



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0415/1
ARG/MES/MPG:kjf

**SENATE SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 811**

March 20, 2018 - Offered by Senators SHILLING, HANSEN, LARSON, SCHACHTNER,
JOHNSON, VINEHOUT, CARPENTER, ERPENBACH, RISSER, RINGHAND and MILLER.

1 **AN ACT** *to amend* 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95
2 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15
3 (1) (ab), 16.41 (4), 16.417 (1) (b), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a)
4 1., 16.765 (1), 16.765 (2), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d),
5 16.765 (8), 16.85 (2), 16.865 (8), 71.05 (6) (b) 28. (intro.) and h., 71.05 (6) (b) 28.
6 am., 77.54 (9a) (a), 100.45 (1) (dm) and 230.03 (3); and **to create** 13.94 (1) (dt),
7 13.94 (1s) (c) 9., 19.42 (10) (t), 19.42 (13) (q), 20.192 (1) (b), 20.195, 39.28 (7),
8 39.52, 39.54, 39.56, 40.02 (54) (n), 70.11 (38v), 71.05 (6) (b) 28. j., 224.30 (6),
9 238.155 and chapter 239 of the statutes; **relating to:** student loans, the
10 individual income tax subtract modification for tuition and student fees,
11 creating an authority to be known as the Wisconsin Student Loan Refinancing

1 Authority, talent attraction and retention initiatives, granting rule-making
2 authority, and making appropriations.

Analysis by the Legislative Reference Bureau

The Wisconsin Student Loan Refinancing Authority

This substitute amendment creates an authority, which is a public body corporate and politic, to be known as the Wisconsin Student Loan Refinancing Authority (WSLRA). The WSLRA is governed by a board that consists of four members of the legislature, three members who are students of an institution of higher education, and two members with experience in making student loans. The five members of the board who are not members of the legislature are nominated by the governor, and with the advice and consent of the senate appointed, to serve two- or three-year terms. The board appoints the chief executive officer of WSLRA and annually elects the chairperson of the board. The board is given all the powers necessary or convenient to carry out its duties, as well as specific powers to conduct its corporate business, including the power to issue bonds for any corporate purpose.

Under the substitute amendment, the board must develop and implement a loan program under which state residents may refinance student loans. Under the program, WSLRA provides a loan to an individual to pay off some or all of his or her outstanding student loan debt. To qualify for the program, an individual must satisfy eligibility requirements established by WSLRA. Under the substitute amendment, WSLRA must provide loans under the program at the lowest possible interest rate that is still sufficient to cover the expenses of the program. A loan issued under the program is not dischargeable in a bankruptcy proceeding.

Financial aid information

This substitute amendment requires the Department of Financial Institutions to compile data related to private student loans for the purpose of comparing private lending institutions' student loan interest rates and repayment plans. A "private student loan" is a loan issued by a private lending institution for the purpose of paying for or financing higher education expenses, including tuition and fees, books and supplies, and room and board. DFI must create and maintain a list of private lending institutions that provide the lowest rates and best repayment options on student loans. DFI must also compile a list of the top ten best private lending institutions based on rates and policies that are most favorable to the student borrower. DFI must place these lists on DFI's Internet site and update the Internet site monthly to ensure that the student loan information in these lists is current and accurate. DFI's Internet site must also contain information pertaining to lending institutions that do not make the top ten list, including identifying those lending institutions that provide the worst rates and strictest repayment options. DFI may satisfy its duties under the substitute amendment through a designee or third-party contractor.

The substitute amendment also requires an institution or college campus within the University of Wisconsin System, a technical college within the technical

college system, a tribally controlled college, or a private, nonprofit institution of higher education located in this state (institution of higher education) to provide to a prospective or newly accepted student and to the student's parents clearly outlined and easy-to-understand information pertaining to all of the following:

1. The total cost of attendance at the institution of higher education.
2. The approximate or, if known, the actual total amount of financial aid that the student would receive from the institution of higher education, and the approximate or, if known, the actual total amount of student loan debt that the student would accumulate, over the course of four years, if the student were to attend the institution of higher education for four years (student loan debt).
3. Student loan rates, repayment plans, default rates, and the actual monthly payment that would be required to pay that student loan debt when the loan becomes due.

Finally, the substitute amendment requires an institution of higher education and the Higher Educational Aids Board to create on their Internet sites a link to that portion of DFI's Internet site containing the lists and other information required under the substitute amendment.

Student loan counseling

This substitute amendment requires any institution of higher education in this state that offers an associate degree or higher to provide loan counseling for its students. Under the substitute amendment, before a student enters into a student loan agreement, the institution must provide the student with comprehensive information on the terms and conditions of a loan and the responsibilities the student has with respect to the loan. A lender may not accept an application for a private student loan, or assess any fees for the loan, unless the lender has received certification from the applicant's institution of higher education that the applicant has received such counseling.

The substitute amendment also requires an institution of higher education to provide a student with information when the student leaves the institution, whether through graduation, transfer, or otherwise. The information must include available loan repayment plans, debt management strategies, options for prepayment of loans, and the consequences of defaulting on a loan.

Finally, the substitute amendment authorizes an institution of higher education to assess a lender a reasonable fee of up to \$50 to defray the cost of the student counseling required under the substitute amendment.

Income tax subtraction

Under current law, there is an individual income tax subtraction for amounts paid by a claimant for tuition expenses and mandatory student fees for a student who is the claimant or the claimant's dependent under the Internal Revenue Code, to attend an institution of higher education that is approved by the Educational Approval Board and that is located in Wisconsin, or to attend certain postsecondary schools in Minnesota to which the Minnesota-Wisconsin reciprocity agreement applies. The tuition expenses and fees for which a subtraction may be claimed are calculated based on the amount of tuition charged by the UW System at four-year institutions.

Also under current law, the subtraction that a claimant may claim for such tuition expenses and mandatory student fees is reduced as the claimant's annual federal adjusted gross income (FAGI) increases until, at a certain point, no subtraction may be claimed. Currently, the allowable subtraction phases out, for a single person or a married person filing as a head of household, as the claimant's FAGI increases from \$50,000 to \$60,000. Once such a claimant's FAGI exceeds \$60,000, he or she may not claim the subtraction. For a married person filing a joint return, the phaseout occurs as the married couple's joint FAGI increases from \$80,000 to \$100,000, and no subtraction is allowed once the married couple's joint FAGI exceeds \$100,000. The phaseout for a married person filing a separate return occurs as the claimant's FAGI increases from \$40,000 to \$50,000, and no subtraction is allowed once the claimant's FAGI exceeds \$50,000.

Under this substitute amendment, the phase-out provisions do not apply to a taxable year that begins after December 31, 2017.

This substitute amendment also expands the definition of tuition expenses to include any amount paid by a claimant in the year to which the claim relates on a student loan, the proceeds of which were used by the claimant to pay the claimant's expenses for tuition, fees, books, room and board, and educational supplies that were directly related to the claimant's attendance at an eligible institution. The substitute amendment defines eligible institution as a regionally accredited, nonprofit, postsecondary educational institution.

Student loan debt report

Under current law, HEAB administers certain grant and loan programs for resident students enrolled in institutions of higher education in this state.

This substitute amendment requires HEAB to submit an annual report to the Joint Committee on Finance regarding student loan debt incurred in the previous year by resident undergraduate students enrolled in institutions of higher education located in this state. The report must include that information, together with all of the following:

1. The statewide average amount of student loan debt incurred in the previous year by resident undergraduate students enrolled in institutions of higher education located in this state.
2. A comparison of that statewide average to the national average amount of student loan debt incurred in the previous year by undergraduate students enrolled in institutions of higher education in the United States.
3. A comparison of that statewide average to the statewide average amount of student loan debt incurred in the previous year by undergraduate students in the state with the lowest ratio of statewide average student loan debt to the lowest quintile of state per capita income.

Talent attraction and retention

This substitute amendment directs the Wisconsin Economic Development Corporation to collaborate with state agencies to develop and implement initiatives

for the attraction of talent to and retention of talent in Wisconsin, including by leveraging the existing programs of state agencies for those purposes.

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

1 **SECTION 1.** 13.172 (1) of the statutes is amended to read:

2 13.172 (1) In this section, “agency” means an office, department, agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, and any authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 238,
7 239, or 279.

8 **SECTION 2.** 13.48 (13) (a) of the statutes is amended to read:

9 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
10 facility that is constructed for the benefit of or use of the state, any state agency,
11 board, commission or department, the University of Wisconsin Hospitals and Clinics
12 Authority, the Fox River Navigational System Authority, the Wisconsin Student
13 Loan Refinancing Authority, the Wisconsin Economic Development Corporation, or
14 any local professional baseball park district created under subch. III of ch. 229 if the
15 construction is undertaken by the department of administration on behalf of the
16 district, shall be in compliance with all applicable state laws, rules, codes and
17 regulations but the construction is not subject to the ordinances or regulations of the
18 municipality in which the construction takes place except zoning, including without
19 limitation because of enumeration ordinances or regulations relating to materials
20 used, permits, supervision of construction or installation, payment of permit fees, or
21 other restrictions.

1 **SECTION 3.** 13.62 (2) of the statutes is amended to read:

2 13.62 (2) “Agency” means any board, commission, department, office, society,
3 institution of higher education, council, or committee in the state government, or any
4 authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, 239,
5 or 279, except that the term does not include a council or committee of the legislature.

6 **SECTION 4.** 13.94 (1) (dt) of the statutes is created to read:

7 13.94 (1) (dt) Biennially, beginning in 2019, conduct a financial audit of the
8 Wisconsin Student Loan Refinancing Authority and a program evaluation audit of
9 the programs administered by the Wisconsin Student Loan Refinancing Authority
10 under ch. 239. The legislative audit bureau shall file a copy of each audit report
11 under this paragraph with the distributees specified in par. (b).

12 **SECTION 5.** 13.94 (1s) (c) 9. of the statutes is created to read:

13 13.94 (1s) (c) 9. The Wisconsin Student Loan Refinancing Authority for the cost
14 of the audit required to be performed under sub. (1) (dt).

15 **SECTION 6.** 13.94 (4) (a) 1. of the statutes is amended to read:

16 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
17 credentialing board, commission, independent agency, council or office in the
18 executive branch of state government; all bodies created by the legislature in the
19 legislative or judicial branch of state government; any public body corporate and
20 politic created by the legislature including specifically the Fox River Navigational
21 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
22 Aerospace Authority, the Wisconsin Student Loan Refinancing Authority, the
23 Wisconsin Economic Development Corporation, a professional baseball park district,
24 a local professional football stadium district, a local cultural arts district, and a
25 long-term care district under s. 46.2895; every Wisconsin works agency under subch.

1 III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical
2 college district boards; every county department under s. 51.42 or 51.437; every
3 nonprofit corporation or cooperative or unincorporated cooperative association to
4 which moneys are specifically appropriated by state law; and every corporation,
5 institution, association or other organization which receives more than 50 percent
6 of its annual budget from appropriations made by state law, including subgrantee or
7 subcontractor recipients of such funds.

8 **SECTION 7.** 13.95 (intro.) of the statutes is amended to read:

9 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
10 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
11 shall be strictly nonpartisan and shall at all times observe the confidential nature
12 of the research requests received by it; however, with the prior approval of the
13 requester in each instance, the bureau may duplicate the results of its research for
14 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
15 designated employees shall at all times, with or without notice, have access to all
16 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
17 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
18 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic
19 Development Corporation, and the Fox River Navigational System Authority, and to
20 any books, records, or other documents maintained by such agencies or authorities
21 and relating to their expenditures, revenues, operations, and structure.

22 **SECTION 8.** 16.002 (2) of the statutes is amended to read:

23 16.002 (2) “Departments” means constitutional offices, departments, and
24 independent agencies and includes all societies, associations, and other agencies of
25 state government for which appropriations are made by law, but not including

1 authorities created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, 239,
2 or 279.

3 **SECTION 9.** 16.004 (4) of the statutes is amended to read:

4 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
5 department as the secretary designates may enter into the offices of state agencies
6 and authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237,
7 238, 239, and 279, and may examine their books and accounts and any other matter
8 that in the secretary's judgment should be examined and may interrogate the
9 agency's employees publicly or privately relative thereto.

10 **SECTION 10.** 16.004 (5) of the statutes is amended to read:

11 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
12 authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237, 238,
13 239, and 279, and their officers and employees, shall cooperate with the secretary
14 and shall comply with every request of the secretary relating to his or her functions.

15 **SECTION 11.** 16.004 (12) (a) of the statutes is amended to read:

16 16.004 (12) (a) In this subsection, "state agency" means an association,
17 authority, board, department, commission, independent agency, institution, office,
18 society, or other body in state government created or authorized to be created by the
19 constitution or any law, including the legislature, the office of the governor, and the
20 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
21 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
22 Wisconsin Economic Development Corporation, the Wisconsin Student Loan
23 Refinancing Authority, and the Fox River Navigational System Authority.

24 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

1 16.045 (1) (a) “Agency” means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 232,
6 233, 234, 237, 238, 239, or 279.

7 **SECTION 13.** 16.15 (1) (ab) of the statutes is amended to read:

8 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
9 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
10 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,
11 and the Wisconsin Economic Development Corporation.

12 **SECTION 14.** 16.41 (4) of the statutes is amended to read:

13 16.41 (4) In this section, “authority” means a body created under subch. II of
14 ch. 114 or under ch. 231, 233, 234, 237, 238, 239, or 279.

15 **SECTION 15.** 16.417 (1) (b) of the statutes is amended to read:

16 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
17 ch. 231, 232, 233, 234, 237, 238, 239, or 279.

18 **SECTION 16.** 16.52 (7) of the statutes is amended to read:

19 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
20 that is authorized to maintain a contingent fund under s. 20.920 may establish a
21 petty cash account from its contingent fund. The procedure for operation and
22 maintenance of petty cash accounts and the character of expenditures therefrom
23 shall be prescribed by the secretary. In this subsection, “agency” means an office,
24 department, independent agency, institution of higher education, association,
25 society, or other body in state government created or authorized to be created by the

1 constitution or any law, that is entitled to expend moneys appropriated by law,
2 including the legislature and the courts, but not including an authority created in
3 subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238, 239, or 279.

4 **SECTION 17.** 16.528 (1) (a) of the statutes is amended to read:

5 16.528 (1) (a) “Agency” means an office, department, independent agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,
10 234, 237, 238, 239, or 279.

11 **SECTION 18.** 16.53 (2) of the statutes is amended to read:

12 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
13 invoice, the agency shall notify the sender of the invoice within 10 working days after
14 it receives the invoice of the reason it is improperly completed. In this subsection,
15 “agency” means an office, department, independent agency, institution of higher
16 education, association, society, or other body in state government created or
17 authorized to be created by the constitution or any law, that is entitled to expend
18 moneys appropriated by law, including the legislature and the courts, but not
19 including an authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238,
20 239, or 279.

21 **SECTION 19.** 16.54 (9) (a) 1. of the statutes is amended to read:

22 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
23 institution of higher education, association, society or other body in state
24 government created or authorized to be created by the constitution or any law, which
25 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,
2 234, 237, 238, 239, or 279.

3 **SECTION 20.** 16.765 (1) of the statutes is amended to read:

4 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
7 Student Loan Refinancing Authority, the Wisconsin Economic Development
8 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
9 include in all contracts executed by them a provision obligating the contractor not
10 to discriminate against any employee or applicant for employment because of age,
11 race, religion, color, handicap, sex, physical condition, developmental disability as
12 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national
13 origin and, except with respect to sexual orientation, obligating the contractor to take
14 affirmative action to ensure equal employment opportunities.

15 **SECTION 21.** 16.765 (2) of the statutes is amended to read:

16 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
17 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
18 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
19 Student Loan Refinancing Authority, the Wisconsin Economic Development
20 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
21 include the following provision in every contract executed by them: "In connection
22 with the performance of work under this contract, the contractor agrees not to
23 discriminate against any employee or applicant for employment because of age, race,
24 religion, color, handicap, sex, physical condition, developmental disability as defined
25 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but

1 not be limited to, the following: employment, upgrading, demotion or transfer;
2 recruitment or recruitment advertising; layoff or termination; rates of pay or other
3 forms of compensation; and selection for training, including apprenticeship. Except
4 with respect to sexual orientation, the contractor further agrees to take affirmative
5 action to ensure equal employment opportunities. The contractor agrees to post in
6 conspicuous places, available for employees and applicants for employment, notices
7 to be provided by the contracting officer setting forth the provisions of the
8 nondiscrimination clause”.

9 **SECTION 22.** 16.765 (5) of the statutes is amended to read:

10 16.765 (5) The head of each contracting agency and the boards of directors of
11 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
12 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox
13 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,
14 the Wisconsin Economic Development Corporation, and the Bradley Center Sports
15 and Entertainment Corporation shall be primarily responsible for obtaining
16 compliance by any contractor with the nondiscrimination and affirmative action
17 provisions prescribed by this section, according to procedures recommended by the
18 department. The department shall make recommendations to the contracting
19 agencies and the boards of directors of the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
22 Student Loan Refinancing Authority, the Wisconsin Economic Development
23 Corporation, and the Bradley Center Sports and Entertainment Corporation for
24 improving and making more effective the nondiscrimination and affirmative action

1 provisions of contracts. The department shall promulgate such rules as may be
2 necessary for the performance of its functions under this section.

3 **SECTION 23.** 16.765 (6) of the statutes is amended to read:

4 16.765 (6) The department may receive complaints of alleged violations of the
5 nondiscrimination provisions of such contracts. The department shall investigate
6 and determine whether a violation of this section has occurred. The department may
7 delegate this authority to the contracting agency, the University of Wisconsin
8 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
9 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
10 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic
11 Development Corporation, or the Bradley Center Sports and Entertainment
12 Corporation for processing in accordance with the department's procedures.

13 **SECTION 24.** 16.765 (7) (intro.) of the statutes is amended to read:

14 16.765 (7) (intro.) When a violation of this section has been determined by the
15 department, the contracting agency, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin
18 Student Loan Refinancing Authority, the Wisconsin Economic Development
19 Corporation, or the Bradley Center Sports and Entertainment Corporation, the
20 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the
21 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the
22 Lower Fox River Remediation Authority, the Wisconsin Student Loan Refinancing
23 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
24 Sports and Entertainment Corporation shall:

25 **SECTION 25.** 16.765 (7) (d) of the statutes is amended to read:

1 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
2 further violations of this section and to report its corrective action to the contracting
3 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
4 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox
5 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,
6 the Wisconsin Economic Development Corporation, or the Bradley Center Sports
7 and Entertainment Corporation.

8 **SECTION 26.** 16.765 (8) of the statutes is amended to read:

9 16.765 (8) If further violations of this section are committed during the term
10 of the contract, the contracting agency, the Fox River Navigational System Authority,
11 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the
12 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic
13 Development Corporation, or the Bradley Center Sports and Entertainment
14 Corporation may permit the violating party to complete the contract, after complying
15 with this section, but thereafter the contracting agency, the Fox River Navigational
16 System Authority, the Wisconsin Aerospace Authority, the Lower Fox River
17 Remediation Authority, the Wisconsin Student Loan Refinancing Authority, the
18 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
19 Entertainment Corporation shall request the department to place the name of the
20 party on the ineligible list for state contracts, or the contracting agency, the Fox River
21 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox
22 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,
23 the Wisconsin Economic Development Corporation, or the Bradley Center Sports
24 and Entertainment Corporation may terminate the contract without liability for the

1 uncompleted portion or any materials or services purchased or paid for by the
2 contracting party for use in completing the contract.

3 **SECTION 27.** 16.85 (2) of the statutes is amended to read:

4 16.85 (2) To furnish engineering, architectural, project management, and other
5 building construction services whenever requisitions therefor are presented to the
6 department by any agency. The department may deposit moneys received from the
7 provision of these services in the account under s. 20.505 (1) (kc) or in the general
8 fund as general purpose revenue — earned. In this subsection, “agency” means an
9 office, department, independent agency, institution of higher education, association,
10 society, or other body in state government created or authorized to be created by the
11 constitution or any law, which is entitled to expend moneys appropriated by law,
12 including the legislature and the courts, but not including an authority created in
13 subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238, 239, or 279.

14 **SECTION 28.** 16.865 (8) of the statutes is amended to read:

15 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
16 proportionate share of the estimated costs attributable to programs administered by
17 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
18 may charge premiums to agencies to finance costs under this subsection and pay the
19 costs from the appropriation on an actual basis. The department shall deposit all
20 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
21 Costs assessed under this subsection may include judgments, investigative and
22 adjustment fees, data processing and staff support costs, program administration
23 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
24 subsection, “agency” means an office, department, independent agency, institution
25 of higher education, association, society, or other body in state government created

1 or authorized to be created by the constitution or any law, that is entitled to expend
 2 moneys appropriated by law, including the legislature and the courts, but not
 3 including an authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237,
 4 238, 239, or 279.

5 **SECTION 29.** 19.42 (10) (t) of the statutes is created to read:

6 19.42 (10) (t) The chief executive officer and members of the board of directors
 7 of the Wisconsin Student Loan Refinancing Authority.

8 **SECTION 30.** 19.42 (13) (q) of the statutes is created to read:

9 19.42 (13) (q) The chief executive officer and members of the board of directors
 10 of the Wisconsin Student Loan Refinancing Authority.

11 **SECTION 31.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 12 insert the following amounts for the purposes indicated:

2017-18 2018-19

13 **20.192 Wisconsin Economic Development**

14 **Corporation**

15 (1) PROMOTION OF ECONOMIC DEVELOPMENT

16 (b) Talent attraction and retention

initiatives	GPR	C	6,800,000	-0-
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18 **20.195 Wisconsin Student Loan Refinancing**

19 **Authority**

20 (1) STUDENT LOAN REFINANCING PROGRAM

(a) Initial funding	GPR	B	-0-	-0-
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22 **SECTION 32.** 20.192 (1) (b) of the statutes is created to read:

1 20.192 (1) (b) *Talent attraction and retention initiatives*. As a continuing
2 appropriation, the amounts in the schedule for the talent attraction and retention
3 initiatives under s. 238.155.

4 **SECTION 33.** 20.195 of the statutes is created to read:

5 **20.195 Wisconsin Student Loan Refinancing Authority.** There is
6 appropriated to the Wisconsin Student Loan Refinancing Authority for the following
7 programs:

8 **(1) STUDENT LOAN REFINANCING PROGRAM.** (a) *Initial funding.* Biennially, the
9 amounts in the schedule to fund the initial costs of operating the Wisconsin Student
10 Loan Refinancing Authority and to start the student loan refinancing program under
11 ch. 239.

12 **SECTION 34.** 39.28 (7) of the statutes is created to read:

13 **39.28 (7)** The board shall create on its Internet site a link to that portion of the
14 department of financial institutions' Internet site created under s. 224.30 (6) (c) and
15 (d).

16 **SECTION 35.** 39.52 of the statutes is created to read:

17 **39.52 Student loan debt reports. (1)** By January 1 of each year, the Board
18 of Regents of the University of Wisconsin System shall provide to the board the
19 average amount of student loan incurred in the previous year by resident
20 undergraduate students enrolled in each institution within that system, the
21 technical college system board shall provide to the board the average amount of
22 student loan debt incurred in the previous year by resident undergraduate students
23 enrolled in each technical college within that system, each tribally controlled college
24 in this state shall provide to the board the average amount of student loan debt
25 incurred in the previous year by resident undergraduate students enrolled in that

1 tribally controlled college, and the Wisconsin Association of Independent Colleges
2 and Universities or a successor organization shall provide to the board the average
3 amount of student loan debt incurred in the previous year by resident undergraduate
4 students enrolled in each of the private, nonprofit accredited institutions of higher
5 education in this state.

6 (2) By March 1 of each year, the board shall do all of the following:

7 (a) Compile the information provided to the board under sub. (1) and, from that
8 information, compute the statewide average amount of student loan debt incurred
9 in the previous year by resident undergraduate students enrolled in the institutions
10 specified in sub. (1).

11 (b) Compare the amount computed under par. (a) to the national average
12 amount of student loan debt incurred in the previous year by undergraduate
13 students enrolled in institutions of higher education in the United States.

14 (c) Compare the amount computed under par. (a) to the statewide average
15 amount of student loan debt incurred in the previous year by undergraduate
16 students in the state with the lowest ratio of statewide average student loan debt to
17 the lowest quintile of state per capita income.

18 (d) Submit to the joint committee on finance a report regarding student loan
19 debt incurred in the previous year by resident undergraduate students at the
20 institutions specified in sub. (1). The report shall include the information provided
21 to the board under sub. (1), the statewide average amount of student loan debt
22 computed under par. (a), and the comparisons described in pars. (b) and (c).

23 **SECTION 36.** 39.54 of the statutes is created to read:

24 **39.54 Student lending transparency.** (1) In this section, “institution of
25 higher education” means an institution or college campus within the University of

1 Wisconsin System, a technical college within the technical college system, a tribally
2 controlled college, or a private, nonprofit institution of higher education located in
3 this state that provides an educational program for which the institution awards an
4 associate degree or higher or provides a program that is acceptable toward such a
5 degree.

6 (2) Each institution of higher education shall provide to a prospective or newly
7 accepted student and to the student's parents clearly outlined and
8 easy-to-understand information pertaining to all of the following:

9 (a) The total cost of attendance at the institution of higher education.

10 (b) The approximate or, if known, the actual total amount of financial aid that
11 the student would receive from the institution of higher education, and the
12 approximate or, if known, the actual total amount of student loan debt that the
13 student would accumulate, over the course of 4 years if the student were to attend
14 the institution of higher education for 4 years.

15 (c) Student loan rates, repayment plans, default rates, and the actual monthly
16 payment that would be required to pay the student loan debt described in par. (b)
17 when the loan becomes due.

18 (3) Each institution of higher education shall create on its Internet site a link
19 to that portion of the department of financial institutions' Internet site created under
20 s. 224.30 (6) (c) and (d).

21 **SECTION 37.** 39.56 of the statutes is created to read:

22 **39.56 Loan counseling. (1) DEFINITION.** In this section, "institution of higher
23 education" means an institution or college campus within the University of
24 Wisconsin System, a technical college under ch. 38, or any private, nonprofit,

1 educational institution located in this state that provides an educational program for
2 which it awards an associate degree or higher.

3 (2) APPLICABILITY. This section applies to any student loan offered by an
4 institution of higher education or a private lender or recommended to a student by
5 an institution of higher education, other than a federally funded, federally insured,
6 or federally guaranteed loan for which counseling is required by 20 USC 1092.

7 (3) ENTRANCE COUNSELING. (a) Before a student enters into a student loan
8 agreement, an institution of higher education shall provide the student with
9 comprehensive information on the terms and conditions of a loan and the
10 responsibilities the student has with respect to the loan. The institution shall
11 provide the information during a counseling session conducted in person, on a
12 written form provided to the student that the student signs and returns, or online,
13 with the student acknowledging receipt of the information. The information
14 provided shall include all of the following:

15 1. To the extent practicable, the effect of accepting the loan to be disbursed on
16 the eligibility of the borrower for other forms of student financial assistance.

17 2. How interest accrues and is capitalized during periods when the interest is
18 not paid by the borrower.

19 3. The definitions of full-time and half-time enrollment at the institution of
20 higher education, during regular terms and intersession terms, if applicable, and the
21 consequences of not maintaining full-time or half-time enrollment.

22 4. The importance of contacting the appropriate office at the institution of
23 higher education if the borrower withdraws before completing his or her program of
24 study so that the institution can provide counseling under sub. (4).

1 5. Sample monthly repayment amounts, based on a range of levels of
2 indebtedness.

3 6. The obligation of the borrower to repay the full amount of the loan,
4 irrespective of whether the borrower completes his or her program of study at the
5 institution.

6 7. The likely consequences of default on the loan, including adverse credit
7 reports, delinquent debt collection procedures, and litigation.

8 8. Whether the student has reached the limit on his or her federal student loan
9 opportunities.

10 9. The name of, and contact information for, an individual the borrower may
11 contact if he or she has any questions about the borrower's rights and responsibilities
12 or the terms and conditions of the loan.

13 10. How a student or any member of the public may file a complaint about a
14 lender with the federal Consumer Financial Protection Bureau by calling a toll-free
15 telephone number, or by completing a complaint form, which may be obtained on the
16 bureau's Internet site. The institution of higher education shall also include the
17 toll-free telephone number and Internet site address of the bureau.

18 (b) In conjunction with providing information under par. (a), the institution of
19 higher education shall also do all of the following:

20 1. Clearly distinguish private loans from federal loans in individual financial
21 aid awards by stating, for any private loans included by the institution as part of the
22 institution's award package, all of the following:

23 a. Whether the rate is fixed or variable.

24 b. An explanation that private student loan lenders can offer variable interest
25 rates that can increase or decrease over time, depending on market conditions.

1 c. An explanation that private student loans have a range of interest rates and
2 fees and students should determine the interest rate of, and any fees associated with,
3 the private student loan included in their financial aid award package before
4 accepting the loan.

5 d. An explanation that students should contact the lender of the private
6 student loan or their institution's financial aid office if they have any questions about
7 a private student loan.

8 e. An explanation that the interest rate on a private student loan may depend
9 on the borrower's credit rating.

10 2. If the institution of higher education provides a private loan lender list,
11 provide general information about the loans available through the lender and
12 disclose the basis for each lender's inclusion on the list. The institution shall also
13 disclose with the list that the student may choose any lender.

14 (c) 1. A lender may not accept a final and complete application for a private
15 student loan from an applicant, or assess any fees upon an applicant, without first
16 receiving certification from the applicant's institution of higher education that the
17 applicant has received counseling from the institution under pars. (a) and (b) and
18 that the counseling was conducted in person, unless the certification specified that
19 the applicant elected to receive the counseling in a manner other than in person.

20 2. The certification required by subd. 1. shall be signed by the applicant and
21 the institutional counselor, and shall include the date of the counseling and the
22 name, address, and telephone number of both the counselor and the applicant. An
23 electronic facsimile copy of the counseling certification satisfies the requirement
24 under this subdivision. The lender shall maintain the certification in an accurate,
25 reproducible, and accessible format for the term of the student loan.

1 **(4) EXIT COUNSELING.** (a) As close as practicable to the date that a student
2 graduates from, transfers from, withdraws from, or otherwise completes his or her
3 program of study at the institution of higher education, the institution shall provide
4 the student with information relating to all of the following:

5 1. Repayment plans that are available, including a description of the different
6 features of each plan and sample information showing the average anticipated
7 monthly payments, and the difference in interest paid and total payments, under
8 each plan.

9 2. Debt management strategies designed to facilitate the repayment of
10 indebtedness.

11 3. The options to prepay each loan, pay each loan on a shorter schedule, or
12 change repayment plans.

13 4. The likely consequences of default on the loan, including adverse credit
14 reports, delinquent debt collection procedures, and litigation.

15 5. The effects of consolidation on a borrower's underlying loan benefits.

16 6. Grace periods, loan forgiveness, cancellation, and deferment opportunities.

17 7. The borrower benefit programs of different lenders.

18 8. The tax benefits that may be available to borrowers.

19 9. How to enroll in income-based repayment.

20 (b) With respect to a student who leaves an institution of higher education
21 without the knowledge of the institution, the institution shall attempt to provide the
22 information described in par. (a) to the student in writing.

23 **(5) FEE.** An institution of higher education may assess a reasonable fee to the
24 lender to defray the cost of counseling under this section in an amount not exceeding

1 \$50. The higher educational aids board and the department of financial institutions
2 shall jointly promulgate rules to implement and administer this subsection.

3 **SECTION 38.** 40.02 (54) (n) of the statutes is created to read:

4 40.02 **(54)** (n) The Wisconsin Student Loan Refinancing Authority.

5 **SECTION 39.** 70.11 (38v) of the statutes is created to read:

6 70.11 **(38v)** WISCONSIN STUDENT LOAN REFINANCING AUTHORITY. All property
7 owned by the Wisconsin Student Loan Refinancing Authority, provided that use of
8 the property is primarily related to the purposes of the Wisconsin Student Loan
9 Refinancing Authority.

10 **SECTION 40.** 71.05 (6) (b) 28. (intro.) and h. of the statutes, as affected by 2017
11 Wisconsin Act 59, are amended to read:

12 71.05 **(6)** (b) 28. (intro.) An amount paid by a claimant for tuition expenses,
13 including any amount paid by a claimant in the year to which the claim relates on
14 a loan, the proceeds of which were used by the claimant to pay the claimant's
15 expenses for tuition, fees, books, room and board, and educational supplies that were
16 directly related to the claimant's attendance at an eligible educational institution,
17 as defined in s. 18.81 (2), and mandatory student fees for a student who is the
18 claimant or who is the claimant's child and the claimant's dependent who is claimed
19 under section 151 (c) of the Internal Revenue Code, to attend any university, college,
20 technical college or a school approved under s. 440.52, that is located in Wisconsin
21 or to attend a public vocational school or public institution of higher education in
22 Minnesota under the Minnesota-Wisconsin reciprocity agreement under s. 39.47,
23 calculated as follows:

24 h. No modification may be claimed under this subdivision for an amount paid
25 for tuition expenses, including any amount paid by a claimant in the year to which

1 the claim relates on a loan, the proceeds of which were used by the claimant to pay
2 the claimant's expenses for tuition, fees, books, room and board, and educational
3 supplies that were directly related to the claimant's attendance at an eligible
4 educational institution, as defined in s. 18.81 (2), and mandatory student fees, as
5 described under this subdivision, if the source of the payment is an amount
6 withdrawn from a college savings account, as described in s. 224.50 or from a college
7 tuition and expenses program, as described in s. 224.48, and if the owner of the
8 account or a parent, grandparent, great-grandparent, aunt, or uncle of the
9 beneficiary, who contributed to the account, has claimed a deduction under subd. 32.
10 or 33. that relates to such an amount.

11 **SECTION 41.** 71.05 (6) (b) 28. am. of the statutes is amended to read:

12 71.05 (6) (b) 28. am. Notwithstanding subd. 28. a., for taxable years beginning
13 after December 31, 2008, the department of revenue and the Board of Regents of the
14 University of Wisconsin System shall continue making the calculation described
15 under subd. 28. a. Notwithstanding subd. 28. a., once this calculation exceeds
16 \$6,000, the deduction for tuition expenses, including any amount paid by a claimant
17 in the year to which the claim relates on a loan, the proceeds of which were used by
18 the claimant to pay the claimant's expenses for tuition, fees, books, room and board,
19 and educational supplies that were directly related to the claimant's attendance at
20 an eligible educational institution, as defined in s. 18.81 (2), and mandatory student
21 fees, as described in subd. 28. (intro.), shall be based on an amount equal to not more
22 than twice the average amount charged by the Board of Regents of the University
23 of Wisconsin System at 4-year institutions for resident undergraduate academic fees
24 for the most recent fall semester, as determined by the Board of Regents by
25 September 1 of that semester, per student for each year to which the claim relates,

1 and the deduction that may be claimed under this subd. 28. am. first applies to
2 taxable years beginning on the January 1 after the calculation of the Board of
3 Regents, that must occur by September 1, exceeds \$6,000.

4 **SECTION 42.** 71.05 (6) (b) 28. j. of the statutes is created to read:

5 71.05 (6) (b) 28. j. The provisions of subd. 28. b., c., d., and g. do not apply to
6 a taxable year that begins after December 31, 2017.

7 **SECTION 43.** 77.54 (9a) (a) of the statutes is amended to read:

8 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
10 Economic Development Corporation, the Wisconsin Student Loan Refinancing
11 Authority, and the Fox River Navigational System Authority.

12 **SECTION 44.** 100.45 (1) (dm) of the statutes is amended to read:

13 100.45 (1) (dm) "State agency" means any office, department, agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law which
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
18 Center Sports and Entertainment Corporation, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
20 Authority, the Wisconsin Aerospace Authority, the Wisconsin Economic
21 Development Corporation, the Wisconsin Student Loan Refinancing Authority, and
22 the Fox River Navigational System Authority.

23 **SECTION 45.** 224.30 (6) of the statutes is created to read:

24 224.30 (6) STUDENT LENDING TRANSPARENCY. (a) In this subsection:

25 1. "Higher education expenses" includes all of the following:

1 a. Tuition and fees.

2 b. Books and supplies

3 c. Room and board.

4 2. "Private student loan" means a loan issued by a private lending institution
5 for the purpose of paying for or financing higher education expenses.

6 3. "Private lending institution" means any private entity that itself or through
7 an affiliate makes available student loans to pay for or finance higher education
8 expenses.

9 4. "Student borrower" means any individual who borrows money from a private
10 lending institution to finance higher education expenses.

11 (b) The department shall compile data related to private student loans for the
12 purpose of comparing private lending institutions' student loan interest rates and
13 repayment plans, including all of the following:

14 1. Policies relating to deferment and forbearance.

15 2. Loan default policies and penalties.

16 3. Any other information that the department deems relevant for the purpose
17 of creating a list of private lending institutions that provide the lowest rates and best
18 repayment options on student loans.

19 (c) 1. Using the data compiled under par. (b), the department shall create and
20 maintain a list of private lending institutions that provide the lowest rates and best
21 repayment options on student loans.

22 2. In addition to the list under subd. 1., the department shall compile a list of
23 the 10 best private lending institutions based on rates and policies that are most
24 favorable to the student borrower. The department may also consider the private
25 lending institutions' policies for allowing a student borrower to borrow more than 10

1 percent over the student borrower's total cost of higher education expenses when
2 determining if a private lending institution should be placed on this list.

3 (d) The department shall place the lists created and compiled under par. (c) at
4 an easily accessible location on the department's Internet site. The department shall
5 update its Internet site on a monthly basis to ensure that the student loan
6 information in these lists is current and accurate. Information pertaining to lending
7 institutions that do not make the list compiled under par. (c) 2. shall also be posted
8 on the department's Internet site and those lending institutions that provide the
9 worst rates and strictest repayment options shall be clearly indicated.

10 (e) The department shall make any list or other data under this subsection that
11 appears on the department's Internet site available to be linked as provided in ss.
12 39.28 (7) and 39.54 (3).

13 (f) The department may satisfy its duties under this subsection through a
14 designee or 3rd-party contractor.

15 **SECTION 46.** 230.03 (3) of the statutes is amended to read:

16 230.03 (3) "Agency" means any board, commission, committee, council, or
17 department in state government or a unit thereof created by the constitution or
18 statutes if such board, commission, committee, council, department, unit, or the
19 head thereof, is authorized to appoint subordinate staff by the constitution or
20 statute, except the Board of Regents of the University of Wisconsin System, a
21 legislative or judicial board, commission, committee, council, department, or unit
22 thereof or an authority created under subch. II of ch. 114 or under ch. 231, 232, 233,
23 234, 237, 238, 239, or 279. "Agency" does not mean any local unit of government or
24 body within one or more local units of government that is created by law or by action
25 of one or more local units of government.

1 5. One undergraduate student enrolled at least half-time and in good academic
2 standing at a private, nonprofit institution of higher education located in this state
3 who is at least 18 years old and a resident of this state.

4 6. Two members who have at least 10 years experience in making qualified
5 education loans or loan refinancing, but any person having a financial interest in or
6 whose employer is primarily engaged in the business of making qualified education
7 loans is not eligible for appointment under this subdivision, and any member
8 appointed under this subdivision who acquires such an interest while serving as a
9 member shall resign from the board.

10 (b) 1. The members specified in par. (a) 1. and 2. shall be appointed as are the
11 members of standing committees in their respective houses.

12 2. The members specified in par. (a) 3. to 5. shall be nominated by the governor,
13 and with the advice and consent of the senate appointed, for 2-year terms.

14 3. The members specified in par. (a) 6. shall be nominated by the governor, and
15 with the advice and consent of the senate appointed, for 3-year terms.

16 **(2)** If a student member of the board appointed under sub. (1) (a) 3. to 5. loses
17 his or her student status upon which the appointment was based, he or she ceases
18 to be a member of the board upon the appointment of a qualified successor to the
19 board. A student member who loses his or her student status solely because he or
20 she graduates from an institution of higher education may complete his or her
21 current term on the board.

22 **(3)** The members of the board shall annually elect a chairperson and may elect
23 other officers as they consider appropriate. A majority of the members of the board
24 constitutes a quorum for the purpose of conducting its business and exercising its
25 powers and for all other purposes, notwithstanding the existence of any vacancies.

1 Action may be taken by the board upon a vote of a majority of the voting members
2 present.

3 (4) A member of the board may not be compensated for his or her services but
4 shall be reimbursed for actual and necessary expenses, including travel expenses,
5 incurred in the performance of his or her duties.

6 (5) No cause of action of any nature may arise against and no civil liability may
7 be imposed upon a member of the board for any act or omission in the performance
8 of his or her powers and duties under this chapter, unless the person asserting
9 liability proves that the act or omission constitutes willful misconduct.

10 (6) The board shall appoint a chief executive officer who shall not be a member
11 of the board and who shall serve at the pleasure of the board. The chief executive
12 officer shall receive such compensation as the board fixes. The chief executive officer
13 or other person designated by resolution of the board shall keep a record of the
14 proceedings of the authority and shall be custodian of all books, documents, and
15 papers filed with the authority, the minute book or journal of the authority, and its
16 official seal. The chief executive officer or other person may cause copies to be made
17 of all minutes and other records and documents of the authority and may give
18 certificates under the official seal of the authority to the effect that such copies are
19 true copies, and all persons dealing with the authority may rely upon such
20 certificates.

21 **239.03 Powers of board.** The board shall have all the powers necessary or
22 convenient to carry out the purposes and provisions of this chapter. In addition to
23 all other powers granted the board under this chapter, the board may specifically:

24 (1) Adopt, amend, and repeal any bylaws, policies, and procedures for the
25 regulation of its affairs and the conduct of its business.

1 (2) Have a seal and alter the seal at pleasure.

2 (3) Maintain an office.

3 (4) Sue and be sued.

4 (5) Accept gifts, grants, loans, or other contributions from private or public
5 sources.

6 (6) Establish the authority's annual budget and monitor the fiscal
7 management of the authority.

8 (7) Execute contracts and other instruments required for the operation of the
9 authority.

10 (8) Employ any officers, agents, and employees that it may require and
11 determine their qualifications, duties, and compensation.

12 (9) Issue notes, bonds, and any other obligations.

13 (10) Make loans and provide grants.

14 (11) Incur debt.

15 (12) Procure liability insurance.

16 **239.04 Duties of board.** The board shall develop and implement a program
17 under which state residents may refinance qualified education loans. The board
18 shall develop the program to include all of the following:

19 (1) The authority shall provide a loan to an eligible individual to pay all or part
20 of the individual's qualified education loans.

21 (2) The authority may only issue loans under the program that satisfy the
22 exception to discharge under 11 USC 523 (a) (8).

23 (3) The authority shall establish eligibility criteria to participate in the
24 program.

1 (4) The board shall set the interest rate on loans made under the program to
2 be as low as possible but still sufficient to fully pay all expenses of the program and
3 to provide necessary reserves, as determined by the board.

4 (5) The authority shall establish policies governing the ability of borrowers to
5 defer loan payments or to enter into forbearances.

6 **239.05 Issuance of bonds.** (1) The authority may issue bonds for any
7 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their
8 payment from a limited source.

9 (2) Except as otherwise expressly provided by the authority, every issue of its
10 notes or bonds shall be general obligations of the authority payable out of any
11 revenues or moneys of the authority, subject only to any agreements with the holders
12 of particular notes or bonds pledging any particular receipts or revenues.

13 (3) All bonds issued by the authority are negotiable investment securities
14 under ch. 408.

15 (4) The authority may not issue bonds unless the issuance is first authorized
16 by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding
17 50 years from their dates of issue, bear interest at the rates, be payable at the times,
18 be in the denominations, be in the form, carry the registration and conversion
19 privileges, be executed in the manner, be payable in lawful money of the United
20 States at the places, and be subject to the terms of redemption, that the bond
21 resolution provides. The bonds shall be executed by the manual or facsimile
22 signatures of the officers of the authority designated by the board. The bonds may
23 be sold at public or private sale at the price, in the manner, and at the time
24 determined by the board. Pending preparation of definitive bonds, the authority may
25 issue interim receipts or certificates that shall be exchanged for the definitive bonds.

1 **(5)** The board may include in bond resolution provisions, which shall be a part
2 of the contract with the holders of the bonds that are authorized by the bond
3 resolution, regarding any of the following:

4 (a) Pledging or assigning specified assets or revenues of the authority.

5 (b) Setting aside reserves or sinking funds, and the regulation, investment, and
6 disposition of these funds.

7 (c) Limitations on the purpose to which or the investments in which the
8 proceeds of the sale of any issue of bonds may be applied.

9 (d) Limitations on the issuance of additional bonds, the terms upon which
10 additional bonds may be issued and secured, and the terms upon which additional
11 bonds may rank on a parity with, or be subordinate or superior to, other bonds.

12 (e) Funding, refunding, advance refunding, or purchasing outstanding bonds.

13 (f) Procedures, if any, by which the terms of any contract with bondholders may
14 be amended, the amount of bonds the holders of which must consent to the
15 amendment, and the manner in which this consent may be given.

16 (g) Defining the acts or omissions to act that constitute a default in the duties
17 of the authority to the bondholders, and providing the rights and remedies of the
18 bondholders in the event of a default.

19 (h) Other matters relating to the bonds that the board considers desirable.

20 **(6)** Neither the members of the board nor any person executing the bonds is
21 liable personally on the bonds or subject to any personal liability or accountability
22 by reason of the issuance of the bonds, unless the personal liability or accountability
23 is the result of willful misconduct.

24 **239.06 Bond security.** The authority may secure bonds by a trust agreement,
25 trust indenture, indenture of mortgage, or deed of trust by and between the authority

1 and one or more corporate trustees. A bond resolution providing for the issuance of
2 bonds so secured shall mortgage, pledge, assign, or grant security interests in some
3 or all of the revenues to be received by, and property of, the authority and may contain
4 those provisions for protecting and enforcing the rights and remedies of the
5 bondholders that are reasonable and proper and not in violation of law. A bond
6 resolution may contain other provisions determined by the board to be reasonable
7 and proper for the security of the bondholders.

8 **239.07 Bonds not public debt.** (1) The state is not liable on bonds, and the
9 bonds are not a debt of the state. All bonds shall contain a statement to this effect
10 on the face of the bond. A bond issue does not, directly, indirectly, or contingently,
11 obligate the state or a political subdivision of the state to levy any tax or make any
12 appropriation for payment of the bonds. Nothing in this section prevents the
13 authority from pledging its full faith and credit to the payment of bonds.

14 (2) Nothing in this chapter authorizes the authority to create a debt of the state,
15 and all bonds issued by the authority are payable, and shall state that they are
16 payable, solely from the funds pledged for their payment in accordance with the bond
17 resolution authorizing their issuance or in any trust indenture or mortgage or deed
18 of trust executed as security for the bonds. The state is not liable for the payment
19 of the principal of or interest on a bond or for the performance of any pledge,
20 mortgage, obligation, or agreement that may be undertaken by the authority. The
21 breach of any pledge, mortgage, obligation, or agreement undertaken by the
22 authority does not impose pecuniary liability upon the state or a charge upon its
23 general credit or against its taxing power.

24 **239.08 State pledge.** The state pledges to and agrees with the bondholders,
25 and persons that enter into contracts with the authority under this chapter, that the

1 state will not limit or alter the rights vested in the authority by this chapter before
2 the authority has fully met and discharged the bonds, and any interest due on the
3 bonds, and has fully performed its contracts, unless adequate provision is made by
4 law for the protection of the bondholders or those entering into contracts with the
5 authority.

6 **239.09 Liability limited.** Neither the state nor any political subdivision of
7 the state, nor any officer, employee, or agent of the state or a political subdivision of
8 the state who is acting within the scope of employment or agency, is liable for any
9 debt, obligation, act, or omission of the authority.

10 **239.10 Annual report. (1)** Annually, the board shall submit to the chief clerk
11 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),
12 a report on the activities of the authority, including all of the following:

13 (a) Its operations, accomplishments, goals, and objectives.

14 (b) A statement of income and expenses for the fiscal year.

15 (c) Its assets and liabilities at the end of its fiscal year.

16 (d) A schedule of its bonds and notes outstanding at the end of its fiscal year,
17 together with a statement of the amounts redeemed and incurred during such fiscal
18 year.

19 **(2)** The authority, annually on January 15, shall file with the department of
20 administration and the joint legislative council a complete and current listing of all
21 forms, reports, and papers required by the authority to be completed by any person,
22 other than a governmental body, as a condition of obtaining the approval of the
23 authority or for any other reason. The authority shall attach a blank copy of each
24 such form, report, or paper to the listing.

25 **SECTION 49. Nonstatutory provisions.**

