

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

Received: 03/01/2002

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Rhodes**

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

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **State Finance - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Rhodes -

Topic:

Elimination of the Governor's proposed Match Star Program and requiring the board of commissioners of public lands to create a program of loans to municipalities for funds for federal matching

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>
/1	champra 03/02/2002	hhagen 03/04/2002	jfrantze 03/04/2002	_____	lrb_docadmin 03/04/2002	lrb_docadmin 03/04/2002	
				_____	lrb_docadmin 03/04/2002		
/2	champra 03/07/2002	gilfokm 03/07/2002	jfrantze 03/07/2002	_____	lrb_docadmin 03/07/2002		

FE Sent For:

<END>

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		12-3/7 HMG			lrb_docadmin 03/04/2002		

FE Sent For:

Handwritten signatures and dates: J 3/7, J P 3/7, <END>

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/1	champra	1/1 hmh 3/4/02	Jb 3/4	Bell 3/4			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 o Madison, WI 53703 o (608) 266-3847 • Fax: (608) 267-6873

Date: February 28, 2002

DELIVER TO: Rick Champagne

Addressee Fax #: 4-6948

Addressee Phone #:

of Pages, Including Cover: 2

Sender's Initials: tar

From: Terry Rhodes

Rick: Attached is a motion that deleted the statutory provisions regarding the federal match star program in BCPL and instead provided for a session law provision for BCPL to create such a program within certain enumerated parameters. Please call to discuss before drafting. Thanks.

Senator Decker

Be sure to delete for language

BOARD OF COMMISSIONERS OF PUBLIC LANDS

Federal and State Match Star Program

Motion:

Move to delete from the bill the Governor's proposed statutory language and instead include a session law provision requiring the Board of Commissioners of Public Lands to create a new loan program under its trust funds that would provide loan funds to any eligible municipality for the purpose of providing funds to the municipality to meet its required share of any federal or state discretionary grant where a local matching amount is required. Provide that the Board shall, in establishing the program, define what constitutes a state or federal discretionary grant for which a matching fund loan may be requested, determine the interest rates to be set for these loans, and establish the new loan program within 90 days of the effective date of the bill. Provide that in creating the new program the Board shall ensure that loans under the new program be for a period not to exceed five years, that such loans not be extended beyond the original period of the loan, and that a loan may be granted only if the proposed loan, along with all other indebtedness, does not exceed 5% of valuation of taxable property within the municipality (or 10% for school districts). Require that Board report to the Governor, the Joint Committee on Finance and the Secretary of Administration on the structure and proposed operation of the new loan program within 30 days of the establishment of the program by the Board.

already current law

Decker/Burke OK 16-0

Weller

Note:

This motion would delete the proposed statutory creation of the federal match star loan program from the bill. Instead, it would require that the BCPL create a similar program under its existing authority with the following modifications: (1) the loans would also be able to be used to provide local match monies required for any state discretionary grant as well as for any federal discretionary grant; (2) there would be no requirement for the Board to set a cap on the amount of loans issued for this purpose that could be outstanding at any time; (3) the Board would determine the interest rates to be charged for loans under this program; and (4) there would be no requirement for the BCPL to promulgate administrative rules to implement the new program. The BCPL would have to establish the new program within 90 days of the effective date of the bill and report to the Governor, the Joint Committee on Finance and the Secretary of Administration on the establishment of the program.

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

LRBb2264/1dn
RAC: hah

Date

Terry Rhodes:

Per the motion of the joint committee on finance, I required that the board of commissioners of public lands must create this program under session law. As we discussed, the board has the current law authority to do this, so long as the municipality is able to receive such a loan under s. 24.61 (3). Please note that it is not necessary to specify that the proposed loan to a municipality may not cause the municipality to exceed its indebtedness caps, since ~~there~~ caps are already current law under s. 24.63.

their

Also, please note that simply requiring the creation of the program in session law will not ensure its continuation after the board has complied with its duties under the nonstatutory provisions in the bill. After the board has established the program and submitted its report to the joint committee on finance, it is under no legal obligation to continue the program. If ~~it~~ is the committee's intent that the board continue to offer this loan program into the indefinite future, then the duty will need to be incorporated into subch. II of ch. 24.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

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

LRBb2264/1dn
RAC:hmh:jf

March 4, 2002

Terry Rhodes:

Per the motion of the joint committee on finance, I required that the board of commissioners of public lands must create this program under session law. As we discussed, the board has the current law authority to do this, so long as the municipality is able to receive such a loan under s. 24.61 (3). Please note that it is not necessary to specify that the proposed loan to a municipality may not cause the municipality to exceed its indebtedness caps, since their caps are already current law under s. 24.63.

Also, please note that simply requiring the creation of the program in session law will not ensure its continuation after the board has complied with its duties under the nonstatutory provisions in the bill. After the board has established the program and submitted its report to the joint committee on finance, it is under no legal obligation to continue the program. If it is the committee's intent that the board continue to offer this loan program into the indefinite future, then the duty will need to be incorporated into subch. II of ch. 24.

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State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2264/1-2
RAC:hmbjlf
L. King
RMR

LFB:.....Rhodes - Elimination of the Governor's proposed Match Star Program and requiring the board of commissioners of public lands to create a program of loans to municipalities for funds for federal matching

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 51, line 8: delete the material beginning with that line and ending with
3 page 54, line 7.

4 **2.** Page 394, line 4: after that line insert:

5 “(2f) ESTABLISHMENT OF LOAN PROGRAM.

6 (a) In this subsection:

7 1. “Board” means the board of commissioners of public lands.

8 2. “Federal discretionary grant” has the meaning given by the board.

9 3. “Municipality” has the meaning given in section 24.60 (2) of the statutes.

1 4. "State discretionary grant" has the meaning given by the board.

2 (b) No later than 90 days after the effective date of this paragraph, the board
3 shall establish a loan program to provide matching funds to a municipality for any
4 state or federal discretionary grant that requires the municipality to provide
5 matching funds as a condition of receiving the grant. The only municipalities that
6 may participate in the loan program are municipalities eligible to receive such a loan
7 under section 24.61 (3) of the statutes. No loan may be made under the loan program
8 for any term exceeding 5 years. *and no loan may be extended for any*
period of time

9 (c) No later than 30 days after establishing the loan program, but before
10 implementing the loan program, the board shall submit a report to the joint
11 committee on finance on the proposed structure and operation of the loan program.".

12 (END)

*governor, the secretary of
administration, and the*



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2264/2
RAC:hmh&kmg:jf

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