



State of Wisconsin
2011 – 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 508**

February 29, 2012 – Offered by COMMITTEE ON JOBS, ECONOMY AND SMALL BUSINESS.

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

2 **1.** Page 1, line 10: delete lines 10 and 11 and substitute “miscellaneous
3 changes for bonds issued by the Wisconsin Health and Educational Facilities
4 Authority.”.

5 **2.** Page 2, line 1: before that line insert:

6 “**SECTION 1e.** 66.0304 (1) (f) of the statutes, as affected by 2011 Wisconsin Act
7 32, is amended to read:

8 66.0304 (1) (f) “Political subdivision” means any city, village, town, or county
9 in this state or any city, village, town, county, district, ~~office, department,~~ authority,
10 agency, commission, or other similar governmental entity in another state or office,
11 department, authority, or agency of any such other state or territory of the United
12 States.”.

13 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

- 1 **4.** Page 3, line 8: after “educational institution,” insert “or”.
- 2 **5.** Page 3, line 9: delete that line and substitute “institution,~~or participating~~
3 ~~child care provider~~, as approved by”.
- 4 **6.** Page 3, line 12: after “educational institution,” insert “or”.
- 5 **7.** Page 3, line 13: delete that line and substitute “research institution,~~or~~
6 ~~participating child care provider~~ for the”.
- 7 **8.** Page 3, line 17: after “educational institution,” insert “or”.
- 8 **9.** Page 3, line 17: delete “research institution,” and substitute “research
9 institution,”.
- 10 **10.** Page 3, line 18: delete that line and substitute “~~or participating child care~~
11 ~~provider~~ of all necessary”.
- 12 **11.** Page 4, line 2: after “educational institution,” insert “or”.
- 13 **12.** Page 4, line 3: delete that line and substitute “institution,~~or participating~~
14 ~~child care provider~~ in the course of”.
- 15 **13.** Page 4, line 12: after “educational institution,” insert “or”.
- 16 **14.** Page 4, line 13: delete that line and substitute “institution,~~or~~
17 ~~participating child care provider~~ on and after the”.
- 18 **15.** Page 4, line 15: delete that line and substitute “educational institution,
19 or participating research institution,~~or participating child~~”.
- 20 **16.** Page 4, line 16: delete “nonprofit institution”.
- 21 **17.** Page 4, line 23: delete that line.
- 22 **18.** Page 5, line 1: delete lines 1 to 22.

- 1 **19.** Page 5, line 24: after “educational facility,” insert “or”.
- 2 **20.** Page 5, line 24: delete “research facility,” and substitute “research
3 facility,”.
- 4 **21.** Page 5, line 25: delete “or ~~child~~” and substitute “~~or child~~”.
- 5 **22.** Page 5, line 25: delete “nonprofit facility”.
- 6 **23.** Page 6, line 5: delete “nonprofit facility”.
- 7 **24.** Page 6, line 12: delete that line and substitute “educational facility, or
8 research facility, ~~or child care center~~, including”.
- 9 **25.** Page 6, line 14: delete that line and substitute “conduct of the health
10 facility, educational facility, or research facility, ~~or child care~~”.
- 11 **26.** Page 6, line 15: delete “nonprofit facility”.
- 12 **27.** Page 6, line 20: after “educational institution,” insert “or”.
- 13 **28.** Page 6, line 20: delete “research institution,” and substitute “research
14 institution,”.
- 15 **29.** Page 6, line 21: delete that line and substitute “~~or participating child care~~
16 ~~provider~~ with one or more other”.
- 17 **30.** Page 6, line 23: delete the material beginning with “participating
18 research” and ending with “institutions” on line 24 and substitute “or participating
19 research institutions, ~~or participating child care providers~~”.
- 20 **31.** Page 7, line 1: delete lines 1 to 25 and substitute:
21 “231.02 (6) (b) Notwithstanding any other provision of law, it is not a conflict
22 of interest or violation of this section or of any other law for a trustee, director, officer,
23 or employee of a participating health institution, participating educational

1 institution, or participating research institution, ~~or participating child care provider~~
2 or for a person having the required favorable reputation for skill, knowledge, and
3 experience in state and municipal finance or for a person having the required
4 favorable reputation for skill, knowledge, and experience in the field of health
5 facility, educational facility, or research facility, ~~or child care center~~ architecture to
6 serve as a member of the authority; if in each case to which par. (a) is applicable, the
7 trustee, director, officer, or employee of the participating health institution,
8 participating educational institution, or participating research institution, ~~or~~
9 ~~participating child care provider~~ abstains from discussion, deliberation, action, and
10 vote by the authority in specific respect to any undertaking pursuant to this chapter
11 in which his or her participating health institution, participating educational
12 institution, or participating research institution, ~~or participating child care provider~~
13 has an interest, or the person having the required favorable reputation for skill,
14 knowledge, and experience in state and municipal finance abstains from discussion,
15 deliberation, action, and vote by the authority in specific respect to any sale,
16 purchase, or ownership of bonds of the authority in which any business of which such
17 person is a participant, owner, officer, or employee has a past, current, or future
18 interest, or such person having the required favorable reputation for skill,
19 knowledge, and experience in the field of health facility, educational facility, or
20 research facility, ~~or child care center~~ architecture abstains from discussion,
21 deliberation, action, and vote by the authority in specific respect to construction or
22 acquisition of”.

23 **32.** Page 8, line 4: delete lines 4 to 20 and substitute:

1 “231.03 (5) Determine the location and character of any project to be financed
2 under this chapter, and construct, reconstruct, remodel, maintain, enlarge, alter, add
3 to, repair, lease as lessee or lessor and regulate the same, enter into contracts for any
4 such purpose, enter into contracts for the management and operation of a project or
5 other health facilities, educational facilities, or research facilities,~~or child care~~
6 centers owned by the authority, and designate a participating health institution,
7 participating educational institution, or participating research institution,~~or~~
8 participating child care provider as its agent to determine the location and character
9 of a project undertaken by the participating health institution, participating
10 educational institution, or participating research institution,~~or participating child~~
11 care provider under this chapter and as the agent of the authority, to construct,
12 reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease
13 as lessee or lessor and regulate the same, and as the agent of the authority, to enter
14 into contracts for any such purpose, including contracts for the management and
15 operation of such project or other health facilities, educational facilities, or research
16 facilities,~~or child care centers~~ owned by the authority.”.

17 **33.** Page 9, line 13: delete lines 13 to 18.

18 **34.** Page 9, line 22: after “educational facilities,” insert “or”.

19 **35.** Page 9, line 22: delete “facilities, or” and substitute “facilities,~~or~~”.

20 **36.** Page 9, line 23: delete “nonprofit facilities”.

21 **37.** Page 10, line 2: delete that line and substitute “or research facility,~~or child~~
22 care-center rate setting mechanisms.”.

23 **38.** Page 10, line 4: delete lines 4 to 18 and substitute:

1 “231.03 **(8)** Adopt rules for the use of a project or other health facility,
2 educational facility, or research facility,~~or child care center~~ or any portion of the
3 project or facility owned, financed, or refinanced in whole or in part by the authority,
4 including any property used as security for a loan secured through, from, or with the
5 assistance of the authority. The authority may designate a participating health
6 institution, participating educational institution, or participating research
7 institution,~~or participating child care provider~~ as its agent to establish rules for the
8 use of a project or other health facilities, educational facilities, or research facilities,
9 ~~or child care centers~~ undertaken for that participating health institution,
10 participating educational institution, or participating research institution,~~or~~
11 ~~participating child care provider~~. The rules shall ensure that a project, health
12 facility, educational facility, research facility, ~~child care center~~, or property may not
13 be used primarily for sectarian instruction or study or as a place for devotional
14 activities or religious worship.”.

15 **39.** Page 10, line 20: delete the material beginning with that line and ending
16 with “containment.” on page 11, line 7, and substitute:

17 “231.03 **(11)** Establish or contract with others to carry out on its behalf a health
18 facility, educational facility, or research facility,~~or child care center~~ project cost
19 estimating service, and make this service available on all projects to provide expert
20 cost estimates and guidance to the participating health institution, participating
21 educational institution, or participating research institution,~~or participating child~~
22 ~~care provider~~ and to the authority. To implement this service and, through it, to
23 contribute to cost containment, the authority may require such reasonable reports
24 and documents from health facility, educational facility, or research facility,~~or child~~

1 ~~care center~~ projects as are required for this service and for the development of cost
2 reports and guidelines. The authority shall appoint a technical committee on health
3 facility, educational facility, or research facility, ~~or child care center~~ project costs and
4 cost containment.”.

5 **40.** Page 11, line 9: delete lines 9 to 22 and substitute:

6 “231.03 **(13)** Make loans to any participating health institution, participating
7 educational institution, or participating research institution, ~~or, before May 1, 2000,~~
8 ~~participating child care provider~~ for the cost of a project in accordance with an
9 agreement between the authority and the participating health institution,
10 participating educational institution, or participating research institution, ~~or~~
11 ~~participating child care provider~~. The authority may secure the loan by a mortgage
12 or other security arrangement on the health facility, educational facility, or research
13 facility, ~~or child care center~~ granted by the participating health institution,
14 participating educational institution, or participating research institution, ~~or~~
15 ~~participating child care provider~~ to the authority. The loan may not exceed the total
16 cost of the project as determined by the participating health institution,
17 participating educational institution, or participating research institution, ~~or~~
18 ~~participating child care provider~~ and approved by the authority.”.

19 **41.** Page 11, line 24: delete the material beginning with that line and ending
20 with “authority.” on page 12, line 8, and substitute:

21 “231.03 **(14)** Make loans to a health facility, educational facility, or research
22 facility, ~~or, before May 1, 2000, child care center~~ for which bonds may be issued under
23 sub. (6) (b) ~~or~~, (d), ~~or under s. 231.03 (6) (f), 1999 stats. (i),~~ to refinance the health
24 facility’s, educational facility’s, or research facility’s, ~~or child care center’s~~

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

6 **42.** Page 12, line 10: delete lines 10 to 18 and substitute:

7 “231.03 (15) Mortgage all or any portion of a project and other health facilities,
8 educational facilities, or research facilities, ~~or child care centers~~ and the site thereof,
9 whether owned or thereafter acquired, for the benefit of the holders of bonds issued
10 to finance the project, health facilities, educational facilities, or research facilities,
11 ~~or child care centers~~ or any portion thereof or issued to refund or refinance
12 outstanding indebtedness of participating health institutions, educational
13 institutions, or research institutions, ~~or child care providers~~ as permitted by this
14 chapter.”.

15 **43.** Page 12, line 20: delete the material beginning with that line and ending
16 with “consideration.” on page 13, line 14, and substitute:

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

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

11 **44.** Page 13, line 17: after “educational institutions,” insert “and”.

12 **45.** Page 13, line 17: delete “institutions, and” and substitute “institutions,
13 and”.

14 **46.** Page 13, line 18: delete “participating ~~child care providers~~ nonprofit
15 institutions” and substitute “participating ~~child care providers~~”.

16 **47.** Page 13, line 22: delete that line and substitute “and research facilities,
17 ~~and child care centers~~ that could not sustain”.

18 **48.** Page 14, line 1: delete that line and substitute “facilities, educational
19 facilities, and research facilities, ~~and child care centers~~”.

20 **49.** Page 14, line 2: delete “facilities”.

21 **50.** Page 14, line 12: after “educational institution,” insert “or”.

22 **51.** Page 14, line 13: delete that line and substitute “research institution, ~~or~~
23 ~~participating child care provider~~, and”.

1 **52.** Page 15, line 1: after “educational institutions,” insert “and”.

2 **53.** Page 15, line 2: delete that line and substitute “institutions, ~~and~~
3 ~~participating child care provider~~ in an”.

4 **54.** Page 15, line 6: delete lines 6 to 12 and substitute:

5 “231.05 (1) By means of this chapter, it is the intent of the legislature to provide
6 assistance and alternative methods of financing to nonprofit health institutions to
7 aid them in providing needed health services consistent with the state’s health plan,
8 to nonprofit educational institutions to aid them in providing needed educational
9 services, and to nonprofit research institutions to aid them in providing needed
10 research facilities, ~~and to nonprofit child care providers to aid them in providing~~
11 ~~needed child care services.~~”.

12 **55.** Page 15, line 17: delete that line and substitute “or participating research
13 institution, ~~or participating child care provider~~”.

14 **56.** Page 15, line 18: delete “institution”.

15 **57.** Page 15, line 24: delete that line and substitute “facility, educational
16 facility, or research facility, ~~or child care center~~”.

17 **58.** Page 16, line 2: delete lines 2 to 7 and substitute:

18 “231.07 (1) (b) Convey to the participating health institution, participating
19 educational institution, or participating research institution, ~~or participating child~~
20 ~~care provider~~ the authority’s interest in the project and in any other health facility,
21 educational facility, or research facility, ~~or child care center~~ leased, mortgaged, or
22 subject to a deed of trust or any other form of security arrangement to secure the
23 bond.”.

1 **59.** Page 16, line 12: delete the material beginning with that line and ending
2 with “institutions,” on line 13 and substitute “or participating research institutions,
3 ~~or participating child care providers,~~”.

4 **60.** Page 17, line 12: delete lines 12 to 15 and substitute “educational facilities,
5 or research facilities, ~~or child care centers~~ with 2 or more health institutions,
6 educational institutions, or research institutions, ~~or child care providers,~~ as lessees
7 respectively, upon such terms as may be provided for in bond resolutions of the
8 authority.”.

9 **61.** Page 18, line 1: delete that line and substitute “educational institution,
10 or research institution, ~~or child care provider~~”.

11 **62.** Page 18, line 2: delete “institution”.

12 **63.** Page 18, line 4: delete lines 4 to 22 and substitute:

13 **“231.12 Studies and recommendations.** It is the intent and purpose of this
14 chapter that the exercise by the authority of the powers granted to it shall be in all
15 respects for the benefit of the people of this state to assist them to provide needed
16 health facilities, educational facilities, and research facilities, ~~and child care centers~~
17 of the number, size, type, distribution, and operation that will assure admission and
18 health care, education, or research opportunities, ~~or child care~~ of high quality to all
19 who need it. The authority shall identify and study all projects which are determined
20 by health planning agencies to be needed, but which could not sustain a loan were
21 such to be made to it under this chapter. The authority shall formulate and
22 recommend to the legislature such amendments to this and other laws, and such
23 other specific measures as grants, loan guarantees, interest subsidies, or other
24 actions the state may provide which would render the construction and operation of

1 needed health facilities, educational facilities, and research facilities, ~~and child care~~
2 ~~centers~~ feasible and in the public interest. The authority also shall identify and
3 study any laws or rules which it finds handicaps or bars a needed health facility,
4 educational facility, or research facility, ~~or child care center~~ from participating in the
5 benefits of this chapter, and recommend to the legislature such actions as will
6 remedy such situation.”.

7 **64.** Page 19, line 2: delete lines 2 to 5 and substitute “or participating research
8 institution, ~~or participating child care provider~~ for each issuance of bonds. The
9 contract shall provide that the rents or other revenues payable by the health facility,
10 educational facility, or research facility, ~~or child care center~~ shall be sufficient at all
11 times to:”.

12 **65.** Page 19, line 8: after “educational facilities,” insert “or”.

13 **66.** Page 19, line 9: delete “facilities, or ~~child care centers~~ nonprofit facilities”
14 and substitute “facilities, ~~or child care centers~~”.

15 **67.** Page 20, line 1: after “educational institution,” insert “or”.

16 **68.** Page 20, line 1: delete “institution, or participating ~~child~~” and substitute
17 “institution, ~~or participating child~~”.

18 **69.** Page 20, line 2: delete “nonprofit institution”.

19 **70.** Page 20, line 11: after “educational institution,” insert “or”.

20 **71.** Page 20, line 11: delete “institution, or participating ~~child~~” and substitute
21 “institution, ~~or participating child~~”.

22 **72.** Page 20, line 12: delete “nonprofit institution”.

23 **73.** Page 21, line 6: after “educational institution,” insert “or”.

1 **74.** Page 21, line 6: delete “research institution,” and substitute “research
2 institution.”

3 **75.** Page 21, line 7: delete that line and substitute “~~or participating child care~~
4 ~~provider~~ as its agent, call for”.

5 **76.** Page 21, line 11: delete lines 11 to 15 and substitute:

6 **“231.23 Nonprofit institutions.** It is intended that all nonprofit health
7 institutions, educational institutions, and research institutions, ~~and child care~~
8 ~~providers~~ in this state be enabled to benefit from and participate in this chapter. To
9 this end, all nonprofit health institutions, educational institutions, and research
10 institutions, ~~and child care providers~~ operating, or authorized to be”.

11

(END)