



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0807/P2
MPG:kjf:rs

DOA:.....Skwarczek, BB0143 - Authorize WHEFA out of state projects

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, WHEFA may issue a bond to finance a qualifying project undertaken by a participating health or research institution, finance any project undertaken for an educational facility, or refinance the debt of a participating institution. WHEFA may also engage in other contractual relations with participating institutions incident to its project financing or debt refinancing. This bill specifies that the entities with which WHEFA contracts may include an affiliate entity that controls, is controlled by, or is under common control with, an entity organized under the laws of Wisconsin or authorized by Wisconsin law to provide or operate certain facilities.

Current law also authorizes WHEFA to acquire property within Wisconsin for the construction or operation of a project. The bill authorizes WHEFA to acquire property in connection with a project whether or not the property is located in Wisconsin, and the bill authorizes WHEFA to issue a bond for a project located outside of Wisconsin if that project includes a substantial component located in Wisconsin, as determined by WHEFA's executive director.

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

SECTION 1. 231.01 (1) of the statutes is renumbered 231.01 (1t).

SECTION 2. 231.01 (1m) of the statutes is created to read:

231.01 (1m) “Affiliate” means an entity that controls, is controlled by, or is under common control with another entity.

SECTION 3. 231.01 (4t) of the statutes is created to read:

231.01 (4t) “Entity” means any person other than a natural person.

SECTION 4. 231.01 (5r) of the statutes is amended to read:

231.01 (5r) “Participating child care provider” means a child care provider, or an affiliate of a child care provider, that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 5. 231.01 (5w) of the statutes is amended to read:

231.01 (5w) “Participating educational institution” means ~~a corporation, agency or association which is~~ an entity authorized by state law to provide or operate an educational facility, or an affiliate of that entity, and ~~which~~ that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 6. 231.01 (6) (intro.) and (a) of the statutes are consolidated, renumbered 231.01 (6) and amended to read:

231.01 (6) “Participating health institution” means: ~~(a) A corporation, agency or association~~ an entity authorized by state law to provide or operate a health facility, or an affiliate of that entity, and ~~which~~ that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 7. 231.01 (6t) of the statutes is amended to read:

231.01 (6t) “Participating research institution” means an entity organized under the laws of this state that provides or operates a research facility, or an affiliate of that entity, and that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 8. 231.01 (7) (c) of the statutes is amended to read:

231.01 (7) (c) “Project” may include more than one project, and it may include any combination of projects undertaken jointly by any participating health institution, participating educational institution, participating research institution, or participating child care provider with one or more other participating health institutions, participating educational institutions, participating research institutions, or participating child care providers.

SECTION 9. 231.01 (7) (cg) of the statutes is created to read:

231.01 (7) (cg) “Project” includes any project located within or outside of this state.

SECTION 10. 231.01 (7) (d) 2. of the statutes is amended to read:

231.01 (7) (d) 2. Any office or clinic of a person licensed under ch. 446, 447, 448, 449, or 455, or the substantially equivalent laws or rules of another state.

SECTION 11. 231.03 (6) (a) 3. c. of the statutes is amended to read:

231.03 (6) (a) 3. c. The expenditure, by or on behalf of a hospital, independent practitioner, partnership, unincorporated medical group or service corporation, as defined in s. 180.1901 (2), or the substantially equivalent laws or rules of another state, for clinical medical equipment.

SECTION 12. 231.03 (6) (b) of the statutes is amended to read:

231.03 (6) (b) Refinance outstanding debt of any participating health institution if the department of health services certifies that refinancing will result in a reduction in the participating health institution's rates below the rates which would have otherwise prevailed, except that the authority may not refinance any office or clinic of a person licensed under ch. 446, 447, 448, 449 or 455, or the substantially equivalent laws or rules of another state, and except that this certification is not required for the refinancing for a participating health institution that operates a facility as defined under s. 49.45 (6m) (a) 3, or for a participating health institution that is located in another state.

SECTION 13. 231.06 of the statutes is amended to read:

231.06 Property acquisition. The authority may acquire, directly or by and through a participating health institution, participating educational institution, participating research institution, or participating child care provider as its agent, by purchase or by gift or devise, such lands, structures, property, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, ~~which are located within this state~~ as it deems necessary or convenient for the construction or operation of a project, upon such terms and at such prices as it considers reasonable and can be agreed upon between it and the owner thereof, and take title thereto in the name of the authority or in the name of a health facility, educational facility, research facility, or child care center as its agent.

SECTION 14. 231.08 (8) of the statutes is created to read:

231.08 (8) The proceeds of a bond issued under this section may be used for a project in this state or any other state, except that if the proceeds of a bond are used

for a project located in another state, that project shall include a substantial component located in this state, as determined by the executive director.

(END)