

2001 DRAFTING REQUEST

Bill

Received: 12/19/2001

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Gregg Underheim (608) 266-2254

By/Representing: sandy

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: mdsida
nelsorp1

Subject: Higher Education - UW System

Extra Copies: pawlisch@cwpb.com
PG

Submit via email: YES

Requester's email: Rep.Underheim@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

UW Hospital and Clinics Authority

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>
1?	mlief	1-2/5 KMG	18/1 2/5	19/1 2/5			

FE Sent For:

<END>

2001 DRAFTING REQUEST**Bill**Received: **12/19/2001**Received By: **mlief**Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**By/Representing: **sandy**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Addl. Drafters: **mdsida
nelsorp1**Subject: **Higher Education - UW System**Extra Copies: **pawlich@cwpb.com
PG**Submit via email: **YES**Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

UW Hospital and Clinics Authority

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mlief 12/19/2001	hhagen 01/08/2002		_____			State
/1		hhagen 01/14/2002 gilfokm	pgreensl 01/08/2002 kfollet	_____	lrb_docadmin 02/05/2002	lrb_docadmin 02/26/2002	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jackcted</u>	<u>Required</u>
		02/05/2002	01/15/2002	_____			
			kfollet	_____			
			02/05/2002	_____			
			kfollet	_____			
			02/05/2002	_____			

FE Sent For: @ intro.

<END>

2001 DRAFTING REQUEST

Bill

Received: **12/19/2001**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **sandy**

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

Drafter: **mlief**

May Contact:

Addl. Drafters: **mdsida
nelsorp1**

Subject: **Higher Education - UW System**

Extra Copies: **pawlich@cwpb.com
PG**

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

UW Hospital and Clinics Authority

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>
/?	mlief 12/19/2001	hhagen 01/08/2002		_____			State
/1		hhagen 01/14/2002 gilfokm	pgreensl 01/08/2002 kfollet	_____	lrb_docadmin 02/05/2002		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		02/05/2002	01/15/2002	_____			
			kfollet	_____			
			02/05/2002	_____			
			kfollet	_____			
			02/05/2002	_____			

FE Sent For:

<END>

Lief, Madelon

From: Lonergan, Sandra
Sent: Friday, December 14, 2001 6:16 PM
To: Lief, Madelon
Subject: LRB 3663 FW: UW Hospital draft

Enter new request

Lonni,
Would you please make the following changes to LRB 3663 bill draft?
Thank you very much. Please feel free to contact me with questions.
Sandy
(Underheim's office)

-----Original Message-----

From: Curt Pawlisch [mailto:pawlisch@cwpb.com]
Sent: Friday, November 16, 2001 3:30 PM
To: Sandra.Lonergan@legis.state.wi.us
Cc: Kathy.Soderbloom@legis.state.wi.us
Subject: UW Hospital draft

Sandy,

Senator Robson has agreed to be the main Senate author on your boss's bill concerning UW Hospital, provided that we make one change. Under the draft, all appointed incumbents of both boards would lose their positions on the boards. Senator Robson would like that sweeping provision deleted with one narrow exception as provided below:

Nonstatutory provision: Incumbent board members appointed under sec. 15.96 (8) and 233.02(1)(h) prior to the effective date of this act shall be deemed to have terms which expire on May 1, 2002.

The intent of this section is to permit the Governor to make new appointments for nonvoting labor members of the boards.

In addition, in response to a prior drafting note, it occurred to us that the no-use of Medicaid dollars for anti-labor activities would be strengthened if the UW Hospital were required to account for those dollars separately. If all the UW Hospital revenues flow into one general pot, this section will be difficult to enforce.

Can you have LRB make these two additional changes to the draft?
Thanks.

--Curt

Curt F. Pawlisch
Cullen Weston Pines & Bach LLP
122 West Washington Ave., Suite 900
Madison, WI 53703

E-Mail- pawlich@cwpb.com

Office- (608) 251-0101

Fax- (608) 251-2883

www.cwpb.com

TC to Sandy -
12/21 Asked her to
call to
explain
changes



State Representative

GREGG UNDERHEIM

Chair: Assembly Committee on Health

Chair: Assembly Select Committee on State & Local Finance

-
- In response to your recent request.
 - I thought you might be interested in the enclosed material.
-

Lonnie -
This bill draft ~~is~~
contains additional
changes that you may
have already received.
If not, please in-
corporate them also
into the draft for
Gregg. Thank you -
Sandy

P.O. Box 8953 • Madison, WI 53708-8953
(608) 266-2254 • Fax: (608) 282-3654 • Toll-Free: 1 (888) 534-0054
TDD: 1 (800) 228-2115 • Rep.Underheim@legis.state.wi.us
1652 Beech Street • Oshkosh, WI 54901 • (920) 233-1082

2001 BILL

1 **AN ACT to renumber and amend 233.20 (1m); to amend 13.094 (1), 13.94 (1)**
2 **(o), 15.96 (8), 233.02 (1) (h), 233.02 (8) and 233.04 (2); and to create 15.96 (9)**
3 **and (10), 49.45 (6n), 50.375, 233.02 (1) (i) and (j), 233.04 (11), 233.06 and 233.20**
4 **(1m) (b) of the statutes; relating to: the University of Wisconsin Hospital and**
5 **Clinics Authority and providing a penalty.**

Analysis by the Legislative Reference Bureau

Under current law, the board of directors of the University of Wisconsin Hospitals and Clinics Authority (authority) must contract with the University of Wisconsin Hospitals and Clinics Board (UWHC Board) for all nonprofessional services performed at the authority and must enter into lease and affiliation agreements with the board of regents of the University of Wisconsin (UW) System for the lease of UW-Madison facilities to the authority and for the promotion of medical education and research at UW-Madison.

This bill removes all appointed members of the authority's board of directors and the UWHC Board and adds to the membership of the board of directors and the UWHC Board one member appointed by the mayor of Madison, one member appointed by the Dane County executive, one member appointed by the senate majority leader, and one member appointed by the speaker of the assembly. The bill also provides that the representatives of labor who, under current law, serve on the boards at the pleasure of the governor are instead appointed for 3-year terms.

Under current law, the authority may issue bonds for any corporate purpose if a majority of the authority's board of directors determines that the bonds are

BILL

structured to accommodate the possibility of early termination of the lease or affiliation agreements. This bill requires, as well, that the authority submit a report to the joint committee on finance (JFC) demonstrating that the authority will have adequate staff for patient care at any facility whose construction or remodeling is funded by the bonds, and that JFC approve the issuance of the bonds.

Current law requires JFC to conduct a review of the lease and affiliation agreements every five years, beginning with an initial review that was completed by June 29, 2001. In addition, current law directs the legislative audit bureau (LAB) to conduct a performance evaluation audit of the authority before JFC's initial review of the agreements. This bill requires JFC to conduct a review of the performance of the authority every five years and requires LAB to conduct a performance evaluation before each five-year review.

This bill also prohibits the authority from using any medical assistance funds to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization. (This bill, however, does not prohibit a person from negotiating or administering a collective bargaining agreement or performing any action that is required by law or the terms of a collective bargaining agreement.)

Under the bill, the department of health and family services (DHFS) must accept complaints from any individual who alleges that the authority has tried to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization; must notify the authority of the complaint; and must direct the authority to provide to DHFS records showing that the authority did not try to influence such a decision. In addition, the bill authorizes the attorney general to bring an action to enforce the prohibition. If the court determines that the authority has tried to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization, the court must order the authority to repay to the state an amount equal to the amount that the authority received from the state and spent in connection with the authority's violation. The authority must also forfeit an amount equal to twice the total amount that the authority spent in connection with the authority's violation. The court may also order injunctive relief and any other equitable relief that is appropriate.

An individual may also bring an action to enforce the prohibition. If the individual prevails, the court must order the authority to repay to the state an amount equal to the amount that the authority received from the state and spent in connection with the authority's violation. The authority must also forfeit an amount equal to twice the total amount that the authority spent in connection with the authority's violation. The court may also order injunctive relief and any other equitable relief that is appropriate.

If the authority discharges, demotes, threatens, or otherwise discriminates against an individual regarding compensation or terms, conditions, or privileges of employment because the individual or anyone acting at the request of the individual provided or attempted to provide information to DHFS or the attorney general

BILL

regarding possible violations, the individual may bring a civil action for any damages resulting from that discharge, demotion, threat, or discrimination. If the plaintiff proves by a preponderance of the evidence that the discharge, demotion, threat, or discrimination occurred, the court may grant any appropriate relief, including reinstatement of the individual to his or her former position, compensatory damages, costs, and reasonable attorney fees.

certain appointed members

~~In addition, the bill requires DHFS to determine by rule the minimum nurse-staffing ratios for the authority. The rules may not permit the authority to include in the nurse-patient ratio nursing staff that is not assigned to provide direct patient care. To ensure compliance, DHFS must conduct unannounced, random compliance site visits; develop a confidential system for the public and nursing staff to report suspected violations; develop a system for investigating and correcting violations; and ensure that the public has access to information regarding reports of inspections, results, deficiencies, and corrections. The authority must report each incident in which it fails to maintain the DHFS minimum-staffing ratios. If the authority reports more than one incident in a month, DHFS must enforce compliance and obtain any other relief necessary to ensure patient safety.~~

Finally, the bill prohibits the authority ~~or certain appointed members of its board of directors~~ from contracting with any person ~~whom the authority or the member employs or is affiliated with or in which the authority or the member has an ownership interest.~~ In addition, the bill prohibits a person from contracting with the authority if the person employs one of those members of the board of directors ~~and prohibits the authority from paying an agency that provides temporary nursing staff to the authority at an hourly pay rate that exceeds 150% of the average, hourly pay rate, weighted by employee classification, of the authority's nursing staff.~~

For further information see the *state* 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. 13.094 (1) of the statutes is amended to read:

2 13.094 (1) FIVE-YEAR REVIEW. By June 29, 2001, and every No later than June
3 29 every 5 years thereafter by June 29, the joint committee on finance shall review
4 the lease agreement under s. 233.04 (7) or (7g) and, the affiliation agreement under
5 s. 233.04 (7m) or (7p), and the performance of the University of Wisconsin Hospitals
6 and Clinics Authority, including the performance evaluation audit of the authority
7 under s. 13.94 (1) (o). If the joint committee on finance determines that either the

BILL

1 lease agreement or the affiliation agreement, or both, should be terminated, the
2 committee shall submit its recommendations regarding the agreements to the
3 legislature under s. 13.172 (2). The committee's recommendations shall include any
4 suggested legislation necessary to adequately provide for the protection of the
5 bondholders and those entering into contracts with the authority or to modify the
6 powers and duties of the University of Wisconsin Hospitals and Clinics Authority to
7 reflect termination of the lease agreement or affiliation agreement, or both.

8 **SECTION 2.** 13.94 (1) (o) of the statutes is amended to read:

9 13.94 (1) (o) ~~Prior to the initial~~ Before each 5-year review by the joint
10 committee on finance under s. 13.094, perform a performance evaluation audit and
11 distribute a report of its findings to the distributees specified in par. (b).

12 **SECTION 3.** 15.96 (8) of the statutes is amended to read:

13 15.96 (8) Two nonvoting members appointed by the governor, one of whom shall
14 be an employee or a representative of a labor organization recognized or certified to
15 represent employees in one of the collective bargaining units specified in s. 111.05 (5)
16 (a) and one of whom shall be an employee or a representative of a labor organization
17 recognized or certified to represent employees in one of the collective bargaining
18 units specified in s. 111.825 (1m), for 3-year terms.

19 **SECTION 4.** 15.96 (9) and ~~(10)~~ of the statutes are created to read:

20 15.96 (9) ~~Two members who are not affiliated with health care, one appointed~~
21 ~~by the Dane County executive and one appointed by the mayor of the city of Madison,~~
22 ~~for 3-year terms.~~

23 ~~Two~~ ^{Two} One member appointed by the speaker of the assembly and ~~one~~ ^{two} members
24 appointed by the senate majority leader for 3-year terms. ^

25 **SECTION 5.** 49.45 (6n) of the statutes is created to read:

BILL

1 49.45 (6n) USE OF FUNDS BY THE UNIVERSITY OF WISCONSIN HOSPITALS AND
2 CLINICS AUTHORITY IN CONNECTION WITH UNION ORGANIZING. (a) In this subsection:

3 1. "Authority" means the University of Wisconsin Hospitals and Clinics
4 Authority.

5 2. "Labor organization" means any employee organization in which employees
6 participate and that exists primarily for the purpose of engaging in collective
7 bargaining with any employer concerning grievances, labor disputes, wages, hours,
8 or conditions of employment, or the promotion and advancement of the professional
9 or occupational standards and the welfare of its members and families and any
10 organization established for the same purposes composed of individuals or affiliates
11 of any such employee organization.

12 (b) The authority may not use any money that it has received and that is
13 appropriated under s. 20.435 (4) (b), (o), or (w) to influence the decision of any
14 individual to support or oppose a labor organization that represents or seeks to
15 represent the individual or to become a member of a labor organization. This
16 paragraph does not prohibit a person, if otherwise permitted by law, from negotiating
17 or administering a collective bargaining agreement or from performing any action
18 that is required by law or the terms of a collective bargaining agreement. This
19 paragraph does not apply to any money received before January 1, 2002.

20 (c) 1. The department shall accept complaints from any individual who alleges
21 that the authority is violating par. (b). The department shall notify the authority
22 within 7 days after receiving the complaint and shall direct the authority to provide
23 the department, within 10 days after the department notifies the authority of the
24 complaint, records showing that the authority did not violate par. (b).

BILL

1 2. Notwithstanding subd. 1., the department may not require the authority to
2 maintain records relating to this subsection in any particular form.

3 (d) The attorney general may bring an action to enforce par. (b). If the court
4 determines that the authority has violated par. (b), the court shall order the
5 authority to repay to the state an amount equal to the amount that the authority
6 received under s. 20.435 (4) (b), (o), or (w) and spent in connection with the authority's
7 violation. The authority shall also forfeit an amount equal to twice the total amount
8 that the authority spent in connection with the authority's violation. The court may
9 also order injunctive relief and any other equitable relief that is appropriate.

10 (e) 1. Any person other than the attorney general may bring an action to enforce
11 par. (b), but only if all of the following apply:

12 a. The person filed with the department a written complaint under par. (c)
13 alleging a violation of par. (b).

14 b. No earlier than 20 days after filing the complaint under par. (c), the person
15 filed with the attorney general a copy of that complaint, a written description of the
16 disposition of the complaint, and a written notice that the person intends to bring an
17 enforcement action under this paragraph.

18 c. At least 60 days have elapsed since the person complied with subd. 1. b.

19 d. The attorney general did not bring an action to enforce par. (b) against the
20 authority before the expiration of the time period specified in subd. 1. c.

21 e. The complaint that the person files in his or her action is substantially based
22 on the complaint that the person filed under subd. 1. a.

23 2. If in an action brought under this paragraph the court determines that the
24 authority violated par. (b), the court shall impose any penalty that would have been
25 required and may order any relief that would have been permitted if the action had

BILL

1 been brought under par. (d). Any forfeiture ordered under this subdivision shall be
2 paid to the state.

3 (f) Notwithstanding s. 803.09 (1), any person may intervene in an action
4 brought under par. (d) or (e).

5 (g) If the court determines that the authority violated par. (b) in a case brought
6 under par. (d) or (e), the court shall order the authority to pay the plaintiff's
7 reasonable litigation costs, including a reasonable attorney fee, notwithstanding s.
8 814.04 (1). If a person has intervened in a case under par. (f), the court shall order
9 the authority to pay the intervenor's reasonable litigation costs, including a
10 reasonable attorney fee, notwithstanding s. 814.04 (1), if the court determines that
11 the intervenor made a substantial contribution to the plaintiffs in prosecuting the
12 action.

13 (h) 1. If the authority discharges, demotes, threatens, or otherwise
14 discriminates against an individual regarding compensation or terms, conditions, or
15 privileges of employment because the individual or anyone acting at the request of
16 the individual provided or attempted to provide information to the department or the
17 attorney general regarding possible violations of par. (b), the individual may bring
18 a civil action for any damages resulting from that discharge, demotion, threat, or
19 discrimination. The action shall be commenced within 3 years after the discharge,
20 demotion, threat, or discrimination or be barred. If the plaintiff proves by a
21 preponderance of the evidence that the discharge, demotion, threat, or
22 discrimination occurred, the court may grant any appropriate relief, including the
23 following:

- 24 a. Reinstatement of the individual to his or her former position.
25 b. Compensatory damages.

BILL

- 1 c. Costs, and notwithstanding s. 814.04 (1), reasonable attorney fees.
- 2 d. Other relief to remedy past discrimination.
- 3 2. An individual may not bring an action under subd. 1. if he or she did any of
- 4 the following:

- 5 a. Deliberately caused or participated in the violation of par. (b).
- 6 b. Knowingly or recklessly provided substantially false information to the
- 7 department regarding a violation of par. (b).

8 (i) Any individual who knowingly authorizes the use of money received under
 9 s. 20.435 (4) (b), (o), or (w) in conjunction with a violation of par. (b) shall forfeit all
 10 of the following:

- 11 1. For each violation, \$1,000.
- 12 2. The amount of money that the person authorized to be used under par. (i)
- 13 (intro.).

14 ~~SECTION 6. 50.375 of the statutes is created to read:~~

15 ~~**50.375 University of Wisconsin Hospitals and Clinics Authority;**~~
 16 ~~**staffing, reporting, and inspection requirements. (1) In this section:**~~

17 ~~(a) "Authority" means the University of Wisconsin Hospitals and Clinics~~
 18 ~~Authority.~~

19 ~~(b) "Critical care unit" means a unit that is established to protect patients~~
 20 ~~whose severe medical conditions require continuous monitoring and intervention by~~
 21 ~~licensed nurses.~~

22 ~~(c) "Hospital unit" means a critical care unit, burn unit, labor and delivery~~
 23 ~~room, postanesthesia service area, emergency department, operating room,~~
 24 ~~pediatric unit, step-down or intermediate care unit, specialty care unit, telemetry~~

BILL

1 unit, general medical care unit, subacute care unit, or transitional inpatient care
2 unit.

3 (2) (a) The department shall promulgate rules that establish minimum
4 licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit
5 for the authority. The department shall ensure that the rule addressing the
6 emergency department distinguishes between regularly scheduled staff nurses and
7 additional nurses required to care for critical care patients in the emergency
8 department and shall ensure that nursing staff that are not assigned to direct
9 patient care are excluded from the nurse-to-patient ratios. By January 30, 2004,
10 and every 3 years thereafter, the department shall evaluate the rules and report to
11 the legislature under s. 13.172 (2) regarding any proposed changes to the rules
12 promulgated under this section.

13 (b) The authority may assign additional staff according to a patient
14 classification system for determining nursing care requirements, including the
15 severity of the illness; the need for specialized equipment and technology; the
16 complexity of clinical judgment needed to design, implement, and evaluate the
17 patient care plan; and the licensure of the personnel required for care.

18 (3) Beginning on the first day of the 10th month after the effective date of this
19 subsection [revisor inserts date], the department shall do all of the following:

20 (a) Conduct unannounced, random inspections of the authority's facilities.

21 (b) Develop a confidential system for the public and nursing staff to report
22 suspected violations of the rules promulgated under this section.

23 (c) Develop a system for investigating and correcting violations.

24 (d) Provide the public with access to information regarding reports of
25 inspections, including reported deficiencies and corrections.

BILL

1 ~~(4) The authority shall report to the department each incident in which the~~
2 ~~authority fails to admit a person as a patient due to a shortage of nursing staff or fails~~
3 ~~to maintain the staffing ratios required by departmental rule. If the authority~~
4 ~~reports more than one incident in a month, the department shall act under s. 50.39~~
5 ~~to enforce compliance with this section and to obtain other relief that is necessary to~~
6 ~~ensure patient safety.~~

7 SECTION 7. 233.02 (1) (h) of the statutes is amended to read:

8 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
9 shall be an employee or a representative of a labor organization recognized or
10 certified to represent employees in one of the collective bargaining units specified in
11 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
12 organization recognized or certified to represent employees in one of the collective
13 bargaining units specified in s. 111.825 (1m), for 3-year terms.

14 SECTION 8. 233.02 (1) (i) and (j) of the statutes are created to read:

15 233.02 (1) (i) ~~Two members who are not affiliated with health care, one~~
16 ~~appointed by the Dane County executive and one appointed by the mayor of the city~~
17 ~~of Madison, for 3-year terms.~~

18 ~~One~~ ^{two} member appointed by the speaker of the assembly and ~~one~~ ^{two} member
19 appointed by the senate majority leader for 3-year terms.

20 SECTION 9. 233.02 (8) of the statutes is amended to read:

21 233.02 (8) The members of the board of directors shall annually elect a
22 chairperson and may elect other officers as they consider appropriate. Six Eight
23 voting members of the board of directors constitute a quorum for the purpose of
24 conducting the business and exercising the powers of the authority, notwithstanding
25 the existence of any vacancy. The members of the board of directors specified under

BILL

1 sub. (1) (c) and (g) may not be the chairperson of the board of directors for purposes
2 of 1995 Wisconsin Act 27, section 9159 (2). The board of directors may take action
3 upon a vote of a majority of the members present, unless the bylaws of the authority
4 require a larger number.

5 ~~Section 10. 233.04 (2) of the statutes is amended to read:~~
6 ~~233.04 (2) Subject to subs. (4) to (4r) and s. ss. 233.10 and 233.04 (11), develop~~
7 ~~and implement a personnel structure and other employment policies for employees~~
8 ~~of the authority.~~

9 ~~Section 11. 233.04 (11) of the statutes is created to read:~~
10 ~~233.04 (11) Pay an agency that provides temporary nursing staff to the~~
11 ~~authority at an hourly pay rate that may not exceed 150% of the average, hourly pay~~
12 ~~rate, weighted by employee classification, of the authority's nursing staff, as~~
13 ~~determined by the department of health and family services by rule. In determining~~
14 ~~the hourly pay rate under this subsection, the department shall include all~~
15 ~~administrative and contract fees.~~

16 SECTION 12. 233.06 of the statutes is created to read:
17 233.06 Conflicts of interest prohibited. (1) ~~Whenever~~ ^T The authority ~~nor a~~
18 ~~member of the board of directors appointed under s. 233.02 (1) (a), (i), or (j) may~~ ^{not}
19 ~~contract with any person whom the authority or the member employs or is affiliated~~ ^{who}
20 ~~with or in which the authority or the member has an ownership interest. No person~~ ^{a member of the board of directors appointed under s. 233.02 (1) (a) or (i)}
21 ~~may contract with the authority if the person employs a member of the board of~~ ^{is affiliated with or owned by}
22 ~~directors appointed under s. 233.02 (1) (a), (i), or (j). The prohibitions in this~~
23 ~~subsection also apply to a former board member appointed under s. 233.02 (1) (a), (i),~~
24 ~~or (j), for one year following the expiration of his or her term or following resignation~~
25 ~~from the board of directors.~~

BILL

1 (2) A person who is a party to a contract violating sub. (1) may be subject to a
2 forfeiture of not more than \$10,000 for each violation. Each day of violation
3 constitutes a separate offense.

4 **SECTION 13.** 233.20 (1m) of the statutes is renumbered 233.20 (1m) (intro.) and
5 amended to read:

6 233.20 (1m) (intro.) The authority may issue bonds only if ~~a~~ all of the following:

7 (a) A majority of the board of directors determines that, to the extent possible
8 without having an adverse impact on the ability of the authority to sell bonds at a
9 given interest rate, the terms on which the bonds are to be offered are structured in
10 such a way as to accommodate the possibility of the early termination of the lease or
11 affiliation agreement, or both. The board shall base a determination under this
12 subsection paragraph on the best information available to the board at the time the
13 determination is made.

14 **SECTION 14.** 233.20 (1m) (b) of the statutes is created to read:

15 233.20 (1m) (b) If the bonds to be issued will fund capital construction or
16 remodeling, the authority submits a report to the joint committee on finance
17 demonstrating that the authority will have adequate staff for patient care at the
18 facility whose construction or remodeling is to be funded by the bonds, and the
19 committee approves the issuance of the bonds.

20 **SECTION 15. Nonstatutory provisions.**

21 (1) Notwithstanding sections 15.96 and 233.02 (1) of the statutes, the members
22 of th University of Wisconsin Hospitals and Clinics Authority board appointed under
23 section 15.96 (1), (2), (5), (6), and (8) of the statutes and the members of the board of
24 directors of the University of Wisconsin Hospitals and Clinics Authority appointed
25 under section 233.02 (1) (a), (b), (e), (f), and (h) of the statutes who are members of

BILL

1 the board or board of directors immediately before the first day of the 10th month
2 following the effective date of this subsection are removed on the first day of the 10th
3 month following the effective date of this subsection.

4 (2) Notwithstanding section 15.96 (1) and (8) of the statutes, the members of
5 the University of Wisconsin Hospitals and Clinics board who are appointed under
6 section 15.96 (1) and (8) of the statutes on or after the effective date of this subsection
7 are appointed for the following initial terms:

8 (a) One of the members under section 15.96 (1) of the statutes, for a term
9 expiring on May 1, 2003.

10 (b) One of the members under section 15.96 (1) of the statutes and one of the
11 members under section 15.96 (8) of the statutes, as affected by this act, for terms
12 expiring on May 1, 2004.

13 (c) One of the members under section 15.96 (1) of the statutes and one of the
14 members under section 15.96 (8) of the statutes, as affected by this act, for a term
15 expiring on May 1, 2005.

16 (3) Notwithstanding section 233.02 (1) (a) and (h) of the statutes, the members
17 of the board of directors of the University of Wisconsin Hospitals and Clinics
18 Authority who are appointed under section 233.02 (1) (a) and (h) of the statutes on
19 or after the effective date of this subsection are appointed for the following initial
20 terms:

21 (a) One of the members under section 233.02 (1) (a) of the statutes, for a term
22 expiring on May 1, 2003.

23 (b) One of the members under section 233.02 (1) (a) of the statutes and one of
24 the members under section 233.02 (1) (h) of the statutes, as affected by this act, for
25 a term expiring on May 1, 2004.

BILL

1 (c) One of the members under section 233.02 (1) (a) of the statutes and one of
2 the members under section 233.02 (1) (h) of the statutes, as affected by this act, for
3 a term expiring on May 1, 2005.

4 (4) Notwithstanding section 15.96 (9) and (10) of the statutes, as created by this
5 act, the members of the University of Wisconsin Hospitals and Clinics board are
6 appointed for the following initial terms:

7 (a) Two of the members appointed under section 15.96 (9) of the statutes, as
8 created by this act, and one of the members appointed under section 15.96 (10) of the
9 statutes, as created by this act, for terms expiring on May 1, 2004.

10 (b) One of the members appointed under section 15.96 (9) of the statutes, as
11 created by this act, and one of the members appointed under section 15.96 (10) of the
12 statutes, as created by this act, for terms expiring on May 1, 2005.

13 (5) Notwithstanding section 233.02 (1) (i) and (j) of the statutes, as created by
14 this act, the members of the board of directors of the University of Wisconsin
15 Hospitals and Clinics Authority are appointed for the following initial terms:

16 (a) Two of the members appointed under section 233.02 (1) (i) of the statutes,
17 as created by this act, and one of the members appointed under section 233.02 (1) (j)
18 of the statutes, as created by this act, for terms expiring on May 1, 2004.

19 (b) One of the members appointed under section 233.02 (1) (i) of the statutes,
20 as created by this act, and one of the members appointed under section 233.02 (1) (j)
21 of the statutes, as created by this act, for terms expiring on May 1, 2005.

22 (6) By the first day of the 25th month after the effective date of this subsection,
23 the legislative audit bureau shall audit the University of Wisconsin Hospitals and
24 Clinics Authority to evaluate the retention and recruitment of nursing staff.



stays

2001 BILL

TODAY

RN

Sen. Cat.

1 AN ACT to renumber and amend 233.20 (1m); to amend 13.094 (1), 13.94 (1)
 2 (o), 15.96 (8), 233.02 (1) (h), 233.02 (8) and 233.04 (2); and to create 15.96 (9)
 3 and (10), 49.45 (6n), 50.375, 233.02 (1) (i) and (j), 233.04 (11), 233.06 and 233.20
 4 (1m) (b) of the statutes; relating to: the University of Wisconsin Hospital and
 5 Clinics Authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the board of directors of the University of Wisconsin Hospitals and Clinics Authority (authority) must contract with the University of Wisconsin Hospitals and Clinics Board (UWHC Board) for all nonprofessional services performed at the authority and must enter into lease and affiliation agreements with the board of regents of the University of Wisconsin (UW) System for the lease of UW-Madison facilities to the authority and for the promotion of medical education and research at UW-Madison.

This bill ~~removes all appointed members of the authority's board of directors and the UWHC Board and adds to the membership of the board of directors and the UWHC Board ~~one member appointed by the mayor of Madison, one member appointed by the Dane County executive, one member appointed by the senate majority leader, and one member appointed by the speaker of the assembly.~~~~ ^{two} ~~also provides that the representatives of labor who, under current law, serve on the boards at the pleasure of the governor are, instead, appointed for 3-year terms.~~

Under current law, the authority may issue bonds for any corporate purpose if a majority of the authority's board of directors determines that the bonds are

S

current

removes

and

their replacement^s

three

BILL

structured to accommodate the possibility of early termination of the lease or affiliation agreements. This bill requires, as well, that the authority submit a report to the joint committee on finance (JFC) demonstrating that the authority will have adequate staff for patient care at any facility whose construction or remodeling is funded by the bonds, and that JFC approve the issuance of the bonds.

Current law requires JFC to conduct a review of the lease and affiliation agreements every five years, beginning with an initial review that was completed by June 29, 2001. In addition, current law directs the legislative audit bureau (LAB) to conduct a performance evaluation audit of the authority before JFC's initial review of the agreements. This bill requires JFC to conduct a review of the performance of the authority every five years and requires LAB to conduct a performance evaluation before each five-year review.

This bill also prohibits the authority from using any medical assistance funds to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization. (This bill, however, does not prohibit a person from negotiating or administering a collective bargaining agreement or performing any action that is required by law or the terms of a collective bargaining agreement.)

Under the bill, the department of health and family services (DHFS) must accept complaints from any individual who alleges that the authority has tried to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization; must notify the authority of the complaint; and must direct the authority to provide to DHFS records showing that the authority did not try to influence such a decision. In addition, the bill authorizes the attorney general to bring an action to enforce the prohibition. If the court determines that the authority has tried to influence the decision of any individual to support or oppose a labor organization that represents or seeks to represent the individual or to become a member of a labor organization, the court must order the authority to repay to the state an amount equal to the amount that the authority received from the state and spent in connection with the authority's violation. The authority must also forfeit an amount equal to twice the total amount that the authority spent in connection with the authority's violation. The court may also order injunctive relief and any other equitable relief that is appropriate.

An individual may also bring an action to enforce the prohibition. If the individual prevails, the court must order the authority to repay to the state an amount equal to the amount that the authority received from the state and spent in connection with the authority's violation. The authority must also forfeit an amount equal to twice the total amount that the authority spent in connection with the authority's violation. The court may also order injunctive relief and any other equitable relief that is appropriate.

If the authority discharges, demotes, threatens, or otherwise discriminates against an individual regarding compensation or terms, conditions, or privileges of employment because the individual or anyone acting at the request of the individual provided or attempted to provide information to DHFS or the attorney general

BILL

regarding possible violations, the individual may bring a civil action for any damages resulting from that discharge, demotion, threat, or discrimination. If the plaintiff proves by a preponderance of the evidence that the discharge, demotion, threat, or discrimination occurred, the court may grant any appropriate relief, including reinstatement of the individual to his or her former position, compensatory damages, costs, and reasonable attorney fees.

~~In addition, the bill requires DHFS to determine by rule the minimum nurse-staffing ratios for the authority. The rules may not permit the authority to include in the nurse-patient ratio nursing staff that is not assigned to provide direct patient care. To ensure compliance, DHFS must conduct unannounced, random compliance site visits; develop a confidential system for the public and nursing staff to report suspected violations; develop a system for investigating and correcting violations; and ensure that the public has access to information regarding reports of inspections, results, deficiencies, and corrections. The authority must report each incident in which it fails to maintain the DHFS minimum-staffing ratios. If the authority reports more than one incident in a month, DHFS must enforce compliance and obtain any other relief necessary to ensure patient safety.~~

~~Finally, the bill prohibits the authority or certain appointed members of its board of directors from contracting with any person whom the authority or the member employs or is affiliated with or in which the authority or the member has an ownership interest. In addition, the bill prohibits a person from contracting with the authority if the person employs one of those members of the board of directors and prohibits the authority from paying an agency that provides temporary nursing staff to the authority at an hourly pay rate that exceeds 150% of the average, hourly pay rate, weighted by employee classification, of the authority's nursing staff.~~

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

is affiliated with [handwritten signature]

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

- 1 **SECTION 1.** 13.094 (1) of the statutes is amended to read:
- 2 13.094 (1) FIVE-YEAR REVIEW. By June 29, 2001, and every No later than June
- 3 29 every 5 years thereafter by June 29, the joint committee on finance shall review
- 4 the lease agreement under s. 233.04 (7) or (7g) and, the affiliation agreement under
- 5 s. 233.04 (7m) or (7p), and the performance of the University of Wisconsin Hospitals
- 6 and Clinics Authority, including the performance evaluation audit of the authority
- 7 under s. 13.94 (1) (o). If the joint committee on finance determines that either the

BILL

SECTION 1

1 lease agreement or the affiliation agreement, or both, should be terminated, the
2 committee shall submit its recommendations regarding the agreements to the
3 legislature under s. 13.172 (2). The committee's recommendations shall include any
4 suggested legislation necessary to adequately provide for the protection of the
5 bondholders and those entering into contracts with the authority or to modify the
6 powers and duties of the University of Wisconsin Hospitals and Clinics Authority to
7 reflect termination of the lease agreement or affiliation agreement, or both.

8 **SECTION 2.** 13.94 (1) (o) of the statutes is amended to read:

9 13.94 (1) (o) ~~Prior to the initial~~ Before each 5-year review by the joint
10 committee on finance under s. 13.094, perform a performance evaluation audit and
11 distribute a report of its findings to the distributees specified in par. (b).

12 **SECTION 3.** 15.96 (8) of the statutes is amended to read:

13 15.96 (8) Two nonvoting members appointed by the governor, one of whom shall
14 be an employee or a representative of a labor organization recognized or certified to
15 represent employees in one of the collective bargaining units specified in s. 111.05 (5)
16 (a) and one of whom shall be an employee or a representative of a labor organization
17 recognized or certified to represent employees in one of the collective bargaining
18 units specified in s. 111.825 (1m), for 3-year terms.

19 **SECTION 4.** 15.96 (9) ~~was~~ ^{is} of the statutes ~~are~~ created to read:

20 15.96 (9) Two members who are not affiliated with health care, one appointed
21 by the Dane County executive and one appointed by the mayor of the city of Madison,
22 for 3-year terms.

23 15.96 (10) ⁹ ~~one~~ ^{TWO} member ^S appointed by the speaker of the assembly and ² ~~one~~ ³ member
24 appointed by the senate majority leader for 3-year terms.

25 **SECTION 5.** 49.45 (6n) of the statutes is created to read:

BILL

1 49.45 (6n) USE OF FUNDS BY THE UNIVERSITY OF WISCONSIN HOSPITALS AND
2 CLINICS AUTHORITY IN CONNECTION WITH UNION ORGANIZING. (a) In this subsection:

3 1. "Authority" means the University of Wisconsin Hospitals and Clinics
4 Authority.

5 2. "Labor organization" means any employee organization in which employees
6 participate and that exists primarily for the purpose of engaging in collective
7 bargaining with any employer concerning grievances, labor disputes, wages, hours,
8 or conditions of employment, or the promotion and advancement of the professional
9 or occupational standards and the welfare of its members and families and any
10 organization established for the same purposes composed of individuals or affiliates
11 of any such employee organization.

12 (b) The authority ~~may not use any~~ ^{shall keep a separate account of} money that it has received and that is
13 appropriated under s. 20.435 (4) (b), (o), or (w) ^{and may not use any of this money} to influence the decision of any
14 individual to support or oppose a labor organization that represents or seeks to
15 represent the individual or to become a member of a labor organization. This
16 paragraph does not prohibit a person, if otherwise permitted by law, from negotiating
17 or administering a collective bargaining agreement or from performing any action
18 that is required by law or the terms of a collective bargaining agreement. This
19 paragraph does not apply to any money received before January 1, 2002.

20 (c) 1. The department shall accept complaints from any individual who alleges
21 that the authority is violating par. (b). The department shall notify the authority
22 within 7 days after receiving the complaint and shall direct the authority to provide
23 the department, within 10 days after the department notifies the authority of the
24 complaint, records showing that the authority did not violate par. (b).

The authority shall keep a separate account of all money received

BILL

1 2. Notwithstanding subd. 1., the department may not require the authority to
2 maintain records relating to this subsection in any particular form.

3 (d) The attorney general may bring an action to enforce par. (b). If the court
4 determines that the authority has violated par. (b), the court shall order the
5 authority to repay to the state an amount equal to the amount that the authority
6 received under s. 20.435 (4) (b), (o), or (w) and spent in connection with the authority's
7 violation. The authority shall also forfeit an amount equal to twice the total amount
8 that the authority spent in connection with the authority's violation. The court may
9 also order injunctive relief and any other equitable relief that is appropriate.

10 (e) 1. Any person other than the attorney general may bring an action to enforce
11 par. (b), but only if all of the following apply:

12 a. The person filed with the department a written complaint under par. (c)
13 alleging a violation of par. (b).

14 b. No earlier than 20 days after filing the complaint under par. (c), the person
15 filed with the attorney general a copy of that complaint, a written description of the
16 disposition of the complaint, and a written notice that the person intends to bring an
17 enforcement action under this paragraph.

18 c. At least 60 days have elapsed since the person complied with subd. 1. b.

19 d. The attorney general did not bring an action to enforce par. (b) against the
20 authority before the expiration of the time period specified in subd. 1. c.

21 e. The complaint that the person files in his or her action is substantially based
22 on the complaint that the person filed under subd. 1. a.

23 2. If in an action brought under this paragraph the court determines that the
24 authority violated par. (b), the court shall impose any penalty that would have been
25 required and may order any relief that would have been permitted if the action had

BILL

1 been brought under par. (d). Any forfeiture ordered under this subdivision shall be
2 paid to the state.

3 (f) Notwithstanding s. 803.09 (1), any person may intervene in an action
4 brought under par. (d) or (e).

5 (g) If the court determines that the authority violated par. (b) in a case brought
6 under par. (d) or (e), the court shall order the authority to pay the plaintiff's
7 reasonable litigation costs, including a reasonable attorney fee, notwithstanding s.
8 814.04 (1). If a person has intervened in a case under par. (f), the court shall order
9 the authority to pay the intervenor's reasonable litigation costs, including a
10 reasonable attorney fee, notwithstanding s. 814.04 (1), if the court determines that
11 the intervenor made a substantial contribution to the plaintiffs in prosecuting the
12 action.

13 (h) 1. If the authority discharges, demotes, threatens, or otherwise
14 discriminates against an individual regarding compensation or terms, conditions, or
15 privileges of employment because the individual or anyone acting at the request of
16 the individual provided or attempted to provide information to the department or the
17 attorney general regarding possible violations of par. (b), the individual may bring
18 a civil action for any damages resulting from that discharge, demotion, threat, or
19 discrimination. The action shall be commenced within 3 years after the discharge,
20 demotion, threat, or discrimination or be barred. If the plaintiff proves by a
21 preponderance of the evidence that the discharge, demotion, threat, or
22 discrimination occurred, the court may grant any appropriate relief, including the
23 following:

24 a. Reinstatement of the individual to his or her former position.

25 b. Compensatory damages.

BILL

1 c. Costs, and notwithstanding s. 814.04 (1), reasonable attorney fees.

2 d. Other relief to remedy past discrimination.

3 2. An individual may not bring an action under subd. 1. if he or she did any of
4 the following:

5 a. Deliberately caused or participated in the violation of par. (b).

6 b. Knowingly or recklessly provided substantially false information to the
7 department regarding a violation of par. (b).

8 (i) Any individual who knowingly authorizes the use of money received under
9 s. 20.435 (4) (b), (o), or (w) in conjunction with a violation of par. (b) shall forfeit all
10 of the following:

11 1. For each violation, \$1,000.

12 2. The amount of money that the person authorized to be used under par. (i)
13 (intro.).

14 ~~SECTION 6. 50.375 of the statutes is created to read:~~

15 ~~50.375 University of Wisconsin Hospitals and Clinics Authority;~~
16 ~~staffing, reporting, and inspection requirements. (1) In this section:~~

17 ~~(a) "Authority" means the University of Wisconsin Hospitals and Clinics~~
18 ~~Authority.~~

19 ~~(b) "Critical care unit" means a unit that is established to protect patients~~
20 ~~whose severe medical conditions require continuous monitoring and intervention by~~
21 ~~licensed nurses.~~

22 ~~(c) "Hospital unit" means a critical care unit, burn unit, labor and delivery~~
23 ~~room, postanesthesia service area, emergency department, operating room,~~
24 ~~pediatric unit, step-down or intermediate care unit, specialty care unit, telemetry~~

BILL

1 unit, general medical care unit, subacute care unit, or transitional inpatient care
2 unit.

3 (2) (a) The department shall promulgate rules that establish minimum
4 licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit
5 for the authority. The department shall ensure that the rule addressing the
6 emergency department distinguishes between regularly scheduled staff nurses and
7 additional nurses required to care for critical care patients in the emergency
8 department and shall ensure that nursing staff that are not assigned to direct
9 patient care are excluded from the nurse-to-patient ratios. By January 30, 2004,
10 and every 3 years thereafter, the department shall evaluate the rules and report to
11 the legislature under s. 13.172 (2) regarding any proposed changes to the rules
12 promulgated under this section.

13 (b) The authority may assign additional staff according to a patient
14 classification system for determining nursing care requirements, including the
15 severity of the illness; the need for specialized equipment and technology; the
16 complexity of clinical judgment needed to design, implement, and evaluate the
17 patient care plan; and the licensure of the personnel required for care.

18 (3) Beginning on the first day of the 10th month after the effective date of this
19 subsection [revisor inserts date], the department shall do all of the following:

20 (a) Conduct unannounced, random inspections of the authority's facilities.

21 (b) Develop a confidential system for the public and nursing staff to report
22 suspected violations of the rules promulgated under this section.

23 (c) Develop a system for investigating and correcting violations.

24 (d) Provide the public with access to information regarding reports of
25 inspections, including reported deficiencies and corrections.

BILL

1 (4) The authority shall report to the department each incident in which the
 2 authority fails to admit a person as a patient due to a shortage of nursing staff or fails
 3 to maintain the staffing ratios required by departmental rule. If the authority
 4 reports more than one incident in a month, the department shall act under s. 50.39
 5 to enforce compliance with this section and to obtain other relief that is necessary to
 6 ensure patient safety.

7 **SECTION 7.** 233.02 (1) (h) of the statutes is amended to read:

8 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
 9 shall be an employee or a representative of a labor organization recognized or
 10 certified to represent employees in one of the collective bargaining units specified in
 11 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
 12 organization recognized or certified to represent employees in one of the collective
 13 bargaining units specified in s. 111.825 (1m), for 3-year terms.

14 **SECTION 8.** 233.02 (1) (i) ^{STAT} ~~and (j)~~ ^{IS} of the statutes ~~are~~ created to read:

15 233.02 (1) (i) Two members who are not affiliated with health care, one
 16 appointed by the Dane County executive and one appointed by the mayor of the city
 17 of Madison, for 3-year terms.

18 233.02 (1) (i) ² ~~one~~ ^{Two} member ^S appointed by the speaker of the assembly and ² ~~one~~ ^{year} member ^S
 19 appointed by the senate majority leader for 3-year terms.

20 **SECTION 9.** 233.02 (8) of the statutes is amended to read:

21 233.02 (8) The members of the board of directors shall annually elect a
 22 chairperson and may elect other officers as they consider appropriate. ~~Six~~ Eight
 23 voting members of the board of directors constitute a quorum for the purpose of
 24 conducting the business and exercising the powers of the authority, notwithstanding
 25 the existence of any vacancy. The members of the board of directors specified under

BILL

1 sub. (1) (c) and (g) may not be the chairperson of the board of directors for purposes
2 of 1995 Wisconsin Act 27, section 9159 (2). The board of directors may take action
3 upon a vote of a majority of the members present, unless the bylaws of the authority
4 require a larger number.

5 **SECTION 10.** 233.04 (2) of the statutes is amended to read:

6 233.04 (2) Subject to subs. (4) to (4r) and ~~s. ss. 233.10~~ and 233.04 (11), develop
7 and implement a personnel structure and other employment policies for employees
8 of the authority.

9 **SECTION 11.** 233.04 (11) of the statutes is created to read:

10 233.04 (11) Pay an agency that provides temporary nursing staff to the
11 authority at an hourly pay rate that may not exceed 150% of the average, hourly pay
12 rate, weighted by employee classification, of the authority's nursing staff, as
13 determined by the department of health and family services by rule. In determining
14 the hourly pay rate under this subsection, the department shall include all
15 administrative and contract fees.

16 **SECTION 12.** 233.06 of the statutes is created to read:

17 **233.06 Conflicts of interest prohibited.** (1) ~~Neither~~ the authority ~~nor~~ ^e

18 ~~member of the board of directors appointed under s. 233.02 (1) (a), (i), or (j) may~~ ^(not)

19 contract with any person whom ~~the authority or the member~~ employs or is affiliated
20 with ^{a member of the board of directors appointed under s. 233.02 (1) (a) or (i)}
21 or in which the ~~authority or the member~~ has an ownership interest. No person

22 may contract with the authority if the person employs ^a member of the board of
23 directors appointed under s. 233.02 (1) (a) ^{or} (i) ~~or (j)~~. The prohibitions in this

24 subsection also apply to a former board member appointed under s. 233.02 (1) (a) ^{or} (i) ~~or (j)~~

25 ~~or (j)~~ for one year following the expiration of his or her term or following resignation

from the board of directors.

or is affiliated with

BILL

SECTION 12

1 (2) A person who is a party to a contract violating sub. (1) may be subject to a
2 forfeiture of not more than \$10,000 for each violation. Each day of violation
3 constitutes a separate offense.

4 **SECTION 13.** 233.20 (1m) of the statutes is renumbered 233.20 (1m) (intro.) and
5 amended to read:

6 233.20 (1m) (intro.) The authority may issue bonds only if ~~a~~ all of the following:

7 (a) A majority of the board of directors determines that, to the extent possible
8 without having an adverse impact on the ability of the authority to sell bonds at a
9 given interest rate, the terms on which the bonds are to be offered are structured in
10 such a way as to accommodate the possibility of the early termination of the lease or
11 affiliation agreement, or both. The board shall base a determination under this
12 subsection paragraph on the best information available to the board at the time the
13 determination is made.

14 **SECTION 14.** 233.20 (1m) (b) of the statutes is created to read:

15 233.20 (1m) (b) If the bonds to be issued will fund capital construction or
16 remodeling, the authority submits a report to the joint committee on finance
17 demonstrating that the authority will have adequate staff for patient care at the
18 facility whose construction or remodeling is to be funded by the bonds, and the
19 committee approves the issuance of the bonds.

20 **SECTION 15. Nonstatutory provisions.**

21 (1) Notwithstanding sections 15.96 and 233.02 (1) of the statutes, the members
22 of the University of Wisconsin Hospitals and Clinics Authority board appointed under
23 section 15.96 (1) ~~of 21, 23, 40, and~~ ^{stat} (8) of the statutes and the members of the board of
24 directors of the University of Wisconsin Hospitals and Clinics Authority appointed
25 under section 233.02 (1) (a) ~~and (b)~~ ^{and} (h) of the statutes who are members of

BILL

(1) the board or board of directors immediately before the ~~first day of the 10th month~~
(2) ~~following~~ effective date of this subsection are removed on ~~the first day of the 10th~~
(3) ~~month following~~ the effective date of this subsection, whichever is later
(May 1, 2002) or 8th

4 (2) Notwithstanding section 15.96 (1) and (8) of the statutes, the members of
5 the University of Wisconsin Hospitals and Clinics board who are appointed under
6 section 15.96 (1) and (8) of the statutes on or after the effective date of this subsection
7 are appointed for the following initial terms:

8 (a) One of the members under section 15.96 (1) of the statutes, for a term
9 expiring on May 1, 2003.

10 (b) One of the members under section 15.96 (1) of the statutes and one of the
11 members under section 15.96 (8) of the statutes, as affected by this act, for terms
12 expiring on May 1, 2004.

13 (c) One of the members under section 15.96 (1) of the statutes and one of the
14 members under section 15.96 (8) of the statutes, as affected by this act, for a term
15 expiring on May 1, 2005.

16 (3) Notwithstanding section 233.02 (1) (a) and (h) of the statutes, the members
17 of the board of directors of the University of Wisconsin Hospitals and Clinics
18 Authority who are appointed under section 233.02 (1) (a) and (h) of the statutes on
19 or after the effective date of this subsection are appointed for the following initial
20 terms:

21 (a) One of the members under section 233.02 (1) (a) of the statutes, for a term
22 expiring on May 1, 2003.

23 (b) One of the members under section 233.02 (1) (a) of the statutes and one of
24 the members under section 233.02 (1) (h) of the statutes, as affected by this act, for
25 a term expiring on May 1, 2004.

BILL

1 (c) One of the members under section 233.02 (1) (a) of the statutes and one of
2 the members under section 233.02 (1) (h) of the statutes, as affected by this act, for
3 a term expiring on May 1, 2005.

4 (4) Notwithstanding section 15.96 (9) ~~and 15.96 (10)~~ ^{Amended} of the statutes, as created by this
5 act, the members of the University of Wisconsin Hospitals and Clinics board are
6 appointed for the following initial terms:

7 (a) Two of the members appointed under section 15.96 (9) of the statutes, as
8 created by this act, ~~and one of the members appointed under section 15.96 (10) of the~~
9 ~~statutes, as created by this act,~~ for terms expiring on May 1, 2004.

10 (b) ~~One~~ ^{TWO} of the members appointed under section 15.96 (9) of the statutes, as
11 created by this act, ~~and one of the members appointed under section 15.96 (10) of the~~
12 ~~statutes, as created by this act,~~ for terms expiring on May 1, 2005.

13 (5) Notwithstanding section 233.02 (1) (i) ~~and 233.02 (1) (j)~~ of the statutes, as created by
14 this act, the members of the board of directors of the University of Wisconsin
15 Hospitals and Clinics Authority are appointed for the following initial terms:

16 (a) Two of the members appointed under section 233.02 (1) (i) of the statutes,
17 as created by this act, ~~and one of the members appointed under section 233.02 (1) (j)~~
18 ~~of the statutes, as created by this act,~~ for terms expiring on May 1, 2004.

19 (b) ~~One~~ ^{TWO} of the members appointed under section 233.02 (1) (i) of the statutes,
20 as created by this act, ~~and one of the members appointed under section 233.02 (1) (j)~~
21 ~~of the statutes, as created by this act,~~ for terms expiring on May 1, 2005.

22 (6) By the first day of the 25th month after the effective date of this subsection,
23 the legislative audit bureau, shall audit the University of Wisconsin Hospitals and
24 Clinics Authority to evaluate the retention and recruitment of nursing staff.

BILL

1 (7) The department of health and family services shall submit in proposed form
2 the rules required under section 50.375 (2) (a) of the statutes, as created by this act,
3 to the legislative council staff under section 227.15 (1) of the statutes no later than
4 the first day of the 13th month beginning after the effective date of this subsection.

SECTION 16. Initial applicability.

5
6 (1) The treatment of section 233.20 (1m) (b) of the statutes first applies to bonds
7 issued on the effective date of this subsection.

8 (2) The treatment of section 233.06 of the statutes first applies to contracts
9 entered into, extended, or modified on the effective date of this subsection.

10 **SECTION 17. Effective dates.** This act takes effect on the first day of the 10th
11 month following publication, except as follows:

12 (1) The treatment of sections 15.96 (9) ~~and (10)~~ and 233.02 (1) (i) ~~and (j)~~ of the
13 statutes and SECTION 15 (4), (5) ~~and (7)~~ of this act take effect on the day after
14 publication.

(END)

and

(D-N)

4450/1

Sandy:

: King:

Please note that I had the
members appointed under ^{s 5} s. 15.96(8) and 233.02(1)(h)
removed on May 1, 2002 ~~or~~ ^{or} on the
bill's effective date, whichever is later, because
it is unlikely ^{likely} that the bill will be
enacted before May 1, 2002.

MJL

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4450/1dn
MJL:kmg:kjf

February 5, 2002

Sandy:

Please note that I had the members appointed under ss. 15.96 (8) and 233.02 (1) (h) removed on May 1, 2002 or on the bill's effective date, whichever is later, because it is unlikely that the bill will be enacted before May 1, 2002.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, February 05, 2002 4:40 PM
To: 'pawlich@cwpb.com'
Subject: LRB-4450/1 & 1dn (attached from

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

2/5/2002

Beam, Laura

From: Lonergan, Sandra
Sent: Tuesday, February 26, 2002 12:58 PM
To: LRB.Legal
Subject: Draft review: LRB-4450/1 Topic: UW Hospital and Clinics Authority

It has been requested by <Lonergan, Sandra> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4450/1 Topic: UW Hospital and Clinics Authority