25.185 **(1)** (d) "Minority investment firm" means an investment firm certified by the department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04 (2).

SECTION 257. 25.47 (5) of the statutes is amended to read:

25.47 **(5)** The moneys transferred from the appropriation account under s. ~~20.143 (3)~~ 20.165 (2) (s).

SECTION 258. 26.02 (1) (intro.) of the statutes is amended to read:

26.02 **(1)** DUTIES. (intro.) The council on forestry shall advise the governor, the legislature, the department of natural resources, ~~the department of commerce,~~ and other state agencies, as determined to be appropriate by the council, on all of the following topics as they affect forests located in this state:

SECTION 259. 26.37 (1) (intro.) of the statutes is amended to read:

26.37 **(1)** (intro.) The department of natural resources ~~and the department of commerce~~ shall ~~jointly~~ develop a plan to establish a lake states wood utilization consortium to provide research, development, and demonstration grants to enhance the forest products industry in Wisconsin and other states. The plan shall do all of the following:

SECTION 260. 26.37 (1) (b) of the statutes is amended to read:

26.37 **(1)** (b) Establish an implementation committee for the consortium. Members of the committee may include one or more representatives from the department of natural resources, the ~~department of commerce~~ Wisconsin Economic Development Corporation, and the forest products industry.

SECTION 261. 26.37 (2) of the statutes is amended to read:

26.37 **(2)** The department of natural resources may not expend moneys from the appropriations under s. 20.370 (5) (ax) or (6) (bt), 1997 stats., unless the

department of natural resources and the ~~department of commerce~~ Wisconsin Economic Development Corporation first submit to the joint committee on finance the plan required under sub. (1). If the cochairpersons of the joint committee on finance do not notify the department of natural resources within 14 working days after the date of the ~~departments'~~ submittal of the plan that the committee has scheduled a meeting to review the plan, the plan may be implemented and moneys may be expended as proposed by the department of natural resources. If, within 14 days after the date of the ~~departments'~~ submittal of the plan, the cochairpersons of the committee notify the department of natural resources that the committee has scheduled a meeting to review the plan, moneys may be expended only after the plan has been approved by the committee.

SECTION 262. 30.121 (3w) (b) of the statutes is amended to read:

30.121 **(3w)** (b) The boathouse is located on land zoned exclusively for commercial or industrial purposes or the boathouse is located on a brownfield, as defined in s. ~~560.13~~ 238.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

SECTION 263. 30.126 (5) (h) of the statutes is amended to read:

30.126 **(5)** (h) *May not have improper toilets.* No person may construct, place or maintain a fishing raft on authorized portions of the Wolf River if the fishing raft is equipped with a toilet which permits toilet waste to be disposed of in the waterway. A toilet on a fishing raft shall comply with rules of the department of ~~commerce~~ safety and professional services as if the toilet were on a boat.

SECTION 264. 30.443 (1) (a) of the statutes is amended to read:

30.443 **(1)** (a) Promulgate rules establishing standards for erosion prevention or control at sites in the riverway that are not subject to the standards established

under s. 101.1206 (1) or 101.653 (2) ~~or 281.33 (3m) (a)~~ and that have a natural slope of 20% or less.

SECTION 265. 30.443 (1) (b) of the statutes is amended to read:

30.443 **(1)** (b) Promulgate rules establishing standards for erosion prevention or control that are in addition to standards established under ss. 101.1206 (1) and 101.653 (2) ~~and 281.33 (3m) (a)~~ for sites in the riverway that are subject to those standards and that have a natural slope of 12% or more but 20% or less.

SECTION 266. 30.443 (2) of the statutes is amended to read:

30.443 **(2)** The board may impose any of the applicable standards established under sub. (1) (a) or (b) or ss. 101.1206 (1) or 101.653 (2) ~~or 281.33 (3m) (a)~~ as a condition for receiving a permit under s. 30.44 (1), and the board may promulgate rules to enforce these standards in the riverway.

SECTION 267. 30.71 (4) of the statutes is amended to read:

30.71 **(4)** Any rules necessary to carry out the purposes of this section shall be promulgated jointly by the department of ~~commerce~~ safety and professional services and the department of natural resources.

SECTION 268. 32.19 (2) (b) of the statutes is amended to read:

32.19 **(2)** (b) "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number and size of rooms and closets, area of living space, type of construction, age, state of repair, size and utility of any garage or other outbuilding, type of neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the local governmental body and shall also be decent, safe and sanitary and within the financial means of the

displaced person, as defined by the department of ~~commerce~~ safety and professional services.

SECTION 269. 32.19 (2) (e) 1. b. of the statutes is amended to read:

32.19 **(2)** (e) 1. b. As a result of rehabilitation, demolition or other displacing activity, as determined by the department of ~~commerce~~ safety and professional services, if the person is a tenant-occupant of a dwelling, business or farm operation and the displacement is permanent.

SECTION 270. 32.19 (3) (b) 1. of the statutes is amended to read:

32.19 **(3)** (b) 1. 'Dwellings.' Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by par. (a) may receive an expense and dislocation allowance, determined according to a schedule established by the department of ~~commerce~~ safety and professional services.

SECTION 271. 32.19 (3) (b) 2. of the statutes is amended to read:

32.19 **(3)** (b) 2. 'Business and farm operations.' Any displaced person who moves or discontinues his or her business or farm operation, is eligible under criteria established by the department of ~~commerce~~ safety and professional services by rule and elects to accept payment authorized under this paragraph in lieu of the payment authorized under par. (a), may receive a fixed payment in an amount determined according to criteria established by the department of ~~commerce~~ safety and professional services by rule, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business at the displacement dwelling is the rental of such property to others is not eligible for a payment under this subdivision.

SECTION 272. 32.19 (3) (c) of the statutes is amended to read:

1 32.19 **(3)** (c) *Optional payment for businesses.* Any displaced person who moves
2 his or her business, and elects to accept the payment authorized in par. (a), may, if
3 otherwise qualified under par. (b) 2., elect to receive the payment authorized under
4 par. (b) 2., minus whatever payment the displaced person received under par. (a), if
5 the displaced person discontinues the business within 2 years of the date of receipt
6 of payment under par. (a), provided that the displaced person meets eligibility
7 criteria established by the department of ~~commerce~~ safety and professional services
8 by rule. In no event may the total combined payment be less than $1,000 nor more
9 than $20,000.

10 **SECTION 273.** 32.19 (4) (a) 2. of the statutes is amended to read:

11 32.19 **(4)** (a) 2. The amount of increased interest expenses and other debt
12 service costs incurred by the owner to finance the purchase of another property
13 substantially similar to the property taken, if at the time of the taking the land
14 acquired was subject to a bona fide mortgage or was held under a vendee's interest
15 in a bona fide land contract, and such mortgage or land contract had been executed
16 in good faith not less than 180 days prior to the initiation of negotiations for the
17 acquisition of such property. The computation of the increased interest costs shall
18 be determined according to rules promulgated by the department of ~~commerce~~ safety
19 and professional services.

20 **SECTION 274.** 32.19 (4) (b) (intro.) of the statutes is amended to read:

21 32.19 **(4)** (b) *Tenants and certain others.* (intro.) In addition to amounts
22 otherwise authorized by this subchapter, the condemnor shall make a payment to
23 any individual or family displaced from any dwelling which was actually and
24 lawfully occupied by such individual or family for not less than 90 days prior to the
25 initiation of negotiations for the acquisition of such property or, if displacement is not

a direct result of acquisition, such other event as determined by the department of ~~commerce~~ safety and professional services by rule. For purposes of this paragraph, a corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), may, if otherwise eligible, be considered a displaced tenant. Subject to the limitations under par. (bm), such payment shall be either:

SECTION 275. 32.19 (4m) (a) 2. of the statutes is amended to read:

32.19 **(4m)** (a) 2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisition of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of ~~commerce~~ safety and professional services.

SECTION 276. 32.19 (4m) (b) (intro.) of the statutes is amended to read:

32.19 **(4m)** (b) *Tenant-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or farm operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of ~~commerce~~ safety and professional services, and who actually rents or purchases a comparable replacement business or farm operation for the displaced business or farm operation within 2 years after the date

1 the person vacates the acquired property. At the option of the tenant displaced
2 person, such payment shall be either:

3 **SECTION 277.** 32.19 (4m) (b) 1. of the statutes is amended to read:

4 32.19 **(4m)** (b) 1. The amount, not to exceed $30,000, which is necessary to lease
5 or rent a comparable replacement business or farm operation for a period of 4 years.
6 The payment shall be computed by determining the average monthly rent paid for
7 the property from which the person was displaced for the 12 months prior to the
8 initiation of negotiations or, if displacement is not a direct result of acquisition, such
9 other event as determined by the department of ~~commerce~~ safety and professional
10 services and the monthly rent of a comparable replacement business or farm
11 operation, and multiplying the difference by 48; or

12 **SECTION 278.** 32.197 of the statutes is amended to read:

13 **32.197 Waiver of relocation assistance.** An owner-occupant of property
14 being acquired may waive his or her right to receive any relocation payments or
15 services under this subchapter if the property being acquired is not contiguous to any
16 property which may be acquired by the condemnor and is not part of a previously
17 identified or proposed project where it is reasonable to conclude that acquisition by
18 the condemnor may occur in the foreseeable future. Prior to the execution of any
19 waiver under this section, the condemnor shall provide to the owner-occupant, in
20 writing, full information about the specific payments and services being waived by
21 the owner-occupant. The department of ~~commerce~~ safety and professional services
22 shall by rule establish procedures for relocation assistance waivers under this
23 section to ensure that the waivers are voluntarily and knowledgeably executed.

24 **SECTION 279.** 32.20 of the statutes is amended to read:

1 **32.20 Procedure for collection of itemized items of compensation.**
2 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the
3 condemnor carrying on the project through which condemnee's or claimant's claims
4 arise. All such claims must be filed after the damages upon which they are based
5 have fully materialized but not later than 2 years after the condemnor takes physical
6 possession of the entire property acquired or such other event as determined by the
7 department of ~~commerce~~ safety and professional services by rule. If such claim is not
8 allowed within 90 days after the filing thereof, the claimant has a right of action
9 against the condemnor carrying on the project through which the claim arises. Such
10 action shall be commenced in a court of record in the county wherein the damages
11 occurred. In causes of action, involving any state commission, board or other agency,
12 excluding counties, the sum recovered by the claimant shall be paid out of any funds
13 appropriated to such condemning agency. Any judgment shall be appealable by
14 either party and any amount recovered by the body against which the claim was filed,
15 arising from costs, counterclaims, punitive damages or otherwise may be used as an
16 offset to any amount owed by it to the claimant, or may be collected in the same
17 manner and form as any other judgment.

18 **SECTION 280.** 32.25 (1) of the statutes is amended to read:

19 32.25 **(1)** Except as provided under sub. (3) and s. 85.09 (4m), no condemnor
20 may proceed with any activity that may involve the displacement of persons,
21 business concerns or farm operations until the condemnor has filed in writing a
22 relocation payment plan and relocation assistance service plan and has had both
23 plans approved in writing by the department of ~~commerce~~ safety and professional
24 services.

25 **SECTION 281.** 32.25 (2) (h) of the statutes is amended to read:

1 32.25 **(2)** (h) Assure that, within a reasonable time prior to displacement, there
2 will be available, to the extent that may reasonably be accomplished, housing
3 meeting the standards established by the department of ~~commerce~~ safety and
4 professional services for decent, safe and sanitary dwellings. The housing, so far as
5 practicable, shall be in areas not generally less desirable in regard to public utilities,
6 public and commercial facilities and at rents or prices within the financial means of
7 the families and individuals displaced and equal in number to the number of such
8 displaced families or individuals and reasonably accessible to their places of
9 employment.

10 **SECTION 282.** 32.26 (title) of the statutes is amended to read:

11 **32.26** (title) **Authority of the department of ~~commerce~~ safety and**
12 **professional services.**

13 **SECTION 283.** 32.26 (1) of the statutes is amended to read:

14 32.26 **(1)** In addition to all other powers granted in this subchapter, the
15 department of ~~commerce~~ safety and professional services shall formulate local
16 standards for decent, safe and sanitary dwelling accommodations.

17 **SECTION 284.** 32.26 (2) (a) of the statutes is amended to read:

18 32.26 **(2)** (a) The department of ~~commerce~~ safety and professional services shall
19 promulgate rules to implement and administer ss. 32.19 to 32.27.

20 **SECTION 285.** 32.26 (2) (b) of the statutes is amended to read:

21 32.26 **(2)** (b) The department of ~~commerce~~ safety and professional services and
22 the department of transportation shall establish interdepartmental liaison
23 procedures for the purpose of cooperating and exchanging information to assist the
24 department of ~~commerce~~ safety and professional services in promulgating rules
25 under par. (a).

1 **SECTION 286.** 32.26 (3) of the statutes is amended to read:

2 32.26 **(3)** The department of ~~commerce~~ safety and professional services may
3 make investigations to determine if the condemnor is complying with ss. 32.19 to
4 32.27. The department may seek an order from the circuit court requiring a
5 condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on that part of
6 the project which is not in substantial compliance with ss. 32.19 to 32.27. The court
7 shall give hearings on these actions precedence on the court's calendar.

8 **SECTION 287.** 32.26 (4) of the statutes is amended to read:

9 32.26 **(4)** Upon the request of the department of ~~commerce~~ safety and
10 professional services, the attorney general shall aid and prosecute all necessary
11 actions or proceedings for the enforcement of this subchapter and for the punishment
12 of all violations of this subchapter.

13 **SECTION 288.** 32.26 (5) of the statutes is amended to read:

14 32.26 **(5)** Any displaced person may, prior to commencing court action against
15 the condemnor under s. 32.20, petition the department of ~~commerce~~ safety and
16 professional services for review of his or her complaint, setting forth in the petition
17 the reasons for his or her dissatisfaction. The department may conduct an informal
18 review of the situation and attempt to negotiate an acceptable solution. If an
19 acceptable solution cannot be negotiated within 90 days, the department shall notify
20 all parties, and the petitioner may then proceed under s. 32.20. The informal review
21 procedure provided by this subsection is not a condition precedent to the filing of a
22 claim and commencement of legal action pursuant to s. 32.20. In supplying
23 information required by s. 32.25 (2) (d), the condemnor shall clearly indicate to each
24 displaced person his or her right to proceed under this paragraph and under s. 32.20,

and shall supply full information on how the displaced person may contact the department of ~~commerce~~ safety and professional services.

SECTION 289. 32.26 (6) of the statutes is amended to read:

32.26 **(6)** The department of ~~commerce~~ safety and professional services, with the cooperation of the attorney general, shall prepare pamphlets in simple language and in readable format describing the eminent domain laws of this state, including the reasons for condemnation, the procedures followed by condemnors, how citizens may influence the condemnation process and the rights of property owners and citizens affected by condemnation. The department shall make copies of the pamphlets available to all condemnors, who may be charged a price for the pamphlets sufficient to recover the costs of production.

SECTION 290. 32.26 (7) of the statutes is amended to read:

32.26 **(7)** The department of ~~commerce~~ safety and professional services shall provide technical assistance on relocation plan development and implementation to any condemnor carrying out a project which may result in the displacement of any person.

SECTION 291. 36.09 (1) (am) (intro.) of the statutes is amended to read:

36.09 **(1)** (am) (intro.) The board, in consultation with the ~~department of commerce~~ Wisconsin Economic Development Corporation, shall do all of the following for each economic development program, as defined in s. 36.11 (29r) (a), administered by the board:

SECTION 292. 36.11 (29r) (b) of the statutes is renumbered 36.11 (29r) (b) 2. and amended to read:

36.11 **(29r)** (b) 2. Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of

the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the board. The report shall include all of the information required under s. ~~560.01 (2) (am)~~ 238.07 (2). The board shall collaborate with the ~~department of commerce~~ Wisconsin Economic Development Corporation to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 293. 36.11 (29r) (b) 1. of the statutes is created to read:

36.11 **(29r)** (b) 1. The board shall coordinate any economic development assistance with the Wisconsin Economic Development Corporation.

SECTION 294. 36.25 (24) of the statutes is amended to read:

36.25 **(24)** EMPLOYEE-OWNED BUSINESSES PROGRAM. Through the University of Wisconsin small business development center, in cooperation with the ~~department of commerce under s. 560.07 (2m)~~ Wisconsin Economic Development Corporation, the technical college system board and the University of Wisconsin-Extension, the board shall create, as needed, educational programs to provide training in the management of employee-owned businesses and shall provide technical assistance to employee-owned businesses in matters affecting their management and business operations, including assistance with governmental relations and assistance in obtaining management, technical and financial assistance.

SECTION 295. 36.25 (30) of the statutes is amended to read:

36.25 **(30)** POLLUTION PREVENTION. The board shall maintain in the extension a solid and hazardous waste education center to promote pollution prevention, as defined in s. 299.13 (1) (dm). In cooperation with the department of natural resources ~~and the department of commerce~~, the center shall conduct an education and technical assistance program to promote pollution prevention in this state.

1 **SECTION 296.** 36.34 (1) (a) 3. of the statutes is amended to read:

2 36.34 **(1)** (a) 3. Is a Hispanic, as defined in s. ~~560.036~~ 490.04 (1) (d).

3 **SECTION 297.** 38.04 (1m) (b) (intro.) of the statutes is amended to read:

4 38.04 **(1m)** (b) (intro.) The board, in consultation with the ~~department of~~
5 ~~commerce~~ Wisconsin Economic Development Corporation, shall do all of the
6 following for each economic development program administered by the board:

7 **SECTION 298.** 38.04 (4) (a) of the statutes is amended to read:

8 38.04 **(4)** (a) ~~Except as provided in par. (ag), the~~ The qualifications of
9 educational personnel and the courses of study for each program offered in district
10 schools shall be approved by the board. The board may charge the districts for the
11 full costs associated with certification of educational personnel. Such certification
12 expenses shall not be included in the district aidable cost.

13 **SECTION 299.** 38.04 (4) (ag) of the statutes is repealed.

14 **SECTION 300.** 38.04 (8) (a) of the statutes is amended to read:

15 38.04 **(8)** (a) In this subsection, "minority group member" has the meaning
16 given in s. ~~560.036~~ 490.04 (1) (f).

17 **SECTION 301.** 38.04 (10m) (title) of the statutes is amended to read:

18 38.04 **(10m)** (title) ECONOMIC DEVELOPMENT ASSISTANCE COORDINATION AND
19 REPORTING.

20 **SECTION 302.** 38.04 (10m) of the statutes is renumbered 38.04 (10m) (b) and
21 amended to read:

22 38.04 **(10m)** (b) Annually, no later than October 1, the board shall submit to
23 the joint legislative audit committee and to the appropriate standing committees of
24 the legislature under s. 13.172 (3) a comprehensive report assessing economic
25 development programs, as defined in sub. (1m) (a), administered by the board. The

report shall include all of the information required under s. ~~560.01 (2) (am)~~ 238.07 (2). The board shall collaborate with the ~~department of commerce~~ Wisconsin Economic Development Corporation to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 303. 38.04 (10m) (a) of the statutes is created to read:

38.04 **(10m)** (a) The board shall coordinate any economic development assistance with the Wisconsin Economic Development Corporation.

SECTION 304. 38.26 (1) of the statutes is amended to read:

38.26 **(1)** In this section, "minority student" means a student enrolled in a district school who is a minority group member, as defined in s. ~~560.036~~ 490.04 (1) (f).

SECTION 305. 39.40 (1) (c) of the statutes is amended to read:

39.40 **(1)** (c) A Hispanic, as defined in s. ~~560.036~~ 490.04 (1) (d).

SECTION 306. 39.44 (1) (a) 3. of the statutes is amended to read:

39.44 **(1)** (a) 3. Is a Hispanic, as defined in s. ~~560.036~~ 490.04 (1) (d).

SECTION 307. 40.05 (4) (b) of the statutes is amended to read:

40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 37.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5) and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. Any supplemental compensation that is paid to a state employee who

1 is classified under the state classified civil service as a teacher, teacher supervisor,
2 or education director for the employee's completion of educational courses that have
3 been approved by the employee's employer is considered as part of the employee's
4 basic pay for purposes of this paragraph. The full premium for any eligible employee
5 who is insured at the time of retirement, or for the surviving insured dependents of
6 an eligible employee who is deceased, shall be deducted from the credits until the
7 credits are exhausted and paid from the account under s. 40.04 (10), and then
8 deducted from annuity payments, if the annuity is sufficient. The department shall
9 provide for the direct payment of premiums by the insured to the insurer if the
10 premium to be withheld exceeds the annuity payment. Upon conversion of an
11 employee's unused sick leave to credits under this paragraph or par. (bf), the
12 employee or, if the employee is deceased, the employee's surviving insured
13 dependents may initiate deductions from those credits or may elect to delay
14 initiation of deductions from those credits, but only if the employee or surviving
15 insured dependents are covered by a comparable health insurance plan or policy
16 during the period beginning on the date of the conversion and ending on the date on
17 which the employee or surviving insured dependents later elect to initiate
18 deductions from those credits. If an employee or an employee's surviving insured
19 dependents elect to delay initiation of deductions from those credits, an employee or
20 the employee's surviving insured dependents may only later elect to initiate
21 deductions from those credits during the annual enrollment period under par. (be).
22 A health insurance plan or policy is considered comparable if it provides hospital and
23 medical benefits that are substantially equivalent to the standard health insurance
24 plan established under s. 40.52 (1).

****NOTE: This is reconciled s. 40.05 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: -1187 and -1465.

1 **SECTION 308.** 40.05 (4) (bm) of the statutes is amended to read:

2 40.05 **(4)** (bm) Except as provided under par. (bp), accumulated unused sick
3 leave under ss. 36.30, 37.30, and 230.35 (2) ~~or~~, 233.10, or 238.04 (8) of any eligible
4 employee shall, upon request of the employee at the time the employee is subject to
5 layoff under s. 40.02 (40), be converted at the employee's highest basic pay rate he
6 or she received while employed by the state to credits for payment of health
7 insurance premiums on behalf of the employee. Any supplemental compensation
8 that is paid to a state employee who is classified under the state classified civil
9 service as a teacher, teacher supervisor or education director for the employee's
10 completion of educational courses that have been approved by the employee's
11 employer is considered as part of the employee's basic pay for purposes of this
12 paragraph. The full amount of the required employee contribution for any eligible
13 employee who is insured at the time of the layoff shall be deducted from the credits
14 until the credits are exhausted, the employee is reemployed, or 5 years have elapsed
15 from the date of layoff, whichever occurs first.

****NOTE: This is reconciled s. 40.05 (4) (bm). This SECTION has been affected by drafts with the following LRB numbers: -1187 and -1465.

16 **SECTION 309.** 40.05 (5) (b) 4. of the statutes is amended to read:

17 40.05 **(5)** (b) 4. The accrual and crediting of sick leave shall be determined in
18 accordance with ss. 13.121 (4), 36.30, 37.30, 230.35 (2), 233.10, 238.04 (8), and 757.02
19 (5) and subch. I, V, or VI of ch. 111.

****NOTE: This is reconciled s. 40.05 (5) (b) 4. This SECTION has been affected by drafts with the following LRB numbers: -1187 and -1465.

20 **SECTION 310.** 40.62 (2) of the statutes is amended to read:

40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. I, V, or VI of ch. 111, and ss. 13.121 (4), 36.30, 37.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

****NOTE: This is reconciled s. 40.62 (2). This SECTION has been affected by drafts with the following LRB numbers: -1187 and -1465.

SECTION 311. 40.95 (1) (a) 1. of the statutes is amended to read:

40.95 **(1)** (a) 1. The employee accrues accumulated unused sick leave under s. 13.121 (4), 36.30, 37.30, 230.35 (2), 233.10, 238.04 (8), or 757.02 (5).

****NOTE: This is reconciled s. 40.95 (1) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: -1187 and -1465.

SECTION 312. 41.11 (1g) (b) (intro.) of the statutes is amended to read:

41.11 **(1g)** (b) (intro.) The department, in consultation with the ~~department of commerce~~ Wisconsin Economic Development Corporation, shall do all of the following for each economic development program administered by the department:

SECTION 313. 41.11 (1r) (title) of the statutes is amended to read:

41.11 **(1r)** (title) ECONOMIC DEVELOPMENT ASSISTANCE COORDINATION AND REPORTING.

SECTION 314. 41.11 (1r) of the statutes is renumbered 41.11 (1r) (b) and amended to read:

41.11 **(1r)** (b) Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (1g) (a), administered by the department. The report shall include all of the information required under s. ~~560.01 (2) (am)~~ 238.07 (2). The department shall collaborate with the ~~department of commerce~~

1 Wisconsin Economic Development Corporation to make readily accessible to the
2 public on an Internet-based system the information required under this subsection.

3 **SECTION 315.** 41.11 (1r) (a) of the statutes is created to read:

4 41.11 **(1r)** (a) The department shall coordinate any economic development
5 assistance with the Wisconsin Economic Development Corporation.

6 **SECTION 316.** 41.41 (4) (c) of the statutes is amended to read:

7 41.41 **(4)** (c) The department of agriculture, trade and consumer protection, the
8 department of natural resources, the department of transportation, ~~the department~~
9 ~~of commerce,~~ the department of administration, the state historical society, and the
10 University of Wisconsin-Extension shall cooperate with and assist the board in
11 matters related to its functions.

12 **SECTION 317.** 41.41 (5) (e) of the statutes is amended to read:

13 41.41 **(5)** (e) Consult and cooperate with the department of agriculture, trade
14 and consumer protection, the department of natural resources, the department of
15 transportation, ~~the department of commerce,~~ the department of administration, the
16 state historical society, the University of Wisconsin-Extension, any federally
17 recognized American Indian tribe or band in this state that appoints a liaison
18 representative to the board regarding the management of the Kickapoo valley
19 reserve.

20 **SECTION 318.** 42.09 (3) (b) of the statutes is amended to read:

21 42.09 **(3)** (b) The board shall develop policies encouraging each private person
22 entering into an agreement with the board under this subsection to agree that his
23 or her goal shall be to ensure that at least 25% of the employees hired to perform
24 construction work in connection with state fair park facilities or to perform
25 professional services in connection with the construction or development of those

1 facilities will be minority group members, as defined in s. ~~560.036~~ 490.04 (1) (f), and
2 that at least 5% of the employees hired to perform construction work in connection
3 with state fair park facilities or to perform professional services in connection with
4 the construction or development of those facilities will be women.

5 **SECTION 319.** 44.53 (1) (h) of the statutes is renumbered 41.53 (1) (h) and is
6 amended to read:

7 41.53 **(1)** (h) Annually, award an amount equal to at least 5% of all state and
8 federal funds received by the board in that year for grants to artists and arts
9 organizations to artists who are minority group members and arts groups composed
10 principally of minority group members. In this paragraph, "minority group member"
11 has the meaning specified in s. ~~560.036~~ 490.04 (1) (f).

****NOTE: This is reconciled s. 44.53 (1) (h). This SECTION has been affected by drafts with the following LRB numbers: LRB-1097/2 and LRB-1465/P3.

12 **SECTION 320.** 45.03 (11) (title) of the statutes is repealed.

13 **SECTION 321.** 45.03 (11) (a) of the statutes is renumbered 440.03 (18) (am).

14 **SECTION 322.** 45.03 (11) (b) of the statutes is renumbered 440.03 (18) (b).

15 **SECTION 323.** 45.20 (1) (d) of the statutes is amended to read:

16 45.20 **(1)** (d) "Tuition," when referring to the University of Wisconsin-Madison
17 or University of Wisconsin System, means academic fees and segregated fees; when
18 referring to the technical colleges, means "program fees" and "additional fees" as
19 described in s. 38.24 (1m) and (1s); and when referring to a high school, a school that
20 is approved under s. ~~45.03 (11)~~ 440.03 (18), or a proprietary school that is approved
21 under s. 38.50, means the charge for the courses for which a person is enrolled.

****NOTE: This is reconciled s. 45.20 (1) (d). This SECTION has been affected by drafts with the following LRB numbers: LRB-1187/P4 and LRB-1465/P3.

22 **SECTION 324.** 45.20 (2) (a) 1. of the statutes is amended to read:

45.20 **(2)** (a) 1. The department shall administer a tuition reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education in this state, enrolling in a school that is approved under s. ~~45.03 (11)~~ 440.03 (18), enrolling in a proprietary school that is approved under s. 38.50, enrolling in a public or private high school, enrolling in a tribal school, as defined in s. ~~115.011~~ 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 325. 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

45.20 **(2)** (a) 2. (intro.) A veteran who is a resident of this state and otherwise qualified to receive benefits under this subsection may receive the benefits under this subsection upon the completion of any correspondence courses or part-time classroom study from an institution of higher education located outside this state, from a school that is approved under s. ~~45.03 (11)~~ 440.03 (18), or from a proprietary school that is approved under s. 38.50, if any of the following applies:

SECTION 326. 45.20 (2) (c) 1. of the statutes is amended to read:

45.20 **(2)** (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may be reimbursed upon satisfactory completion of an undergraduate semester in any institution of higher education in this state, or upon satisfactory completion of a course at any school that is approved under s. ~~45.03 (11)~~ 440.03 (18), any proprietary school that is approved under s. 38.50, any public or private high school, any tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any institution from which the veteran receives a waiver of nonresident tuition under s. 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed the total cost of the veteran's tuition minus any grants or scholarships that the veteran receives specifically for the payment of the tuition, or, if the tuition is for

1 an undergraduate semester in any institution of higher education, the standard cost
2 of tuition for a state resident for an equivalent undergraduate semester at the
3 University of Wisconsin-Madison, whichever is less.

4 **SECTION 327.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

5 45.20 **(2)** (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
6 reimbursement under this subsection at any institution of higher education in this
7 state, at a school that is approved under s. ~~45.03 (11)~~ 440.03 (18), at a proprietary
8 school that is approved under s. 38.50, at a public or private high school, at a tribal
9 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an
10 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47
11 is limited to the following:

12 **SECTION 328.** 46.29 (3) (e) of the statutes is amended to read:

13 46.29 **(3)** (e) The secretary of ~~commerce~~ safety and professional services.

14 **SECTION 329.** 46.90 (1) (gr) 3. of the statutes is amended to read:

15 46.90 **(1)** (gr) 3. The department of ~~regulation and licensing~~ safety and
16 professional services.

17 **SECTION 330.** 46.90 (5m) (br) 5. of the statutes is amended to read:

18 46.90 **(5m)** (br) 5. Refer the case to the department of ~~regulation and licensing~~
19 safety and professional services if the financial exploitation, neglect, self-neglect, or
20 abuse involves an individual who is required to hold a credential, as defined in s.
21 440.01 (2) (a), under chs. 440 to 460.

22 **SECTION 331.** 48.67 (intro.) of the statutes is amended to read:

23 **48.67 Rules governing child welfare agencies, child care centers,**
24 **foster homes, group homes, shelter care facilities, and county departments.**
25 (intro.) The department shall promulgate rules establishing minimum

requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of ~~commerce~~ safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

SECTION 332. 48.685 (2) (am) 3. of the statutes is amended to read:

48.685 **(2)** (am) 3. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

SECTION 333. 48.685 (2) (b) 1. c. of the statutes is amended to read:

48.685 **(2)** (b) 1. c. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

SECTION 334. 48.685 (4m) (a) 5. of the statutes is amended to read:

48.685 **(4m)** (a) 5. That, in the case of a position for which the person must be credentialed by the department of ~~regulation and licensing~~ safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

SECTION 335. 48.685 (4m) (b) 5. of the statutes is amended to read:

48.685 **(4m)** (b) 5. That, in the case of a position for which the person must be credentialed by the department of ~~regulation and licensing~~ safety and professional

1 services, the person's credential is not current or is limited so as to restrict the person
2 from providing adequate care to a client.

3 **SECTION 336.** 48.78 (2) (g) of the statutes is amended to read:

4 48.78 **(2)** (g) Paragraph (a) does not prohibit an agency from disclosing
5 information about an individual in its care or legal custody on the written request
6 of the department of ~~regulation and licensing~~ safety and professional services or of
7 any interested examining board or affiliated credentialing board in that department
8 for use in any investigation or proceeding relating to any alleged misconduct by any
9 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.
10 Unless authorized by an order of the court, the department of ~~regulation and~~
11 ~~licensing~~ safety and professional services and any examining board or affiliated
12 credentialing board in that department shall keep confidential any information
13 obtained under this paragraph and may not disclose the name of or any other
14 identifying information about the individual who is the subject of the information
15 disclosed, except to the extent that redisclosure of that information is necessary for
16 the conduct of the investigation or proceeding for which that information was
17 obtained.

18 **SECTION 337.** 49.165 (2) (c) (intro.) of the statutes is amended to read:

19 49.165 **(2)** (c) (intro.) No grant may be made to an organization which provides
20 or will provide shelter facilities unless the department of ~~commerce~~ safety and
21 professional services determines that the physical plant of the facility will not be
22 dangerous to the health or safety of the residents when the facility is in operation.
23 No grant may be given to an organization which provides or will provide shelter
24 facilities or private home shelter care unless the organization ensures that the

following services will be provided either by that organization or by another organization, person or agency:

SECTION 338. 49.47 (4) (i) 1. of the statutes is amended to read:

49.47 **(4)** (i) 1. The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of subd. 2. The waiver shall request approval to implement the waiver on a statewide basis, unless the department of health services determines that statewide implementation of the waiver would present an obstacle to the approval of the waiver by the secretary of the federal department of health and human services, in which case the waiver shall request approval to implement the waiver in 48 pilot counties to be selected by the department of health services. Within 30 days after August 12, 1993, the department of ~~regulation and licensing~~ safety and professional services shall notify funeral directors licensed under ch. 445, cemetery associations, as defined in s. 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of the waiver required to be requested under this subdivision. If the waiver is approved by the secretary of the federal department of health and human services and if the waiver remains in effect, subd. 2. shall apply.

SECTION 339. 49.857 (1) (c) of the statutes is amended to read:

49.857 **(1)** (c) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of ~~regulation and licensing~~ safety and professional services that grants a credential.

SECTION 340. 49.857 (2) (b) 1. of the statutes is amended to read:

49.857 **(2)** (b) 1. The circumstances under which the licensing authority or the licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license and guidelines for determining the

appropriate action to take. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include the circumstances under which the department of ~~regulation and licensing~~ safety and professional services shall direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential and guidelines for determining the appropriate action to take. The guidelines under this subdivision for determining the appropriate action to take shall require the consideration of whether the action is likely to have an adverse effect on public health, safety or welfare or on the environment, and of whether the action is likely to adversely affect individuals other than the individual holding or applying for the license, such as employees of that individual.

SECTION 341. 49.857 (2) (b) 2. a. of the statutes is amended to read:

49.857 **(2)** (b) 2. a. Certifying to the licensing authority or licensing agency a delinquency in support or a failure to comply with a subpoena or warrant. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include procedures for the department of ~~regulation and licensing~~ safety and professional services to notify a credentialing board that a certification of delinquency in support or failure to comply with a subpoena or warrant has been made by the department of children and families with respect to an individual who holds or applied for a credential granted by the credentialing board.

SECTION 342. 49.857 (2) (b) 2. c. of the statutes is amended to read:

49.857 **(2)** (b) 2. c. Notifying the licensing authority or licensing agency that an individual has paid delinquent support or made satisfactory alternative payment arrangements or satisfied the requirements under a subpoena or warrant. The

memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include procedures for the department of ~~regulation and licensing~~ safety and professional services to notify a credentialing board that an individual who holds or applied for a credential granted by the credentialing board has paid delinquent support or made satisfactory alternative payment arrangements or satisfied the requirements under a subpoena or warrant.

SECTION 343. 49.857 (2) (b) 3. a. of the statutes is amended to read:

49.857 **(2)** (b) 3. a. Restricting, limiting, suspending, withholding, denying, refusing to grant or issue or refusing to renew or revalidate a license. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include procedures for the department of ~~regulation and licensing~~ safety and professional services to direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

SECTION 344. 49.857 (2) (b) 3. c. of the statutes is amended to read:

49.857 **(2)** (b) 3. c. Issuing or reinstating a license if the department of children and families notifies the licensing authority or licensing agency that an individual who was delinquent in making court-ordered payments of support has paid the delinquent support or made satisfactory alternative payment arrangements or that an individual who failed to comply with a subpoena or warrant has satisfied the requirements under the subpoena or warrant. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include procedures for the department of ~~regulation and licensing~~ safety and professional services to direct a credentialing board to grant or reinstate a credential if the department of children and families notifies the department of ~~regulation and licensing~~ safety and professional services that an individual who holds or applied for

a credential granted by the credentialing board has paid the delinquent support or made satisfactory alternative payment arrangements or that an individual who failed to comply with a subpoena or warrant has satisfied the requirements under the subpoena or warrant.

SECTION 345. 49.857 (3) (a) 1. of the statutes is amended to read:

49.857 **(3)** (a) 1. That a certification of delinquency in paying support will be made to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services.

SECTION 346. 49.857 (3) (am) 1. of the statutes is amended to read:

49.857 **(3)** (am) 1. That the individual's name has been placed on a certification list, which will be provided to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services.

SECTION 347. 49.857 (3) (b) 1. of the statutes is amended to read:

49.857 **(3)** (b) 1. That a certification of the failure to comply with a subpoena or warrant will be made to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services.

SECTION 348. 49.857 (3) (c) (intro.) of the statutes is amended to read:

49.857 **(3)** (c) (intro.) If the department of children and families provides a certification list to a licensing authority, a licensing agency or, with respect to a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services, upon receipt of the list the licensing authority if the licensing authority agrees, the licensing agency or, with respect to

a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services shall do all of the following:

SECTION 349. 49.857 (3) (d) 1. of the statutes is amended to read:

49.857 **(3)** (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of delinquent support, is denied a license or whose license, on the basis of delinquent support, is restricted, limited, suspended, or refused renewal or revalidation under a memorandum of understanding entered into under sub. (2) (b) pays the delinquent amount of support in full or makes satisfactory alternative payment arrangements, the department of children and families shall immediately notify the licensing authority or licensing agency to issue or reinstate the individual's license as provided in the memorandum of understanding. If the individual held or applied for a credential granted by a credentialing board, the department of ~~regulation and licensing~~ safety and professional services shall, upon notice by the department of children and families, notify the credentialing board to grant or reinstate the individual's credential.

SECTION 350. 49.857 (3) (d) 2. of the statutes is amended to read:

49.857 **(3)** (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a failure to comply with a subpoena or warrant, is denied a license or whose license, on the basis of a failure to comply with a subpoena or warrant, is restricted, limited, suspended, or refused renewal or revalidation under a memorandum of understanding entered into under sub. (2) (b) satisfies the requirements under the subpoena or warrant, the department of children and families shall immediately notify the licensing authority or licensing agency to issue or reinstate the individual's license as provided in the memorandum of understanding. If the individual held or applied for a credential granted by a credentialing board, the department of

1 ~~regulation and licensing~~ safety and professional services shall, upon notice by the
2 department of children and families, notify the credentialing board to grant or
3 reinstate the individual's credential.

4 **SECTION 351.** 49.857 (4) of the statutes is amended to read:

5 49.857 **(4)** Each licensing agency shall enter into a memorandum of
6 understanding with the department of children and families under sub. (2) (b) and
7 shall cooperate with the department of children and families in its administration
8 of s. 49.22. The department of ~~regulation and licensing~~ safety and professional
9 services shall enter into a memorandum of understanding with the department of
10 children and families on behalf of a credentialing board with respect to a credential
11 granted by the credentialing board.

12 **SECTION 352.** 50.01 (1g) (c) of the statutes is amended to read:

13 50.01 **(1g)** (c) A shelter facility as defined under s. ~~560.9808~~ 234.5608 (1) (d).

14 **SECTION 353.** 50.02 (1) of the statutes is amended to read:

15 50.02 **(1)** DEPARTMENTAL AUTHORITY. The department may provide uniform,
16 statewide licensing, inspection, and regulation of community-based residential
17 facilities and nursing homes as provided in this subchapter. The department shall
18 certify, inspect, and otherwise regulate adult family homes, as specified under ~~ss.~~
19 ~~50.031 and~~ s. 50.032 and shall license adult family homes, as specified under s.
20 50.033. Nothing in this subchapter may be construed to limit the authority of the
21 department of ~~commerce~~ safety and professional services or of municipalities to set
22 standards of building safety and hygiene, but any local orders of municipalities shall
23 be consistent with uniform, statewide regulation of community-based residential
24 facilities. The department may not prohibit any nursing home from distributing
25 over-the-counter drugs from bulk supply. The department may consult with

1 nursing homes as needed and may provide specialized consultations when requested
2 by any nursing home, separate from its inspection process, to scrutinize any
3 particular questions the nursing home raises. The department shall, by rule, define
4 "specialized consultation".

****NOTE: This is reconciled s. 50.02 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0241/3 and LRB-1465/P3.

5 **SECTION 354.** 50.02 (2) (a) of the statutes is amended to read:

6 50.02 **(2)** (a) The department, by rule, shall develop, establish and enforce
7 regulations and standards for the care, treatment, health, safety, rights, welfare and
8 comfort of residents in community-based residential facilities and nursing homes
9 and for the construction, general hygiene, maintenance and operation of those
10 facilities which, in the light of advancing knowledge, will promote safe and adequate
11 accommodation, care and treatment of residents in those facilities; and promulgate
12 and enforce rules consistent with this section. Such standards and rules shall
13 provide that intermediate care facilities, which have 16 or fewer beds may, if
14 exempted from meeting certain physical plant, staffing and other requirements of
15 the federal regulations, be exempted from meeting the corresponding provisions of
16 the department's standards and rules. The department shall consult with the
17 department of ~~commerce~~ safety and professional services when developing
18 exemptions relating to physical plant requirements.

19 **SECTION 355.** 50.035 (2) (a) 3. of the statutes is amended to read:

20 50.035 **(2)** (a) 3. The department or the department of ~~commerce~~ safety and
21 professional services may waive the requirement under subd. 1. or 2. for a
22 community-based residential facility that has a smoke detection or sprinkler system

in place that is at least as effective for fire protection as the type of system required under the relevant subdivision.

SECTION 356. 50.035 (2) (b) (intro.) of the statutes is amended to read:

50.035 **(2)** (b) (intro.) No facility may install a smoke detection system that fails to receive the approval of the department or of the department of ~~commerce~~ safety and professional services. At least one smoke detector shall be located at each of the following locations:

SECTION 357. 50.065 (2) (am) 3. of the statutes is amended to read:

50.065 **(2)** (am) 3. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

SECTION 358. 50.065 (2) (b) 3. of the statutes is amended to read:

50.065 **(2)** (b) 3. Information maintained by the department of ~~regulation and licensing~~ safety and professional services regarding the status of the person's credentials, if applicable.

SECTION 359. 50.065 (4m) (a) 5. of the statutes is amended to read:

50.065 **(4m)** (a) 5. That, in the case of a position for which the person must be credentialed by the department of ~~regulation and licensing~~ safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

SECTION 360. 50.065 (4m) (b) 5. of the statutes is amended to read:

50.065 **(4m)** (b) 5. That, in the case of a position for which the person must be credentialed by the department of ~~regulation and licensing~~ safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

1 **SECTION 361.** 50.36 (1) of the statutes is amended to read:

2 50.36 **(1)** The department shall promulgate, adopt, amend and enforce such
3 rules and standards for hospitals for the construction, maintenance and operation
4 of the hospitals deemed necessary to provide safe and adequate care and treatment
5 of the patients in the hospitals and to protect the health and safety of the patients
6 and employees; and nothing contained herein shall pertain to a person licensed to
7 practice medicine and surgery or dentistry. The building codes and construction
8 standards of the department of ~~commerce~~ safety and professional services shall
9 apply to all hospitals and the department may adopt additional construction codes
10 and standards for hospitals, provided they are not lower than the requirements of
11 the department of ~~commerce~~ safety and professional services. Except for the
12 construction codes and standards of the department of ~~commerce~~ safety and
13 professional services and except as provided in s. 50.39 (3), the department shall be
14 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

15 **SECTION 362.** 50.36 (6) of the statutes is amended to read:

16 50.36 **(6)** If the department receives a credible complaint that a pharmacy
17 located in a hospital has violated its duty to dispense contraceptive drugs and devices
18 under s. 450.095 (2), the department shall refer the complaint to the department of
19 ~~regulation and licensing~~ safety and professional services.

20 **SECTION 363.** 51.35 (5) of the statutes is amended to read:

21 51.35 **(5)** RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The
22 department and any person, director, or board authorized to discharge or transfer
23 patients under this section shall ensure that a proper residential living arrangement
24 and the necessary transitionary services are available and provided for the patient
25 being discharged or transferred. Under this subsection, a proper residential living

arrangement may not include a shelter facility, as defined under s. ~~560.9808~~ 234.5608 (1) (d), unless the discharge or transfer to the shelter facility is made on an emergency basis for a period not to exceed 10 days.

SECTION 364. 51.42 (7) (a) 7. of the statutes is amended to read:

51.42 **(7)** (a) 7. Develop a program in consultation with the department of ~~regulation and licensing~~ safety and professional services to use voluntary, uncompensated services of licensed or certified professionals to assist the department of health services in evaluating community mental health programs in exchange for continuing education credits for the professionals under ss. 448.40 (2) (e) and 455.065 (5).

SECTION 365. 55.043 (4) (b) 5. of the statutes is amended to read:

55.043 **(4)** (b) 5. Refer the case to the department of ~~regulation and licensing~~ safety and professional services if the financial exploitation, neglect, self-neglect, or abuse involves an individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460.

SECTION 366. 59.27 (10) of the statutes is amended to read:

59.27 **(10)** To enforce in the county all general orders of the department of ~~commerce~~ safety and professional services relating to the sale, transportation and storage of explosives.

SECTION 367. 59.57 (1) (a) of the statutes is amended to read:

59.57 **(1)** (a) Subject to par. (b), the board may appropriate money for and create a county industrial development agency or to any nonprofit agency organized to engage or engaging in activities described in this paragraph, appoint an executive officer and provide a staff and facilities to promote and develop the resources of the county and of its component municipalities. To this end the agency may, without

limitation because of enumeration, develop data regarding the industrial needs, advantages and sites in the county, acquaint the purchaser with the products of the county by promotional activities, coordinate its work with that of the county planning commission, the ~~department of commerce~~ Wisconsin Economic Development Corporation, and private credit development corporations, and do all things necessary to provide for the continued improvement of the industrial climate of the county.

SECTION 368. 59.57 (1) (b) of the statutes is amended to read:

59.57 **(1)** (b) If a county with a population of 500,000 or more appropriates money under par. (a) to fund nonprofit agencies, the county shall have a goal of expending 20% of the money appropriated for this purpose to fund a nonprofit agency that is actively managed by minority group members, as defined in s. ~~560.036~~ 490.04 (1) (f), and that principally serves minority group members.

SECTION 369. 59.69 (4c) of the statutes is amended to read:

59.69 **(4c)** CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. ~~281.33 (3m) (f)~~ 101.1206 (5m), an ordinance that is enacted under sub. (4) may only include provisions that are related to construction site erosion control if those provisions are limited to sites where the construction activities do not include the construction of a building.

SECTION 370. 59.691 (2) (b) 1. of the statutes is amended to read:

59.691 **(2)** (b) 1. A county is not required to give the notice under par. (a) at the time that it issues a building permit if the county issues the building permit on a standard building permit form prescribed by the department of ~~commerce~~ safety and professional services.

SECTION 371. 60.23 (4) (c) of the statutes is amended to read:

60.23 **(4)** (c) Coordinate its activities with the county planning commission, the ~~department of commerce~~ Wisconsin Economic Development Corporation, and private credit development organizations.

SECTION 372. 60.625 (2) (b) 1. of the statutes is amended to read:

60.625 **(2)** (b) 1. A town is not required to give the notice under par. (a) at the time that it issues a building permit if the town issues the building permit on a standard building permit form prescribed by the department of ~~commerce~~ safety and professional services.

SECTION 373. 60.71 (4) (b) of the statutes is amended to read:

60.71 **(4)** (b) The town board shall publish a class 2 notice, under ch. 985, of the hearing. The notice shall contain an announcement of the hearing and a description of the boundaries of the proposed town sanitary district. The town board shall mail the notice to the department of ~~commerce~~ safety and professional services and the department of natural resources at least 10 days prior to the hearing.

SECTION 374. 60.71 (4) (c) of the statutes is amended to read:

60.71 **(4)** (c) Any person may file written comments on the formation of the district with the town clerk. Any owner of property within the boundary of the proposed district may appear at the hearing and offer objections, criticisms or suggestions as to the necessity of the proposed district and the question of whether his or her property will be benefited by the establishment of the district. A representative of the department of ~~commerce~~ safety and professional services and of the department of natural resources may attend the hearing and advise the town board.

SECTION 375. 60.85 (14) of the statutes is repealed.

SECTION 376. 61.352 (2) (b) 1. of the statutes is amended to read:

1 61.352 **(2)** (b) 1. A village is not required to give the notice under par. (a) at the
2 time that it issues a building permit if the village issues the building permit on a
3 standard building permit form prescribed by the department of ~~commerce~~ safety and
4 professional services.

5 **SECTION 377.** 62.232 (2) (b) 1. of the statutes is amended to read:

6 62.232 **(2)** (b) 1. A city is not required to give the notice under par. (a) at the time
7 that it issues a building permit if the city issues the building permit on a standard
8 building permit form prescribed by the department of ~~commerce~~ safety and
9 professional services.

10 **SECTION 378.** 66.0211 (5) of the statutes is amended to read:

11 66.0211 **(5)** CERTIFICATION OF INCORPORATION. If a majority of the votes in an
12 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
13 court shall certify the fact to the secretary of state and supply the secretary of state
14 with a copy of a description of the legal boundaries of the village or city and the
15 associated population and a copy of a plat of the village or city. Within 10 days of
16 receipt of the description and plat, the secretary of state shall forward 2 copies to the
17 department of transportation and one copy each to the department of
18 administration~~,~~ and the department of revenue ~~and the department of commerce~~.
19 The secretary of state shall issue a certificate of incorporation and record the
20 certificate.

21 **SECTION 379.** 66.0309 (3) (a) 3. of the statutes is repealed.

22 **SECTION 380.** 66.1103 (4m) (a) 1. of the statutes is amended to read:

23 66.1103 **(4m)** (a) 1. The person, at least 30 days prior to entering into the
24 revenue agreement, has given a notice of intent to enter into the agreement, on a
25 form prescribed under s. ~~560.034~~ 238.11 (1), to the ~~department of commerce~~

1 Wisconsin Economic Development Corporation and to any collective bargaining
2 agent in this state with whom the person has a collective bargaining agreement.
3 **SECTION 381.** 66.1103 (4m) (a) 2. of the statutes is amended to read:
4 66.1103 **(4m)** (a) 2. The municipality or county has received an estimate issued
5 under s. ~~560.034~~ 238.11 (5) (a), and the ~~department of commerce~~ Wisconsin Economic
6 Development Corporation has estimated whether the project which the municipality
7 or county would finance under the revenue agreement is expected to eliminate,
8 create, or maintain jobs on the project site and elsewhere in this state and the net
9 number of jobs expected to be eliminated, created, or maintained as a result of the
10 project.
11 **SECTION 382.** 66.1103 (4m) (b) of the statutes is amended to read:
12 66.1103 **(4m)** (b) Any revenue agreement which an eligible participant enters
13 into with a municipality or county to finance a project shall require the eligible
14 participant to submit to the ~~department of commerce~~ Wisconsin Economic
15 Development Corporation within 12 months after the project is completed or 2 years
16 after a revenue bond is issued to finance the project, whichever is sooner, on a form
17 prescribed under s. ~~560.034~~ 238.11 (1), the net number of jobs eliminated, created,
18 or maintained on the project site and elsewhere in this state as a result of the project.
19 **SECTION 383.** 66.1103 (4s) (a) 1. of the statutes is amended to read:
20 66.1103 **(4s)** (a) 1. ~~"Department"~~ "Corporation" means the ~~department of~~
21 ~~commerce~~ Wisconsin Economic Development Corporation.
22 **SECTION 384.** 66.1103 (4s) (b) 3. of the statutes is amended to read:
23 66.1103 **(4s)** (b) 3. The employer shall certify compliance with this subsection
24 to the ~~department~~ corporation, to the governing body of each municipality or county
25 within which a lost job exists and to any collective bargaining agent in this state with

which the employer has a collective bargaining agreement at the project site or at a site where a lost job exists.

SECTION 385. 66.1103 (4s) (b) 4. of the statutes is amended to read:

66.1103 **(4s)** (b) 4. The employer shall submit a report to the ~~department~~ corporation every 3 months during the first year after the construction of the project is completed. The reports shall provide information about new jobs, lost jobs, and offers of employment made to persons who were formerly employed at lost jobs. The 4th report shall be the final report. The form and content of the reports shall be prescribed by the ~~department~~ corporation under par. (d).

SECTION 386. 66.1103 (4s) (d) of the statutes is amended to read:

66.1103 **(4s)** (d) The ~~department~~ corporation shall administer this subsection and shall prescribe forms for certification and reports under par. (b).

SECTION 387. 66.1103 (10) (c) of the statutes is amended to read:

66.1103 **(10)** (c) A copy of the initial resolution together with a statement indicating when the public notice required under par. (b) was published shall be filed with the ~~secretary of commerce~~ Wisconsin Economic Development Corporation within 20 days following publication of notice. Prior to the closing of the bond issue, the ~~secretary~~ corporation may require additional information from the eligible participant or the municipality or county. After the closing of the bond issue, the ~~secretary~~ corporation shall be notified of the closing date, any substantive changes made to documents previously filed with the ~~secretary~~ corporation, and the principal amount of the financing.

SECTION 388. 66.1103 (10) (g) of the statutes is amended to read:

66.1103 **(10)** (g) Bonds may not be issued unless prior to adoption of an initial resolution a document which provides a good faith estimate of attorney fees which

will be paid from bond proceeds is filed with the clerk of the municipality or county and the ~~department of commerce~~ Wisconsin Economic Development Corporation.

SECTION 389. 66.1104 of the statutes is repealed.

SECTION 390. 66.1105 (13) of the statutes is repealed.

SECTION 391. 67.05 (6a) (bg) 2. of the statutes is amended to read:

67.05 **(6a)** (bg) 2. The department of ~~commerce~~ safety and professional services shall determine for each grade level in which pupils attended school in a building described in subd. 1., the average cost per square foot for, and the average number of square feet per pupil included in, 2 recently constructed school buildings that were designed to serve pupils of that grade level, as selected by that department.

SECTION 392. 67.12 (12) (e) 2r. b. of the statutes is amended to read:

67.12 **(12)** (e) 2r. b. The department of ~~commerce~~ safety and professional services shall determine, for each grade level in which pupils attended school in a building described in subd. 2r. a., the average cost per square foot for, and the average number of square feet per pupil included in, 2 recently constructed school buildings that were designed to serve pupils of that grade level, as selected by that department.

SECTION 393. 71.05 (24) (a) 4. of the statutes is amended to read:

71.05 **(24)** (a) 4. "Qualified new business venture" means a business certified ~~by the department of commerce~~ under s. 238.20 or s. 560.2085, 2009 stats.

SECTION 394. 71.07 (2dd) (b) of the statutes is amended to read:

71.07 **(2dd)** (b) Except as provided in s. 73.03 (35), for any taxable year for which that person is certified under s. 560.765 (3), 2009 stats., and begins business operations in a zone under s. 560.71, 2009 stats., after July 29, 1995, or certified under s. 560.797 (4) (a), 2009 stats., for each zone for which the person is certified

1 or entitled a person may credit against taxes otherwise due under this subchapter
2 employment-related day care expenses, up to $1,200 for each qualifying individual.
3 **SECTION 395.** 71.07 (2de) (a) (intro.) of the statutes is amended to read:
4 71.07 **(2de)** (a) (intro.) Except as provided in s. 73.03 (35), for any taxable year
5 for which a person is certified under s. 560.765 (3), 2009 stats., and begins business
6 operations in a zone under s. 560.71, 2009 stats., after July 29, 1995, or certified
7 under s. 560.797 (4) (a), 2009 stats., for each zone for which the person is certified
8 or entitled the person may claim as a credit against taxes otherwise due under this
9 subchapter an amount equal to 7.5% of the amount that the person expends to
10 remove or contain environmental pollution, as defined in s. 299.01 (4), in the zone or
11 to restore soil or groundwater that is affected by environmental pollution, as defined
12 in s. 299.01 (4), in the zone if the person fulfills all of the following requirements:
13 **SECTION 396.** 71.07 (2de) (a) 1. of the statutes is amended to read:
14 71.07 **(2de)** (a) 1. Begins the work, other than planning and investigating, for
15 which the credit is claimed after the area that includes the site where the work is
16 done is designated a development zone under s. 560.71, 2009 stats., or an enterprise
17 development zone under s. 560.797, 2009 stats., and after the claimant is certified
18 under s. 560.765 (3), 2009 stats., or certified under s. 560.797 (4) (a), 2009 stats.
19 **SECTION 397.** 71.07 (2di) (a) (intro.) of the statutes is amended to read:
20 71.07 **(2di)** (a) (intro.) Except as provided in pars. (dm) and (f) and s. 73.03 (35),
21 for any taxable year for which the person is entitled under s. 560.795 (3), 2009 stats.,
22 to claim tax benefits, any person may claim as a credit against taxes otherwise due
23 under this chapter 2.5% of the purchase price of depreciable, tangible personal
24 property, or 1.75% of the purchase price of depreciable, tangible personal property

that is expensed under section 179 of the internal revenue code for purposes of the taxes under this chapter, except that:

SECTION 398. 71.07 (2di) (a) 1. of the statutes is amended to read:

71.07 **(2di)** (a) 1. The investment must be in property that is purchased after the person is entitled under s. 560.795 (3), 2009 stats., to claim tax benefits and that is used for at least 50% of its use in the conduct of the person's business operations at a location in a development zone under subch. VI of ch. 560, 2009 stats., or, if the property is mobile, the base of operations of the property for at least 50% of its use must be a location in a development zone.

SECTION 399. 71.07 (2di) (b) 2. of the statutes is amended to read:

71.07 **(2di)** (b) 2. If the claimant is located on an Indian reservation, as defined in s. 560.86 (5), 2009 stats., and is an American Indian, as defined in s. 560.86 (1), 2009 stats., an Indian business, as defined in s. 560.86 (4), 2009 stats., or a tribal enterprise, and if the allowable amount of the credit under this subsection exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft. In this subdivision, "tribal enterprise" means a business that is at least 51% owned and controlled by the governing body of one or more Indian tribes, is actively managed by the governing body, or by the designee of the governing body, of one or more Indian tribes and is currently performing a useful business function.

SECTION 400. 71.07 (2di) (b) 3. of the statutes is amended to read:

71.07 **(2di)** (b) 3. Partnerships, limited liability companies and tax-option corporations may not claim the credit under this subsection, but the eligibility for,

1 and amount of, that credit shall be determined on the basis of their economic activity,
2 not that of their shareholders, partners or members. The corporation, partnership
3 or company shall compute the amount of the credit that may be claimed by each of
4 its shareholders, partners or members and shall provide that information to each of
5 its shareholders, partners or members. Partners, members of limited liability
6 companies and shareholders of tax-option corporations may claim the credit based
7 on the partnership's, company's or corporation's activities in proportion to their
8 ownership interest and may offset it against the tax attributable to their income from
9 the partnership's, company's or corporation's business operations in the
10 development zone; except that partners, members, and shareholders in a
11 development zone under s. 560.795 (1) (e), 2009 stats., may offset the credit against
12 the amount of the tax attributable to their income from all of the partnership's,
13 company's, or corporation's business operations; and against the tax attributable to
14 their income from the partnership's, company's or corporation's directly related
15 business operations.

16 **SECTION 401.** 71.07 (2di) (d) 1. of the statutes is amended to read:

17 71.07 **(2di)** (d) 1. A copy of a verification from the department of commerce that
18 the claimant may claim tax benefits under s. 560.795 (3), 2009 stats.

19 **SECTION 402.** 71.07 (2di) (f) of the statutes is amended to read:

20 71.07 **(2di)** (f) If a person who is entitled under s. 560.795 (3), 2009 stats., to
21 claim tax benefits becomes ineligible for such tax benefits, that person may claim no
22 credits under this subsection for the taxable year that includes the day on which the
23 person becomes ineligible for tax benefits or succeeding taxable years and that
24 person may carry over no unused credits from previous years to offset tax under this

chapter for the taxable year that includes the day on which the person becomes ineligible for tax benefits or succeeding taxable years.

SECTION 403. 71.07 (2di) (g) of the statutes is amended to read:

71.07 **(2di)** (g) If a person who is entitled under s. 560.795 (3), 2009 stats., to claim tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

SECTION 404. 71.07 (2dj) (am) (intro.) of the statutes is amended to read:

71.07 **(2dj)** (am) (intro.) Except as provided under par. (f) or s. 73.03 (35) for any taxable year for which the person is certified under s. 560.765 (3), 2009 stats., for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter an amount calculated as follows:

SECTION 405. 71.07 (2dj) (am) 4. a. of the statutes is amended to read:

71.07 **(2dj)** (am) 4. a. If certified under s. 560.765 (3), 2009 stats., for tax benefits before January 1, 1992, modify "qualified wages" as defined in section 51 (b) of the internal revenue code to exclude wages paid before the claimant is certified for tax benefits and to exclude wages that are paid to employees for work at any location that is not in a development zone under subch. VI of ch. 560, 2009 stats. For purposes of this subd. 4. a., mobile employees work at their base of operations and leased or rented employees work at the location where they perform services.

SECTION 406. 71.07 (2dj) (am) 4. b. of the statutes is amended to read:

71.07 **(2dj)** (am) 4. b. If certified under s. 560.765 (3), 2009 stats., for tax benefits after December 31, 1991, modify "qualified wages" as defined in section 51 (b) of the internal revenue code to exclude wages paid before the claimant is certified

1 for tax benefits and to exclude wages that are paid to employees for work at any
2 location that is not in a development zone under subch. VI of ch. 560, 2009 stats. For
3 purposes of this subd. 4. b., mobile employees and leased or rented employees work
4 at their base of operations.

5 **SECTION 407.** 71.07 (2dj) (am) 4c. of the statutes is amended to read:

6 71.07 **(2dj)** (am) 4c. Modify the rule for ineligible individuals under section 51
7 (i) (1) of the internal revenue code to allow credit for the wages of related individuals
8 paid by an Indian business, as defined in s. 560.86 (4), 2009 stats., or a tribal
9 enterprise, as defined in sub. (2di) (b) 2., if the Indian business or tribal enterprise
10 is located in a development zone designated under s. 560.71 (3) (c) 2., 2009 stats.

11 **SECTION 408.** 71.07 (2dj) (am) 4t. of the statutes is amended to read:

12 71.07 **(2dj)** (am) 4t. If certified under s. 560.765 (3), 2009 stats., for tax benefits
13 before January 1, 1992, modify section 51 (i) (3) of the internal revenue code so that
14 for leased or rented employees, except employees of a leasing agency certified for tax
15 benefits who perform services directly for the agency in a development zone, the
16 minimum employment periods apply to the time that they perform services in a
17 development zone for a single lessee or renter, not to their employment by the leasing
18 agency.

19 **SECTION 409.** 71.07 (2dj) (e) 1. of the statutes is amended to read:

20 71.07 **(2dj)** (e) 1. A copy of the claimant's certification for tax benefits under s.
21 560.765 (3), 2009 stats.

22 **SECTION 410.** 71.07 (2dj) (e) 3. a. of the statutes is amended to read:

23 71.07 **(2dj)** (e) 3. a. If certified under s. 560.765 (3), 2009 stats., for tax benefits
24 before January 1, 1992, a statement from the department of commerce verifying the
25 amount of qualifying wages and verifying that the employees were hired for work

1 only in a development zone or are mobile employees whose base of operations is in
2 a development zone.

3 **SECTION 411.** 71.07 (2dj) (e) 3. b. of the statutes is amended to read:

4 71.07 **(2dj)** (e) 3. b. If certified under s. 560.765 (3), 2009 stats., for tax benefits
5 after December 31, 1991, a statement from the department of commerce verifying the
6 amount of qualifying wages and verifying that the employees were hired for work
7 only in a development zone or are mobile employees or leased or rented employees
8 whose base of operations is in a development zone.

9 **SECTION 412.** 71.07 (2dL) (a) of the statutes is amended to read:

10 71.07 **(2dL)** (a) Except as provided in pars. (ag), (ar), (bm) and (f) and s. 73.03
11 (35), for any taxable year for which the person is certified under s. 560.765 (3), 2009
12 stats., for tax benefits, any person may claim as a credit against taxes otherwise due
13 under this subchapter an amount equal to 2.5% of the amount expended by that
14 person to acquire, construct, rehabilitate or repair real property in a development
15 zone under subch. VI of ch. 560, 2009 stats.

16 **SECTION 413.** 71.07 (2dL) (ag) of the statutes is amended to read:

17 71.07 **(2dL)** (ag) If the credit under par. (a) is claimed for an amount expended
18 to construct, rehabilitate, remodel or repair property, the claimant must have begun
19 the physical work of construction, rehabilitation, remodeling or repair, or any
20 demolition or destruction in preparation for the physical work, after the place where
21 the property is located was designated a development zone under s. 560.71, 2009
22 stats., and the completed project must be placed in service after the claimant is
23 certified for tax benefits under s. 560.765 (3), 2009 stats. In this paragraph, "physical
24 work" does not include preliminary activities such as planning, designing, securing

1 financing, researching, developing specifications or stabilizing the property to
2 prevent deterioration.

3 **SECTION 414.** 71.07 (2dL) (ar) of the statutes is amended to read:

4 71.07 **(2dL)** (ar) If the credit under par. (a) is claimed for an amount expended
5 to acquire property, the property must have been acquired by the claimant after the
6 place where the property is located was designated a development zone under s.
7 560.71, 2009 stats., and the completed project must be placed in service after the
8 claimant is certified for tax benefits under s. 560.765 (3), 2009 stats., and the
9 property must not have been previously owned by the claimant or a related person
10 during the 2 years prior to the designation of the development zone under s. 560.71,
11 2009 stats. No credit is allowed for an amount expended to acquire property until
12 the property, either in its original state as acquired by the claimant or as
13 subsequently constructed, rehabilitated, remodeled or repaired, is placed in service.

14 **SECTION 415.** 71.07 (2dL) (bm) of the statutes is amended to read:

15 71.07 **(2dL)** (bm) In calculating the credit under par. (a) a claimant shall reduce
16 the amount expended to acquire property by a percentage equal to the percentage of
17 the area of the real property not used for the purposes for which the claimant is
18 certified to claim tax benefits under s. 560.765 (3), 2009 stats., and shall reduce the
19 amount expended for other purposes by the amount expended on the part of the
20 property not used for the purposes for which the claimant is certified to claim tax
21 benefits under s. 560.765 (3), 2009 stats.

22 **SECTION 416.** 71.07 (2dL) (c) of the statutes is amended to read:

23 71.07 **(2dL)** (c) If the claimant is located on an Indian reservation, as defined
24 in s. 560.86 (5), 2009 stats., and is an American Indian, as defined in s. 560.86 (1),
25 2009 stats., an Indian business, as defined in s. 560.86 (4), 2009 stats., or a tribal

enterprise, as defined in sub. (2di) (b) 2., and if the allowable amount of the credit under par. (a) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft.

SECTION 417. 71.07 (2dm) (a) 1. of the statutes is amended to read:

71.07 **(2dm)** (a) 1. "Certified" means entitled under s. 238.395 (3) (a) 4. or s. 560.795 (3) (a) 4., 2009 stats., to claim tax benefits or certified under s. 238.395 (5), 238.398 (5), or 238.3995 (4) or s. 560.795 (5), 2009 stats., s. 560.798 (3), 2009 stats., or s. 560.7995 (4), 2009 stats.

SECTION 418. 71.07 (2dm) (a) 3. of the statutes is amended to read:

71.07 **(2dm)** (a) 3. "Development zone" means a development opportunity zone under s. 238.395 (1) (e) and (f) or 238.398 or s. 560.795 (1) (e) and (f), 2009 stats., or s. 560.798, 2009 stats., or an airport development zone under s. 238.3995 or s. 560.7995, 2009 stats.

SECTION 419. 71.07 (2dm) (a) 4. of the statutes is amended to read:

71.07 **(2dm)** (a) 4. "Previously owned property" means real property that the claimant or a related person owned during the 2 years prior to the department of commerce or the Wisconsin Economic Development Corporation designating the place where the property is located as a development zone and for which the claimant may not deduct a loss from the sale of the property to, or an exchange of the property with, the related person under section 267 of the Internal Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified so that if the claimant owns any part of the property, rather than 50% ownership, the claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes of this subsection.

1 **SECTION 420.** 71.07 (2dm) (f) 1. of the statutes is amended to read:

2 71.07 **(2dm)** (f) 1. A copy of ~~a~~ the verification ~~from the department of commerce~~
3 that the claimant may claim tax benefits under s. 238.395 (3) (a) 4. or s. 560.795 (3)
4 (a) 4., 2009 stats., or is certified under s. 238.395 (5), 238.398 (3), or 238.3995 (4) or
5 s. or s. 560.795 (5), 2009 stats., s. 560.798 (3), 2009 stats., or s. 560.7995 (4), 2009
6 stats.

7 **SECTION 421.** 71.07 (2dm) (f) 2. of the statutes is amended to read:

8 71.07 **(2dm)** (f) 2. A statement from the department of commerce or the
9 Wisconsin Economic Development Corporation verifying the purchase price of the
10 investment and verifying that the investment fulfills the requirements under par.
11 (b).

12 **SECTION 422.** 71.07 (2dm) (i) of the statutes is amended to read:

13 71.07 **(2dm)** (i) Partnerships, limited liability companies, and tax-option
14 corporations may not claim the credit under this subsection, but the eligibility for,
15 and the amount of, that credit shall be determined on the basis of their economic
16 activity, not that of their shareholders, partners, or members. The corporation,
17 partnership, or limited liability company shall compute the amount of credit that
18 may be claimed by each of its shareholders, partners, or members and provide that
19 information to its shareholders, partners, or members. Partners, members of limited
20 liability companies, and shareholders of tax-option corporations may claim the
21 credit based on the partnership's, company's, or corporation's activities in proportion
22 to their ownership interest and may offset it against the tax attributable to their
23 income from the partnership's, company's, or corporation's business operations in the
24 development zone; except that partners, members, and shareholders in a

1 development zone under s. 238.395 (1) (e) or s. 560.795 (1) (e), 2009 stats., may offset
2 the credit against the amount of the tax attributable to their income.

3 **SECTION 423.** 71.07 (2dm) (j) of the statutes is amended to read:

4 71.07 **(2dm)** (j) If a person who is entitled under s. 238.395 (3) (a) 4. or s. 560.795
5 (3) (a) 4., 2009 stats., to claim tax benefits becomes ineligible for such tax benefits,
6 or if a person's certification under s. 238.395 (5), 238.398 (3), or 238.3995 (4) or s.
7 560.795 (5), 2009 stats., s. 560.798 (3), 2009 stats., or s. 560.7995 (4), 2009 stats., is
8 revoked, that person may claim no credits under this subsection for the taxable year
9 that includes the day on which the person becomes ineligible for tax benefits, the
10 taxable year that includes the day on which the certification is revoked, or succeeding
11 taxable years, and that person may carry over no unused credits from previous years
12 to offset tax under this chapter for the taxable year that includes the day on which
13 the person becomes ineligible for tax benefits, the taxable year that includes the day
14 on which the certification is revoked, or succeeding taxable years.

15 **SECTION 424.** 71.07 (2dm) (k) of the statutes is amended to read:

16 71.07 **(2dm)** (k) If a person who is entitled under s. 238.395 (3) (a) 4. or s.
17 560.795 (3) (a) 4., 2009 stats., to claim tax benefits or certified under s. 238.395 (5),
18 238.398 (3), or 238.3995 (4) or s. 560.795 (5), 2009 stats., s. 560.798 (3), 2009 stats.,
19 or s. 560.7995 (4), 2009 stats., ceases business operations in the development zone
20 during any of the taxable years that that zone exists, that person may not carry over
21 to any taxable year following the year during which operations cease any unused
22 credits from the taxable year during which operations cease or from previous taxable
23 years.

24 **SECTION 425.** 71.07 (2dr) (a) of the statutes is amended to read:

1 71.07 **(2dr)** (a) *Credit.* Any person may credit against taxes otherwise due
2 under this chapter an amount equal to 5% of the amount obtained by subtracting
3 from the person's qualified research expenses, as defined in section 41 of the internal
4 revenue code, except that "qualified research expenses" include only expenses
5 incurred by the claimant in a development zone under subch. VI of ch. 560, 2009
6 stats., except that a taxpayer may elect the alternative computation under section
7 41 (c) (4) of the Internal Revenue Code and that election applies until the department
8 permits its revocation and except that "qualified research expenses" do not include
9 compensation used in computing the credit under sub. (2dj) nor research expenses
10 incurred before the claimant is certified for tax benefits under s. 560.765 (3), 2009
11 stats., the person's base amount, as defined in section 41 (c) of the internal revenue
12 code, in a development zone, except that gross receipts used in calculating the base
13 amount means gross receipts from sales attributable to Wisconsin under s. 71.04 (7)
14 (b) 1. and 2., (df) 1. and 2., (dh) 1., 2., and 3., (dj) 1. and (dk) 1. and research expenses
15 used in calculating the base amount include research expenses incurred before the
16 claimant is certified for tax benefits under s. 560.765 (3), 2009 stats., in a
17 development zone, if the claimant submits with the claimant's return a copy of the
18 claimant's certification for tax benefits under s. 560.765 (3) 2009 stats., and a
19 statement from the department of commerce verifying the claimant's qualified
20 research expenses for research conducted exclusively in a development zone. The
21 rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under
22 sub. (2di) (f) and (g), as they apply to the credit under that subsection, apply to claims
23 under this paragraph. Section 41 (h) of the internal revenue code does not apply to
24 the credit under this paragraph.

25 **SECTION 426.** 71.07 (2dr) (b) of the statutes is amended to read: