

2009 DRAFTING REQUEST

Bill

Received: 09/30/2008

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Rhodes

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Higher Education - tech. college

Extra Copies: MDK

Submit via email: NO

Pre Topic:

DOA:.....Rhodes, BB0165 -

Topic:

Increase cap on capital projects

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>
/?	pgrant 09/30/2008	wjackson 10/06/2008		_____			S&L
/1			phenry 10/06/2008	_____	lparisi 10/06/2008		

FE Sent For:

<END>

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/?	pgrant	1 WLj 10/6	10 ph	10 ph			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Increase Cap on Capital Projects
- Tracking Code: BB0165
- SBO team: Education, Children & Families
- SBO analyst: Dennis Rhodes
 - Phone: 266-2843
 - Email: Dennis.Rhodes@Wisconsin.gov
- Agency acronym: WTCS
- Agency number: 292
- Priority (Low, Medium, High): Medium

Intent: Change to the statutory language governing capital projects that would allow technical college district boards to carry out capital building and remodeling projects of up to \$1,500,000 without requiring a public referendum.

Section ____ 38.15(1) of the statutes is amended to read:

Financing of capital expenditures. Financing of capital expenditures. (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of ~~\$1,000,000~~ \$1,500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed ~~\$1,000,000~~ \$1,500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval.

Section ____ 67.05(6m)(a) of the statutes is amended to read:

Hearing and referendum in technical college districts. (a) An initial resolution adopted by a technical college district board for an issue of bonds in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the technical college district secretary a petition conforming to the requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96(2)(c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96(2)(c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 at the discretion of the

district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions adopted under sub. (1) in an amount of money in excess of ~~\$1,000,000~~ \$1,500,000 or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue.

Section _____. 67.12(12)(e)5 of the statutes is amended to read:

Borrowing on promissory notes. 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1 to issue a promissory note for a purpose under s.38.16(2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed ~~\$1,000,000~~ \$1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96(2)(c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under 16.96(2)(c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s.67.05(6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?".

Grant, Peter

From: Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]
Sent: Friday, October 03, 2008 1:03 PM
To: Grant, Peter
Subject: RE: BB0165

Peter,

This is what WTCS is after:

Dennis –

38.15(2) should be changed – but only in one place. The second reference to a \$1 million should be changed to \$1.5 million.

38.15(2) No more than \$1,000,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of \$1,500,000 \$1,000,000 for the purposes under sub. (1).

Thanks,

Dennis
6-2843

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Friday, October 03, 2008 9:39 AM
To: Rhodes, Dennis - DOA
Subject: BB0165

Dennis, could you check with WTCS and make sure that they do not want to amend s. 38.15 (2) to increase the amount from \$1,000,000 to \$1,500,000? Thanks.

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.wisconsin.gov

Date (time)
needed

SOON

LRB- 0467 / 1

PL: WLj:

DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget.

.....
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

Filed 1/1

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

SECTION #.

Section #. 38.15 (1) of the statutes is amended to read:

\$ 1,500,000

38.15 (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of ~~\$1,000,000~~, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed ~~\$1,000,000~~ for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9; 2001 a. 16; 2003 a. 62.

Section #. 38.15 (2) of the statutes is amended to read:

38.15 (2) No more than \$1,000,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of ~~\$1,000,000~~ for the purposes under sub. (1).

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9; 2001 a. 16; 2003 a. 62.

\$1,500,000

Section #. 67.05 (6m) (a) of the statutes is amended to read:

67.05 (6m) (a) An initial resolution adopted by a technical college district board for an issue of bonds in an amount of money not exceeding ~~\$1,000,000~~ ^{\$1,500,000} for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the technical college district secretary a petition conforming to the requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding ~~\$1,000,000~~ ^{\$1,500,000} at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions adopted under sub. (1) in an amount of money in excess of ~~\$1,000,000~~ ^{\$1,500,000} or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue.

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1.

\$ 1,500,000

Section #. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed ~~\$1,000,000~~ or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of ~~\$1,000,000~~ for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing

its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

History: 1971 c. 49, 144; 1971 c. 152 s. 38; 1971 c. 164, 215; 1973 c. 172, 250; 1975 c. 311; 1977 c. 29; 1977 c. 272 s. 98; 1977 c. 418; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221, 297; 1981 c. 20, 254; 1981 c. 282 ss. 29, 45; 1981 c. 314; 1983 a. 24, 27, 192, 207, 368, 538; 1985 a. 101, 225; 1987 a. 197, 391, 399, 403; 1989 a. 31, 56, 192, 336, 366; 1991 a. 32, 49; 1993 a. 399; 1995 a. 27, 227, 232, 358; 1997 a. 35, 286; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2003 a. 43; 2007 a. 115, 188; s. 13.92 (2) (i).

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 4 8 **]. Initial applicability;**

..... Technical college system

(#1) () (CS) CAPITAL EXPENDITURES

..... and (2) The treatment of sections ..
38.15 (1) and (2) 67.05 (6m) (a) and 67.12 (12) (e) 50

..... of the statutes
first applies to district board resolutions adopted on
the effective date of this subsection

(End)

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # _____ **. Initial applicability;**

..... This act first
applies to

EDUCATION

HIGHER EDUCATION

if

① In general, a technical college district board wishes to make a capital expenditure ^{exceeding \$1,000,000} or to borrow ~~borrow~~ more than \$1,000,000, it must ^{adopt} a

resolution to do so and submit the resolution to the electors of the district for ^{approval} approval.

② This bill raises the amount from \$1,000,000 to \$1,500,000.

EE-SL ✓



DOA:.....Rhodes, BB0165 - Increase cap on capital projects

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

In general, if a technical college district board wishes to make a capital expenditure exceeding \$1,000,000 or to borrow more than \$1,000,000, it must adopt a resolution to do so and submit the resolution to the electors of the district for approval. This bill raises the amount from \$1,000,000 to \$1,500,000.

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:

2 SECTION 1. 38.15 (1) of the statutes is amended to read:

3 38.15 (1) Subject to sub. (3), if the district board intends to make a capital
4 expenditure in excess of \$1,000,000 \$1,500,000, excluding moneys received from
5 gifts, grants or federal funds, for the acquisition of sites, purchase or construction of

1 buildings, the lease/purchase of buildings if costs exceed ~~\$1,000,000~~ \$1,500,000 for
2 the lifetime of the lease, building additions or enlargements or the purchase of fixed
3 equipment relating to any such activity, it shall adopt a resolution stating its
4 intention to do so and identifying the anticipated source of revenue for each project
5 and shall submit the resolution to the electors of the district for approval. The
6 referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar
7 as applicable. For the purposes of this section, all projects located on a single campus
8 site within one district which are bid concurrently or which are approved by the
9 board under s. 38.04 (10) within a 2-year period shall be considered as one capital
10 expenditure project.

11 **SECTION 2.** 38.15 (2) of the statutes is amended to read:

12 38.15 (2) No more than ~~\$1,000,000~~ \$1,500,000 in reserve funds, consisting of
13 property tax revenues and investment earnings on those revenues, may be utilized
14 by the district board to finance capital expenditures in excess of \$1,000,000 for the
15 purposes under sub. (1).

16 **SECTION 3.** 67.05 (6m) (a) of the statutes is amended to read:

17 67.05 (6m) (a) An initial resolution adopted by a technical college district board
18 for an issue of bonds in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 for
19 building remodeling or improvement need not be submitted to the electors of the
20 district for approval unless within 30 days after the initial resolution is adopted there
21 is filed with the technical college district secretary a petition conforming to the
22 requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be
23 signed by electors from each county lying wholly or partially within the district. The
24 number of electors from each county shall equal at least 1.5% of the population of the
25 county as determined under s. 16.96 (2) (c). If a county lies in more than one district,

1 the technical college system board shall apportion the county's population as
2 determined under s. 16.96 (2) (c) to the districts involved and the petition shall be
3 signed by electors equal to the appropriate percentage of the apportioned population.
4 Any initial resolution adopted under sub. (1) in an amount of money not exceeding
5 ~~\$1,000,000~~ \$1,500,000 at the discretion of the district board, may be submitted to the
6 electors without waiting for the filing of a petition. All initial resolutions adopted
7 under sub. (1) in an amount of money in excess of ~~\$1,000,000~~ \$1,500,000 or more for
8 building remodeling or improvement shall be submitted to the electors of the district
9 for approval. If a referendum is duly petitioned or required under this subsection,
10 bonds may not be issued until the electors of the district have approved the issue.

11 **SECTION 4.** 67.12 (12) (e) 5. of the statutes is amended to read:

12 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district
13 board of a resolution under subd. 1. to issue a promissory note for a purpose under
14 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
15 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
16 the resolution, but shall state the amount proposed to be borrowed, the method of
17 borrowing, the purpose thereof, that the resolution was adopted under this
18 subsection and the place where and the hours during which the resolution is
19 available for public inspection. If the amount proposed to be borrowed is for building
20 remodeling or improvement and does not exceed ~~\$1,000,000~~ \$1,500,000 or is for
21 movable equipment, the district board need not submit the resolution to the electors
22 for approval unless, within 30 days after the publication or posting, a petition
23 conforming to the requirements of s. 8.40 is filed with the secretary of the district
24 board requesting a referendum at a special election to be called for that purpose.
25 Such petition shall be signed by electors from each county lying wholly or partially

1 within the district. The number of electors from each county shall equal at least 1.5%
2 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
3 in more than one district, the technical college system board shall apportion the
4 county's population as determined under s. 16.96 (2) (c) to the districts involved and
5 the petition shall be signed by electors equal to the appropriate percentage of the
6 apportioned population. In lieu of a special election, the district board may specify
7 that the referendum shall be held at the next succeeding spring primary or election
8 or September primary or general election. Any resolution to borrow amounts of
9 money in excess of ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement
10 shall be submitted to the electors of the district for approval. If a referendum is held
11 or required under this subdivision, no promissory note may be issued until the
12 issuance is approved by a majority of the district electors voting at such referendum.
13 The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as
14 applicable, except that the notice of special election and ballot need not embody a
15 copy of the resolution and the question which shall appear on the ballot shall be
16 "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose)
17 by issuing its general obligation promissory note (or notes) under section 67.12 (12)
18 of the Wisconsin Statutes?".

19 **SECTION 9348. Initial applicability; Technical College System.**

20 (1) CAPITAL EXPENDITURES. The treatment of sections 38.15 (1) and (2), 67.05
21 (6m) (a), and 67.12 (12) (e) 5. of the statutes first applies to district board resolutions
22 adopted on the effective date of this subsection.

23 (END)