

2009 DRAFTING REQUEST

Bill

Received: **02/17/2010**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Pedro Colon (608) 267-7669**

By/Representing: **Andy Janssen**

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - MPS**

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Rep.Colon@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Permit DPI to withhold funds from a MPCP school that is in arrears

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>
/?							
/P1	tkuczens 02/23/2010	jdyer 02/24/2010	phenry 02/24/2010	_____	lparisi 02/24/2010		
	tkuczens 02/24/2010	jdyer 02/25/2010		_____			
/1	tkuczens 03/09/2010	jdyer 03/10/2010	rschluet 02/25/2010	_____	sbasford 02/25/2010	lparisi 02/25/2010	
/2			jfrantze	_____	cduerst	cduerst	

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			03/10/2010 _____		03/10/2010	03/10/2010	

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/P1	tkuczens 02/23/2010	jdyer 02/24/2010	phenry 02/24/2010	_____	lparisi 02/24/2010		
	tkuczens 02/24/2010	jdyer 02/25/2010		_____			
/1			rschluet 02/25/2010	_____	sbasford 02/25/2010	lparisi 02/25/2010	

Handwritten notes: Jo 3/10, [signature] 3/10

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/?	tkuczens	PI 2/24 jld	7 by ph	7 by ph			
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FE Sent For: <END>

Kuczenski, Tracy

From: Janssen, Andy
Sent: Tuesday, February 16, 2010 3:39 PM
To: Kuczenski, Tracy
Subject: RE: Request from Rep. Colon

Our primary concern is to help out those who are being stiffed on rent. However, I do know that vendors are also not being paid. So, if there is a way to define both and include them both, that would be preferable.

From: Kuczenski, Tracy
Sent: Tuesday, February 16, 2010 2:52 PM
To: Janssen, Andy
Subject: RE: Request from Rep. Colon

Hi Andy --

I'll take care of this. Do you want to define "vendor" in any way; on first reading, for example, I would not have thought that a landlord / lessor would be a vendor.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Janssen, Andy
Sent: Tuesday, February 16, 2010 2:43 PM
To: Kuczenski, Tracy
Subject: Request from Rep. Colon

Tracy,

On behalf of a constituent of Rep. Colon we need a bill that would allow DPI to withhold funds from the Milwaukee Parental Choice Program if they fail to pay vendors. According to DPI they have no statutory authority to withhold funds if a school fails to pay vendors. In this case, a school signed a lease to occupy a building owned by this constituent. They stayed for three months and then vacated without paying rent. We would like legislation to allow the department to withhold funds to the school to ensure that vendors are paid.

Thanks,

Andy Janssen
Office of Rep. Colon



State of Wisconsin
2009 - 2010 LEGISLATURE

PI
LRB-4356?
TKK: A... jld
RMRUN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 2/23/10

wanted 3/2/2010

✓ Gen

1 AN ACT ...; relating to: authorizing the state superintendent to withhold
2 payments from a private school participating in the Milwaukee Parental
3 Choice Program if the private school is in arrears or default in contractual
4 payments.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

5 SECTION 1. 119.23 (10) (d) of the statutes is renumbered 119.23 (10) (d) (intro.)

6 and amended to read: (intro.)

7 119.23 (10) (d) The state superintendent may withhold payment from a parent
8 or guardian under subs. (4) and (4m) if the any of the following apply: applies

9 1. The plain private school attended by the child of the parent or guardian violates
10 this section.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96.

1 SECTION 2. 119.23 (10) (d) 2. ✓ of the statutes is created to read:

2 119.23 (10) (d) 2. a. Subject to subd. 2. b., ✓ a vendor, lender, or lessor ✓ to or
3 landlord of the private school ✓ attended by the child of the parent or guardian submits
4 evidence satisfactory to the state superintendent that the private school is in arrears
5 or default in any contractual payments. ✓

****NOTE: Do you want to require that the participating private school be in arrears
or in default for a specified period of time? Or in a certain minimum amount? ✓

6 b. The sum of all payments withheld under this subdivision ✓ may not exceed the
7 amount by which the private school is in arrears or default in contractual payments. ✓

8 (END)

Kuczenski, Tracy

From: Janssen, Andy
Sent: Wednesday, February 24, 2010 12:13 PM
To: Kuczenski, Tracy
Subject: Rep. Colon's office - Re: LRB 4365/p1

Tracy,

In the drafting note you asked if Rep. Colón wanted to require a period of time that a school is in arrears or default. He would like the bill to say to require 60 days.

Thanks,

Andy

p.s. No need to return my call if you have no follow up questions.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4356/PT

TKK:jld:ph

RMNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

17 2/24/10

SOON

Regen

X

1 AN ACT *to renumber and amend* 119.23 (10) (d); and *to create* 119.23 (10) (d)
 2 2. of the statutes; **relating to:** authorizing the state superintendent to
 3 withhold payments from a private school participating in the Milwaukee
 4 Parental Choice Program if the private school is in arrears or default in
 5 contractual payments.

Insert analysis

Analysis by the Legislative Reference Bureau ✓

This is a preliminary draft. An analysis will be provided in a later version.

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

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 7 and amended to read:
 8 119.23 (10) (d) (intro.) The state superintendent may withhold payment from
 9 a parent or guardian under subs. (4) and (4m) if the any of the following applies:
 10 1. The private school attended by the child of the parent or guardian violates
 11 this section.

1 SECTION 2. 119.23 (10) (d) 2. of the statutes is created to read:

2 119.23 (10) (d) 2. a. Subject to subd. 2. b., a vendor, lender, or lessor to or
3 landlord of the private school attended by the child of the parent or guardian submits
4 evidence satisfactory to the state superintendent that the private school is in arrears
5 or default in any contractual payments ^{for more than 60 days}

6 *le* ****NOTE: Do you want to require that the participating private school be in arrears
or in default for a specified period of time? Or in a certain minimum amount?

7 b. The sum of all payments withheld under this subdivision may not exceed the
8 amount by which the private school is in arrears or default in contractual payments.

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4356/lins
TKK:jld:ph

1

Insert analysis

Under the Milwaukee Parental Choice Program (program), the state pays each participating private school in Milwaukee on behalf of the pupils attending the private school under the program. Currently, the state superintendent may withhold payment from a private school participating in the program if the private school fails to comply with the requirements of the program.

This bill permits the state superintendent to withhold payment from a private school participating in the program if a vendor, lender, or lessor to or landlord of the private school submits evidence to the state superintendent that the private school is at least 60 days in arrears or default in any contractual payments, up to the amount by which the private school is in arrears or default.

(end ins)

Parisi, Lori

From: Janssen, Andy
Sent: Thursday, February 25, 2010 11:52 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4356/1 Topic: Permit DPI to withhold funds from a MPCP school that is in arrears

Please Jacket LRB 09-4356/1 for the ASSEMBLY.

Kuczenski, Tracy

From: Janssen, Andy
Sent: Monday, March 08, 2010 4:01 PM
To: Kuczenski, Tracy
Subject: LRB-4356/P1 - Rep. Colon's office

Tracy,

Can you add language to LRB-4356/P1 to say that this would only take effect if the school is arrears \$5,000 or more?

Thanks,

Andy



2009 BILL

3/9/10

soon

X

Regen

1 AN ACT *to renumber and amend* 119.23 (10) (d); and *to create* 119.23 (10) (d)

2 2. of the statutes; **relating to:** authorizing the state superintendent to

3 withhold payments from a private school participating in the Milwaukee

4 Parental Choice Program if the private school is in arrears or default in

5 contractual payments.

Analysis by the Legislative Reference Bureau

Under the Milwaukee Parental Choice Program (program), the state pays each participating private school in Milwaukee on behalf of the pupils attending the private school under the program. Currently, the state superintendent may withhold payment from a private school participating in the program if the private school fails to comply with the requirements of the program.

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

in an amount of
not less than \$ 5,000 ✓

