



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/04/2011 (Per: CMH)

- A ➡ The 2011 drafting file for LRB-0805
- B ➡ The 2011 drafting file for LRB-0808
- C ➡ The 2011 drafting file for LRB-1059
- D ➡ The 2011 drafting file for LRB-1369

➡ Compile Draft – Appendix C... segment XXV

has been transferred to the drafting file for

2011 LRB-1465*

* One of the compile drafts used in the creation of AB 40 & SB 27 (2011 Budget Bill)

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1 4. That the airport development project is not likely to occur or continue
2 without the ~~department's~~ corporation designation of the area as an airport
3 development zone.

4 (b) (intro.) In making a determination under par. (a), the ~~department~~
5 corporation shall consider all of the following:

6 8. Any other factors that the ~~department~~ corporation considers relevant.

7 (c) 1. The ~~department~~ corporation may not designate as an airport development
8 zone, or as any part of an airport development zone, an area that is located within
9 the boundaries of an area that is designated as a development zone under s. ~~560.71~~
10 238.31, as a development opportunity zone under s. ~~560.795~~ 238.395, or as an
11 enterprise development zone under s. ~~560.797~~ 238.397.

12 2. The ~~department~~ corporation shall give the department of transportation the
13 opportunity to review and comment on any proposed designation under this
14 subsection and the department of transportation may deny any such designation if
15 the department of transportation determines that the designation would
16 compromise the airport's safety or utility. The department of transportation may
17 also review and comment on any land use or compatibility issues related to any
18 proposed designation under this subsection.

19 (d) Notwithstanding pars. (a) to (c), and except as provided in par. (e), the
20 ~~department~~ corporation shall designate as an airport development zone the area
21 within the boundaries of Adams, Fond du Lac, Green Lake, Juneau, Langlade,
22 Lincoln, Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano,
23 Taylor, Waupaca, Waushara, Winnebago, Wood, and Vilas counties.

24 (3) (a) When the ~~department~~ corporation designates an area as an airport
25 development zone, the ~~department~~ corporation shall specify the length of time, not

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1 to exceed 84 months, that the designation is effective, subject to par. (d). The
2 ~~department~~ corporation shall notify each person certified for tax benefits in an
3 airport development zone, the department of revenue, the department of
4 transportation, the Wisconsin Housing and Economic Development Authority, and
5 the governing body of each county, city, village, town, and federally recognized
6 American Indian tribe or band in which territory of the airport development zone is
7 located of the designation of and expiration date of the airport development zone.

8 (b) When the ~~department~~ corporation designates an area as an airport
9 development zone, the ~~department~~ corporation shall establish a limit, not to exceed
10 \$3,000,000, for tax benefits applicable to the airport development zone, except that
11 the ~~department~~ corporation shall limit the amount of tax benefits applicable to the
12 airport development zone designated under sub. (2) (d) to \$750,000. The total tax
13 benefits applicable to all airport development zones may not exceed \$9,000,000, less
14 any amount allocated to technology zones under s. ~~560.96~~ 238.23 (2) (b) and to
15 agricultural development zones under s. ~~560.798~~ 238.398 (2) (b), and except that the
16 total amount allocated to all technology zones under s. ~~560.96~~ 238.23 (2) (b) and to
17 all agricultural development zones under s. ~~560.798~~ 238.398 (2) (b), may not exceed
18 \$6,000,000. The ~~department~~ corporation may not reallocate amounts as provided
19 under this paragraph on or after January 1, 2010, except that the ~~department~~
20 corporation may, after 48 months from the month of any designation under this
21 section, evaluate the area designated as an airport development zone and reallocate
22 the amount of available tax benefits.

23 (c) Annually, the ~~department~~ corporation shall estimate the amount of forgone
24 state revenue because of tax benefits claimed by persons in each airport development
25 zone.

1 (d) 1. Notwithstanding the length of time specified by the ~~department~~
2 corporation under par. (a), the designation of an area as an airport development zone
3 shall expire 90 days after the day on which the ~~department~~ corporation determines
4 that the forgone tax revenues estimated under par. (c) will equal or exceed the limit
5 established for the airport development zone.

6 2. The ~~department~~ corporation shall immediately notify each person certified
7 for tax benefits in an airport development zone, the department of revenue, the
8 department of transportation, the Wisconsin Housing and Economic Development
9 Authority, and the governing body of each county, city, village, town, and federally
10 recognized American Indian tribe or band in which territory of the airport
11 development zone is located of a change in the expiration date of the airport
12 development zone under this paragraph.

13 (4) (a) (intro.) A person that intends to operate a place of business in an airport
14 development zone may submit to the ~~department~~ corporation an application and a
15 business plan. The business plan shall include all of the following:

16 10. Any other information required by the ~~department~~ corporation or the
17 department of revenue.

18 (am) A person that intends to operate a business in the airport development
19 zone designated under sub. (2) (d) may submit to the ~~department~~ corporation an
20 application and a business plan that includes all of the information required under
21 par. (a). In approving business plans submitted under this paragraph, the
22 ~~department~~ corporation shall give higher priority to airport development projects
23 located or proposed to be located in ~~a distressed area, as defined in s. 560.605 (7) (b)~~
24 areas that have high levels of unemployment, areas that have a low median
25 household income, areas where significant number of workers have been

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1 permanently laid off, areas in which an employer has given public notice of a plant
2 closing or a substantial reduction in force that will result in a significant number of
3 workers in the area being permanently laid off, and areas affected by other factors
4 that indicate they are distressed areas, as determined by the corporation.

5 (ar) The ~~department~~ corporation may not accept or approve any applications
6 or business plans submitted under par. (a) on or after March 6, 2009.

7 (b) 1. Except as provided in subd. 2., if the ~~department~~ corporation approves
8 a business plan under par. (a) or (am), the ~~department~~ corporation shall certify the
9 person as eligible for tax benefits. The ~~department~~ corporation shall notify the
10 department of revenue within 30 days of certifying a person under this paragraph.

11 (c) (intro.) The ~~department~~ corporation shall revoke a person's certification
12 under par. (b) when the designation of the applicable airport development zone
13 expires or if the person does any of the following:

14 (d) The ~~department~~ corporation shall notify the department of revenue within
15 30 days after revoking a certification under par. (c).

16 (5) VERIFICATION OF INFORMATION. The ~~department~~ corporation annually shall
17 verify information submitted to the ~~department~~ corporation under ss. 71.07 (2dm)
18 and (2dx), 71.28 (1dm) and (1dx), and 71.47 (1dm) and (1dx) as it relates to airport
19 development zones.

20 **SECTION 732.** Subchapter VIII (title) of chapter 560 [precedes 560.86] of the
21 statutes is repealed.

22 **SECTION 733.** 560.86 of the statutes is repealed.

23 **SECTION 734.** 560.87 of the statutes is repealed.

24 **SECTION 735.** 560.875 of the statutes is repealed.

1 **SECTION 736.** Subchapter IX of chapter 560 [precedes 560.90] of the statutes
2 is repealed.

3 **SECTION 737.** 560.90 of the statutes is repealed.

4 **SECTION 738.** 560.905 of the statutes is repealed.

5 **SECTION 739.** 560.92 of the statutes is repealed.

6 **SECTION 740.** 560.93 of the statutes is repealed.

7 **SECTION 741.** 560.96 of the statutes is renumbered 238.23, and 238.23 (2) (a)
8 and (b), (3) (a) (intro.), (b) (intro.), (c) and (d), (4) (a) (intro.) and (b) and (5) (intro.),
9 (e) and (g), as renumbered, are amended to read:

10 238.23 (2) (a) Except as provided in par. (c), the department corporation may
11 designate up to 8 areas in the state as technology zones. A business that is located
12 in a technology zone and that is certified by the department corporation under sub.
13 (3) is eligible for a tax credit as provided in sub. (3).

14 (b) The designation of an area as a technology zone shall be in effect for 10 years
15 from the time that the department corporation first designates the area. Not more
16 than \$5,000,000 in tax credits may be claimed in a technology zone, except that the
17 department corporation may allocate the amount of unallocated airport
18 development zone tax credits, as provided under s. ~~560.7995~~ 238.3995 (3) (b), to
19 technology zones for which the \$5,000,000 maximum allocation is insufficient. The
20 department corporation may change the boundaries of a technology zone during the
21 time that its designation is in effect. A change in the boundaries of a technology zone
22 does not affect the duration of the designation of the area or the maximum tax credit
23 amount that may be claimed in the technology zone.

1 (3) (a) (intro.) Except as provided in par. (e), the ~~department~~ corporation may
2 certify for tax credits in a technology zone a business that satisfies all of the following
3 requirements:

4 (b) (intro.) In determining whether to certify a business under this subsection,
5 the ~~department~~ corporation shall consider all of the following:

6 (c) When the ~~department~~ corporation certifies a business under this
7 subsection, the ~~department~~ corporation shall establish a limit on the amount of tax
8 credits that the business may claim. Unless its certification is revoked, and subject
9 to the limit on the tax credit amount established by the ~~department~~ corporation
10 under this paragraph, a business that is certified may claim a tax credit for 3 years,
11 except that a business that experiences growth, as determined for that business by
12 the ~~department~~ corporation under par. (d) and sub. (5) (e), may claim a tax credit for
13 up to 5 years.

14 (d) The ~~department~~ corporation shall enter into an agreement with a business
15 that is certified under this subsection. The agreement shall specify the limit on the
16 amount of tax credits that the business may claim, the extent and type of growth,
17 which shall be specific to the business, that the business must experience to extend
18 its eligibility for a tax credit, the business' baseline against which that growth will
19 be measured, any other conditions that the business must satisfy to extend its
20 eligibility for a tax credit, and reporting requirements with which the business must
21 comply.

22 (4) (a) (intro.) The ~~department of commeree~~ corporation shall notify the
23 department of revenue of all the following:

1 (b) The ~~department~~ corporation shall annually verify information submitted
2 to the ~~department~~ corporation under ss. 71.07 (2di), (2dm), (2dx), and (3g), 71.28
3 (1di), (1dm), (1dx), and (3g), and 71.47 (1di), (1dm), (1dx), and (3g).

4 (5) (intro.) The ~~department~~ corporation shall ~~promulgate~~ adopt rules for the
5 operation of this section, including rules related to all the following:

6 (e) Standards for extending a business's certification, including what
7 measures, in addition to job creation, the ~~department~~ corporation will use to
8 determine the growth of a specific business and how the ~~department~~ corporation will
9 establish baselines against which to measure growth.

10 (g) The exchange of information between the ~~department of commerce~~
11 corporation and the department of revenue.

12 **SECTION 742.** Subchapter X (title) of chapter 560 [precedes 560.9801] of the
13 statutes is repealed.

14 **SECTION 743.** 563.05 (3) of the statutes is amended to read:

15 563.05 (3) The department may promulgate rules specifying the number of
16 business days within which the department must review and make a determination
17 on an application for a permit, as defined in s. ~~560.41 (2)~~ 227.116 (1g), that is issued
18 under this chapter.

19 **SECTION 744.** 704.05 (5) (a) 2. of the statutes is amended to read:

20 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
21 addressed to the tenant's last-known address, of the landlord's intent to dispose of
22 the personal property by sale or other appropriate means if the property is not
23 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
24 after the date of personal service or the date of the mailing of the notice, the landlord
25 may dispose of the property by private or public sale or any other appropriate means.

1 The landlord may deduct from the proceeds of sale any costs of sale and any storage
2 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
3 minus the costs of sale and minus any storage charges are not claimed within 60 days
4 after the date of the sale of the personalty, the landlord is not accountable to the
5 tenant for any of the proceeds of the sale or the value of the property. The landlord
6 shall send the proceeds of the sale minus the costs of the sale and minus any storage
7 charges to the department of administration for deposit in the appropriation under
8 s. ~~20.143 (2)~~ 20.490 (7) (h).

9 **SECTION 9110. Nonstatutory provisions; Commerce.**

10 (1) ECONOMIC DEVELOPMENT TRANSFER.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of commerce primarily related to the functions of the
13 department under subchapters I, II, III, IV, V, VI, VIII, and IX of chapter 560, 2009
14 stats., as determined by the secretary of administration, shall become the assets and
15 liabilities of the Wisconsin Economic Development Corporation.

16 (b) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of commerce that
18 is primarily related to the functions of the department under subchapters I, II, III,
19 IV, V, VI, VIII, and IX of chapter 560, 2009 stats., except the tangible personal
20 property, including records, transferred to the department of agriculture, trade and
21 consumer protection under subsection (2) (a), as determined by the secretary of
22 administration, is transferred to the Wisconsin Economic Development Corporation.

23 (c) *Contracts.* All contracts entered into by the department of commerce in
24 effect on the effective date of this paragraph that are primarily related to the
25 functions of the department under subchapters I, II, III, IV, V, VI, VIII, and IX of

1 chapter 560, 2009 stats., as determined by the secretary of administration, remain
2 in effect and are transferred to the Wisconsin Economic Development Corporation.
3 The Wisconsin Economic Development Corporation shall carry out any obligations
4 under such a contract until the contract is modified or rescinded by the Wisconsin
5 Economic Development Corporation to the extent allowed under the contract.

6 (2) DAIRY MANUFACTURING FACILITY INVESTMENT CREDIT; TRANSFER.

7 (a) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department of commerce that
9 is primarily related to the functions of the department of commerce with respect to
10 section 560.207, 2009 stats., as determined by the secretary of administration, is
11 transferred to the department of agriculture, trade and consumer protection.

12 (b) *Rules.* All rules promulgated by the department of commerce under section
13 560.207 (4), 2009 stats., that are in effect on the effective date of this paragraph
14 remain in effect until their specified expiration date or until amended or repealed by
15 the department of agriculture, trade and consumer protection.

16 **SECTION 9210. Fiscal changes; Commerce.**

17 (1) ECONOMIC DEVELOPMENT TRANSFER. The unencumbered balances in the
18 appropriation accounts under section 20.143 (1) (a), (b), (bk), (bt), (c), (cf), (d), (dr),
19 (e), (em), (er), (ew), (fi), (fj), (fy), (g), (gc), (gh), (gm), (gr), (gv), (h), (hm), (hr), (ie), (ig),
20 (io), (ir), (jp), (k), (k), (kb), (kc), (kf), (kg), (kh), (kj), and (kt) of the statutes are
21 transferred to the appropriation account under section 20.192 (1) (k) of the statutes.

22 (2) ECONOMIC DEVELOPMENT TRANSFER; FEDERAL MONEYS. The unencumbered
23 balances in the appropriation accounts under section 20.143 (1) (m), (mr), (n), and

1 (o) of the statutes are transferred to the appropriation account under section 20.192

2 (1) (m) of the statutes.

3 (END)