutes is created to read:

7 119.16 (3) (c) If the redevelopment authority of the city issues bonds under s.
8 66.431 (5r), the board may lease buildings or sites from the redevelopment authority
9 or borrow money from the redevelopment authority for the purposes of par. (a).”.

10 **38.** Page 1130, line 9: on lines 9 and 13, delete “(5) (a) 4.” and substitute “(5r)”.

11 **39.** Page 1130, line 18: delete “DEBT SERVICE. The” and substitute “LEASE OR
12 LOAN PAYMENTS. If the”.

13 **40.** Page 1130, line 19: after “119” insert “leases buildings or sites from the
14 redevelopment authority of the city or borrows money from the redevelopment
15 authority of the city under s. 119.16 (3) (c), it”.

16 **41.** Page 1130, line 20: delete “pay debt service on bonds issued under s.
17 66.431 (5m)” and substitute “make lease payments or repay the loan”.

18 **42.** Page 1130, line 21: delete “pay the debt service” and substitute “make
19 lease payments or repay the loan”.

20 **43.** Page 1530, line 23: substitute “2001” for “2000”.

21 **44.** Page 1568, line 1: after “(b)” insert “and to the senate and assembly
22 education committees”.

23 **45.** Page 1568, line 13: after that line insert:

1 “(am) Before submitting the report under paragraph (a) to the joint committee
2 on finance and the senate and assembly education committees, the board of school
3 directors shall hold hearings on the report. Each hearing shall consist of a general
4 listening session and a session at which goals and objectives are discussed. Once the
5 board has finalized its goals and objectives, the board shall solicit ideas on a plan to
6 implement the goals and objectives and then draft a plan for implementing the goals
7 and objectives.”.

8 **46.** Page 1568, line 16: after that line insert:

9 “(bm) If a member of the senate or assembly education committees requests a
10 hearing within 30 days after submission of the report under paragraph (a), the
11 member’s committee shall hold a hearing on the report within 2 weeks after the
12 request.”.

13

(END)

617(5/24)

Peter

This list is meant to describe 7 different hearings -

The lettered items describe what each hearing is to be.

3. MPS Board - Hearing Schedule

- ① A) General listening session
- ② B) Goals and objectives
- ③ C) Finalize goals and objectives
- ④ D) Ideas on plan to implement goals and objectives
- ⑤ E) Draft plan on implementation - may have alternatives
- ⑥ F) Final draft
- ⑦ G) Plan to JFC

I talked to Russ about this. -

U.F.,



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1715/2⁴
PG/MJL/MES:cmh:kjf

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

See p. 6 R-M run
Due TODAY - 4:30

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 786, line 19: delete the material beginning with that line and ending
- 3 with page 788, line 24.
- 4 2. Page 788, line 25: substitute "(5r)" for "(5m)".
- 5 3. Page 789, line 1: delete that line and substitute:
- 6 "66.431 (5r) FINANCING OF CERTAIN SCHOOL FACILITIES. (a) *Legislative*
- 7 *declaration.* The legislature determines that the development of new schools will
- 8 help alleviate the substandard conditions described in sub. (2) and will promote the
- 9 sound growth and economic development of cities and enhance the education of
- 10 youth in neighborhood settings. The legislature determines that the social and
- 11 economic problems sought to be addressed are particularly acute in more densely
- 12 populated areas. The legislature desires to make certain financing and economic

1 tools available in 1st class cities with the view that there are likely to be positive
2 statewide benefits in light of the impact that 1st class cities have on the economy and
3 welfare of the entire state.

4 (b) *Bond issuance for school facilities.* The authority of a 1st class city may issue
5 up to \$170,000,000 in bonds to finance or refinance the development or
6 redevelopment of sites and facilities to be used for public instruction by the board of
7 school directors of the school district operating under ch. 119, including instruction
8 in charter schools that are instrumentalities of that school district, if all of the
9 following apply:

10 1. The board of school directors of the school district operating under ch. 119
11 requests the issuance of the bonds to implement the report approved under 1999
12 Wisconsin Act (this act), section 9158 (7tw) (b).

13 2. The authority determines that the purposes of the financing are consistent
14 with the 1st class city's master plan.

15 (c) *Terms and conditions.* The terms and conditions of bonds issued under this
16 subsection shall be those specified in sub. (5) (a) 4. except that it shall not be
17 necessary that the financed property be located in a project area or a blighted area.
18 The bonds may not have a maturity in excess of 20 years and may not be issued later
19 than the first day of the 60th month beginning after the effective date of this
20 paragraph [revisor inserts date].

21 (d) *Designation of special*".

22 4. Page 789, line 3: delete "s. 66.066 (2) (e)" and substitute "the resolution
23 authorizing the issuance of bonds under this subsection".

24 5. Page 789, line 6: delete "described under sub. (5) (a) 4. d.".

- 1 **6.** Page 789, line 13: delete lines 13 to 16 and substitute:
 - 2 “a. The extent to which and manner by which revenues of the school district
 - 3 operating under ch. 119 are pledged to the payment of the bonds.”.
- 4 **7.** Page 789, line 19: after “annual” insert “pledged”.
- 5 **8.** Page 789, line 20: delete “of the authority” and substitute “on the bonds”.
- 6 **9.** Page 789, line 24: substitute “(j)” for “(g)”.
- 7 **10.** Page 790, line 4: before “amount” insert “principal”.
- 8 **11.** Page 790, line 6: substitute “\$170,000,000” for “\$200,000,000”.
- 9 **12.** Page 790, line 11: delete “of bonds by the refunding bonds”.
- 10 **13.** Page 790, line 12: substitute “(j)” for “(g)”.
- 11 **14.** Page 790, line 13: delete “debt of the authority relating”.
- 12 **15.** Page 790, line 14: delete “to the bonds has” and substitute “bonds of the
13 authority issued under this subsection have”.
- 14 **16.** Page 790, line 15: substitute “bonds” for “debt”.
- 15 **17.** Page 790, line 17: substitute “(j)” for “(g)”.
- 16 **18.** Page 790, line 22: substitute “(e)” for “(b)”.
- 17 **19.** Page 790, line 25: delete “described under sub. (5) (a) 4.”.
- 18 **20.** Page 791, line 1: delete “d.”.
- 19 **21.** Page 791, line 4: substitute “(f)” for “(c)”.
- 20 **22.** Page 791, line 5: after “authority” insert “for bonds issued under this
21 subsection”.

1 **23.** Page 791, line 6: delete the material beginning with “bonds secured in”
2 and ending with “special debt service reserve fund” on line 7 and substitute “the
3 bonds”.

4 **24.** Page 791, line 8: substitute “the bonds, the purchase or redemption of the”
5 for “these bonds, the purchase or redemption of these”.

6 **25.** Page 791, line 9: on lines 9 and 10, substitute “the” for “these”.

7 **26.** Page 791, line 12: on lines 12 and 19, substitute “(h)” for “(e)”.

8 **27.** Page 791, line 20: substitute “(g)” for “(d)”.

9 **28.** Page 791, line 22: substitute “(h)” for “(e)”.

10 **29.** Page 791, line 23: after “bonds” insert “under this subsection”.

11 **30.** Page 792, line 1: substitute “(h)” for “(e)”.

12 **31.** Page 792, line 3: substitute “(h)” for “(e)”.

13 **32.** Page 792, line 6: delete “the bonds” and substitute “bonds under this
14 subsection”.

15 **33.** Page 793, line 5: substitute “(i)” for “(f)”.

16 **34.** Page 793, line 9: substitute “(j)” for “(g)”.

17 **35.** Page 793, line 10: on lines 10 and 14, substitute “(h)” for “(e)”.

18 **36.** Page 793, line 22: after “appropriation.” insert “This paragraph applies
19 only to bonds issued under, and in compliance with, this subsection.”.

20 **37.** Page 1117, line 12: after that line insert:

21 “SECTION 2108g. 119.16 (3) (b) of the statutes is amended to read:

1 119.16 (3) (b) ~~Schoolhouses~~ Except as provided in par. (c), schoolhouses and the
2 sites on which they are situated shall be the property of the city, ~~but no~~. No site may
3 be purchased or leased and no schoolhouse may be constructed unless a resolution
4 therefor is duly adopted by the board. ~~Deeds~~ Except as provided in par. (c), deeds of
5 conveyance and leases shall be made to the city.

6 **SECTION 2108r.** 119.16 (3) (c) of the statutes is created to read:

7 119.16 (3) (c) If the redevelopment authority of the city issues bonds under s.
8 66.431 (5r), the board may lease buildings or sites from the redevelopment authority
9 or borrow money from the redevelopment authority for the purposes of par. (a).”.

10 **38.** Page 1130, line 9: on lines 9 and 13, delete “(5) (a) 4.” and substitute “(5r)”.

11 **39.** Page 1130, line 18: delete “DEBT SERVICE. The” and substitute “LEASE OR
12 LOAN PAYMENTS. If the”.

13 **40.** Page 1130, line 19: after “119” insert “leases buildings or sites from the
14 redevelopment authority of the city or borrows money from the redevelopment
15 authority of the city under s. 119.16 (3) (c), it”.

16 **41.** Page 1130, line 20: delete “pay debt service on bonds issued under s.
17 66.431 (5m)” and substitute “make lease payments or repay the loan”.

18 **42.** Page 1130, line 21: delete “pay the debt service” and substitute “make
19 lease payments or repay the loan”.

20 **43.** Page 1530, line 23: substitute “2001” for “2000”.

21 **44.** Page 1568, line 1: after “(b)” insert “and to the senate and assembly
22 education committees”.

23 **45.** Page 1568, line 13: after that line insert:

all of the following kinds of

1 “(am) Before submitting the report under paragraph (a) to the joint committee
 2 on finance and the senate and assembly education committees, the board of school
 3 directors shall hold hearings on the report. ~~Each hearing shall consist of a general~~
 4 listening session ~~and a session~~ at which goals and objectives are discussed. ~~On the~~
 5 ~~board has finalized its~~ goals and objectives, the board shall solicit ideas on a plan to
 6 implement the goals and objectives ~~and then draft~~ a plan for implementing the goals
 7 and objectives.”

Annotations:
 - *All 1.* (circled) pointing to "Each hearing shall consist of a general listening session"
 - *All 2. A hearing* (circled) pointing to "listening session"
 - *All 3. A* (circled) pointing to "at which goals and objectives are discussed"
 - *All 4. A hearing at which* (circled) pointing to "the board shall solicit ideas on a plan to implement the goals and objectives"
 - *All 5. A hearing at which the board presents an initial draft of* (circled) pointing to "and then draft a plan for implementing the goals and objectives"
 - *hearings to finalize the board's* (circled) pointing to "board has finalized its goals and objectives"
 - *of* (circled) pointing to "and objectives"

46. Page 1568, line 16: after that line insert:

9 “(bm) If a member of the senate or assembly education committees requests a
 10 hearing within 30 days after submission of the report under paragraph (a), the
 11 member’s committee shall hold a hearing on the report within 2 weeks after the
 12 request.”.

(END)

All 6. A hearing at which the board presents a final draft of a plan for implementing the goals and objectives.

All 7. A hearing at which the board presents the plan.

Williams, Landon

To: Bliven, Mark
Cc: Grant, Peter
Subject: LRB 99b1715 per your request



99b1715/4

Landon T. Williams
Legislative Program Assistant
Legislative Reference Bureau
100 N. Hamilton
(608) 266-3561
landon.williams@legis.state.wi.us