



**ASSEMBLY AMENDMENT 6,
TO 2009 SENATE BILL 409**

April 12, 2010 – Offered by Representative MOLEPSKE JR..

1 At the locations indicated, amend the bill, as shown by senate substitute
amendment 1, as follows:

2 **1.** Page 2, line 9: before that line insert:

3 “**SECTION 1g.** 15.155 (2) (c) of the statutes is created to read:

4 15.155 (2) (c) The board shall do all of the following:

5 1. Consult with the department of commerce on strategic economic policy for
6 the state.

7 2. Suggest legislation to achieve strategic economic policy objectives.”.

8 **2.** Page 2, line 9: delete “**SECTION 1**” and substitute “**SECTION 1r**”.

9 **3.** Page 3, line 20: before that line insert:

10 “**SECTION 4m.** 20.143 (1) (gc) (title) of the statutes, as affected by 2009
11 Wisconsin Act 28, is amended to read:

1 20.143 (1) (gc) (title) ~~Regulatory ombudsman center~~ Office of regulatory
2 assistance.”.

3 **4.** Page 19, line 4: before that line insert:

4 “**SECTION 35g.** 560.03 (9) of the statutes is amended to read:

5 560.03 (9) Establish and operate a small business ombudsman clearinghouse
6 for business and industry to facilitate the flow of information from other state and
7 federal agencies, to assist state agencies in establishing methods to encourage the
8 participation of small businesses in rule making under s. 227.114 (4) and to serve as
9 ombudsman for small business stationary sources, as defined in s. 285.79 (1), in
10 connection with the implementation of the federal clean air act, 42 USC 7401 to
11 7671q. The department shall assign one full-time employee of the small business
12 ombudsman clearinghouse to provide assistance to businesses as specified under s.
13 560.42 (1m).

14 **SECTION 35r.** 560.03 (19) of the statutes, as affected by 2009 Wisconsin Act 28,
15 is amended to read:

16 560.03 (19) Establish ~~a regulatory ombudsman center~~ an office of regulatory
17 assistance in the department to provide services as set forth in subch. III.”.

18 **5.** Page 20, line 19: delete the material beginning with “or” and ending with
19 “(c)” on line 20.

19 **6.** Page 23, line 7: after that line insert:

20 “**SECTION 43b.** 560.30 (1) of the statutes, as created by 2009 Wisconsin Act 28,
21 is repealed.

22 **SECTION 43bb.** 560.301 (intro.) of the statutes, as created by 2009 Wisconsin
23 Act 28, is amended to read:

1 **560.301 Rules, policies, and standards for awarding grants and**
2 **making loans.** (intro.) The department, ~~in consultation with the board,~~ shall
3 promulgate rules that establish procedures, policies, and standards for
4 implementing this subchapter and awarding grants and making loans under this
5 subchapter. The rules shall include all of the following:

6 **SECTION 43bd.** 560.304 of the statutes, as created by 2009 Wisconsin Act 28,
7 is amended to read:

8 **560.304 Forward innovation fund.** The department may award a grant or
9 make a loan to an eligible recipient from the appropriations under s. 20.143 (1) (fi),
10 (gm), and (io). ~~The department shall consult with the board prior to awarding a grant~~
11 ~~or making a loan under this section.~~

12 **SECTION 43c.** 560.305 (1) (intro.) of the statutes, as created by 2009 Wisconsin
13 Act 28, is amended to read:

14 **560.305 (1)** (intro.) The department, ~~in cooperation with the board,~~ shall
15 encourage small businesses to apply for grants and loans under this subchapter by
16 ensuring that there are no undue impediments to their participation and by actively
17 encouraging small businesses to apply for grants and loans. The department shall
18 do all of the following:

19 **SECTION 43cb.** 560.305 (3) of the statutes, as created by 2009 Wisconsin Act 28,
20 is amended to read:

21 **560.305 (3)** The ~~board~~ department shall develop a policy relating to obtaining
22 reimbursement of grants and loans provided under this subchapter. The policy may
23 provide that reimbursement shall be obtained through full repayment of the
24 principal amount of the grant or loan plus interest, through receipt of a share of

1 future profits from or an interest in a product or process, or through any other
2 appropriate means.

3 **SECTION 43d.** 560.305 (4) of the statutes, as created by 2009 Wisconsin Act 28,
4 is amended to read:

5 560.305 (4) The board department shall require, as a condition of a grant or
6 loan, that a recipient contribute to a project an amount that is not less than 25
7 percent of the amount of the grant or loan.

8 **SECTION 43db.** Subchapter III (title) of chapter 560 [precedes 560.41] of the
9 statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

10 **CHAPTER 560**

11 **SUBCHAPTER III**

12 **OFFICE OF REGULATORY OMBUDSMAN**

13 **CENTER ASSISTANCE**

14 **SECTION 43dc.** 560.41 (1) of the statutes is renumbered 560.41 (1n).

15 **SECTION 43e.** 560.41 (1c) of the statutes is created to read:

16 560.41 (1c) “Agency” has the meaning given in s. 16.70 (1e).

17 **SECTION 43eb.** 560.41 (1g) of the statutes is created to read:

18 560.41 (1g) “Authority” has the meaning given in s. 16.70 (2).

19 **SECTION 43ed.** 560.41 (1m) of the statutes, as affected by 2009 Wisconsin Act
20 28, is renumbered 560.41 (1w) and amended to read:

21 560.41 (1w) “Center Office” means the regulatory ombudsman-center office of
22 regulatory assistance in the department.

23 **SECTION 43f.** 560.41 (1r) of the statutes is created to read:

24 560.41 (1r) “Municipality” has the meaning given in s. 16.70 (8).

25 **SECTION 43fb.** 560.41 (2) of the statutes is amended to read:

1 560.41 (2) “Permit” means any approval of ~~a regulatory~~ an agency required as
2 a condition of operating a business in this state.

3 **SECTION 43g.** 560.41 (3) of the statutes is repealed.

4 **SECTION 43gb.** 560.42 (1) of the statutes is repealed.

5 **SECTION 43h.** 560.42 (1m) of the statutes is created to read:

6 560.42 (1m) ASSISTANCE TO BUSINESSES. The office shall do all of the following:

7 (a) Provide assistance with obtaining and maintaining permits and any
8 licenses and approvals necessary for a business to operate in this state. To fulfill the
9 requirements of this paragraph, the office shall do all of the following on behalf of
10 businesses:

11 1. Explain requirements for obtaining permits.

12 2. Track the progress of applications for permits.

13 3. Help businesses comply with laws and rules applicable to businesses,
14 including providing plain-language explanations of laws and rules.

15 (b) Serve as a liaison between businesses and agencies, authorities,
16 municipalities, and local economic development organizations.

17 **SECTION 43hb.** 560.42 (2) (a) and (b), (2m) (intro.), (2r), (3) and (4) of the
18 statutes are amended to read:

19 560.42 (2) (a) The ~~center~~ office shall assist any person requesting information
20 on which permits are required for a particular business activity or on the application
21 process, including criteria applied in making a determination on a permit
22 application and the time period within which a determination will be made. This
23 assistance may include any of the following:

24 1. Arranging a meeting between the person and the staff of the appropriate
25 ~~regulatory~~ agency to enable the person to obtain information from the agency.

1 2. Obtaining information and permit applications from the regulatory agency
2 and providing the information and appropriate permit applications to the person.

3 (b) If a person receives assistance under this subsection and applies for a permit
4 and if the person requests, the center office shall monitor the status of the permit
5 application and periodically report the status to the person.

6 **(2m) ADVOCACY.** (intro.) The center office shall provide advocacy services
7 before regulatory agencies on behalf of permit applicants. These services shall
8 include all of the following:

9 **(2r) MEDIATION AND DISPUTE RESOLUTION SERVICES.** The center office may provide
10 mediation or other dispute resolution services to facilitate the resolution of a dispute
11 between a regulatory an agency and a person applying for a permit. The provision
12 of mediation or other dispute resolution services under this subsection does not affect
13 any right that the person may have to a contested hearing under ch. 227.

14 **(3) ASSISTANCE BY CENTER OFFICE.** (a) The center office may charge for services
15 provided under this subchapter. Any amount charged for services may not exceed
16 the actual cost of the service provided, unless a specific charge for the service, or
17 method of calculating the charge, is provided by law. All amounts received under this
18 paragraph shall be deposited in the appropriation account under s. 20.143 (1) (gc).

19 (b) The center office may refer to the appropriate regulatory agency, without
20 giving further assistance, any person seeking information or assistance on a permit
21 under chs. 186, 215, 217, 220 to 224, 440 to 480 and 600 to 646.

22 (c) Advice, assistance, mediation or other dispute resolution services or
23 information rendered by the center office under this subchapter does not relieve any
24 person from the obligation to secure a required permit or satisfy a regulatory
25 requirement.

1 (d) The center office shall not be liable for any consequences resulting from the
2 failure of ~~a regulatory~~ an agency to issue, or the failure of a person to seek, a permit.

3 (4) PROMOTION OF ASSISTANCE. (a) The center office shall maintain and publicize
4 the availability of a toll-free telephone line available to in-state and out-of-state
5 callers to the center office.

6 (b) The center office shall seek to explain, promote and publicize its services to
7 the public and shall provide information on its services for inclusion in any public
8 informational material on permits provided by ~~regulatory~~ agencies.

9 (c) The center office shall, in its efforts under pars. (a) and (b), clearly represent
10 that its services are advisory, informational and facilitative only.

11 **SECTION 43i.** 560.42 (5) of the statutes is created to read:

12 560.42 (5) STAFFING AND REPORT. The office shall be staffed by at least 2
13 full-time employees of the department. The office shall annually submit to the chief
14 clerk of each house of the legislature for distribution to the appropriate standing
15 committees under s. 13.172 (3) a report on the work of the office.

16 **SECTION 43ib.** 560.43 (title), (1) (intro.), (a), (b), (c) and (g) and (2) of the statutes
17 are amended to read:

18 **560.43 (title) Responsibilities of regulatory agencies. (1) INTERAGENCY**
19 **COOPERATION.** (intro.) Each ~~regulatory~~ agency shall:

20 (a) Designate a staff person to coordinate ~~regulatory~~ agency cooperation with
21 center office staff, provide information to center office staff on the permit process and
22 direct center office staff to appropriate staff within the ~~regulatory~~ agency.

23 (b) Cooperate with center office staff and respond promptly to requests for
24 assistance in expediting and requests for information on the permit process under
25 s. 560.42.

1 (c) Include material provided by the ~~center~~ office under s. 560.42 (4) in any
2 public informational material on permits that it provides.

3 (g) Provide to the ~~center~~ office written notification of a change to a permit, along
4 with a copy of the new or revised permit, before the effective date of the change.

5 **(2) PREAPPLICATION MEETINGS.** Each ~~regulatory~~ agency shall provide an
6 opportunity for a preapplication meeting with its staff to any person interested in
7 applying for a permit upon request by the person or the ~~center~~ office, and shall
8 comply with the following requirements:

9 (a) The ~~regulatory~~ agency shall conduct preapplication meetings in an informal
10 manner.

11 (b) In any preapplication meeting, the ~~regulatory~~ agency shall identify all
12 permits required by the ~~regulating~~ agency for a business activity, describe the steps
13 and identify the time period for each step in the permit process and identify potential
14 problems in the process.

15 (d) The ~~regulatory~~ agency shall invite participation by ~~center~~ office staff in
16 preapplication meetings when appropriate.

17 (e) The ~~regulatory~~ agency shall publicize the availability of preapplication
18 meetings to persons contacting them about permits.

19 **SECTION 43j.** 560.44 (1) (intro.) of the statutes is amended to read:

20 560.44 (1) OMBUDSMAN. (intro.) The ~~center~~ office shall act as an ombudsman
21 for brownfields redevelopment projects. As ombudsman, the ~~center~~ office shall do all
22 of the following:

23 **SECTION 43jd.** 560.44 (2) of the statutes is amended to read:

24 560.44 (2) ADMINISTRATION OF BROWNFIELDS PROGRAMS. The ~~center~~ office shall
25 assist in administering the grant program under s. 560.13 and in administering

1 grants and loans under s. 560.138 that are made for brownfields remediation
2 projects.

3 **SECTION 43k.** 560.60 (1s) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is repealed.

5 **SECTION 43L.** 560.602 (intro.) of the statutes is amended to read:

6 **560.602 Policies and standards for awarding grants and loans.** (intro.)
7 The department, ~~with the approval of the board,~~ shall promulgate rules to establish
8 policies and standards for awarding grants and loans under this subchapter. The
9 rules shall include all of the following:

10 **SECTION 43n.** 560.605 (1) (intro.) of the statutes is amended to read:

11 560.605 (1) (intro.) Upon receipt of an application by an eligible recipient, the
12 ~~board~~ department may consider any of the following in determining whether to
13 award a grant or loan under s. 560.61:

14 **SECTION 43o.** 560.605 (2m) (intro.) of the statutes is amended to read:

15 560.605 (2m) (intro.) When considering whether a project will be located in a
16 targeted area, the ~~board~~ department may consider any of the following:

17 **SECTION 43p.** 560.605 (2m) (h) of the statutes is amended to read:

18 560.605 (2m) (h) Any other factor the ~~board~~ department considers to be an
19 appropriate indicator of a targeted area.

20 **SECTION 43q.** 560.605 (7) (intro.) of the statutes is amended to read:

21 560.605 (7) (intro.) The ~~board~~ department shall award not less than 35 percent
22 of the total amount of grants and loans made under this subchapter to businesses in
23 distressed areas. In this paragraph, “distressed area” means an area to which any
24 of the following apply:

25 **SECTION 43r.** 560.605 (7) (f) of the statutes is amended to read:

1 560.605 (7) (f) As determined by the ~~board~~ department, the area is affected by
2 another factor that indicates the area is a distressed area.

3 **SECTION 43s.** 560.61 of the statutes is amended to read:

4 **560.61 Wisconsin development fund.** ~~At the request of the board, the~~ The
5 department may make a grant or loan to an eligible recipient from the appropriations
6 under s. 20.143 (1) (c) and (ie).

7 **SECTION 43t.** 560.68 (2) of the statutes is amended to read:

8 560.68 (2) The department, ~~in cooperation with the board,~~ shall actively
9 encourage small businesses to apply for grants and loans under this subchapter by
10 ensuring that there are no undue impediments to their participation and by assisting
11 small businesses in preparing grant and loan applications.

12 **SECTION 43u.** 560.68 (4) of the statutes is amended to read:

13 560.68 (4) The ~~board~~ department shall develop a policy relating to obtaining
14 reimbursement of grants and loans provided under this subchapter. The policy may
15 provide that reimbursement shall be obtained through full repayment of the
16 principal amount of the grant or loan plus interest, through receipt of a share of
17 future profits from or an interest in a product or process, or through any other
18 appropriate means.

19 **SECTION 43v.** 560.68 (5) (intro.) of the statutes is amended to read:

20 560.68 (5) (intro.) The department, ~~with the approval of the board,~~ shall
21 develop procedures related to grants and loans under s. 560.61 for all of the following:

22 **SECTION 43w.** 560.68 (5m) of the statutes is amended to read:

23 560.68 (5m) The department, ~~with the approval of the board,~~ shall establish
24 and implement procedures for monitoring the use of grants and loans awarded under
25 this subchapter, including procedures for verification of economic growth, job

1 creation and the number and percentage of newly created jobs for which state
2 residents are hired.

3 **SECTION 43x.** 560.68 (6) of the statutes is amended to read:

4 560.68 (6) The ~~board~~ department shall require, as a condition of a grant or loan,
5 that a recipient contribute to a project an amount that is not less than 25% of the
6 amount of the grant or loan.

7 **SECTION 43y.** 560.68 (7) (intro.) of the statutes is amended to read:

8 560.68 (7) (intro.) The department, ~~in cooperation with the board,~~ shall
9 encourage small businesses to apply for grants and loans under this subchapter by
10 ensuring that there are no undue impediments to their participation and by actively
11 encouraging small businesses to apply for grants and loans. The department shall
12 do all of the following:

13 **SECTION 43z.** 560.685 of the statutes is repealed.”.

14 **7.** Page 25, line 17: after that line insert:

15 “(6) RECONCILIATION; LOANS TO MANUFACTURING BUSINESSES. If 2009 Wisconsin
16 Act ... (Assembly Bill 904) is not enacted and if 2009 Wisconsin Act ... (Senate Bill
17 651) is not enacted, SECTIONS 46 (1) (d) and 48 (3) of this act are void.”.

18 **8.** Page 26, line 2: delete lines 2 to 5 and substitute “increased by \$500,000 for
the second fiscal year of the fiscal biennium in which this paragraph takes effect to
increase funding for the purposes for which the appropriation is made.”.

19 **9.** Page 26, line 10: after that line insert:

20 “(c) In the schedule under section 20.005 (3) of the statutes for the
21 appropriation to the department of commerce under section 20.143 (1) (c) of the
22 statutes, as affected by the acts of 2009, the dollar amount is increased by \$2,000,000

1 for the second fiscal year of the fiscal biennium in which this paragraph takes effect
2 to provide funding for grants under SECTION 45 (3) of this act.

3 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
4 to the department of commerce under section 20.143 (1) (c) of the statutes, as affected
5 by the acts of 2010, the dollar amount is increased by an amount equal to the
6 difference between \$2,000,000 and the total amount of grants awarded under
7 SECTION 45 (3) of this act as of June 30, 2011, to provide funding for loans to
8 manufacturing businesses for implementing energy efficiency measures in their
9 facilities, for retooling to manufacture products that support the green economy, for
10 expanding or establishing domestic clean energy manufacturing, or for creating jobs
11 or retaining workers engaged in the preceding activities.”.

12 **10.** Page 27, line 9: delete “REGULATORY OMBUDSMAN CENTER” and substitute
“OFFICE OF REGULATORY ASSISTANCE”.

13 **11.** Page 27, line 13: after “positions” insert “in the department by 1.0 GPR
position”.

14 **12.** Page 27, line 13: after “for the” insert “purpose of performing the
responsibilities assigned to the office of”.

15 **13.** Page 27, line 14: delete “ombudsman center by 1.0 GPR position” and
substitute “assistance under this act”.

16 **14.** Page 27, line 14: after that line, on page 7, line 7, of the material inserted
by senate amendment 1, after “OMBUDSMAN” insert “AND OFFICE OF REGULATORY
ASSISTANCE”.

