



State of Wisconsin  
2011 – 2012 LEGISLATURE

January 2011 Special Session



LRBs0054/en  
SRM:cjs:...

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 6**

1        **AN ACT** *to amend* 1.12 (1) (b), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (1) (mm),  
2            13.94 (4) (a) 1., 13.95 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a),  
3            16.045 (1) (a), 16.15 (1) (ab), 16.41 (4), 16.417 (1) (a), 16.417 (1) (a), 16.417 (1)  
4            (b), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.765 (1), 16.765 (2),  
5            16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2),  
6            16.865 (8), 40.02 (28), 40.02 (36), 71.26 (1) (be), 77.54 (9a) (a), 100.45 (1) (dm),  
7            101.177 (1) (d), 230.03 (3), 281.75 (4) (b) 3. and 285.59 (1) (b); and **to create**  
8            13.48 (10) (b) 6., 13.48 (12) (b) 5., 13.94 (1) (dr), 13.94 (1s) (c) 5., 19.42 (10) (sm),  
9            19.42 (13) (om), 20.192, 40.02 (54) (m), 70.11 (38r) and chapter 238 of the  
10           statutes; **relating to:** creation of an authority, to be known as the Wisconsin  
11           Economic Development Corporation, and making appropriations.

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

1           **SECTION 1.** 1.12 (1) (b) of the statutes is amended to read:

2           1.12 **(1) (b)** “State agency” means an office, department, agency, institution of  
3 higher education, the legislature, a legislative service agency, the courts, a judicial  
4 branch agency, an association, society, or other body in state government that is  
5 created or authorized to be created by the constitution or by law, for which  
6 appropriations are made by law, excluding the Health Insurance Risk–Sharing Plan  
7 Authority and the Wisconsin Economic Development Corporation.

8           **SECTION 2.** 13.172 (1) of the statutes is amended to read:

9           13.172 **(1)** In this section, “agency” means an office, department, agency,  
10 institution of higher education, association, society, or other body in state  
11 government created or authorized to be created by the constitution or any law, that  
12 is entitled to expend moneys appropriated by law, including the legislature and the  
13 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
14 ch. 52, 231, 233, 234, 238, or 279.

15           **SECTION 3.** 13.48 (10) (b) 6. of the statutes is created to read:

16           13.48 **(10) (b) 6.** Projects of the Wisconsin Economic Development Corporation.

17           **SECTION 4.** 13.48 (12) (b) 5. of the statutes is created to read:

18           13.48 **(12) (b) 5.** A facility constructed by or for the Wisconsin Economic  
19 Development Corporation.

20           **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

21           13.48 **(13) (a)** Except as provided in par. (b) or (c), every building, structure or  
22 facility that is constructed for the benefit of or use of the state, any state agency,  
23 board, commission or department, the University of Wisconsin Hospitals and Clinics  
24 Authority, the Fox River Navigational System Authority, the Wisconsin Quality  
25 Home Care Authority, the Wisconsin Economic Development Corporation, or any

1 local professional baseball park district created under subch. III of ch. 229 if the  
2 construction is undertaken by the department of administration on behalf of the  
3 district, shall be in compliance with all applicable state laws, rules, codes and  
4 regulations but the construction is not subject to the ordinances or regulations of the  
5 municipality in which the construction takes place except zoning, including without  
6 limitation because of enumeration ordinances or regulations relating to materials  
7 used, permits, supervision of construction or installation, payment of permit fees, or  
8 other restrictions.

9 **SECTION 6.** 13.62 (2) of the statutes is amended to read:

10 13.62 (2) “Agency” means any board, commission, department, office, society,  
11 institution of higher education, council, or committee in the state government, or any  
12 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
13 233, 234, 237, 238, or 279, except that the term does not include a council or  
14 committee of the legislature.

15 **SECTION 7.** 13.94 (1) (dr) of the statutes is created to read:

16 13.94 (1) (dr) Biennially, beginning in 2013, conduct a financial audit of the  
17 Wisconsin Economic Development Corporation and a program evaluation audit of  
18 the economic development programs administered by the Wisconsin Economic  
19 Development Corporation under ch. 238. The legislative audit bureau shall file a  
20 copy of each audit report under this paragraph with the distributees specified in par.  
21 (b).

22 **SECTION 8.** 13.94 (1) (mm) of the statutes is amended to read:

23 13.94 (1) (mm) No later than July 1, 2012, prepare a financial and performance  
24 evaluation audit of the economic development programs administered by the  
25 department of commerce, the University of Wisconsin System, the department of

1 agriculture, trade and consumer protection, the department of natural resources, the  
2 Wisconsin Housing and Economic Development Authority, the Wisconsin Economic  
3 Development Corporation, the department of tourism, the technical college system,  
4 and the department of transportation. In this paragraph, economic development  
5 program has the meaning given in s. 560.001 (1m). The legislative audit bureau shall  
6 file a copy of the report of the audit under this paragraph with the distributees  
7 specified in par. (b).

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

9 13.94 (1s) (c) 5. The Wisconsin Economic Development Corporation for the cost  
10 of the audit required to be performed under sub. (1) (dr).

11 **SECTION 10.** 13.94 (4) (a) 1. of the statutes is amended to read:

12 13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
13 credentialing board, commission, independent agency, council or office in the  
14 executive branch of state government; all bodies created by the legislature in the  
15 legislative or judicial branch of state government; any public body corporate and  
16 politic created by the legislature including specifically the Wisconsin Quality Home  
17 Care Authority, the Fox River Navigational System Authority, the Lower Fox River  
18 Remediation Authority, and the Wisconsin Aerospace Authority, the Wisconsin  
19 Economic Development Corporation, a professional baseball park district, a local  
20 professional football stadium district, a local cultural arts district and a long-term  
21 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.  
22 49; every provider of medical assistance under subch. IV of ch. 49; technical college  
23 district boards; every county department under s. 51.42 or 51.437; every nonprofit  
24 corporation or cooperative or unincorporated cooperative association to which  
25 moneys are specifically appropriated by state law; and every corporation, institution,

1 association or other organization which receives more than 50% of its annual budget  
2 from appropriations made by state law, including subgrantee or subcontractor  
3 recipients of such funds.

4 **SECTION 11.** 13.95 (intro.) of the statutes is amended to read:

5 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
6 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau  
7 shall be strictly nonpartisan and shall at all times observe the confidential nature  
8 of the research requests received by it; however, with the prior approval of the  
9 requester in each instance, the bureau may duplicate the results of its research for  
10 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s  
11 designated employees shall at all times, with or without notice, have access to all  
12 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
13 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,  
14 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
15 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
16 Navigational System Authority, and to any books, records, or other documents  
17 maintained by such agencies or authorities and relating to their expenditures,  
18 revenues, operations, and structure.

19 **SECTION 12.** 16.002 (2) of the statutes is amended to read:

20 16.002 (2) “Departments” means constitutional offices, departments, and  
21 independent agencies and includes all societies, associations, and other agencies of  
22 state government for which appropriations are made by law, but not including  
23 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and or in chs. ch. 52,  
24 231, 232, 233, 234, 235, 237, and 238, or 279.

25 **SECTION 13.** 16.004 (4) of the statutes is amended to read:

1           16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
2 department as the secretary designates may enter into the offices of state agencies  
3 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under  
4 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts  
5 and any other matter that in the secretary’s judgment should be examined and may  
6 interrogate the agency’s employees publicly or privately relative thereto.

7           **SECTION 14.** 16.004 (5) of the statutes is amended to read:

8           16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
9 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.  
10 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate  
11 with the secretary and shall comply with every request of the secretary relating to  
12 his or her functions.

13           **SECTION 15.** 16.004 (12) (a) of the statutes is amended to read:

14           16.004 (12) (a) In this subsection, “state agency” means an association,  
15 authority, board, department, commission, independent agency, institution, office,  
16 society, or other body in state government created or authorized to be created by the  
17 constitution or any law, including the legislature, the office of the governor, and the  
18 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
19 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
20 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home  
21 Care Authority, the Wisconsin Economic Development Corporation, and the Fox  
22 River Navigational System Authority.

23           **SECTION 16.** 16.045 (1) (a) of the statutes is amended to read:

24           16.045 (1) (a) “Agency” means an office, department, independent agency,  
25 institution of higher education, association, society, or other body in state

1 government created or authorized to be created by the constitution or any law, that  
2 is entitled to expend moneys appropriated by law, including the legislature and the  
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
4 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

5 **SECTION 17.** 16.15 (1) (ab) of the statutes is amended to read:

6 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
7 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
8 River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
9 Wisconsin Economic Development Corporation, and the Health Insurance  
10 Risk–Sharing Plan Authority.

11 **SECTION 18.** 16.41 (4) of the statutes is amended to read:

12 16.41 (4) In this section, “authority” means a body created under subch. II of  
13 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

14 **SECTION 19.** 16.417 (1) (a) of the statutes is amended to read:

15 16.417 (1) (a) “Agency” means an office, department, independent agency,  
16 institution of higher education, association, society, or other body in state  
17 government created or authorized to be created by the constitution or any law, that  
18 is entitled to expend moneys appropriated by law, including the legislature and the  
19 courts, but not including an authority or the body created under subch. III of ch. 149  
20 or under ch. 238.

21 **SECTION 20.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act ...  
22 (this act), is amended to read:

23 16.417 (1) (a) “Agency” means an office, department, independent agency,  
24 institution of higher education, association, society, or other body in state  
25 government created or authorized to be created by the constitution or any law, that

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, but not including an authority or the body created under subch. III of ch. 149  
3 ~~or under ch. 238.~~

4 **SECTION 21.** 16.417 (1) (b) of the statutes is amended to read:

5 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or  
6 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

7 **SECTION 22.** 16.52 (7) of the statutes is amended to read:

8 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
9 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
10 petty cash account from its contingent fund. The procedure for operation and  
11 maintenance of petty cash accounts and the character of expenditures therefrom  
12 shall be prescribed by the secretary. In this subsection, “agency” means an office,  
13 department, independent agency, institution of higher education, association,  
14 society, or other body in state government created or authorized to be created by the  
15 constitution or any law, that is entitled to expend moneys appropriated by law,  
16 including the legislature and the courts, but not including an authority created in  
17 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

18 **SECTION 23.** 16.528 (1) (a) of the statutes is amended to read:

19 16.528 (1) (a) “Agency” means an office, department, independent agency,  
20 institution of higher education, association, society, or other body in state  
21 government created or authorized to be created by the constitution or any law, that  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
24 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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



1           16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed  
2 invoice, the agency shall notify the sender of the invoice within 10 working days after  
3 it receives the invoice of the reason it is improperly completed. In this subsection,  
4 “agency” means an office, department, independent agency, institution of higher  
5 education, association, society, or other body in state government created or  
6 authorized to be created by the constitution or any law, that is entitled to expend  
7 moneys appropriated by law, including the legislature and the courts, but not  
8 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
9 52, 231, 233, 234, 237, 238, or 279.

10           **SECTION 25.** 16.54 (9) (a) 1. of the statutes is amended to read:

11           16.54 **(9)** (a) 1. “Agency” means an office, department, independent agency,  
12 institution of higher education, association, society or other body in state  
13 government created or authorized to be created by the constitution or any law, which  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
16 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

17           **SECTION 26.** 16.765 (1) of the statutes is amended to read:

18           16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and  
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
20 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower  
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
22 Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
23 Entertainment Corporation shall include in all contracts executed by them a  
24 provision obligating the contractor not to discriminate against any employee or  
25 applicant for employment because of age, race, religion, color, handicap, sex, physical

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

5 **SECTION 27.** 16.765 (2) of the statutes is amended to read:

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

24 **SECTION 28.** 16.765 (5) of the statutes is amended to read:

1           16.765 (5) The head of each contracting agency and the boards of directors of  
2 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
3 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
4 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation  
5 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
6 Development Corporation, and the Bradley Center Sports and Entertainment  
7 Corporation shall be primarily responsible for obtaining compliance by any  
8 contractor with the nondiscrimination and affirmative action provisions prescribed  
9 by this section, according to procedures recommended by the department. The  
10 department shall make recommendations to the contracting agencies and the boards  
11 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox  
12 River Navigational System Authority, the Wisconsin Aerospace Authority, the  
13 Health Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation  
14 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
15 Development Corporation, and the Bradley Center Sports and Entertainment  
16 Corporation for improving and making more effective the nondiscrimination and  
17 affirmative action provisions of contracts. The department shall promulgate such  
18 rules as may be necessary for the performance of its functions under this section.

19           **SECTION 29.** 16.765 (6) of the statutes is amended to read:

20           16.765 (6) The department may receive complaints of alleged violations of the  
21 nondiscrimination provisions of such contracts. The department shall investigate  
22 and determine whether a violation of this section has occurred. The department may  
23 delegate this authority to the contracting agency, the University of Wisconsin  
24 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
25 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,

1 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
2 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center  
3 Sports and Entertainment Corporation for processing in accordance with the  
4 department's procedures.

5 **SECTION 30.** 16.765 (7) (intro.) of the statutes is amended to read:

6 16.765 (7) (intro.) When a violation of this section has been determined by the  
7 department, the contracting agency, the University of Wisconsin Hospitals and  
8 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
9 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower  
10 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
11 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
12 Entertainment Corporation, the contracting agency, the University of Wisconsin  
13 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
14 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,  
15 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
16 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center  
17 Sports and Entertainment Corporation shall:

18 **SECTION 31.** 16.765 (7) (d) of the statutes is amended to read:

19 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
20 further violations of this section and to report its corrective action to the contracting  
21 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
22 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
23 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation  
24 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1     Development Corporation, or the Bradley Center Sports and Entertainment  
2     Corporation.

3             **SECTION 32.** 16.765 (8) of the statutes is amended to read:

4             16.765 (8) If further violations of this section are committed during the term  
5     of the contract, the contracting agency, the Fox River Navigational System Authority,  
6     the Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan  
7     Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home  
8     Care Authority, the Wisconsin Economic Development Corporation, or the Bradley  
9     Center Sports and Entertainment Corporation may permit the violating party to  
10    complete the contract, after complying with this section, but thereafter the  
11    contracting agency, the Fox River Navigational System Authority, the Wisconsin  
12    Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower  
13    Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
14    Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
15    Entertainment Corporation shall request the department to place the name of the  
16    party on the ineligible list for state contracts, or the contracting agency, the Fox River  
17    Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
18    Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation  
19    Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
20    Development Corporation, or the Bradley Center Sports and Entertainment  
21    Corporation may terminate the contract without liability for the uncompleted  
22    portion or any materials or services purchased or paid for by the contracting party  
23    for use in completing the contract.

24             **SECTION 33.** 16.85 (2) of the statutes is amended to read:

1           16.85 (2) To furnish engineering, architectural, project management, and other  
2 building construction services whenever requisitions therefor are presented to the  
3 department by any agency. The department may deposit moneys received from the  
4 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
5 fund as general purpose revenue — earned. In this subsection, “agency” means an  
6 office, department, independent agency, institution of higher education, association,  
7 society, or other body in state government created or authorized to be created by the  
8 constitution or any law, which is entitled to expend moneys appropriated by law,  
9 including the legislature and the courts, but not including an authority created in  
10 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

11           **SECTION 34.** 16.865 (8) of the statutes is amended to read:

12           16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
13 proportionate share of the estimated costs attributable to programs administered by  
14 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
15 may charge premiums to agencies to finance costs under this subsection and pay the  
16 costs from the appropriation on an actual basis. The department shall deposit all  
17 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
18 Costs assessed under this subsection may include judgments, investigative and  
19 adjustment fees, data processing and staff support costs, program administration  
20 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
21 subsection, “agency” means an office, department, independent agency, institution  
22 of higher education, association, society, or other body in state government created  
23 or authorized to be created by the constitution or any law, that is entitled to expend  
24 moneys appropriated by law, including the legislature and the courts, but not

1 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
2 52, 231, 232, 233, 234, 235, 237, 238, or 279.

3 **SECTION 35.** 19.42 (10) (sm) of the statutes is created to read:

4 19.42 **(10)** (sm) The members of the board of directors of the Wisconsin  
5 Economic Development Corporation employed in the private sector who are  
6 appointed by the speaker of the assembly and the senate majority leader.

7 **SECTION 36.** 19.42 (13) (om) of the statutes is created to read:

8 19.42 **(13)** (om) The members of the board of directors of the Wisconsin  
9 Economic Development Corporation employed in the private sector who are  
10 appointed by the speaker of the assembly and the senate majority leader.

11 **SECTION 37.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
12 insert the following amounts for the purposes indicated:

13 **2009–10**      **2010–11**

14 **20.192 Wisconsin Economic Development**  
15 **Corporation**

16 (1) PROMOTION OF ECONOMIC DEVELOPMENT

17 (a) Operations and programs                      GPR      C                      –0–                      –0–

18 (k) Transferred general fund moneys  
19 from department of commerce                      PR–S      C                      –0–                      –0–

20 (m) Federal aid; programs                              PR–F      C                      –0–                      –0–

21 **SECTION 38.** 20.192 of the statutes is created to read:

22 **20.192 Wisconsin Economic Development Corporation.** There is  
23 appropriated to the Wisconsin Economic Development Corporation for the following  
24 program:



1           **(1) PROMOTION OF ECONOMIC DEVELOPMENT.** (a) *Operations and programs.* As  
2 a continuing appropriation, the amounts in the schedule for the operations of the  
3 Wisconsin Economic Development Corporation and for funding economic  
4 development programs developed and implemented under s. 238.03.

5           (k) *Transferred general fund moneys from department of commerce.* All moneys  
6 transferred under 2011 Wisconsin Act .... (this act), section 9155 (2), for the  
7 operations of the Wisconsin Economic Development Corporation and for funding  
8 economic development programs developed and implemented under s. 238.03.

9           (m) *Federal aid; programs.* All moneys received from the federal government  
10 as authorized by the governor under s. 16.54, for the purposes of funding programs  
11 administered by the Wisconsin Economic Development Corporation.

12           **SECTION 39.** 40.02 (28) of the statutes is amended to read:

13           40.02 **(28)** “Employer” means the state, including each state agency, any  
14 county, city, village, town, school district, other governmental unit or  
15 instrumentality of 2 or more units of government now existing or hereafter created  
16 within the state, any federated public library system established under s. 43.19  
17 whose territory lies within a single county with a population of 500,000 or more, a  
18 local exposition district created under subch. II of ch. 229, the Wisconsin Economic  
19 Development Corporation created under ch. 238, a transit authority created under  
20 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided  
21 under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local cultural arts  
22 district created under subch. V of ch. 229. Each employer shall be a separate legal  
23 jurisdiction for OASDHI purposes.

24           **SECTION 40.** 40.02 (36) of the statutes is amended to read:



1           40.02 (36) “Governing body” means the legislature or the head of each state  
2 agency with respect to employees of that agency for the state, the common council  
3 in cities, the village board in villages, the town board in towns, the county board in  
4 counties, the school board in school districts, or the board, commission, or other  
5 governing body having the final authority for any other unit of government, for any  
6 agency or instrumentality of 2 or more units of government, for any federated public  
7 library system established under s. 43.19 whose territory lies within a single county  
8 with a population of 500,000 or more, for a local exposition district created under  
9 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created  
10 under ch. 238, or for a long-term care district created under s. 46.2895, but does not  
11 include a local cultural arts district created under subch. V of ch. 229.

12           **SECTION 41.** 40.02 (54) (m) of the statutes is created to read:

13           40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if  
14 the corporation elects to become a participating employer under s. 40.21 (1).

15           **SECTION 42.** 70.11 (38r) of the statutes is created to read:

16           70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the  
17 Wisconsin Economic Development Corporation, provided that use of the property is  
18 primarily related to the purposes of the Wisconsin Economic Development  
19 Corporation.

20           **SECTION 43.** 71.26 (1) (be) of the statutes is amended to read:

21           71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
22 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
23 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
24 Navigational System Authority, of the Wisconsin Economic Development  
25 Corporation, and of the Wisconsin Aerospace Authority.

1           **SECTION 44.** 77.54 (9a) (a) of the statutes is amended to read:

2           77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin  
3 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
4 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
5 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
6 Navigational System Authority.

7           **SECTION 45.** 100.45 (1) (dm) of the statutes is amended to read:

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

18           **SECTION 46.** 101.177 (1) (d) of the statutes is amended to read:

19           101.177 **(1)** (d) “State agency” means any office, department, agency,  
20 institution of higher education, association, society, or other body in state  
21 government created or authorized to be created by the constitution or any law, that  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
24 Center Sports and Entertainment Corporation, the University of Wisconsin  
25 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin

1 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
2 and the Wisconsin Health and Educational Facilities Authority, but excluding the  
3 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River  
4 Remediation Authority.

5 **SECTION 47.** 230.03 (3) of the statutes is amended to read:

6 230.03 (3) “Agency” means any board, commission, committee, council, or  
7 department in state government or a unit thereof created by the constitution or  
8 statutes if such board, commission, committee, council, department, unit, or the  
9 head thereof, is authorized to appoint subordinate staff by the constitution or  
10 statute, except a legislative or judicial board, commission, committee, council,  
11 department, or unit thereof or an authority created under subch. II of ch. 114 or  
12 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.  
13 “Agency” does not mean any local unit of government or body within one or more local  
14 units of government that is created by law or by action of one or more local units of  
15 government.

16 **SECTION 48.** Chapter 238 of the statutes is created to read:

17 **CHAPTER 238**

18 WISCONSIN ECONOMIC DEVELOPMENT

19 CORPORATION

20 **238.01 Definitions.** In this chapter, except as otherwise provided:

21 (1) “Board” means the board of directors of the corporation.

22 (2) “Corporation” means the Wisconsin Economic Development Corporation.

23 (3) “Economic development program” means a program or activity having the  
24 primary purpose of encouraging the establishment and growth of business in this  
25 state, including the creation and retention of jobs.

1           **238.02 Creation and organization of corporation. (1)** There is created  
2 an authority, which is a public body corporate and politic, to be known as the  
3 “Wisconsin Economic Development Corporation.” The members of the board shall  
4 consist of the governor, who shall serve as chairperson of the board, and 6 members  
5 nominated by the governor, and with the advice and consent of the senate appointed,  
6 to serve at the pleasure of the governor; 3 members appointed by the speaker of the  
7 assembly, consisting of one majority and one minority party representative to the  
8 assembly, appointed as are the members of standing committees in the assembly, and  
9 one person employed in the private sector, to serve at the speaker’s pleasure; and 3  
10 members appointed by the senate majority leader, consisting of one majority and one  
11 minority party senator, appointed as are members of standing committees in the  
12 senate, and one person employed in the private sector, to serve at the majority  
13 leader’s pleasure. The secretary of administration and the secretary of revenue shall  
14 also serve on the board as nonvoting members.

15           **(2)** A majority of the voting members of the board constitutes a quorum for the  
16 purpose of conducting its business and exercising its powers and for all other  
17 purposes, notwithstanding the existence of any vacancies. Action may be taken by  
18 the board upon a vote of a majority of the voting members present.

19           **(3)** A chief executive officer shall be nominated by the governor, and with the  
20 advice and consent of the senate appointed, to serve at the pleasure of the governor.  
21 The board may delegate to the chief executive officer any powers and duties the board  
22 considers proper. The chief executive officer shall receive such compensation as may  
23 be determined by the board.

24           **238.03 Duties of board. (1)** The board shall develop and implement economic  
25 programs to provide business support and expertise and financial assistance to

1 companies that are investing and creating jobs in Wisconsin and to support new  
2 business start-ups and business expansion and growth in Wisconsin. The board may  
3 also develop and implement any other programs related to economic development in  
4 Wisconsin.

5 **(2)** For each program developed and implemented by the board, the board shall  
6 do all of the following:

7 (a) Establish clear and measurable goals for the program that are tied to  
8 statutory or programmatic policy objectives.

9 (b) Establish at least one quantifiable benchmark for each program goal  
10 described in par. (a).

11 (c) Require that each recipient of a grant or loan under the program submit a  
12 report to the corporation. Each contract with a recipient of a grant or loan under the  
13 program must specify the frequency and format of the report to be submitted to the  
14 corporation and the performance measures to be included in the report.

15 (d) Establish a method for evaluating the projected results of the program with  
16 actual outcomes as determined by evaluating the information described in pars. (a)  
17 and (b).

18 (e) Annually and independently verify, from a sample of grants and loans, the  
19 accuracy of the information required to be reported under par. (c).

20 **(3)** The board shall require for each program developed and implemented by  
21 the board all of the following:

22 (a) That each recipient of a grant or loan under the program of at least \$100,000  
23 submit to the corporation a verified statement describing the recipient's expenditure  
24 of the grant or loan funds, signed by both an independent certified public accountant  
25 and the director or principal officer of the recipient to attest to the accuracy of the

1 verified statement. The board shall also require the recipient of such a grant or loan  
2 to make available for inspection the documents supporting the verified statement.  
3 The board must include the requirement in the contract with grant or loan recipients.

4 (b) That the board, if a recipient of a grant or loan under the program submits  
5 false or misleading information to the corporation or fails to comply with the terms  
6 of a contract entered into with the corporation, without providing satisfactory  
7 explanation for the noncompliance, do all of the following:

- 8 1. Recoup payments made to the recipient.
- 9 2. Withhold future payments to be made to the recipient.
- 10 3. Impose a financial penalty on the recipient.

11 **238.04 Powers of board.** The board shall have all the powers necessary or  
12 convenient to carry out the purposes and provisions of this chapter. In addition to  
13 all other powers granted the board under this chapter, the board may specifically:

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

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

17 (3) Maintain an office.

18 (4) Sue and be sued.

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

21 (6) Establish the corporation's annual budget and monitor the fiscal  
22 management of the corporation.

23 (7) Execute contracts and other instruments required for the operation of the  
24 corporation.

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

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

4           **(10)** Make loans and provide grants.

5           **(11)** Incur debt.

6           **(12)** Procure liability insurance.

7           **(13)** Elect to become a participating employer in the Wisconsin Retirement  
8 System under s. 40.21 (1).

9           **238.05 Department of commerce assistance and coordination. (1)** If  
10 requested by the board, the department of commerce shall provide staff or other  
11 resources to assist the board in carrying out the purposes and provisions of this  
12 chapter.

13           **(2)** To the greatest extent practicable, the department of commerce and the  
14 board shall seek to coordinate their economic development programs.

15           **238.06 Liability limited.** Neither the state nor any political subdivision of  
16 the state, nor any officer, employee, or agent of the state or a political subdivision of  
17 the state who is acting within the scope of employment or agency, is liable for any  
18 debt, obligation, act, or omission of the corporation.

19           **238.07 Submission of annual reports to legislature. (1)** Annually, by  
20 January 1, the board shall submit to the chief clerk of each house of the legislature,  
21 for distribution to the legislature under s. 13.172 (2), a report identifying the  
22 economic development projects that the board intends to develop and implement  
23 during the current calendar year.

24           **(2)** Annually, no later than October 1, the board shall submit to the joint  
25 legislative audit committee and the chief clerk of each house of the legislature, for

1 distribution to the legislature under s. 13.172 (2), a report for the previous fiscal year  
2 on each of the economic development programs of the corporation that contains all  
3 of the following:

4 (a) A description of each program.

5 (b) A comparison of expected and actual program outcomes.

6 (c) The number of grants made under the program.

7 (d) The number of loans made under the program.

8 (e) The amount of each grant and loan made under the program.

9 (f) The recipient of each grant or loan made under the program.

10 (g) The sum total of all grants and loans awarded to and received by each  
11 recipient under the program.

12 (h) Any recommended changes to the program.

13 **(3)** The board shall make readily accessible to the public on an Internet-based  
14 system the information required under sub. (2).

15 **SECTION 49.** 281.75 (4) (b) 3. of the statutes is amended to read:

16 281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
17 233, 234, ~~or 237,~~ or 238.

18 **SECTION 50.** 285.59 (1) (b) of the statutes is amended to read:

19 285.59 **(1)** (b) “State agency” means any office, department, agency, institution  
20 of higher education, association, society, or other body in state government created  
21 or authorized to be created by the constitution or any law which is entitled to expend  
22 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
23 Housing and Economic Development Authority, the Bradley Center Sports and  
24 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
25 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace



1 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
2 Development Corporation, and the Wisconsin Health and Educational Facilities  
3 Authority.

4 **SECTION 9155. Nonstatutory provisions; Other.**

5 (1) ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section  
6 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may  
7 abolish any full-time equivalent position or portion thereof that is funded from the  
8 general fund from revenues appropriated under section 20.143 of the statutes and  
9 that is assigned duties relating to economic development programs of the  
10 department of commerce.

11 (2) TRANSFER OF MONEYS FROM THE DEPARTMENT OF COMMERCE TO THE WISCONSIN  
12 ECONOMIC DEVELOPMENT CORPORATION. Before July 1, 2011, or the effective date of the  
13 2011–2013 biennial budget act, whichever is later, the secretary of administration  
14 may transfer moneys from any general fund appropriation under section 20.143 (1)  
15 or (4) of the statutes that are used to fund economic development programs of the  
16 department of commerce to the appropriation under section 20.192 (1) (k) of the  
17 statutes, as created by this act. The secretary may not transfer any moneys under  
18 this subsection if the transfer of those moneys would violate a condition imposed by  
19 the federal government on the expenditure of the moneys or if the transfer would  
20 violate the federal or state constitution.

21 **SECTION 9455. Effective dates; Other.**

22 (1) DUAL EMPLOYMENT. The treatment of section 16.417 (1) (a) (by SECTION 20)  
23 and (b) of the statutes takes effect on January 1, 2012.

24 (END)