



2011 ASSEMBLY BILL 508

1 **AN ACT** *to repeal* 231.01 (3c) and 231.01 (3m); *to amend* 66.0304 (1) (f), 66.0621
2 (1) (b), 231.01 (4) (a), 231.01 (4) (b) 1., 231.01 (4) (b) 2., 231.01 (4) (b) 5., 231.01
3 (4) (c), 231.01 (7) (a) 1., 231.01 (7) (a) 2., 231.01 (7) (a) 4., 231.01 (7) (c), 231.02
4 (6) (b), 231.03 (5), 231.03 (6) (b), 231.03 (6) (g), 231.03 (7), 231.03 (8), 231.03 (11),
5 231.03 (13), 231.03 (14), 231.03 (15), 231.03 (16), 231.03 (17), 231.03 (18),
6 231.03 (19), 231.04, 231.05 (1), 231.06, 231.07 (1) (b), 231.07 (2) (a), 231.08 (3),
7 231.08 (5), 231.10 (1), 231.12, 231.13 (1) (intro.), 231.13 (2), 231.16 (1), 231.16
8 (3), 231.20 and 231.23; and *to create* 231.01 (5) (a) 7. of the statutes; **relating**
9 **to:** miscellaneous changes for bonds issued by the Wisconsin Health and
10 Educational Facilities Authority.

Analysis by the Legislative Reference Bureau

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

ASSEMBLY BILL 508**SECTION 1e**

1 **SECTION 1e.** 66.0304 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
2 32, is amended to read:

3 66.0304 (1) (f) “Political subdivision” means any city, village, town, or county
4 in this state or any city, village, town, county, district, ~~office, department,~~ authority,
5 agency, commission, or other similar governmental entity in another state or office,
6 department, authority, or agency of any such other state or territory of the United
7 States.

8 **SECTION 1m.** 66.0621 (1) (b) of the statutes is amended to read:

9 66.0621 (1) (b) “Public utility” means any revenue producing facility or
10 enterprise owned by a municipality and operated for a public purpose as defined in
11 s. 67.04 (1) (b) including garbage incinerators, toll bridges, swimming pools, tennis
12 courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting,
13 city halls, village halls, town halls, courthouses, jails, schools, cooperative
14 educational service agencies, hospitals, homes for the aged or indigent, child care
15 centers, ~~as defined in s. 231.01 (3e),~~ regional projects, waste collection and disposal
16 operations, sewerage systems, local professional baseball park facilities, local
17 professional football stadium facilities, local cultural arts facilities, and any other
18 necessary public works projects undertaken by a municipality.

19 **SECTION 2.** 231.01 (3c) of the statutes is repealed.

20 **SECTION 3.** 231.01 (3m) of the statutes is repealed.

21 **SECTION 4.** 231.01 (4) (a) of the statutes is amended to read:

22 231.01 (4) (a) “Cost” means the sum of all costs incurred by a participating
23 health institution, participating educational institution, or participating research
24 institution, ~~or participating child care provider,~~ as approved by the authority, as are
25 reasonable and necessary to accomplish the project, exclusive of any private or

ASSEMBLY BILL 508

1 federal, state, or local financial assistance received by the participating health
2 institution, participating educational institution, or participating research
3 institution, ~~or participating child care provider~~ for the payment of the project cost.

4 **SECTION 5.** 231.01 (4) (b) 1. of the statutes is amended to read:

5 231.01 **(4)** (b) 1. The cost incurred by or on behalf of the participating health
6 institution, participating educational institution, or participating research
7 institution, ~~or participating child care provider~~ of all necessary developmental,
8 planning, and feasibility studies, surveys, plans, and specifications, architectural,
9 engineering, legal, or other special services, the cost of acquisition of land and any
10 buildings and improvements on the land, site preparation, and development
11 including demolition or removal of existing structures, construction, reconstruction,
12 and equipment, including machinery, fixed equipment, and personal property.

13 **SECTION 6.** 231.01 (4) (b) 2. of the statutes is amended to read:

14 231.01 **(4)** (b) 2. The reasonable cost of financing incurred by a participating
15 health institution, participating educational institution, or participating research
16 institution, ~~or participating child care provider~~ in the course of the development of
17 the project to the occupancy date.

18 **SECTION 7.** 231.01 (4) (b) 5. of the statutes is amended to read:

19 231.01 **(4)** (b) 5. Working capital not exceeding ~~3% of the estimated total project~~
20 ~~cost or 3% of the actual total final cost, whichever is larger~~ the amounts permitted
21 under 26 CFR 1.148-6 (d) (3).

22 **SECTION 8.** 231.01 (4) (c) of the statutes is amended to read:

23 231.01 **(4)** (c) All rents and other net revenues from the operation of the real
24 property, improvements, or personal property on the project site by a participating
25 health institution, participating educational institution, or participating research

ASSEMBLY BILL 508**SECTION 8**

1 institution, ~~or participating child care provider~~ on and after the date on which the
2 contract between a participating health institution, participating educational
3 institution, or participating research institution, ~~or participating child care provider~~
4 and the authority was entered into, but prior to the occupancy date, shall reduce the
5 sum of all costs in this subsection.

6 **SECTION 9.** 231.01 (5) (a) 7. of the statutes is created to read:

7 231.01 (5) (a) 7. Any hospital, ambulatory surgical center, skilled nursing
8 facility, community-based residential facility, assisted living facility, home health
9 agency, hospice, rehabilitation facility, medical office or clinic, or other similar
10 facility that is located outside of this state.

11 **SECTION 14.** 231.01 (7) (a) 1. of the statutes is amended to read:

12 231.01 (7) (a) 1. A specific health facility, educational facility, or research
13 facility, ~~or child care center~~ work or improvement to be refinanced, acquired,
14 constructed, enlarged, remodeled, renovated, improved, furnished, or equipped by
15 the authority with funds provided in whole or in part under this chapter.

16 **SECTION 15.** 231.01 (7) (a) 2. of the statutes is amended to read:

17 231.01 (7) (a) 2. One or more structures suitable for use as a ~~child care center~~,
18 research facility, health facility, laboratory, laundry, nurses' or interns' residence or
19 other multi-unit housing facility for staff, employees, patients or relatives of
20 patients admitted for treatment or care in a health facility, physician's facility,
21 administration building, research facility, maintenance, storage, or utility facility.

22 **SECTION 16.** 231.01 (7) (a) 4. of the statutes is amended to read:

23 231.01 (7) (a) 4. Any structure useful for the operation of a health facility,
24 educational facility, or research facility, ~~or child care center~~, including facilities or

ASSEMBLY BILL 508

1 supporting service structures essential or convenient for the orderly conduct of the
2 health facility, educational facility, or research facility, ~~or child care center.~~

3 **SECTION 17.** 231.01 (7) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 231.01 (7) (c) “Project” may include more than one project, and it may include
6 any combination of projects undertaken jointly by any participating health
7 institution, participating educational institution, or participating research
8 institution, ~~or participating child care provider~~ with one or more other participating
9 health institutions, participating educational institutions, or participating research
10 institutions, ~~or participating child care providers.~~

11 **SECTION 18.** 231.02 (6) (b) of the statutes is amended to read:

12 231.02 (6) (b) Notwithstanding any other provision of law, it is not a conflict
13 of interest or violation of this section or of any other law for a trustee, director, officer,
14 or employee of a participating health institution, participating educational
15 institution, or participating research institution, ~~or participating child care provider~~
16 or for a person having the required favorable reputation for skill, knowledge, and
17 experience in state and municipal finance or for a person having the required
18 favorable reputation for skill, knowledge, and experience in the field of health
19 facility, educational facility, or research facility, ~~or child care center~~ architecture to
20 serve as a member of the authority; if in each case to which par. (a) is applicable, the
21 trustee, director, officer, or employee of the participating health institution,
22 participating educational institution, or participating research institution, ~~or~~
23 ~~participating child care provider~~ abstains from discussion, deliberation, action, and
24 vote by the authority in specific respect to any undertaking pursuant to this chapter
25 in which his or her participating health institution, participating educational

ASSEMBLY BILL 508**SECTION 18**

1 institution, or participating research institution, ~~or participating child care provider~~
2 has an interest, or the person having the required favorable reputation for skill,
3 knowledge, and experience in state and municipal finance abstains from discussion,
4 deliberation, action, and vote by the authority in specific respect to any sale,
5 purchase, or ownership of bonds of the authority in which any business of which such
6 person is a participant, owner, officer, or employee has a past, current, or future
7 interest, or such person having the required favorable reputation for skill,
8 knowledge, and experience in the field of health facility, educational facility, or
9 research facility, ~~or child care center~~ architecture abstains from discussion,
10 deliberation, action, and vote by the authority in specific respect to construction or
11 acquisition of any project of the authority in which any business of which such person
12 is a participant, owner, officer, or employee has a past, current, or future interest.

13 **SECTION 19.** 231.03 (5) of the statutes is amended to read:

14 231.03 (5) Determine the location and character of any project to be financed
15 under this chapter, and construct, reconstruct, remodel, maintain, enlarge, alter, add
16 to, repair, lease as lessee or lessor and regulate the same, enter into contracts for any
17 such purpose, enter into contracts for the management and operation of a project or
18 other health facilities, educational facilities, or research facilities, ~~or child care~~
19 ~~centers~~ owned by the authority, and designate a participating health institution,
20 participating educational institution, or participating research institution, ~~or~~
21 ~~participating child care provider~~ as its agent to determine the location and character
22 of a project undertaken by the participating health institution, participating
23 educational institution, or participating research institution, ~~or participating child~~
24 ~~care provider~~ under this chapter and as the agent of the authority, to construct,
25 reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease

ASSEMBLY BILL 508

1 as lessee or lessor and regulate the same, and as the agent of the authority, to enter
2 into contracts for any such purpose, including contracts for the management and
3 operation of such project or other health facilities, educational facilities, or research
4 facilities, ~~or child care centers~~ owned by the authority.

5 **SECTION 20.** 231.03 (6) (b) of the statutes, as affected by 2011 Wisconsin Act 32,
6 is amended to read:

7 231.03 **(6)** (b) Refinance outstanding debt of any participating health
8 institution if the department of health services certifies that refinancing will result
9 in a reduction in the participating health institution's rates below the rates which
10 would have otherwise prevailed, except that the authority may not refinance any
11 office or clinic of a person licensed under ch. 446, 447, 448, 449 or 455, or the
12 substantially equivalent laws or rules of another state, and except that this
13 certification is not required for the refinancing for a participating health institution
14 that operates a facility as defined under s. 49.45 (6m) (a) 3, or for a participating
15 health institution that is located in another state.

16 **SECTION 21.** 231.03 (6) (g) of the statutes is amended to read:

17 231.03 **(6)** (g) Finance a purchase, or make a loan, under sub. (20). Bonds
18 issued under this paragraph shall be payable from, or secured by interests in, tobacco
19 settlement revenues and such other property pledged under the bond resolution and,
20 notwithstanding s. 231.08 (3), are not required to mature in ~~30~~ 50 years or less from
21 the date of issue.

22 **SECTION 24.** 231.03 (7) of the statutes is amended to read:

23 231.03 **(7)** Fix and revise from time to time and charge and collect rates, rents,
24 fees, and charges for the use of and for the services furnished or to be furnished by
25 a project or other health facilities, educational facilities, or research facilities, ~~or~~

ASSEMBLY BILL 508**SECTION 24**

1 ~~child care centers~~ owned by the authority or any portion thereof, contract with any
2 person in respect thereto and coordinate its policies and procedures, and cooperate
3 with recognized health facility, educational facility, or research facility, ~~or child care~~
4 ~~center~~ rate setting mechanisms.

5 **SECTION 25.** 231.03 (8) of the statutes is amended to read:

6 231.03 **(8)** Adopt rules for the use of a project or other health facility,
7 educational facility, or research facility, ~~or child care center~~ or any portion of the
8 project or facility owned, financed, or refinanced in whole or in part by the authority,
9 including any property used as security for a loan secured through, from, or with the
10 assistance of the authority. The authority may designate a participating health
11 institution, participating educational institution, or participating research
12 institution, ~~or participating child care provider~~ as its agent to establish rules for the
13 use of a project or other health facilities, educational facilities, or research facilities,
14 ~~or child care centers~~ undertaken for that participating health institution,
15 participating educational institution, or participating research institution, ~~or~~
16 ~~participating child care provider~~. The rules shall ensure that a project, health
17 facility, educational facility, research facility, ~~child care center~~, or property may not
18 be used primarily for sectarian instruction or study or as a place for devotional
19 activities or religious worship.

20 **SECTION 26.** 231.03 (11) of the statutes is amended to read:

21 231.03 **(11)** Establish or contract with others to carry out on its behalf a health
22 facility, educational facility, or research facility, ~~or child care center~~ project cost
23 estimating service, and make this service available on all projects to provide expert
24 cost estimates and guidance to the participating health institution, participating
25 educational institution, or participating research institution, ~~or participating child~~

ASSEMBLY BILL 508

1 care provider and to the authority. To implement this service and, through it, to
2 contribute to cost containment, the authority may require such reasonable reports
3 and documents from health facility, educational facility, or research facility, ~~or child~~
4 ~~care center~~ projects as are required for this service and for the development of cost
5 reports and guidelines. The authority shall appoint a technical committee on health
6 facility, educational facility, or research facility, ~~or child care center~~ project costs and
7 cost containment.

8 **SECTION 27.** 231.03 (13) of the statutes is amended to read:

9 231.03 (13) Make loans to any participating health institution, participating
10 educational institution, or participating research institution, ~~or, before May 1, 2000,~~
11 ~~participating child care provider~~ for the cost of a project in accordance with an
12 agreement between the authority and the participating health institution,
13 participating educational institution, or participating research institution, ~~or~~
14 ~~participating child care provider~~. The authority may secure the loan by a mortgage
15 or other security arrangement on the health facility, educational facility, or research
16 facility, ~~or child care center~~ granted by the participating health institution,
17 participating educational institution, or participating research institution, ~~or~~
18 ~~participating child care provider~~ to the authority. The loan may not exceed the total
19 cost of the project as determined by the participating health institution,
20 participating educational institution, or participating research institution, ~~or~~
21 ~~participating child care provider~~ and approved by the authority.

22 **SECTION 28.** 231.03 (14) of the statutes is amended to read:

23 231.03 (14) Make loans to a health facility, educational facility, or research
24 facility, ~~or, before May 1, 2000, child care center~~ for which bonds may be issued under
25 sub. (6) (b) ~~or~~, (d), ~~or under s. 231.03 (6) (f), 1999 stats. (i),~~ to refinance the health

ASSEMBLY BILL 508**SECTION 28**

1 facility's, educational facility's, or research facility's, ~~or child care center's~~
2 outstanding debt. The authority may secure the loan or bond by a mortgage or other
3 security arrangement on the health facility, educational facility, or research facility,
4 ~~or child care center~~ granted by the participating health institution, participating
5 educational institution, or participating research institution, ~~or participating child~~
6 ~~care provider~~ to the authority.

7 **SECTION 29.** 231.03 (15) of the statutes is amended to read:

8 231.03 **(15)** Mortgage all or any portion of a project and other health facilities,
9 educational facilities, or research facilities, ~~or child care centers~~ and the site thereof,
10 whether owned or thereafter acquired, for the benefit of the holders of bonds issued
11 to finance the project, health facilities, educational facilities, or research facilities,
12 ~~or child care centers~~ or any portion thereof or issued to refund or refinance
13 outstanding indebtedness of participating health institutions, educational
14 institutions, or research institutions, ~~or child care providers~~ as permitted by this
15 chapter.

16 **SECTION 30.** 231.03 (16) of the statutes is amended to read:

17 231.03 **(16)** Lease to a participating health institution, participating
18 educational institution, or participating research institution, ~~or participating child~~
19 ~~care provider~~ the project being financed or other health facilities, educational
20 facilities, or research facilities, ~~or child care centers~~ conveyed to the authority in
21 connection with such financing, upon such terms and conditions as the authority
22 deems proper, and charge and collect rents therefor, and terminate any such lease
23 upon the failure of the lessee to comply with any of the obligations thereof; and
24 include in any such lease, if desired, provisions that the lessee thereof shall have
25 options to renew the term of the lease for such periods and at such rent as the

ASSEMBLY BILL 508

1 authority determines or to purchase all or any part of the health facilities,
2 educational facilities, or research facilities, ~~or child care centers~~ or that, upon
3 payment of all of the indebtedness incurred by the authority for the financing of such
4 project or health facilities, educational facilities, or research facilities, ~~or child care~~
5 ~~centers~~ or for refunding outstanding indebtedness of a participating health
6 institution, participating educational institution, or participating research
7 institution, ~~or participating child care provider~~, the authority may convey all or any
8 part of the project or such other health facilities, educational facilities, or research
9 facilities, ~~or child care centers~~ to the lessees thereof with or without consideration.

10 **SECTION 31.** 231.03 (17) of the statutes is amended to read:

11 231.03 (17) Charge to and apportion among participating health institutions,
12 participating educational institutions, and participating research institutions, ~~and~~
13 ~~participating child care providers~~ its administrative costs and expenses incurred in
14 the exercise of the powers and duties conferred by this chapter.

15 **SECTION 32.** 231.03 (18) of the statutes is amended to read:

16 231.03 (18) Make studies of needed health facilities, educational facilities, and
17 research facilities, ~~and child care centers~~ that could not sustain a loan were it made
18 under this chapter and recommend remedial action to the legislature; and do the
19 same with regard to any laws or rules that prevent health facilities, educational
20 facilities, and research facilities, ~~and child care centers~~ from benefiting from this
21 chapter.

22 **SECTION 33.** 231.03 (19) of the statutes is amended to read:

23 231.03 (19) Obtain, or aid in obtaining, from any department or agency of the
24 United States or of this state or any private company, any insurance or guaranty
25 concerning the payment or repayment of, interest or principal, or both, or any part

ASSEMBLY BILL 508**SECTION 33**

1 thereof, on any loan, lease, or obligation or any instrument evidencing or securing
2 the same, made or entered into under the provisions of this chapter; and
3 notwithstanding any other provisions of this chapter, to enter into any agreement,
4 contract, or other instrument with respect to that insurance or guaranty, to accept
5 payment in the manner and form provided therein in the event of default by a
6 participating health institution, participating educational institution, or
7 participating research institution, ~~or participating child care provider~~, and to assign
8 the insurance or guaranty as security for the authority's bonds.

9 **SECTION 34.** 231.04 of the statutes is amended to read:

10 **231.04 Expenses.** All expenses of the authority incurred in carrying out this
11 chapter shall be payable solely from funds provided under the authority of this
12 chapter, and no liability may be incurred by the authority beyond the extent to which
13 moneys have been provided under this chapter except that, for the purposes of
14 meeting the necessary expenses of initial organization and operation of the authority
15 for the period commencing on June 19, 1974 and continuing until such date as the
16 authority derives moneys from funds provided to it under the authority of this
17 chapter, the authority may borrow such moneys as it requires to supplement the
18 funds provided under s. 20.440. Such moneys borrowed by the authority shall
19 subsequently be charged to and apportioned among participating health
20 institutions, participating educational institutions, and participating research
21 institutions, ~~and participating child care providers~~ in an equitable manner, and
22 repaid with appropriate interest over a reasonable period of time.

23 **SECTION 35.** 231.05 (1) of the statutes is amended to read:

24 **231.05 (1)** By means of this chapter, it is the intent of the legislature to provide
25 assistance and alternative methods of financing to nonprofit health institutions to

ASSEMBLY BILL 508

1 aid them in providing needed health services consistent with the state's health plan,
2 to nonprofit educational institutions to aid them in providing needed educational
3 services, and to nonprofit research institutions to aid them in providing needed
4 research facilities, ~~and to nonprofit child care providers to aid them in providing~~
5 ~~needed child care services.~~

6 **SECTION 36.** 231.06 of the statutes, as affected by 2011 Wisconsin Act 32, is
7 amended to read:

8 **231.06 Property acquisition.** The authority may acquire, directly or by and
9 through a participating health institution, participating educational institution, or
10 participating research institution, ~~or participating child care provider~~ as its agent,
11 by purchase or by gift or devise, such lands, structures, property, rights,
12 rights-of-way, franchises, easements, and other interests in lands, including lands
13 lying under water and riparian rights, as it deems necessary or convenient for the
14 construction or operation of a project, upon such terms and at such prices as it
15 considers reasonable and can be agreed upon between it and the owner thereof, and
16 take title thereto in the name of the authority or in the name of a health facility,
17 educational facility, or research facility, ~~or child care center~~ as its agent.

18 **SECTION 37.** 231.07 (1) (b) of the statutes is amended to read:

19 231.07 (1) (b) Convey to the participating health institution, participating
20 educational institution, or participating research institution, ~~or participating child~~
21 ~~care provider~~ the authority's interest in the project and in any other health facility,
22 educational facility, or research facility, ~~or child care center~~ leased, mortgaged, or
23 subject to a deed of trust or any other form of security arrangement to secure the
24 bond.

25 **SECTION 38.** 231.07 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 508**SECTION 38**

1 231.07 **(2)** (a) The principal of and interest on any bond issued by the authority
2 to finance a project or to refinance or refund outstanding indebtedness of one or more
3 participating health institutions, participating educational institutions, or
4 participating research institutions, ~~or participating child care providers~~, including
5 any refunding bonds issued to refund and refinance the bond, have been fully paid
6 and the bonds retired or if the adequate provision has been made to pay fully and
7 retire the bond; and

8 **SECTION 39.** 231.08 (3) of the statutes is amended to read:

9 231.08 **(3)** The bonds may be issued as serial bonds or as term bonds, or the
10 authority may issue bonds of both types. The bonds shall be authorized by a bond
11 resolution of the authority and shall bear such dates, mature at such times not
12 exceeding ~~30~~ 50 years from their respective dates of issue, bear interest at such rates,
13 be payable at such times, be in such denominations, be in such form, either coupon
14 or fully registered, carry such registration and conversion privileges, be executed in
15 such manner, be payable in lawful money of the United States at such places, and
16 be subject to such terms of redemption as the bond resolution provides. The bonds
17 or notes shall be executed by the manual or facsimile signatures of such officers of
18 the authority as the authority designates. Coupon bonds shall have attached thereto
19 interest coupons bearing the facsimile signature of the treasurer of the authority or
20 such other officer as the authority designates. The bonds or notes may be sold at
21 public or private sale for such price and in such manner and from time to time as the
22 authority determines. Pending preparation of the definitive bonds, the authority
23 may issue interim receipts or certificates which shall be exchanged for the definitive
24 bonds.

25 **SECTION 40.** 231.08 (5) of the statutes is amended to read:

ASSEMBLY BILL 508

1 231.08 (5) In addition to the other authorizations under this section, bonds of
2 the authority may be secured by a pooling of leases whereby the authority may assign
3 its rights, as lessor, and pledge rents under 2 or more leases of health facilities,
4 educational facilities, or research facilities, ~~or child care centers~~ with 2 or more
5 health institutions, educational institutions, or research institutions, ~~or child care~~
6 ~~providers~~, as lessees respectively, upon such terms as may be provided for in bond
7 resolutions of the authority.

8 **SECTION 41.** 231.10 (1) of the statutes is amended to read:

9 231.10 (1) The state is not liable on notes or bonds of the authority and the notes
10 and bonds are not a debt of the state. All notes and bonds of the authority shall
11 contain on the face thereof a statement to this effect. The issuance of bonds under
12 this chapter shall not, directly or indirectly or contingently, obligate the state or any
13 political subdivision thereof to levy any form of taxation therefor or to make any
14 appropriation for their payment. Nothing in this section prevents the authority from
15 pledging its full faith and credit or the full faith and credit of a health institution,
16 educational institution, or research institution, ~~or child care provider~~ to the payment
17 of bonds authorized under this chapter.

18 **SECTION 42.** 231.12 of the statutes is amended to read:

19 **231.12 Studies and recommendations.** It is the intent and purpose of this
20 chapter that the exercise by the authority of the powers granted to it shall be in all
21 respects for the benefit of the people of this state to assist them to provide needed
22 health facilities, educational facilities, and research facilities, ~~and child care centers~~
23 of the number, size, type, distribution, and operation that will assure admission and
24 health care, education, or research opportunities, ~~or child care~~ of high quality to all
25 who need it. The authority shall identify and study all projects which are determined

ASSEMBLY BILL 508**SECTION 42**

1 by health planning agencies to be needed, but which could not sustain a loan were
2 such to be made to it under this chapter. The authority shall formulate and
3 recommend to the legislature such amendments to this and other laws, and such
4 other specific measures as grants, loan guarantees, interest subsidies, or other
5 actions the state may provide which would render the construction and operation of
6 needed health facilities, educational facilities, and research facilities, ~~and child care~~
7 ~~centers~~ feasible and in the public interest. The authority also shall identify and
8 study any laws or rules which it finds handicaps or bars a needed health facility,
9 educational facility, or research facility, ~~or child care center~~ from participating in the
10 benefits of this chapter, and recommend to the legislature such actions as will
11 remedy such situation.

12 **SECTION 43.** 231.13 (1) (intro.) of the statutes is amended to read:

13 231.13 (1) (intro.) The authority shall collect rents for the use of, or other
14 revenues relating to the financing of, each project. The authority shall contract with
15 a participating health institution, participating educational institution, or
16 participating research institution, ~~or participating child care provider~~ for each
17 issuance of bonds. The contract shall provide that the rents or other revenues
18 payable by the health facility, educational facility, or research facility, ~~or child care~~
19 ~~center~~ shall be sufficient at all times to:

20 **SECTION 44.** 231.13 (2) of the statutes is amended to read:

21 231.13 (2) The authority shall pledge the revenues derived and to be derived
22 from a project and other related health facilities, educational facilities, or research
23 facilities, ~~or child care centers~~ for the purposes specified in sub. (1), and additional
24 bonds may be issued which may rank on a parity with other bonds relating to the
25 project to the extent and on the terms and conditions provided in the bond resolution.

ASSEMBLY BILL 508

1 Such pledge shall be valid and binding from the time when the pledge is made, the
2 revenues so pledged by the authority shall immediately be subject to the lien of such
3 pledge without any physical delivery thereof or further act and the lien of any such
4 pledge shall be valid and binding as against all parties having claims of any kind in
5 tort, contract, or otherwise against the authority, irrespective of whether such
6 parties have notice thereof. Neither the bond resolution nor any financing
7 statement, continuation statement, or other instrument by which a pledge is created
8 or by which the authority's interest in revenues is assigned need be filed or recorded
9 in any public records in order to perfect the lien thereof as against 3rd parties, except
10 that a copy thereof shall be filed in the records of the authority and with the
11 department of financial institutions.

12 **SECTION 45.** 231.16 (1) of the statutes is amended to read:

13 231.16 (1) The authority may issue bonds to refund any outstanding bond of
14 the authority or indebtedness that a participating health institution, participating
15 educational institution, or participating research institution, ~~or participating child~~
16 ~~care provider~~ may have incurred for the construction or acquisition of a project prior
17 to or after April 30, 1980, including the payment of any redemption premium on the
18 outstanding bond or indebtedness and any interest accrued or to accrue to the
19 earliest or any subsequent date of redemption, purchase, or maturity, or to pay all
20 or any part of the cost of constructing and acquiring additions, improvements,
21 extensions, or enlargements of a project or any portion of a project. Except for bonds
22 to refund bonds issued under s. 231.03 (6) (g), no bonds may be issued under this
23 section unless the authority has first entered into a new or amended agreement with
24 a participating health institution, participating educational institution, or

ASSEMBLY BILL 508**SECTION 45**

1 participating research institution, ~~or participating child care provider~~ to provide
2 sufficient revenues to pay the costs and other items described in s. 231.13.

3 **SECTION 46.** 231.16 (3) of the statutes is amended to read:

4 231.16 (3) All bonds issued under this section shall be subject to this chapter
5 in the same manner and to the same extent as other bonds issued pursuant to this
6 chapter, except that the limitations with respect to dates under s. 231.03 (6) (e) and
7 (f), ~~1999 stats., and~~ under s. 231.03 (14) do not apply to bonds issued under this
8 section, and the requirement under s. 231.08 (3) that the bonds mature in ~~30~~ 50 years
9 or less from their date of issue does not apply to bonds issued under this section to
10 refund bonds issued under s. 231.03 (6) (g).

11 **SECTION 47.** 231.20 of the statutes, as affected by 2011 Wisconsin Act 32, is
12 amended to read:

13 **231.20 Waiver of construction and bidding requirements.** In exercising
14 its powers under s. 101.12, the department of safety and professional services or any
15 city, village, town, or county may, within its discretion for proper cause shown, waive
16 any particular requirements relating to public buildings, structures, grounds,
17 works, and improvements imposed by law upon projects under this chapter; the
18 requirements of s. 101.13 may not be waived, however. If, however, the prospective
19 lessee so requests in writing, the authority shall, through the participating health
20 institution, participating educational institution, or participating research
21 institution, ~~or participating child care provider~~ as its agent, call for construction bids
22 in such manner as is determined by the authority with the approval of the lessee.

23 **SECTION 48.** 231.23 of the statutes is amended to read:

24 **231.23 Nonprofit institutions.** It is intended that all nonprofit health
25 institutions, educational institutions, and research institutions, ~~and child care~~

ASSEMBLY BILL 508

1 providers in this state be enabled to benefit from and participate in this chapter. To
2 this end, all nonprofit health institutions, educational institutions, and research
3 institutions, ~~and child care providers~~ operating, or authorized to be operated, under
4 any law of this state may undertake projects and utilize the capital financing sources
5 and methods of repayment provided by this chapter, the provisions of any other laws
6 to the contrary notwithstanding.

7

(END)