



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa1815/1  
ARG:wlj&kjf

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 739**

February 15, 2016 - Offered by Representative JORGENSEN.

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

2 **1.** Page 1, line 3: after “loans” insert “creating an authority to be known as the  
3 Wisconsin Student Loan Refinancing Authority, and making an appropriation”.

4 **2.** Page 1, line 4: before that line insert:

5 “**SECTION 1g.** 13.172 (1) of the statutes is amended to read:

6 13.172 (1) In this section, “agency” means an office, department, agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, and any authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 238,  
11 239, or 279.

12 **SECTION 2g.** 13.48 (13) (a) of the statutes is amended to read:

1           13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or  
2 facility that is constructed for the benefit of or use of the state, any state agency,  
3 board, commission or department, the University of Wisconsin Hospitals and Clinics  
4 Authority, the Fox River Navigational System Authority, the Wisconsin Student  
5 Loan Refinancing Authority, the Wisconsin Economic Development Corporation, or  
6 any local professional baseball park district created under subch. III of ch. 229 if the  
7 construction is undertaken by the department of administration on behalf of the  
8 district, shall be in compliance with all applicable state laws, rules, codes and  
9 regulations but the construction is not subject to the ordinances or regulations of the  
10 municipality in which the construction takes place except zoning, including without  
11 limitation because of enumeration ordinances or regulations relating to materials  
12 used, permits, supervision of construction or installation, payment of permit fees, or  
13 other restrictions.

14           **SECTION 3g.** 13.62 (2) of the statutes is amended to read:

15           13.62 **(2)** “Agency” means any board, commission, department, office, society,  
16 institution of higher education, council, or committee in the state government, or any  
17 authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, 239,  
18 or 279, except that the term does not include a council or committee of the legislature.

19           **SECTION 4g.** 13.94 (1) (dt) of the statutes is created to read:

20           13.94 **(1)** (dt) Biennially, beginning in 2017, conduct a financial audit of the  
21 Wisconsin Student Loan Refinancing Authority and a program evaluation audit of  
22 the programs administered by the Wisconsin Student Loan Refinancing Authority  
23 under ch. 239. The legislative audit bureau shall file a copy of each audit report  
24 under this paragraph with the distributees specified in par. (b).

25           **SECTION 5g.** 13.94 (1s) (c) 9. of the statutes is created to read:

1           13.94 (1s) (c) 9. The Wisconsin Student Loan Refinancing Authority for the cost  
2 of the audit required to be performed under sub. (1) (dt).

3           **SECTION 6g.** 13.94 (4) (a) 1. of the statutes is amended to read:

4           13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
5 credentialing board, commission, independent agency, council or office in the  
6 executive branch of state government; all bodies created by the legislature in the  
7 legislative or judicial branch of state government; any public body corporate and  
8 politic created by the legislature including specifically the Fox River Navigational  
9 System Authority, the Lower Fox River Remediation Authority, the Wisconsin  
10 Aerospace Authority, the Wisconsin Student Loan Refinancing Authority, the  
11 Wisconsin Economic Development Corporation, a professional baseball park district,  
12 a local professional football stadium district, a local cultural arts district, and a  
13 long-term care district under s. 46.2895; every Wisconsin works agency under subch.  
14 III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical  
15 college district boards; every county department under s. 51.42 or 51.437; every  
16 nonprofit corporation or cooperative or unincorporated cooperative association to  
17 which moneys are specifically appropriated by state law; and every corporation,  
18 institution, association or other organization which receives more than 50% of its  
19 annual budget from appropriations made by state law, including subgrantee or  
20 subcontractor recipients of such funds.

21           **SECTION 7g.** 13.95 (intro.) of the statutes is amended to read:

22           **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
23 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau  
24 shall be strictly nonpartisan and shall at all times observe the confidential nature  
25 of the research requests received by it; however, with the prior approval of the

1 requester in each instance, the bureau may duplicate the results of its research for  
2 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
3 designated employees shall at all times, with or without notice, have access to all  
4 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
5 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
6 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic  
7 Development Corporation, and the Fox River Navigational System Authority, and to  
8 any books, records, or other documents maintained by such agencies or authorities  
9 and relating to their expenditures, revenues, operations, and structure.

10 **SECTION 8g.** 16.002 (2) of the statutes is amended to read:

11 16.002 (2) "Departments" means constitutional offices, departments, and  
12 independent agencies and includes all societies, associations, and other agencies of  
13 state government for which appropriations are made by law, but not including  
14 authorities created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, 239,  
15 or 279.

16 **SECTION 9g.** 16.004 (4) of the statutes is amended to read:

17 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
18 department as the secretary designates may enter into the offices of state agencies  
19 and authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237,  
20 238, 239, and 279, and may examine their books and accounts and any other matter  
21 that in the secretary's judgment should be examined and may interrogate the  
22 agency's employees publicly or privately relative thereto.

23 **SECTION 10g.** 16.004 (5) of the statutes is amended to read:

24 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
25 authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237, 238,

1     239, and 279, and their officers and employees, shall cooperate with the secretary  
2     and shall comply with every request of the secretary relating to his or her functions.

3           **SECTION 11g.** 16.004 (12) (a) of the statutes is amended to read:

4           16.004 (12) (a) In this subsection, “state agency” means an association,  
5     authority, board, department, commission, independent agency, institution, office,  
6     society, or other body in state government created or authorized to be created by the  
7     constitution or any law, including the legislature, the office of the governor, and the  
8     courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
9     the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
10    Wisconsin Economic Development Corporation, the Wisconsin Student Loan  
11    Refinancing Authority, and the Fox River Navigational System Authority.

12          **SECTION 12g.** 16.045 (1) (a) of the statutes is amended to read:

13          16.045 (1) (a) “Agency” means an office, department, independent agency,  
14    institution of higher education, association, society, or other body in state  
15    government created or authorized to be created by the constitution or any law, that  
16    is entitled to expend moneys appropriated by law, including the legislature and the  
17    courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 232,  
18    233, 234, 237, 238, 239, or 279.

19          **SECTION 13g.** 16.15 (1) (ab) of the statutes is amended to read:

20          16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
21    excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
22    River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,  
23    and the Wisconsin Economic Development Corporation.

24          **SECTION 14g.** 16.41 (4) of the statutes is amended to read:

1           16.41 (4) In this section, “authority” means a body created under subch. II of  
2 ch. 114 or under ch. 231, 233, 234, 237, 238, 239, or 279.

3           **SECTION 15g.** 16.417 (1) (b) of the statutes is amended to read:

4           16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or  
5 ch. 231, 232, 233, 234, 237, 238, 239, or 279.

6           **SECTION 16g.** 16.52 (7) of the statutes is amended to read:

7           16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
8 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
9 petty cash account from its contingent fund. The procedure for operation and  
10 maintenance of petty cash accounts and the character of expenditures therefrom  
11 shall be prescribed by the secretary. In this subsection, “agency” means an office,  
12 department, independent agency, institution of higher education, association,  
13 society, or other body in state government created or authorized to be created by the  
14 constitution or any law, that is entitled to expend moneys appropriated by law,  
15 including the legislature and the courts, but not including an authority created in  
16 subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238, 239, or 279.

17           **SECTION 17g.** 16.528 (1) (a) of the statutes is amended to read:

18           16.528 (1) (a) “Agency” means an office, department, independent agency,  
19 institution of higher education, association, society, or other body in state  
20 government created or authorized to be created by the constitution or any law, that  
21 is entitled to expend moneys appropriated by law, including the legislature and the  
22 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,  
23 234, 237, 238, 239, or 279.

24           **SECTION 18g.** 16.53 (2) of the statutes is amended to read:

1           16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
2 invoice, the agency shall notify the sender of the invoice within 10 working days after  
3 it receives the invoice of the reason it is improperly completed. In this subsection,  
4 “agency” means an office, department, independent agency, institution of higher  
5 education, association, society, or other body in state government created or  
6 authorized to be created by the constitution or any law, that is entitled to expend  
7 moneys appropriated by law, including the legislature and the courts, but not  
8 including an authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238,  
9 239, or 279.

10           **SECTION 19g.** 16.54 (9) (a) 1. of the statutes is amended to read:

11           16.54 (9) (a) 1. “Agency” means an office, department, independent agency,  
12 institution of higher education, association, society or other body in state  
13 government created or authorized to be created by the constitution or any law, which  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,  
16 234, 237, 238, 239, or 279.

17           **SECTION 20g.** 16.765 (1) of the statutes is amended to read:

18           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
20 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
21 Student Loan Refinancing Authority, the Wisconsin Economic Development  
22 Corporation, and the Bradley Center Sports and Entertainment Corporation shall  
23 include in all contracts executed by them a provision obligating the contractor not  
24 to discriminate against any employee or applicant for employment because of age,  
25 race, religion, color, handicap, sex, physical condition, developmental disability as

1 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national  
2 origin and, except with respect to sexual orientation, obligating the contractor to take  
3 affirmative action to ensure equal employment opportunities.

4 **SECTION 21g.** 16.765 (2) of the statutes is amended to read:

5 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
7 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
8 Student Loan Refinancing Authority, the Wisconsin Economic Development  
9 Corporation, and the Bradley Center Sports and Entertainment Corporation shall  
10 include the following provision in every contract executed by them: “In connection  
11 with the performance of work under this contract, the contractor agrees not to  
12 discriminate against any employee or applicant for employment because of age, race,  
13 religion, color, handicap, sex, physical condition, developmental disability as defined  
14 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but  
15 not be limited to, the following: employment, upgrading, demotion or transfer;  
16 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
17 forms of compensation; and selection for training, including apprenticeship. Except  
18 with respect to sexual orientation, the contractor further agrees to take affirmative  
19 action to ensure equal employment opportunities. The contractor agrees to post in  
20 conspicuous places, available for employees and applicants for employment, notices  
21 to be provided by the contracting officer setting forth the provisions of the  
22 nondiscrimination clause”.

23 **SECTION 22g.** 16.765 (5) of the statutes is amended to read:

24 16.765 (5) The head of each contracting agency and the boards of directors of  
25 the University of Wisconsin Hospitals and Clinics Authority, the Fox River



1 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
2 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,  
3 the Wisconsin Economic Development Corporation, and the Bradley Center Sports  
4 and Entertainment Corporation shall be primarily responsible for obtaining  
5 compliance by any contractor with the nondiscrimination and affirmative action  
6 provisions prescribed by this section, according to procedures recommended by the  
7 department. The department shall make recommendations to the contracting  
8 agencies and the boards of directors of the University of Wisconsin Hospitals and  
9 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
10 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
11 Student Loan Refinancing Authority, the Wisconsin Economic Development  
12 Corporation, and the Bradley Center Sports and Entertainment Corporation for  
13 improving and making more effective the nondiscrimination and affirmative action  
14 provisions of contracts. The department shall promulgate such rules as may be  
15 necessary for the performance of its functions under this section.

16 **SECTION 23g.** 16.765 (6) of the statutes is amended to read:

17 16.765 (6) The department may receive complaints of alleged violations of the  
18 nondiscrimination provisions of such contracts. The department shall investigate  
19 and determine whether a violation of this section has occurred. The department may  
20 delegate this authority to the contracting agency, the University of Wisconsin  
21 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
22 Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
23 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic  
24 Development Corporation, or the Bradley Center Sports and Entertainment  
25 Corporation for processing in accordance with the department's procedures.

1           **SECTION 24g.** 16.765 (7) (intro.) of the statutes is amended to read:

2           16.765 (7) (intro.) When a violation of this section has been determined by the  
3 department, the contracting agency, the University of Wisconsin Hospitals and  
4 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
5 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
6 Student Loan Refinancing Authority, the Wisconsin Economic Development  
7 Corporation, or the Bradley Center Sports and Entertainment Corporation, the  
8 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the  
9 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the  
10 Lower Fox River Remediation Authority, the Wisconsin Student Loan Refinancing  
11 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center  
12 Sports and Entertainment Corporation shall:

13           **SECTION 25g.** 16.765 (7) (d) of the statutes is amended to read:

14           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
15 further violations of this section and to report its corrective action to the contracting  
16 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
17 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
18 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,  
19 the Wisconsin Economic Development Corporation, or the Bradley Center Sports  
20 and Entertainment Corporation.

21           **SECTION 26g.** 16.765 (8) of the statutes is amended to read:

22           16.765 (8) If further violations of this section are committed during the term  
23 of the contract, the contracting agency, the Fox River Navigational System Authority,  
24 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
25 Wisconsin Student Loan Refinancing Authority, the Wisconsin Economic

1 Development Corporation, or the Bradley Center Sports and Entertainment  
2 Corporation may permit the violating party to complete the contract, after complying  
3 with this section, but thereafter the contracting agency, the Fox River Navigational  
4 System Authority, the Wisconsin Aerospace Authority, the Lower Fox River  
5 Remediation Authority, the Wisconsin Student Loan Refinancing Authority, the  
6 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
7 Entertainment Corporation shall request the department to place the name of the  
8 party on the ineligible list for state contracts, or the contracting agency, the Fox River  
9 Navigational System Authority, the Wisconsin Aerospace Authority, the Lower Fox  
10 River Remediation Authority, the Wisconsin Student Loan Refinancing Authority,  
11 the Wisconsin Economic Development Corporation, or the Bradley Center Sports  
12 and Entertainment Corporation may terminate the contract without liability for the  
13 uncompleted portion or any materials or services purchased or paid for by the  
14 contracting party for use in completing the contract.

15 **SECTION 27g.** 16.85 (2) of the statutes is amended to read:

16 16.85 (2) To furnish engineering, architectural, project management, and other  
17 building construction services whenever requisitions therefor are presented to the  
18 department by any agency. The department may deposit moneys received from the  
19 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
20 fund as general purpose revenue — earned. In this subsection, “agency” means an  
21 office, department, independent agency, institution of higher education, association,  
22 society, or other body in state government created or authorized to be created by the  
23 constitution or any law, which is entitled to expend moneys appropriated by law,  
24 including the legislature and the courts, but not including an authority created in  
25 subch. II of ch. 114 or in ch. 231, 233, 234, 237, 238, 239, or 279.

1           **SECTION 28g.** 16.865 (8) of the statutes is amended to read:

2           16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
3 proportionate share of the estimated costs attributable to programs administered by  
4 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
5 may charge premiums to agencies to finance costs under this subsection and pay the  
6 costs from the appropriation on an actual basis. The department shall deposit all  
7 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
8 Costs assessed under this subsection may include judgments, investigative and  
9 adjustment fees, data processing and staff support costs, program administration  
10 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
11 subsection, “agency” means an office, department, independent agency, institution  
12 of higher education, association, society, or other body in state government created  
13 or authorized to be created by the constitution or any law, that is entitled to expend  
14 moneys appropriated by law, including the legislature and the courts, but not  
15 including an authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237,  
16 238, 239, or 279.

17           **SECTION 29g.** 19.42 (10) (t) of the statutes is created to read:

18           19.42 (10) (t) The chief executive officer and members of the board of directors  
19 of the Wisconsin Student Loan Refinancing Authority.

20           **SECTION 30g.** 19.42 (13) (p) of the statutes is created to read:

21           19.42 (13) (p) The chief executive officer and members of the board of directors  
22 of the Wisconsin Student Loan Refinancing Authority.

23           **SECTION 31g.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
24 insert the following amounts for the purposes indicated:

1 2015-16      2016-17

2 **20.195 Wisconsin Student Loan Refinancing**

3 **Authority**

4 (1) STUDENT LOAN REFINANCING PROGRAM

5 (a) Initial funding GPR B -0- -0-

6 **SECTION 32g.** 20.195 of the statutes is created to read:

7 **20.195 Wisconsin Student Loan Refinancing Authority.** There is  
8 appropriated to the Wisconsin Student Loan Refinancing Authority for the following  
9 programs:

10 (1) STUDENT LOAN REFINANCING PROGRAM. (a) *Initial funding.* Biennially, the  
11 amounts in the schedule to fund the initial costs of operating the Wisconsin Student  
12 Loan Refinancing Authority and to start the student loan refinancing program under  
13 ch. 239.

14 **SECTION 33g.** 40.02 (54) (n) of the statutes is created to read:

15 40.02 (54) (n) The Wisconsin Student Loan Refinancing Authority.

16 **SECTION 34g.** 70.11 (38v) of the statutes is created to read:

17 70.11 (38v) WISCONSIN STUDENT LOAN REFINANCING AUTHORITY. All property  
18 owned by the Wisconsin Student Loan Refinancing Authority, provided that use of  
19 the property is primarily related to the purposes of the Wisconsin Student loan  
20 Refinancing Authority.”.

21 **3.** Page 1, line 4: delete “**SECTION 1**” and substitute “**SECTION 35g**”.

22 **4.** Page 2, line 10: after that line insert:

23 “**SECTION 36g.** 77.54 (9a) (a) of the statutes is amended to read:

1           77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
2 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin  
3 Economic Development Corporation, the Wisconsin Student Loan Refinancing  
4 Authority, and the Fox River Navigational System Authority.

5           **SECTION 37g.** 100.45 (1) (dm) of the statutes is amended to read:

6           100.45 (1) (dm) “State agency” means any office, department, agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law which  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
11 Center Sports and Entertainment Corporation, the University of Wisconsin  
12 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
13 Authority, the Wisconsin Aerospace Authority, the Wisconsin Economic  
14 Development Corporation, the Wisconsin Student Loan Refinancing Authority, and  
15 the Fox River Navigational System Authority.

16           **SECTION 38g.** 230.03 (3) of the statutes, as affected by 2013 Wisconsin Act 20,  
17 is amended to read:

18           230.03 (3) “Agency” means any board, commission, committee, council, or  
19 department in state government or a unit thereof created by the constitution or  
20 statutes if such board, commission, committee, council, department, unit, or the  
21 head thereof, is authorized to appoint subordinate staff by the constitution or  
22 statute, except the Board of Regents of the University of Wisconsin System, a  
23 legislative or judicial board, commission, committee, council, department, or unit  
24 thereof or an authority created under subch. II of ch. 114 or under ch. 231, 232, 233,  
25 234, 237, 238, 239, or 279. “Agency” does not mean any local unit of government or

1 body within one or more local units of government that is created by law or by action  
2 of one or more local units of government.

3 **SECTION 39g.** Chapter 239 of the statutes is created to read:

4 **CHAPTER 239**

5 **WISCONSIN STUDENT LOAN**

6 **REFINANCING AUTHORITY**

7 **239.01 Definitions.** In this chapter:

8 (1) "Authority" means the Wisconsin Student Loan Refinancing Authority.

9 (2) "Board" means the governing board of the authority.

10 (3) "Qualified education loan" has the meaning given in 26 USC 221 (d).

11 **239.02 Creation and organization of authority.** (1) (a) There is created an  
12 authority, which is a public body corporate and politic, to be known as the "Wisconsin  
13 Student Loan Refinancing Authority." The members of the board shall consist of all  
14 of the following:

15 1. One member of the majority party in each house of the legislature.

16 2. One member of the minority party in each house of the legislature.

17 3. One undergraduate student enrolled at least half-time and in good academic  
18 standing at an institution within the University of Wisconsin System who is at least  
19 18 years old and a resident of this state.

20 4. One student enrolled at least half-time and in good academic standing at a  
21 technical college who is at least 18 years old and a resident of this state.

22 5. One undergraduate student enrolled at least half-time and in good academic  
23 standing at a private, nonprofit institution of higher education located in this state  
24 who is at least 18 years old and a resident of this state.

1           6. Two members who have at least 10 years experience in making qualified  
2 education loans or loan refinancing, but any person having a financial interest in or  
3 whose employer is primarily engaged in the business of making qualified education  
4 loans is not eligible for appointment under this subdivision, and any member  
5 appointed under this subdivision who acquires such an interest while serving as a  
6 member shall resign from the board.

7           (b) 1. The members specified in par. (a) 1. and 2. shall be appointed as are the  
8 members of standing committees in their respective houses.

9           2. The members specified in par. (a) 3. to 5. shall be nominated by the governor,  
10 and with the advice and consent of the senate appointed, for 2-year terms.

11           3. The members specified in par. (a) 6. shall be nominated by the governor, and  
12 with the advice and consent of the senate appointed, for 3-year terms.

13           **(2)** If a student member of the board appointed under sub. (1) (a) 3. to 5. loses  
14 his or her student status upon which the appointment was based, he or she ceases  
15 to be a member of the board upon the appointment of a qualified successor to the  
16 board. A student member who loses his or her student status solely because he or  
17 she graduates from an institution of higher education may complete his or her  
18 current term on the board.

19           **(3)** The members of the board shall annually elect a chairperson and may elect  
20 other officers as they consider appropriate. A majority of the members of the board  
21 constitutes a quorum for the purpose of conducting its business and exercising its  
22 powers and for all other purposes, notwithstanding the existence of any vacancies.  
23 Action may be taken by the board upon a vote of a majority of the voting members  
24 present.



1           (4) A member of the board may not be compensated for his or her services but  
2 shall be reimbursed for actual and necessary expenses, including travel expenses,  
3 incurred in the performance of his or her duties.

4           (5) No cause of action of any nature may arise against and no civil liability may  
5 be imposed upon a member of the board for any act or omission in the performance  
6 of his or her powers and duties under this chapter, unless the person asserting  
7 liability proves that the act or omission constitutes willful misconduct.

8           (6) The board shall appoint a chief executive officer who shall not be a member  
9 of the board and who shall serve at the pleasure of the board. The chief executive  
10 officer shall receive such compensation as the board fixes. The chief executive officer  
11 or other person designated by resolution of the board shall keep a record of the  
12 proceedings of the authority and shall be custodian of all books, documents, and  
13 papers filed with the authority, the minute book or journal of the authority, and its  
14 official seal. The chief executive officer or other person may cause copies to be made  
15 of all minutes and other records and documents of the authority and may give  
16 certificates under the official seal of the authority to the effect that such copies are  
17 true copies, and all persons dealing with the authority may rely upon such  
18 certificates.

19           **239.03 Powers of board.** The board shall have all the powers necessary or  
20 convenient to carry out the purposes and provisions of this chapter. In addition to  
21 all other powers granted the board under this chapter, the board may specifically:

22           (1) Adopt, amend, and repeal any bylaws, policies, and procedures for the  
23 regulation of its affairs and the conduct of its business.

24           (2) Have a seal and alter the seal at pleasure.

25           (3) Maintain an office.

1           (4) Sue and be sued.

2           (5) Accept gifts, grants, loans, or other contributions from private or public  
3 sources.

4           (6) Establish the authority's annual budget and monitor the fiscal  
5 management of the authority.

6           (7) Execute contracts and other instruments required for the operation of the  
7 authority.

8           (8) Employ any officers, agents, and employees that it may require and  
9 determine their qualifications, duties, and compensation.

10          (9) Issue notes, bonds, and any other obligations.

11          (10) Make loans and provide grants.

12          (11) Incur debt.

13          (12) Procure liability insurance.

14          **239.04 Duties of board.** The board shall develop and implement a program  
15 under which state residents may refinance qualified education loans. The board  
16 shall develop the program to include all of the following:

17           (1) The authority shall provide a loan to an eligible individual to pay all or part  
18 of the individual's qualified education loans.

19           (2) The authority may only issue loans under the program that satisfy the  
20 exception to discharge under 11 USC 523 (8).

21           (3) The authority shall establish eligibility criteria to participate in the  
22 program that is substantially similar to the criteria used by private lenders in the  
23 state to evaluate whether an individual qualifies for an unsecured personal loan at  
24 market rates.

1           (4) The board shall set the interest rate on loans made under the program to  
2 be as low as possible but still sufficient to fully pay all expenses of the program and  
3 to provide necessary reserves, as determined by the board.

4           **239.05 Issuance of bonds.** (1) The authority may issue bonds for any  
5 corporate purpose. All bonds are negotiable for all purposes, notwithstanding their  
6 payment from a limited source.

7           (2) Except as otherwise expressly provided by the authority, every issue of its  
8 notes or bonds shall be general obligations of the authority payable out of any  
9 revenues or moneys of the authority, subject only to any agreements with the holders  
10 of particular notes or bonds pledging any particular receipts or revenues.

11           (3) All bonds issued by the authority are negotiable investment securities  
12 under ch. 408.

13           (4) The authority may not issue bonds unless the issuance is first authorized  
14 by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding  
15 50 years from their dates of issue, bear interest at the rates, be payable at the times,  
16 be in the denominations, be in the form, carry the registration and conversion  
17 privileges, be executed in the manner, be payable in lawful money of the United  
18 States at the places, and be subject to the terms of redemption, that the bond  
19 resolution provides. The bonds shall be executed by the manual or facsimile  
20 signatures of the officers of the authority designated by the board. The bonds may  
21 be sold at public or private sale at the price, in the manner, and at the time  
22 determined by the board. Pending preparation of definitive bonds, the authority may  
23 issue interim receipts or certificates that shall be exchanged for the definitive bonds.

1           (5) The board may include in bond resolution provisions, which shall be a part  
2 of the contract with the holders of the bonds that are authorized by the bond  
3 resolution, regarding any of the following:

4           (a) Pledging or assigning specified assets or revenues of the authority.

5           (b) Setting aside reserves or sinking funds, and the regulation, investment, and  
6 disposition of these funds.

7           (c) Limitations on the purpose to which or the investments in which the  
8 proceeds of the sale of any issue of bonds may be applied.

9           (d) Limitations on the issuance of additional bonds, the terms upon which  
10 additional bonds may be issued and secured, and the terms upon which additional  
11 bonds may rank on a parity with, or be subordinate or superior to, other bonds.

12           (e) Funding, refunding, advance refunding, or purchasing outstanding bonds.

13           (f) Procedures, if any, by which the terms of any contract with bondholders may  
14 be amended, the amount of bonds the holders of which must consent to the  
15 amendment, and the manner in which this consent may be given.

16           (g) Defining the acts or omissions to act that constitute a default in the duties  
17 of the authority to the bondholders, and providing the rights and remedies of the  
18 bondholders in the event of a default.

19           (h) Other matters relating to the bonds that the board considers desirable.

20           (6) Neither the members of the board nor any person executing the bonds is  
21 liable personally on the bonds or subject to any personal liability or accountability  
22 by reason of the issuance of the bonds, unless the personal liability or accountability  
23 is the result of willful misconduct.

24           **239.06 Bond security.** The authority may secure bonds by a trust agreement,  
25 trust indenture, indenture of mortgage, or deed of trust by and between the authority

1 and one or more corporate trustees. A bond resolution providing for the issuance of  
2 bonds so secured shall mortgage, pledge, assign, or grant security interests in some  
3 or all of the revenues to be received by, and property of, the authority and may contain  
4 those provisions for protecting and enforcing the rights and remedies of the  
5 bondholders that are reasonable and proper and not in violation of law. A bond  
6 resolution may contain other provisions determined by the board to be reasonable  
7 and proper for the security of the bondholders.

8 **239.07 Bonds not public debt.** (1) The state is not liable on bonds, and the  
9 bonds are not a debt of the state. All bonds shall contain a statement to this effect  
10 on the face of the bond. A bond issue does not, directly, indirectly, or contingently,  
11 obligate the state or a political subdivision of the state to levy any tax or make any  
12 appropriation for payment of the bonds. Nothing in this section prevents the  
13 authority from pledging its full faith and credit to the payment of bonds.

14 (2) Nothing in this chapter authorizes the authority to create a debt of the state,  
15 and all bonds issued by the authority are payable, and shall state that they are  
16 payable, solely from the funds pledged for their payment in accordance with the bond  
17 resolution authorizing their issuance or in any trust indenture or mortgage or deed  
18 of trust executed as security for the bonds. The state is not liable for the payment  
19 of the principal of or interest on a bond or for the performance of any pledge,  
20 mortgage, obligation, or agreement that may be undertaken by the authority. The  
21 breach of any pledge, mortgage, obligation, or agreement undertaken by the  
22 authority does not impose pecuniary liability upon the state or a charge upon its  
23 general credit or against its taxing power.

24 **239.08 State pledge.** The state pledges to and agrees with the bondholders,  
25 and persons that enter into contracts with the authority under this chapter, that the

1 state will not limit or alter the rights vested in the authority by this chapter before  
2 the authority has fully met and discharged the bonds, and any interest due on the  
3 bonds, and has fully performed its contracts, unless adequate provision is made by  
4 law for the protection of the bondholders or those entering into contracts with the  
5 authority.

6 **239.09 Liability limited.** Neither the state nor any political subdivision of  
7 the state, nor any officer, employee, or agent of the state or a political subdivision of  
8 the state who is acting within the scope of employment or agency, is liable for any  
9 debt, obligation, act, or omission of the authority.

10 **239.10 Annual report. (1)** Annually, the board shall submit to the chief clerk  
11 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),  
12 a report on the activities of the authority, including all of the following:

13 (a) Its operations, accomplishments, goals, and objectives.

14 (b) A statement of income and expenses for the fiscal year.

15 (c) Its assets and liabilities at the end of its fiscal year.

16 (d) A schedule of its bonds and notes outstanding at the end of its fiscal year,  
17 together with a statement of the amounts redeemed and incurred during such fiscal  
18 year.

19 **(2)** The authority, annually on January 15, shall file with the department of  
20 administration and the joint legislative council a complete and current listing of all  
21 forms, reports, and papers required by the authority to be completed by any person,  
22 other than a governmental body, as a condition of obtaining the approval of the  
23 authority or for any other reason. The authority shall attach a blank copy of each  
24 such form, report, or paper to the listing.

25 **SECTION 40g. Nonstatutory provisions.**

