

2011 Se1 DRAFTING REQUEST

Assembly Amendment (AA-AB21)

Received: 10/20/2011

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Howard Marklein (608) 266-7502**

By/Representing: **Crystal**

May Contact:

Drafter: **mgallagh**

Subject: **Econ. Development - bus. dev.**
Econ. Development - misc.

Addl. Drafters: **agary**
jkreye

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Marklein@legis.wi.gov**

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

aaron.gary@legis.wisconsin.gov
joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

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>
/?	mgallagh 10/21/2011			_____			
/1	jkreye 10/21/2011	wjackson 10/21/2011	rschluet 10/21/2011	_____	lparisi 10/21/2011	lparisi 10/21/2011	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	mgallagh 10/24/2011	wjackson 10/24/2011		_____ _____			
/2			jfrantze 10/24/2011	_____ _____	sbasford 10/24/2011	sbasford 10/24/2011	

FE Sent For:

<END>

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/1	jkreye 10/21/2011	wjackson 10/21/2011	rschlue 10/21/2011	_____	lparisi 10/21/2011	lparisi 10/21/2011	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

12 Wlj 10/24 Jb 10/24

FE Sent For:

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2011 Se1 DRAFTING REQUEST

Assembly Amendment (AA-AB21)

Received: 10/20/2011

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Wanted: As time permits

Companion to LRB:

For: Howard Marklein (608) 266-7502

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1/?	mgallagh	11/10/21		_____	_____		

FE Sent For:

<END>

Gallagher, Michael

From: Jordan K. Lamb [jkl@dewittross.com]
Sent: Thursday, October 20, 2011 1:36 PM
To: Kelly, Scott; Gallagher, Michael
Cc: Lee, Crystal
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21
Agreed.

*Jordan K. Lamb
DeWitt Ross & Stevens
2 E. Mifflin Street, Ste. 600
Madison, WI 53703
Phone: (608) 252-9358
Fax: (608) 252-9243
Email: jkl@dewittross.com
Web Site: www.dewittross.com*

From: Kelly, Scott [mailto:Scott.Kelly@legis.wisconsin.gov]
Sent: Thursday, October 20, 2011 1:25 PM
To: Jordan K. Lamb; Gallagher, Michael
Cc: Lee, Crystal
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

Correct. And I think that we should specify that the first deposit is on Jul 1, 2013.

From: Jordan K. Lamb [mailto:jkl@dewittross.com]
Sent: Thursday, October 20, 2011 1:08 PM
To: Kelly, Scott; Gallagher, Michael
Cc: Lee, Crystal
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

Separate amendment for item 4 only. Correct?

*Jordan K. Lamb
DeWitt Ross & Stevens
2 E. Mifflin Street, Ste. 600
Madison, WI 53703
Phone: (608) 252-9358
Fax: (608) 252-9243
Email: jkl@dewittross.com
Web Site: www.dewittross.com*

From: Kelly, Scott [mailto:Scott.Kelly@legis.wisconsin.gov]
Sent: Thursday, October 20, 2011 1:04 PM
To: Gallagher, Michael; Jordan K. Lamb
Cc: Lee, Crystal
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

Actually Mike, I disagree with Jordan.

I would like a simple amendment for the first 3 issues. (Unless you think a sub is more appropriate)

I would like a separate amendment for the sub, as I don't intend to have the authors introduce that. Rather, they can bless the JFC doing it)

Based on information and belief, I think Crystal/Rep Marklein agree.

Thanks

Scott

From: Gallagher, Michael
Sent: Thursday, October 20, 2011 12:55 PM
To: 'Jordan K. Lamb'
Cc: Lee, Crystal; Kelly, Scott
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

Got it. To be clear, I understand the request to be for 1 simple amendment that accomplishes the 4 items below. Or, is the request for 4 separate amendments?

Thanks.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Jordan K. Lamb [mailto:jkl@dewittross.com]
Sent: Thursday, October 20, 2011 12:46 PM
To: Gallagher, Michael
Cc: Lee, Crystal; Kelly, Scott
Subject: Request for Amendment to SSAB 21 / SSSB 21

Hi Mike. We have worked through a few more issues in the Next Generation Jobs legislation. Senator Wanggaard and Representative Marklein would like to prepare a simple amendment to the bill draft that accomplishes the following 4 amendments:

1. **Calendar Year:** DOR would like this legislation to run on a calendar year, as opposed to a FY because income taxes are paid on a calendar year basis. Accordingly, the base year in the draft should be calendar year 2011. The first growth year should be calendar year 2012. DOR needs 6

mos. to make the first deposit into the Fund so the first deposit from growth year 2012 would be deposited on July 1, 2013. I do not think we need to state when the first deposit is made, but if we do, then it should be 6 mos after the close of each calendar year. (Note: calendar years need to be changed on page 7 too. No money will be in the fund until 2013, so it should probably start in 2013.) Here's the new layout:

Base Year:	Calendar year 2011
First growth year:	Calendar year 2012
First deposit into the NG Fund:	July 1, 2013

2. **Administrative Cost Flexibility:** SWIB would like the Board to have a little more flexibility to handle administrative expenses. There are percentages noted on page 7 of the draft. Accordingly, we proposed to keep the percentages but allow the Board to go to JFC to request a change in the percentage under passive review. Can you add a phrase allowing that on page 7, line 14 before the sentence beginning with "Not..."?
3. **Comprehensive Annual Report for JFC:** The authors would like to add a requirement that the Board provide a comprehensive annual report to the Joint Committee on Finance.
4. **Special Cap for the First Year:** Due to current concerns with the fiscal note, can you please draft language that would impose a cap in the first year (2013) of \$15 million? Then revert to the regular annual \$50 million annual cap.

We may end up NOT needing item 4, depending on LFB's work over the next two days, but for now, please include that special first year cap. As always, let me know if you have any questions.

Many thanks,
Jordan

*Jordan K. Lamb
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2 E. Mifflin Street, Ste. 600
Madison, WI 53703
Phone: (608) 252-9358
Fax: (608) 252-9243
Email: jk1@dewittross.com
Web Site: www.dewittross.com*

Gallagher, Michael

From: Lee, Crystal
Sent: Thursday, October 20, 2011 7:01 PM
To: Kelly, Scott; Gallagher, Michael; 'jkl@dewittross.com'
Subject: Re: Request for Amendment to SSAB 21 / SSSB 21

Nothing more from us... If we could put a rush on it for committee, that would be great. Our hearing and exec are both on Monday and the clerk wants it distributed to committee. Thanks!

From: Kelly, Scott
Sent: Thursday, October 20, 2011 06:57 PM
To: Gallagher, Michael; 'Jordan K. Lamb' <jkl@dewittross.com>
Cc: Lee, Crystal
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

It should be comprehensive. Isn't that enough?

Just kidding. I think it should include

Revenues into the fund
Expenditures from the fund
Investments by the fund (grants, loans, direct investments)
Return on Investments.

I think that's probably good...Jordan & Crystal any ideas?

From: Gallagher, Michael
Sent: Thu 10/20/2011 4:13 PM
To: 'Jordan K. Lamb'
Cc: Lee, Crystal; Kelly, Scott
Subject: RE: Request for Amendment to SSAB 21 / SSSB 21

What should go in the report?

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBa1709/1
MPG/JK/.....

WJ

ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 21

Today
Fri. 10-21

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

2 ↓ 1. Page 7, line 24: after that line insert:

3 “(r) *Additional operational or administrative expenses.* From the Wisconsin
4 next generation reserve fund, all moneys authorized under s. 555.06 for general
5 program operations and administrative expenses.”

6 ↓ 2. Page 10, line 1: delete lines 1 and 2 and substitute “qualifying companies
7 for calendar year 2011.”

8 ↓ 3. Page 10, line 3: delete the material beginning with “in” and ending with
9 “2012” on line 4 and substitute “on July 1, 2013, and on each July 1 thereafter,
10 ending on July 1, 2026.”

11 ↓ 4. Page 10, line 7: delete “that fiscal” and substitute “the previous calendar”.

1 ↓ 5. Page 10, line 7: delete the material beginning with “(a). The” and ending
2 with “companies” on line 9 and substitute: “(a)”.

3 √ 6. Page 10, line 15: delete the material beginning with “The” and ending with
4 “2026.” on line 16.

5 7. Page 13, line 18: after that line insert:

6 **555.05 Annual report.** Annually, the board shall submit to the chief clerk of
7 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
8 a report that includes all of the following:

9 (1) An accounting of the revenue received in the Wisconsin next generation
10 reserve fund under s. 73.16 (2).

11 (2) An accounting of all expenditures from the Wisconsin next generation
12 reserve fund by the board for any purpose.

13 (3) For each each certified bioscience company that received a grant, loan, or
14 investment from the board during the preceding year, all of the following:

15 (a) The name and address of the certified bioscience company.

16 (b) A description of the nature of the business conducted by the certified
17 bioscience company.

18 (c) The amount of the grant, loan, or investment.

19 (d) A description of the purposes for which the certified bioscience company
20 used or is using the grant, loan, or investment.

21 (4) An accounting of the internal rate of return realized by the board on its
22 loans to and investments in certified bioscience companies.

23 **555.06 Expenditure of fund moneys for operational or administrative**
24 **costs.** If the board determines that the amount provided under s. 20.195 (1) (q) 1.,

1 2., 3., or 4. is not sufficient to cover the board's actual general program operations and
2 administrative expenses for a fiscal year, the board may notify the joint committee
3 on finance in writing that the board proposes to exceed that amount for those
4 purposes. That notice shall state the specific amount of additional moneys from the
5 fund that the board proposes to use for general program operations and
6 administrative expenses and the board's reasons supporting its determination that
7 its expenditure of that additional amount is necessary for those purposes. If, within
8 14 working days after the date of that notice, the cochairpersons of the committee do
9 not notify the board that the committee has scheduled a meeting to review the board's
10 proposal, the board may expend the additional amount as proposed in the board's
11 notice. If, within 14 working days after the date of that notice, the cochairpersons
12 of the committee notify the board that the committee has scheduled a meeting to
13 review the board's proposal, the board may expend the additional amount only upon
14 approval of the committee." ✓

15 (END)



Now Tracks
State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBa1709/0
MPG/JK:wj:rs

↑
stays

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 21

Insert

a sum sufficient equal the any amount

Insert 1-)

- 1 At the locations indicated, amend the bill as follows:
- 2 ~~#1.~~ Page 7, line 24: after that line insert:
- 3 "(r) Additional operational or administrative expenses. From the Wisconsin
- 4 next generation reserve fund, all moneys authorized under s. 555.06 for general
- 5 program operations and administrative expenses."
- 6 ~~#2.~~ Page 10, line 1: delete lines 1 and 2 and substitute "qualifying companies
- 7 for calendar year 2011."
- 8 ~~#3.~~ Page 10, line 3: delete the material beginning with "in" and ending with
- 9 "2012" on line 4 and substitute "on July 1, 2013, and on each July 1 thereafter, ending
- 10 on July 1, 2026".
- 11 ~~#4.~~ Page 10, line 7: delete "that fiscal" and substitute "the previous calendar".

1 ~~#5.~~ Page 10, line 7: delete the material beginning with "(a). The" and ending
2 with "companies" on line 9 and substitute "(a)".

3 ~~#6.~~ Page 10, line 15: delete the material beginning with "The" and ending with
4 "2026." on line 16.

5 ~~#7.~~ Page 13, line 18: after that line insert:

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11 purpose.

12 (3) For each each certified bioscience company that received a grant, loan, or
13 investment from the board during the preceding year, all of the following:

14 (a) The name and address of the certified bioscience company.

15 (b) A description of the nature of the business conducted by the certified
16 bioscience company.

17 (c) The amount of the grant, loan, or investment.

18 (d) A description of the purposes for which the certified bioscience company
19 used or is using the grant, loan, or investment.

20 (4) An accounting of the internal rate of return realized by the board on its
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24 2., 3., or 4. is not sufficient to cover the board's actual general program operations and

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6 its expenditure of that additional amount is necessary for those purposes. If, within
7 14 working days after the date of that notice, the cochairpersons of the committee do
8 not notify the board that the committee has scheduled a meeting to review the board's
9 proposal, the board may expend the additional amount as proposed in the board's
10 notice. If, within 14 working days after the date of that notice, the cochairpersons
11 of the committee notify the board that the committee has scheduled a meeting to
12 review the board's proposal, the board may expend the additional amount only upon
13 approval of the committee.".

14 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1709/2ins
MPG/JK:wj:rs

1 INSERT 1-1

2 ~~#~~ Page 7, line 17: substitute "2013-14" for "2012-13".

3 ~~#~~ Page 7, line 19: substitute "2014-15" for "2013-14".

4 ~~#~~ Page 7, line 21: substitute "2015-16" for "2014-15".

5 ~~#~~ Page 7, line 23: substitute "2016-17" for "2015-16".

6 END INSERT 1-1

Gallagher, Michael

From: Kelly, Scott
Sent: Sunday, October 23, 2011 4:01 PM
To: Jordan K. Lamb; Gallagher, Michael
Cc: Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Mike - I understand and agree with your analysis. As you point out, we should change the amendment to reflect that everything is being pushed back a year (to begin in 2013)

From: Jordan K. Lamb [mailto:jkl@dewittross.com]
Sent: Sun 10/23/2011 2:19 PM
To: Gallagher, Michael; Kelly, Scott
Cc: Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Sounds good to me.

Jordan K. Lamb
DeWitt Ross & Stevens
2 E. Mifflin Street, Suite 600
Madison, WI 53703
www.dewittross.com
jkl@dewittross.com
(608) 252-9358

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Sent: Sunday, October 23, 2011 2:04 PM
To: Jordan K. Lamb; Kelly, Scott
Cc: Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Correct.

From: Jordan K. Lamb [mailto:jkl@dewittross.com]
Sent: Sunday, October 23, 2011 2:02 PM
To: Gallagher, Michael; Kelly, Scott
Cc: Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

I think that is right, if we must keep this on a FY (as opposed to a cal year). There won't be any money in the account until after July 1, 2013. So, starting with FY 13-14 seems ok. That is July 1, 2013 - June 30, 2014, correct?

Jordan K. Lamb
DeWitt Ross & Stevens

10/24/2011

2 E. Mifflin Street, Suite 600
Madison, WI 53703
www.dewittross.com
ikl@dewittross.com
(608) 252-9358

From: Gallagher, Michael [Michael.Gallagher@legis.wisconsin.gov]
Sent: Sunday, October 23, 2011 1:17 PM
To: Kelly, Scott
Cc: Jordan K. Lamb; Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Looking at the appropriation again, it does now occur to me that we should bump up the administrative expenditures schedule by one fiscal year if the first deposit in the fund will not occur until July 1, 2013 under the amendment. The schedule would then be:

1. In fiscal year 2013–14, 5 percent of the moneys in the Wisconsin next generation reserve fund.
2. In fiscal year 2014–15, 5 percent of the moneys in the Wisconsin next generation reserve fund.
3. In fiscal year 2015–16, 2 percent of the moneys in the Wisconsin next generation reserve fund.
4. In fiscal year 2016–17 and in each fiscal year thereafter, 0.5 percent of the moneys in the Wisconsin next generation reserve fund.

Does that look right?

I can take care of first thing tomorrow if the stripes are sent back.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Gallagher, Michael
Sent: Sunday, October 23, 2011 1:08 PM
To: Kelly, Scott
Cc: Jordan K. Lamb; Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Scott: The material on page 7 relates to expenditures from a state appropriation, which are tracked on a fiscal year basis, not on a calendar year basis.

The material on page 10, line 7 is changed to go on a calendar year basis in the amendment. (See Item 4 in the amendment.) So, I don't believe anything more needs to be done there, unless I'm missing something.

Finally, I do not believe a change is called for with respect to the material on page 10, line 14. It is my understanding that DOR calculates the amount to transfer to the fund on a calendar year basis (under the

10/24/2011

amendment), but the actual deposit in the fund occurs on a fiscal year basis. The state keeps its books on a fiscal year basis. That is why the deposits are set to occur on July 1 of each year, with the first deposit occurring on July 1, 2013, as you requested. (See item 3 in the amendment). Nevertheless, on Monday morning, Joe Kreye (who drafted the s. 73.16 language) can confirm whether I'm right than no change is needed with respect to the fiscal year/calendar year stuff. I'm copying him on this e-mail. I'd wait to send the stripes back until after we hear from him.

Thanks. Let me know if you have any questions.

Mike

Michael P. Gallagher

Legislative Attorney

Legislative Reference Bureau

(608) 267-7511

michael.gallagher@legis.wisconsin.gov

From: Kelly, Scott

Sent: Sunday, October 23, 2011 12:32 PM

To: Jordan K. Lamb; Gallagher, Michael

Cc: Lee, Crystal; Kelly, Scott; Ron Kuehn

Subject: Re: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

Hi Mike -

See below - Crystal and I will the send the stripes back in the morning.

Scott

PS - Crystal, if you still have the amendment, send it back to LRB

Sent from my iPhone

On Oct 23, 2011, at 10:22 AM, "Jordan K. Lamb" <jkl@dewittross.com> wrote:

Crystal and Scott: I have reviewed the amendment and it looks OK, but I found a few things that need to be changed in order to complete the change from fiscal to calendar year. Please pass this on to whomever is drafting this amendment.

Page 7, line 17: delete "In fiscal year 2012-13" and replace with "In calendar year 2013".

Page 7, line 19: delete "In fiscal year 2013-14" and replace with "In calendar year 2014".

Page 7, line 21: delete delete "In fiscal year 2014-15" and replace with "In calendar year 2015".

Page 7, line 23: delete "In fiscal year 2015-16" and replace with "In calendar year 2016".

Page 10, line 7: delete "fiscal" and replace with "calendar".

Page 10, line 14: delete "fiscal" and replace with "calendar".

Jordan K. Lamb
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Madison, WI 53703
Phone: (608) 252-9358
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Web Site: www.dewittross.com

From: Lee, Crystal [<mailto:Crystal.Lee@legis.wisconsin.gov>]
Sent: Friday, October 21, 2011 2:33 PM
To: Jordan K. Lamb; Kelly, Scott
Subject: FW: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

FYI:

Crystal Lee
Legislative Assistant
Office of State Representative Howard Marklein
51st Assembly District
608-266-7502
Crystal.Lee@legis.wi.gov

From: LRB.Legal
Sent: Friday, October 21, 2011 2:03 PM
To: Rep.Marklein
Subject: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement
The attached proposal has been jacketed for introduction.
A copy has also been sent to: michael.gallagher@legis.wisconsin.gov;
[aaron.gary@legis.wisconsin.gov](mailto;aaron.gary@legis.wisconsin.gov); joseph.kreye@legis.wisconsin.gov
<<LRB a1709_1>>

Gallagher, Michael

From: Gallagher, Michael
Sent: Sunday, October 23, 2011 1:08 PM
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Cc: Jordan K. Lamb; Lee, Crystal; Ron Kuehn; Kreye, Joseph
Subject: RE: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

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Page 7, line 21: delete delete "In fiscal year 2014-15" and replace with "In calendar year 2015".

Page 7, line 23: delete "In fiscal year 2015-16" and replace with "In calendar year 2016".

Page 10, line 7: delete "fiscal" and replace with "calendar".

Page 10, line 14: delete "fiscal" and replace with "calendar".

Jordan K. Lamb
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From: Lee, Crystal [mailto:Crystal.Lee@legis.wisconsin.gov]
Sent: Friday, October 21, 2011 2:33 PM
To: Jordan K. Lamb; Kelly, Scott
Subject: FW: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

FYI:

Crystal Lee

Legislative Assistant

Office of State Representative Howard Marklein

51st Assembly District

608-266-7502

Crystal.Lee@legis.wi.gov

From: LRB.Legal

Sent: Friday, October 21, 2011 2:03 PM

To: Rep.Marklein

Subject: LRB 11a1709 Topic: Changes to base year calculation and appropriation for administrative expenses and addition of annual report requirement

The attached proposal has been jacketed for introduction.

A copy has also been sent to: michael.gallagher@legis.wisconsin.gov;
aaron.gary@legis.wisconsin.gov; joseph.kreye@legis.wisconsin.gov

<<LRB a1709_1>>