

1981 Assembly Bill 1005

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CHAPTER 298 , Laws of 1981

AN ACT to amend 20.435 (2) (jm), 231.01 (2) and (3), 231.03 (5), (7) and (8) and 231.05 (2); to repeal and recreate 231.03 (6m); and to create 46.28, 150.02 (7) and 231.01 (2) (a) 4 and (3) (b) of the statutes, relating to allowing the department of health and social services to authorize bonding by the health facilities authority for the financing of residential facilities for the elderly and the chronically disabled and affecting an appropriation.

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

SECTION 1. 20.435 (2) (jm) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

20.435 (2) (jm) *Licensing fees, inspection fees and computer run charges.* The amounts in the schedule for the inspection of approved treatment facilities for prevention and control of alcoholism under s. 51.45 (8), for licensing community-based residential facilities under s. 140.85, for administrative expenses related to approving residential facilities under s. 46.28, for interpreter services for hearing impaired persons and for printed material and computer runs of the department's information systems. All moneys received from fees for inspection of approved treatment facilities for prevention and control of alcoholism under s. 51.45 (8), plus all moneys received as licensing fees charged to community-based residential facilities under s. 140.85, all moneys received as fees charged for approving residential facilities under s. 46.28 and all moneys received as fees charged for the provision of printed material, computer runs of the department's information systems and interpreter services for hearing impaired persons shall be credited to this appropriation.

SECTION 2. 46.28 of the statutes is created to read:

46.28 Revenue bonding for residential facilities. (1) In this section:

(a) "Authority" means the Wisconsin health facilities authority created under ch. 231.

(b) "Chronically disabled" means any person who is alcoholic, developmentally disabled, drug dependent or mentally ill, as defined in s. 51.01 (5), (8) and (13) or 51.45 (2) (a), or any person who is physically disabled.

(c) "Elderly" means a person 60 years of age or older.

(d) "Residential facility" means a living unit for the elderly or chronically disabled that is developed by a sponsor and that is not connected to a nursing home or hospital except by common service units for laundry, kitchen or utility purposes.

(e) "Sponsor" means a participating health institution, as defined in s. 231.01 (3), a nonprofit agency or corporation, the department, any board created under s. 46.21, 46.22 (2), 46.23, 51.42 or 51.437, a county commission on aging created under s. 59.07 (93) or any housing authority created under s. 59.075, 66.395, 66.40 or 66.4325.

(2) The department may approve any residential facility for financing by the authority if it determines that the residential facility will help meet the housing needs of the elderly and the chronically disabled, based on factors that include:

(a) The geographic location of the residential facility.

(b) The population served by the residential facility.

(c) The services offered by the residential facility.

(3) The department may authorize the authority to issue revenue bonds under s. 231.03 (6m) to finance any residential facility it approves under sub. (2).

(4) The department may charge sponsors for administrative costs and expenses it incurs in exercising its powers and duties under this section and under s. 231.03 (6m).

SECTION 3. 150.02 (7) of the statutes is created to read:

150.02 (7) This subchapter does not apply to any residential facility, as defined in s. 46.28 (1) (d).

SECTION 4. 231.01 (2) of the statutes is amended to read:

231.01 (2) (a) "Health facility" means ~~any~~:

1. Any nonprofit institution, place, building or agency required to be approved or licensed under either s. 50.02 or subch. II of ch. 50, and also means any such facility exempted from such approval or licensure when the secretary of health and social services attests that the exempted facility meets the statutory definition of a facility subject to approval or licensure. ~~"Health facility" also means any other~~

2. Any nonprofit health service institution, place, building or agency not ~~now~~ listed in subd. 1 and not subject to approval or licensure under state law which the secretary attests is subject to certification by the U.S. department of health, ~~education and welfare~~ and human services under the social security act, ~~as now or hereafter amended~~, or which the secretary attests is subject to standard-setting by a recognized public or voluntary accrediting or standard-setting agency. ~~“Health facility” also means any~~

3. Any nonprofit institution, place, building or agency engaged solely in providing one or more supporting services to a health facility.

(b) “Health facility” does not include any institution, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

SECTION 5. 231.01 (2) (a) 4 of the statutes is created to read:

231.01 (2) (a) 4. Any residential facility, as defined in s. 46.28 (1) (d).

SECTION 6. 231.01 (3) of the statutes is amended to read:

231.01 (3) “Participating health institution” means ~~a not for profit~~:

(a) A nonprofit corporation, agency or association authorized by the laws of this state law to provide or operate a health facility and which, pursuant to this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

SECTION 7. 231.01 (3) (b) of the statutes is created to read:

231.01 (3) (b) A sponsor of a residential facility, as defined in s. 46.28 (1) (e).

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

231.03 (5) ~~Determine~~ Except as provided in sub. (6m), determine the location and character of any project to be financed under this chapter, and construct, reconstruct, remodel, maintain, enlarge, alter, add to, repair, lease as lessee or lessor and regulate the same, enter into contracts for any such purpose, enter into contracts for the management and operation of a project or other health facilities owned by the authority, and designate a participating health institution as its agent to determine the location and character of a project undertaken by the participating health institution under this chapter and as the agent of the authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease as lessee or lessor and regulate the same, and as the agent of the authority, to enter into contracts for any such purpose, including contracts for the management and operation of such project or other health facilities owned by the authority.

SECTION 9. 231.03 (6m) of the statutes, as created by chapter 20, laws of 1981, is repealed and recreated to read:

231.03 (6m) Upon the authorization of the department of health and social services, issue bonds for the financing of residential facilities that receive the approval of the department of health and social services under s. 46.28 (2). Authorization to issue bonds under this subsection is in addition to the authorization under sub. (6). The aggregate amount of outstanding bonds issued under this section may not exceed \$100,000,000. Of this amount, \$30,000,000 may be used only to finance residential facilities serving 15 or fewer persons who are chronically disabled, as defined in s. 46.28 (1) (b). The remaining amount may be used to finance residential facilities for 50 or fewer elderly persons, as defined in s. 46.28 (1) (c), or to finance additional residential facilities for 15 or fewer persons who are chronically disabled. The department of health and social services has the powers specified for the authority in subs. (5), (7) and (8) relating to projects involving residential facilities. The department of health and social services may, with the authority's consent, assume any part of the powers specified for the authority under subs. (9), (10), (11), (12) and (19) relating to these projects.

SECTION 10. 231.03 (7) and (8) of the statutes are amended to read:

231.03 (7) ~~Fix~~ Except as provided in sub. (6m), fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or other health facilities owned by the authority or any portion thereof, contract with any person in respect thereto and coordinate its policies and procedures and cooperate with recognized health facility rate setting mechanisms.

(8) ~~Establish~~ Except as provided in sub. (6m), adopt rules for the use of a project or other health facility or any portion of the project or facility owned, financed or refinanced in whole or in part by the authority, including any property used as security for a loan secured through, from or with the assistance of the authority. The authority may designate a participating health institution as its agent to establish rules for the use of a project or other health facilities undertaken for that participating health institution. The rules shall ensure that a project, health facility or property may not be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

SECTION 11. 231.05 (2) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

231.05 (2) To support this intent, the authority may not make any loan or issue any bonds to finance a project unless the project is determined to be needed by the state health planning and development agency. This subsection does not apply to community-based residential facilities licensed under s. 50.02 but not subject to ch. 150 or to residential facilities, as defined in s. 46.28 (1) (d).

SECTION 12. **Appropriation changes; health and social services.** (1) BONDING FOR RESIDENTIAL FACILITIES. The appropriation to the department of health and social services under section 20.435 (2) (jm) of the statutes, as affected by the laws of 1981, is increased by \$-0- for fiscal year 1981-82 and by \$57,000 for fiscal year 1982-83 to provide funds for expenses incurred in approving residential facilities under sections 46.28 and 231.03 (6m) of the statutes.

SECTION 13. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) BONDING FOR RESIDENTIAL FACILITIES.		
A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	none	231.03 (6m)
