

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB6)

Received: 01/25/2011

Received By: rchampag

Wanted: Today

Companion to LRB:

For: Randy Hopper (608) 266-5300

By/Representing: Pam Shannon

May Contact:

Drafter: rchampag

Subject: State Finance - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hopper@legis.wisconsin.gov

Carbon copy (CC:) to: Pam.Shannon@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

WEDC Changes

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 01/25/2011	kfollett 01/25/2011		_____			
/1			jfrantze 01/25/2011	_____	mbarman 01/25/2011	mbarman 01/25/2011	

FE Sent For:

<END>

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1?	rchampag	1/15 f 1/25	1/25	md 1/25			

FE Sent For:

<END>

Champagne, Rick

From: Shannon, Pam
Sent: Monday, January 24, 2011 6:45 PM
To: Champagne, Rick
Subject: Changes to LRBa272/1--amendment to SS SB 6

Hi Rick,

These are the changes I know for sure Rebecca (Hopper) wants in a /2 of this amendment. She has a 9 AM meeting on this Tuesday morning and will let me know immediately after the meeting of any additional changes. Therefore, please don't finalize this til you've heard from me again. She would like to have this ready by tomorrow afternoon if at all possible.

Please prepare the same amendment for Nathan Berken/Rep. Williams.

- ✓ 1. Page 1, lines 7-8: delete the DOJ language.
- ✓ 2. Page 1, after line 8, add a SECTION amending 13.94 (1) (mm) to add the Wisconsin Economic Development Corporation to the list of entities included in the audit.
- ✓ 3. Page 1, line 11, after "audit," add "required to be performed".
- ✓ 4. Page 4, lines 16-17: change "before February 1" to "by January 1" .
- ✓ 5. Page 4, line 20, after "current", add "calendar".
- ✓ 6. Page 4, line 21, change "December 31" to "October 1": and after "submit to" add "the joint legislative audit committee and".
- ✓ 7. Page 4, line 23, after "report", add "for the previous fiscal year".
- ✓ 8. Page 5: delete the phrase "during the year" in all locations.
9. Wherever you think it fits best (either under board duties or reports to the legislature), require the board to "make readily accessible to the public on an Internet-based system the information required (to be reported to the legislature) under 238.07 (2) (a) to (h)."

[See current. s. 560.01 (2) (am) (intro.) for the Internet requirement as it pertains to Commerce.]

As always, thanks loads for your help. I'll let you know asap of any additional changes.

Pam Shannon
Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2680
pam.shannon@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0272/1
RAC:nwn:jf

Today Noon

*LRBa0306/1
RAC:nwn +
lgf*

SENATE AMENDMENT,
TO SENATE BILL 6

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

2 **1.** Page 4, line 6: after that line insert:

3 "SECTION 6e. 13.94 (1) (dr) of the statutes is created to read:

4 13.94 (1) (dr) Biennially, beginning in 2013, conduct a financial audit and a
5 program evaluation audit of the economic development programs administered by
6 the Wisconsin Economic Development Corporation under ch. 238. The legislative
7 audit bureau shall file a copy of each audit report under this paragraph ~~with the~~

8 ~~department of the state~~ with the distributees specified in par. (b).

9 SECTION 6m. 13.94 (1s) (c) 5. of the statutes is created to read:

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

12 SECTION 6r. 13.94 (4) (a) 1. of the statutes is amended to read:

*Insert
1-9*

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

18 **2.** Page 6, line 23: after that line insert:

19 “**SECTION 15d.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is amended to read:

21 16.417 (1) (a) “Agency” means an office, department, independent agency,
22 institution of higher education, association, society, or other body in state
23 government created or authorized to be created by the constitution or any law, that
24 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority or the body created under subch. III of ch. 149
2 ~~or under ch. 238.~~

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

4 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or
5 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279."

6 **3.** Page 19, line 12: after "**of board.**" insert "**(1)**".

7 **4.** Page 19, line 17: after that line insert:

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

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

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

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

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

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

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

Handwritten note: "MKT 3-6" with an arrow pointing to line 6.

1 (a) That each recipient of a grant or loan under the program of at least \$100,000
2 submit to the corporation a verified statement describing the recipient's expenditure
3 of the grant or loan funds, signed by both an independent certified public accountant
4 and the director or principal officer of the recipient to attest to the accuracy of the
5 verified statement. The board shall also require the recipient of such a grant or loan
6 to make available for inspection the documents supporting the verified statement.
7 The board must include the requirement in the contract with grant or loan recipients.

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

- 12 1. Recoup payments made to the recipient.
- 13 2. Withhold future payments to be made to the recipient.
- 14 3. Impose a financial penalty on the recipient.”.

15 **5.** Page 21, line 1: delete lines 1 to 4 and substitute:

16 **“238.07 Submission of annual reports to legislature. (1)** Annually, ~~before~~
17 ~~February 1,~~ ^{by January} the board shall submit to the chief clerk of each house of the legislature,
18 for distribution to the legislature under s. 13.172 (2), a report identifying the
19 economic development projects that the board intends to develop and implement
20 during the current ^{calendar} year.

21 (2) Annually, no later than ~~December 31,~~ ^{October 1} the board shall submit to the chief
22 clerk of each house of the legislature, for distribution to the legislature under s.
23 13.172 (2), a report on each of the economic development programs of the corporation
24 that contains all of the following:

the joint legislative audit
committee and

for the previous fiscal year

- 1 (a) A description of each program.
- 2 (b) A comparison of expected and actual program outcomes.
- 3 (c) The number of grants made under the program ~~during the year~~.
- 4 (d) The number of loans made under the program ~~during the year~~.
- 5 (e) The amount of each grant and loan made under the program ~~during the year~~.
- 6 (f) The recipient of each grant or loan made under the program ~~during the year~~.
- 7 (g) The sum total of all grants and loans awarded to and received by each
- 8 recipient under the program ~~during the year~~.
- 9 (h) Any recommended changes to the program. X

10 **6.** Page 22, line 9: after that line insert:

11 **"SECTION 9455. Effective dates; Other.**

12 (1m) DUAL EMPLOYMENT. The treatment of section 16.417 (1) (a) (by SECTION
13 15d) and (b) of the statutes takes effect on January 1, 2012."

14 (END)

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

Insert 1-9

Section 13.94 (1) (mm) of the statutes is amended to read:

13.94 (1) (mm) No later than July 1, 2012, prepare a financial and performance evaluation audit of the economic development programs administered by the department of commerce, the University of Wisconsin System, the department of agriculture, trade and consumer protection, the department of natural resources, the Wisconsin Housing and Economic Development Authority, the department of tourism, the technical college system, and the department of transportation. In this paragraph, economic development program has the meaning given in s. 560.001 (1m). The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28.

the Wisconsin Economic
Development Corporation,

3-6

from
↓

~~Section #. 560.001 (1m) of the statutes is amended to read:~~

Page 18, line 20: after short line insert:

Xkt: treat
" "

~~560.001 (1m)~~ (3) (3)

"Economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following

~~(a) The program receives funding from the state or federal government that is allocated through an appropriation under ch. 20.~~

~~(b) The program provides financial assistance, tax benefits, or direct services to specific industries, businesses, local governments, or organizations.~~

History: 1971 c. 321; 1979 c. 361; 1995 a. 27 s. 9116 (5); 2007 a. 125.