

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB384)

Received: **01/21/2004**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Brett Davis**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Higher Education - tech. college**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Technical college district; issuance of revenue bonds to provide services to business

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 01/21/2004	wjackson 01/22/2004		_____			
/1			jfrantze 01/22/2004	_____	sbasford 01/22/2004	sbasford 01/22/2004	
/2			chaugen	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/10/2004 _____		02/10/2004	02/10/2004	

FE Sent For:

<END>

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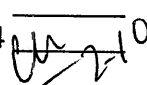
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1/?	pgrant	1 WLJ 1/22	JL 1/22	JL/KS 1/22			

FE Sent For:

<END>

1/21/57

TC from Brett Davis / Leibham's etc.

do sub to SB 384 -

delete appropriation & related text so can't
be item vetoed.

learn ~~is~~ p. 5 1.7-19?

A: yes

Monday

*LRBs 0315/1
PG:wlj*

SEN. SUBT. AMDT.
To 2003 SENATE BILL 384

January 14, 2004 - Introduced by Senators LEIBHAM, STEPP, KANAVAS, DARLING, ZIEN, KEDZIE and ROESSLER, cosponsored by Representatives WIECKERT, SUDER, LADWIG, MUSSER, OWENS, GUNDERSON, HAHN, OTT, MCCORMICK, GRONEMUS, ALBERS and FREESE. Referred to Select Committee on Job Creation.

regen

1 AN ACT to amend 38.28 (1m) (a) 1. and 66.0621 (1) (c); and to create 20.292 (1)
2 (cn), 38.14 (15), 38.16 (3), 38.39, 73.03 (61) and 560.03 (24) and (25) of the
3 statutes; relating to: authorizing technical college districts to issue revenue
4 bonds for the purpose of providing services and facilities to businesses, ^{and} granting
5 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill authorizes a technical college district board, with the approval of the state Technical College System Board, to enter into a contract with a business to provide job training, adult basic education, vocational and professional services, and training facilities, equipment, and material to the business. A contract may not provide more than \$3,500 in services to a trainee unless the Joint Committee on Finance (JCF) approves a higher limit. In addition, the state board must ensure that the total cost of such contracts does not exceed \$10,000,000 in any fiscal year unless JCF approves a higher limit. (In both cases, approval by JCF may be by passive review; i.e., if the cochairpersons of JCF do not schedule a meeting to review the request, it is considered approved.) The bill allows a district board to issue revenue bonds to finance the costs of providing these services and materials to a business.

The bill requires the Department of Revenue (DOR) to determine the amount of wages from which income tax withholding is calculated for an individual who has been provided training or education by a technical college district under a contract described above and calculate the total for each technical college district. The names

SENATE BILL 384

~~of such individuals are certified to DOR by the Department of Commerce. DOR must then certify 15 percent of the amount calculated for each technical college district to the Technical College System Board, which distributes the amounts to the districts.~~

~~The bill also authorizes a district board to organize a nonstock corporation for the purposes of raising funds and providing support for the district.~~

~~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:

SECTION 1. 20.292 (1) (cn) of the statutes is created to read:

~~20.292 (1) (cn) *Services provided to businesses.* A sum sufficient equal to the total of the amounts determined by the department of revenue under s. 73.03 (61) for distribution to the districts under s. 38.39.~~

SECTION 2. 38.14 (15) of the statutes is created to read:

38.14 (15) NONSTOCK CORPORATIONS. The district board may organize one or more nonstock corporations under ch. 181 for the purposes of raising funds and providing support for the operation and management of the district.

SECTION 3. 38.16 (3) of the statutes is created to read:

38.16 (3) The district board may not levy a tax to pay debt service on revenue obligations issued for the purposes of paying the costs of providing services under a contract entered into under s. 38.39.

SECTION 4. 38.28 (1m) (a) 1. of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all

SENATE BILL 384

1 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
2 (6) and ss. 38.12 (9), 38.14 (3) and (9), 38.39, 118.15 (2) (a), 118.55 (7r), and 146.55
3 (5), all receipts from grants awarded under ss. 38.04 (8), (20), (28), and (31), 38.14
4 (11), 38.26, 38.27, 38.33, and 38.38, all fees collected under s. 38.24, and driver
5 education and chauffeur training aids.

6 **SECTION 5.** 38.39 of the statutes is created to read:

7 **38.39 Wisconsin Advantage ^{Jobs Training} Program.** (1) (a) With the approval of the
8 board, a district board may establish a regional project for the creation and retention
9 of jobs. Under the project, the district board may on its own or jointly with any other
10 entity contract with a business located in the district to provide the business with one
11 or more of the following:

- 12 1. Training for jobs created or retained by the business.
- 13 2. Adult basic education.
- 14 3. Vocational and skill-assessment services.
- 15 4. Training facilities, equipment, and material.
- 16 5. Professional services.

17 (b) 1. Except as provided in subd. 2., a district board may not enter into a
18 contract under par. (a) in which the cost per trainee exceeds \$3,500.

19 2. If the district board proposes to enter into a contract under subd. 1. in which
20 the cost per trainee exceeds \$3,500, the district board shall notify the joint committee
21 on finance in writing of its proposed action. If the cochairpersons of the committee
22 do not notify the district board that the committee has scheduled a meeting for the
23 purpose of reviewing the proposed contract within 14 working days after the date of
24 the district board's notification, the district board may enter into the contract. If,
25 within 14 working days after the date of the district board's notification, the

SENATE BILL 384

1 cochairpersons of the committee notify the district board that the committee has
2 scheduled a meeting for the purpose of reviewing the proposed contract, the district
3 board may enter into the contract only upon approval of the committee.

4 (c) 1. Except as provided under subd. 2., the board shall ensure that the total
5 cost to the district boards of the contracts under par. (a) does not exceed \$10,000,000
6 in any fiscal year.

7 2. If the board proposes to increase the limit under subd. 1. in any fiscal year,
8 the board shall notify the joint committee on finance in writing of its proposed action.
9 If the cochairpersons of the committee do not notify the board that the committee has
10 scheduled a meeting for the purpose of reviewing the proposed increase within 14
11 working days after the date of the board's notification, the board may increase the
12 limit. If, within 14 working days after the date of the board's notification, the
13 cochairpersons of the committee notify the board that the committee has scheduled
14 a meeting for the purpose of reviewing the proposed increase, the limit may be
15 increased only upon approval of the committee.

16 (2) A contract under sub. (1) may require the business to pay fees for the
17 services provided, or to pay all or a portion of the costs of the services provided.

18 (3) (a) The district board may issue revenue obligations under s. 66.0621 to
19 provide funds for payment of the costs of providing services under a contract under
20 sub. (1).

21 (b) The district board may pledge as security for repayment of the bonds issued
22 under par. (a) district property and moneys in reserve fund balances that are not
23 derived from property taxes.

24 (c) The district board shall maintain a special fund, to be identified as the
25 Wisconsin Advantage Program special redemption fund, into which it deposits the

SENATE BILL 384

1 fees received under sub. (2) ~~the payments received from the state under sub. (4)~~ and
2 any other moneys designated by the district board for deposit into the special fund.
3 The district board may use this revenue solely for the payment of principal of and
4 interest on the bonds issued under par. (a) until all such bonds are retired.

5 (d) Notwithstanding s. 66.0621 (4) (a) 1., all of the following apply to the bonds
6 issued under par. (a):

7 1. In the statement included with each bond the district board shall express its
8 expectation and aspiration that if at any time the revenues received or expected to
9 be received in the special redemption fund under par. (c) are insufficient to pay the
10 principal and interest on the bond when due, the district board shall make the
11 payment from other district funds.

12 2. The bonds are payable at times not to exceed 10 years from the date of
13 issuance.

14 ~~(4) Annually the board shall pay to the district board, from the appropriation~~
15 ~~under s. 20.292 (1) (cn), an amount equal to the amount calculated for that district~~
16 ~~by the department of revenue under s. 73.03 (61).~~

17 (5) Annually, the board shall submit a report to the governor, and to the
18 legislature under s. 13.172 (2), describing the contracts entered into under this
19 section and the success of the program under this section in creating and retaining
20 jobs.

21 (6) The board shall promulgate rules to implement and administer this section.

22 **SECTION 6.** 66.0621 (1) (c) of the statutes is amended to read:

23 66.0621 (1) (c) "Revenue" means all moneys received from any source by or for
24 the operation of a public utility and all rentals and fees and, in the case of a local
25 professional baseball park district created under subch. III of ch. 229 includes tax

SENATE BILL 384

1 revenues deposited into a special fund under s. 229.685 and payments made into a
 2 special debt service reserve fund under s. 229.74 and, in the case of a local
 3 professional football stadium district created under subch. IV of ch. 229 includes tax
 4 revenues deposited into a special fund under s. 229.825 and payments made into a
 5 special debt service reserve fund under s. 229.830 and, in the case of a technical
 6 college district includes revenues deposited into a special fund under s. 38.39 (3) (c).

7 SECTION 7. 73.03 (61) of the statutes is created to read:

8 73.03 (61) ^{Annually} To determine the amount of wages from which withholding under
 9 s. 71.64 (1) is calculated for an individual whose name is reported to the department
 10 by the department of commerce under s. 560.03 (25), ^{calculate} ~~and to verify~~ 1.5 percent of that
 11 amount, aggregated by each technical college district, ~~to the technical college system~~
 12 ~~board.~~ and notify the technical college system board of the result,

13 SECTION 8. 560.03 (24) ~~and (25)~~ ^{is} of the statutes ~~are~~ created to read:

LPS:
Please
fix
comp.

14 560.03 (24) Promulgate rules for determining the number of persons provided
 15 training, education, or services under s. 38.39 and the identity of each such person, No ff

16 ~~for purposes of sub. (25) and s. 73.03 (61).~~

17 ^{I can & annually by} ~~(25) No later than~~ July 1 ^{at each year} report ^{the information} to the department of revenue ~~the~~

18 ~~number of persons provided training, education, or services under s. 38.39 and the~~
 19 ~~identity of each such person~~ for the purpose of ~~5073003 (61)~~

(END)

~~not by~~

SB 384 Amendments

1. Delete Section 2 of SB 384 (language authorizing the Wisconsin Technical College System districts to create non-stock corporations).
2. A district board may raise funds or provide support for the Wisconsin Advantage Jobs Training Program by any necessary or convenient means, except as expressly limited by law, board or district rule.
3. Revenue Bond Stabilization Fund
 - Establish a Wisconsin Advantage Jobs Training Program (WAP) Revenue Bond Stabilization Fund to be administered by the WTCS Board.
 - The Fund would receive a portion of the revenue collected through the income tax increment (not to exceed 7% in the first year, 6% in the second year and 5% from the third year on). The WTCS Board would determine the exact percentage deposited in the stabilization fund each year.
 - The Fund would be used to offset any shortfalls in revenues collected by the WTCS districts for the repayment of the WAP revenue bonds resulting from business defaults. Revenue from the Fund is prohibited from being used for any purpose other than the repayment of the bonds resulting from a business default. The Funds can only be released by the state board.
 - As funds accumulate in the stabilization fund, the WTCS Board may determine when a sufficient balance has been reached and shall remit to the districts any revenues beyond that balance according to the proportional share contributed by each district to the fund.
4. Limit the training provided by the Advantage Program to Wisconsin residents or individuals that pay WI income tax.
5. After 10 years or upon the bonds being retired, whichever occurs first, the 1.5% payments shall cease and any excess portions of the 1.5% payments shall be returned to the state's general fund.
6. Additional language should be inserted on page 5, lines 7 – 11 of SB 384 to clarify that property tax revenue cannot be used to pay the principal and interest on bonds.

Tues
9 am

LRB 50315 1/2

PG: 95

SEN. SUB ST. AMDT. —
2003 ASSEMBLY BILL 796
TO SB 384

SA ✓
int. rebus

February 2, 2004 - Introduced by Representatives KRAWCZYK, WIECKERT, SUDER, LADWIG, MUSSER, OWENS, GUNDERSON, HAHN, OTT, MCCORMICK, GRONEMUS, ALBERS and FREESE, cosponsored by Senators LEIBHAM, STEPP, KANAVAS, DARLING, ZIEN, KEDZIE and ROESSLER. Referred to Committee on Workforce Development.

regen.

1 AN ACT to amend 38.28 (1m) (a) 1. and 66.0621 (1) (c); and to create 38.14 (15),
2 38.39, 73.03 (61) and 560.03 (24) of the statutes; relating to: authorizing
3 technical college districts to issue revenue bonds for the purpose of providing
4 services and facilities to businesses and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill authorizes a technical college district board, with the approval of the state Technical College System Board, to enter into a contract with a business to provide job training, adult basic education, vocational and professional services, and training facilities, equipment, and material to the business. A contract may not provide more than \$3,500 in services to a trainee unless the Joint Committee on Finance (JCF) approves a higher limit. In addition, the state board must ensure that the total cost of such contracts does not exceed \$10,000,000 in any fiscal year unless JCF approves a higher limit. (In both cases, approval by JCF may be by passive review; i.e., if the cochairpersons of JCF do not schedule a meeting to review the request, it is considered approved.) The bill allows a district board to issue revenue bonds to finance the costs of providing these services and materials to a business.

The bill requires the Department of Revenue (DOR) to determine the amount of wages from which income tax withholding is calculated for an individual who has been provided training or education by a technical college district under a contract described above and calculate the total for each technical college district. The names of such individuals are certified to DOR by the Department of Commerce. DOR must then calculate 1.5 percent of the amount determined for each technical college

ASSEMBLY BILL 796

~~district and notify the Technical College System Board of the result. The bill does not, however, appropriate these amounts.~~

~~The bill also authorizes a district board to organize a nonstock corporation for the purposes of raising funds and providing support for the district.~~

~~For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.~~

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

1 **SECTION 1.** 38.14 (15) of the statutes is created to read:

2 38.14 (15) **NONSTOCK CORPORATIONS.** The district board may organize one or
3 more nonstock corporations under ch. 181 for the purposes of raising funds and
4 providing support for the operation and management of the district.

5 **SECTION 2.** 38.28 (1m) (a) 1. of the statutes, as affected by 2003 Wisconsin Act
6 33, is amended to read:

7 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
8 technical college district, including debt service charges for district bonds and
9 promissory notes for building programs or capital equipment, but excluding all
10 expenditures relating to auxiliary enterprises and community service programs, all
11 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
12 (6) and ss. 38.12 (9), 38.14 (3) and (9), 38.39, 118.15 (2) (a), 118.55 (7r), and 146.55
13 (5), all receipts from grants awarded under ss. 38.04 (8), (20), (28), and (31), 38.14
14 (11), 38.26, 38.27, 38.33, and 38.38, all fees collected under s. 38.24, and driver
15 education and chauffeur training aids.

16 **SECTION 3.** 38.39 of the statutes is created to read:

17 **38.39 Wisconsin Advantage Jobs Training Program.** (1) (a) With the
18 approval of the board, a district board may establish a regional project for the
19 creation and retention of jobs. Under the project, the district board may on its own

ASSEMBLY BILL 796

1 or jointly with any other entity contract with a business located in the district to
2 provide the business with one or more of the following: *subject to pars. (b) to (d)*

3 1. Training for jobs created or retained by the business.

4 2. Adult basic education.

5 3. Vocational and skill-assessment services.

6 4. Training facilities, equipment, and material.

7 5. Professional services.

8 *(c)* ~~(b)~~ 1. Except as provided in subd. 2., a district board may not enter into a
9 contract under par. (a) in which the cost per trainee exceeds \$3,500.

10 2. If the district board proposes to enter into a contract under subd. 1. in which
11 the cost per trainee exceeds \$3,500, the district board shall notify the joint committee
12 on finance in writing of its proposed action. If the cochairpersons of the committee
13 do not notify the district board that the committee has scheduled a meeting for the
14 purpose of reviewing the proposed contract within 14 working days after the date of
15 the district board's notification, the district board may enter into the contract. If,
16 within 14 working days after the date of the district board's notification, the
17 cochairpersons of the committee notify the district board that the committee has
18 scheduled a meeting for the purpose of reviewing the proposed contract, the district
19 board may enter into the contract only upon approval of the committee.

20 *(d)* ~~(c)~~ 1. Except as provided under subd. 2., the board shall ensure that the total
21 cost to the district boards of the contracts under par. (a) does not exceed \$10,000,000
22 in any fiscal year.

23 2. If the board proposes to increase the limit under subd. 1. in any fiscal year,
24 the board shall notify the joint committee on finance in writing of its proposed action.
25 If the cochairpersons of the committee do not notify the board that the committee has

ASSEMBLY BILL 796**SECTION 3**

1 scheduled a meeting for the purpose of reviewing the proposed increase within 14
2 working days after the date of the board's notification, the board may increase the
3 limit. If, within 14 working days after the date of the board's notification, the
4 cochairpersons of the committee notify the board that the committee has scheduled
5 a meeting for the purpose of reviewing the proposed increase, the limit may be
6 increased only upon approval of the committee.

7 (2) A contract under sub. (1) may require the business to pay fees for the
8 services provided, or to pay all or a portion of the costs of the services provided.

9 (3) (a) The district board may issue revenue obligations under s. 66.0621 to
10 provide funds for payment of the costs of providing services under a contract under
11 sub. (1).

12 (b) The district board may pledge as security for repayment of the bonds issued
13 under par. (a) district property and moneys in reserve fund balances that are not
14 derived from property taxes.

15 (c) The district board shall maintain a special fund, to be identified as the
16 Wisconsin Advantage Jobs Training Program special redemption fund, into which it
17 deposits the fees received under sub. (2) and any other moneys designated by the
18 district board for deposit into the special fund. The district board may use this

19 revenue solely for the payment of principal and interest on the bonds issued under
20 par. (a) until all such bonds are retired.

21 (d) Notwithstanding s. 66.0621 (4) (a) 1., all of the following apply to the bonds
22 issued under par. (a):

23 1. In the statement included with each bond the district board shall express its
24 expectation and aspiration that if at any time the revenues received or expected to
25 be received in the special redemption fund under par. (c) are insufficient to pay the

in the
fund

When the bonds are retired, the district board shall transmit the balance to the secretary of administration for deposit in the general fund.

ASSEMBLY BILL 796

1 principal and interest on the bond when due, the district board shall make the
2 payment from other district funds, subject to par. (e).

3 2. The bonds are payable at times not to exceed 10 years from the date of
4 issuance.

5 (e) The district board may not use moneys derived from property taxes to pay
6 debt service on revenue obligations issued under par. (a).

7 (6) ~~(5)~~ Annually, the board shall submit a report to the governor, and to the
8 legislature under s. 13.172 (2), describing the contracts entered into under this
9 section and the success of the program under this section in creating and retaining
10 jobs.

11 (7) ~~(6)~~ The board shall promulgate rules to implement and administer this section.

12 SECTION 4. 66.0621 (1) (c) of the statutes is amended to read:

13 66.0621 (1) (c) "Revenue" means all moneys received from any source by or for
14 the operation of a public utility and all rentals and fees and, in the case of a local
15 professional baseball park district created under subch. III of ch. 229 includes tax
16 revenues deposited into a special fund under s. 229.685 and payments made into a
17 special debt service reserve fund under s. 229.74 and, in the case of a local
18 professional football stadium district created under subch. IV of ch. 229 includes tax
19 revenues deposited into a special fund under s. 229.825 and payments made into a
20 special debt service reserve fund under s. 229.830 and, in the case of a technical
21 college district includes revenues deposited into a special fund under s. 38.39 (3) (c).

22 SECTION 5. 73.03 (61) of the statutes is created to read:

23 73.03 (61) ^{for 10 years or until the bonds are retired, whichever occurs first} Annually to determine the amount of wages from which withholding
24 under s. 71.64 (1) is calculated for an individual ~~whose name is reported to the~~ ^{whose name is reported to the} department by the department of commerce under s. 560.03 (25) ⁽²⁵⁾ calculate 1.5 ⁽²⁴⁾ to
25

If a technical college district board has issued revenue bonds under s. 38.39 ✓

provided training, education or services by that technical college district under s. 38.39, as

ASSEMBLY BILL 796

Handwritten: ; to

1 percent of that amount, and notify the technical college system board of the result,
2 aggregated by each technical college district.

3 **SECTION 6.** 560.03 (24) of the statutes is created to read:

4 560.03 (24) ~~Promulgate rules for determining~~ ^{Determine} the number of persons provided
5 training, education, or services, under s. 38.39 and the identity of each such person,
6 and annually by July 1, report the information to the department of revenue for the
7 purpose of s. 73.03 (61).
8

(END)

Handwritten: by a technical college district

3-7

9

(b) A district board may provide training, education,
or services under par. (a) only to individuals who
are required to file an income tax return under
s. 71.43 (2)

5-6

raise funds or provide support for

(4) (B)

(5) A district board may do engage in the program under this section by any means ~~any activity that is necessary or convenient for the purposes of raising funds and~~

~~providing support directly related to the~~

~~to implementation and administration of the program under this section~~ (except as ^{expressly} ~~expressly~~ limited) ^{limited} ~~except as~~ ~~limited~~ ~~by law, rule, or board policy.~~

by law or board or district board rule.
by law or board or district board rule.

district board