

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB20)

Received: 04/18/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Jim Emerson

May Contact:

Drafter: tkuczens

Subject: Education - MPS

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

MPS -- sale or lease of city-owned property used for school purposes plus three amendments

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>
/?	tkuczens 04/19/2011	csicilia 04/20/2011		_____			
/1			jfrantze 04/20/2011	_____	ggodwin 04/20/2011	ggodwin 04/20/2011	

FE Sent For:

<END>

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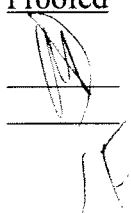
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MPS -- sale or lease of city-owned property used for school purposes plus three amendments

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1/?	tkuczens	1 gjs 4/20 1/1	g 4/20				

FE Sent For:

<END>

April 18, 2011

Sen. Darling (per Jim Emerson)

create substitute amendment to SB 20 (LRB-0903/1)
that incorporates all of the following amendments:

1. LRB a 0375/1

2. LRB a 0548/1

3. LRB a 0664/1 & a 0667/1



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0667/1
TKK:wlj:jf

ASSEMBLY AMENDMENT ,
TO 2011 ASSEMBLY BILL 37

*For file purposes only
TKK.*

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

2 **1.** Page 2, line 16: delete the material beginning with "less the amount" and
3 ending with "under s. 119.60 (2m) (c)" on line 18.

4 **2.** Page 3, line 4: after that line insert:

5 "SECTION 1m. 119.46 (2) of the statutes is amended to read:

6 119.46 (2) If moneys specified in s. 119.60 (1) or (2m) (c) are deposited in the
7 school operations fund, the moneys shall be used to pay the principal due on any
8 bonds issued under s. 66.1333 (5r) (b), to make sinking fund payments with respect
9 to such bonds, to purchase or redeem such bonds, to pay any redemption premium
10 required to be paid when such bonds are redeemed prior to maturity, or to establish
11 a defeasance escrow account for such bonds in an amount sufficient to provide for the
12 payment of principal, any redemption premium and interest on such bonds when

1 due, whether at maturity or upon prior redemption, and to pay any fees or expenses
2 associated with the establishment of the defeasance escrow account.”.

3 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE

50090/1



LRB-0903/1

TKK:cjs:rs

insert

slays

8 CAPS
SENATE SUBSTITUTE AMENDMENT

2011 SENATE BILL 20

4/19/11 wanted by 4/22/11

February 22, 2011 - Introduced by Senators DARLING, LAZICH, CARPENTER and GROTHMAN, cosponsored by Representatives HONADEL, FIELDS, PRIDEMORE, BERCEAU, THIESFELDT, STRACHOTA, BIES, RIVARD and MARKLEIN. Referred to Committee on Education.

Regen

1 AN ACT to amend 119.46 (1), 119.60 (1) and 119.60 (2); and to create 119.60 (2m)
2 of the statutes; relating to: authorizing the City of Milwaukee to sell
3 city-owned property used for school purposes.

Analysis by the Legislative Reference Bureau

Currently, the board of school directors of Milwaukee Public Schools (MPS) is vested with authority to purchase, lease, control, and manage the schools and property of the school district. School buildings located in the City of Milwaukee (city), and the sites on which the school buildings sit, however, are the property of the city, and deeds and conveyances of property are made to the city. MPS must adopt a resolution prior to purchasing or leasing a building site or constructing a school house. The city must sell city-owned property used for school purposes if MPS submits a written request to the city and the common council adopts a resolution approving the sale. The board determines whether proceeds of the sale of city-owned property used for school purposes are deposited into the school operations fund or the school construction fund. In general, if the proceeds are deposited into the school operations fund, the moneys must be used to pay the principal and other fees and premiums due on bonds issued for school facilities.

Under this bill, if the common council finds that city-owned property used for school purposes has been unused or underutilized for at least 12 consecutive months, the common council may sell or lease the property. The bill requires the board to provide the common council and city employees and agents copies of all documents related to the property and access to the property for purposes related to the sale or

insert analysis

substitute amendment

substitute amendment

SENATE BILL 20

substitute amendment

leasing of the property. Net proceeds from the sale or lease of property, when authorized by the common council as provided in the bill, are deposited in the school operations fund and are to be applied to reduce taxes levied by the city for MPS

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

Insert analysis B (no P)

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

and are to be applied to pay the principal and other fees or premiums due on bonds

1 SECTION 1. 119.46 (1) of the statutes is amended to read:

2 119.46 (1) As part of the budget transmitted annually to the common council
3 under s. 119.16 (8) (b), the board shall report the amount of money required for the
4 ensuing school year to operate all public schools in the city under this chapter, to
5 repair and keep in order school buildings and equipment, to make material
6 improvements to school property, and to purchase necessary additions to school sites.

7 The report shall specify the amount of net proceeds from the sale or lease of
8 city-owned property used for school purposes deposited in the immediately
9 preceding school year into the school operations fund as specified under s. 119.60

10 (2m) (c) ^{or (5)} The amount included in the report for the purpose of supporting the
11 Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount
12 of aid received by the board under s. 121.136 and by the amount specified in the
13 notice received by the board under s. 121.137 (2). The common council shall levy and
14 collect a tax upon all the property subject to taxation in the city, which shall be equal
15 to the amount of money required by the board for the purposes set forth in this
16 subsection less the amount of net proceeds from the sale or lease of city-owned

17 property used for school purposes deposited in the immediately preceding school
18 year into the school operations fund as specified under s. 119.60 (2m) (c), at the same

19 time and in the same manner as other taxes are levied and collected. Such taxes shall

SENATE BILL 20

1 be in addition to all other taxes which the city is authorized to levy. The taxes so
2 levied and collected, any other funds provided by law and placed at the disposal of
3 the city for the same purposes, and the moneys deposited in the school operations
4 fund under s. 119.60 (1) ^{e 1} and (2m) ^{e 1} (c) ^{and (5)}, shall constitute the school operations fund.

5 SECTION 2. 119.60 (1) of the statutes is amended to read:

6 119.60 (1) ~~If~~ Except as provided in sub. (2m) (c), if any real property within the
7 city which is used for school purposes is sold, the board shall determine whether the
8 proceeds of the sale are deposited in the school operations fund under s. 119.46 or are
9 deposited in the school construction fund under s. 119.48.

10 SECTION 3. 119.60 (2) of the statutes is amended to read:

11 119.60 (2) ~~City-owned~~ Except as provided in sub. (2m), city-owned property
12 used for school purposes shall be sold by the city upon written request of the board
13 if the common council adopts a resolution approving the sale. If, within 12 months
14 after a written request by the board, the city has not disposed of the property, has
15 failed to obtain a written agreement to dispose of the property or has not provided
16 the board with a written report giving specific reasons, which are not identified by
17 the city attorney as constituting a conflict of interest, for its failure to dispose of the
18 property or to obtain an agreement to dispose of the property, the board may retain
19 a real estate agent to represent the board in its real estate transactions.

20 SECTION 4. 119.60 (2m) of the statutes is created to read:

21 119.60 (2m) (a) If the common council finds that city-owned property used for
22 school purposes has been unused or underutilized for at least ^{e 12} 18 consecutive months,
23 including the ^{e 12} 18 months preceding the effective date of this paragraph [LRB
24 inserts date], the common council may sell or lease that property if it adopts a
25 resolution approving the sale or lease.

Insert
3-5

Insert
3-24

SENATE BILL 20

SECTION 4

by the common council

1

(b) If a resolution is adopted ~~as~~ provided under par. (a), the board shall provide
2 the common council and city employees and agents copies of all documents related
3 to the property and access to and entry upon and into the property for purposes
4 related to the sale or leasing of the property.

5

(c) If any real property within the city which is used for school purposes is sold
6 or leased as provided in this subsection, the net proceeds of the sale or lease shall be
7 deposited in the school operations fund under s. 119.46.

8

(END)

Insert 4 - 7A and B

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

LRBs0090/?ins
TKK:.....

1

WFF

Insert analysis A

or if MPS has determined by resolution prior to January 1, 2011, that any city-owned property used for school purposes is surplus to the needs of MPS,

2

WFF

Insert analysis B

The terms of any lease entered into between the common council and the lessee may provide for the care, operation, and maintenance of the real property that is the subject of the lease. The substitute amendment also permits the common council to adopt a resolution to become party to any lease of city-owned property used for school purposes entered into between MPS and certain charter schools and in effect on January 1, 2011, at the time that lease is modified, extended, or renewed.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0090/?ins
TKK:.....

1 **Insert 3-5**

2 **SECTION 1m.** 119.46 (2) of the statutes is amended to read:

3 119.46 (2) If moneys specified in s. 119.60 (1), (2m) (c), or (5) are deposited in
4 the school operations fund, the moneys shall be used to pay the principal due on any
5 bonds issued under s. 66.1333 (5r) (b), to make sinking fund payments with respect
6 to such bonds, to purchase or redeem such bonds, to pay any redemption premium
7 required to be paid when such bonds are redeemed prior to maturity, or to establish
8 a defeasance escrow account for such bonds in an amount sufficient to provide for the
9 payment of principal, any redemption premium and interest on such bonds when
10 due, whether at maturity or upon prior redemption, and to pay any fees or expenses
11 associated with the establishment of the defeasance escrow account.

History: 1975 c. 353; 1993 a. 437; 1995 a. 27; 2005 a. 453; 2007 a. 20; 2009 a. 28.

LPS: use
auto number
not hard
number



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0548/1
TKK:cjs&jld:ph

SENATE AMENDMENT,
TO 2011 SENATE BILL 20

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

2 1. Page 2, line 10: after "(2m) (c)" insert "or (5)". ✓

3 2. Page 2, line 18: after "(2m) (c)" insert "or (5)". ✓ ○

4 3. Page 3, line 4: delete "and (2m) (c)" and substitute ", (2m) (c), and (5)". ✓

5 4. Page 3, line 22: delete "18 consecutive" and substitute "12 consecutive". ✓

6 5. Page 3, line 23: delete "18 months" and substitute "12 months". ✓

7 ~~6. Page 3, line 24: after "inserts date," insert "or if the board has determined~~

8 by resolution prior to January 1, 2011, that any city-owned property used for school

9 purposes is surplus to the needs of the school district." ○

10 7. Page 4, line 1: after "is adopted" insert "by the common council". ✓

11 8. Page 4, line 7: after that line insert:

12 SECTION ~~119.60~~ 119.60 (5) of the statutes is created to read:

↑
use auto number
not hand
write

6

6

6

Insert
3-24

Insert
4-7B



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0375/1
TKK:nwn:jf

SENATE AMENDMENT ,
TO 2011 SENATE BILL (LRB-0903/1)

Insert 4-7A

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

2 **1.** Page 4, line 7: after that line insert:

3 *co*(d) Notwithstanding s. 119.16 (1m), if any real property within the city which
4 is used for school purposes is leased as provided in this subsection, the common
5 council and the lessee may provide in the lease for the care, operation, and
6 maintenance of the real property and its facilities."*oe*

7

oe
(END)