

2013 DRAFTING REQUEST

Bill

Received: **5/22/2013** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB: **-2441**
For: **Samantha Kerkman (608) 266-2530** By/Representing: **Anna Henning**
May Contact: Drafter: **mgallagh**
Subject: **Econ. Development - misc.** Addl. Drafters: **chanaman**
State Govt - miscellaneous
State Govt - procurement
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Kerkman@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
Anna.henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes to the laws governing WEDC

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>
/P1	chanaman 5/24/2013	scalvin 5/28/2013	jmurphy 5/29/2013	_____	_____	_____	_____
/1				_____	mbarman 5/29/2013	rosrose 6/3/2013	State

FE Sent For

→ At Intro.

<END>

Per Alison

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/P1	mgallagh	1/ sac 05/24/2013	<i>Jan</i>	<i>5/29</i>	<i>self</i>		

FE Sent For:

<END>

Gallagher, Michael

From: Henning, Anna
Sent: Wednesday, May 22, 2013 3:31 PM
To: Gallagher, Michael
Cc: Mugnaini, Jason; Morrell, Alison; Chrisman, Joe; Smith, Joshua - LAB
Subject: Drafting request

Hi Mike,

I'm submitting the following drafting request on behalf of Senator Cowles and Representative Kerkman. As we discussed, there is some urgency regarding this request. The requesters would like identical preliminary drafts of Senate and Assembly bills that do all of the following:

- Amend s. 13.94 (1) (dr), Stats., to require the LAB to conduct an annual financial audit of WEDC, but sunset the annual financial audit requirement after six years. Retain the biennial program evaluation audit requirement, and reinstate the biennial financial audit requirement after the six-year sunset date.
- Amend s. 16.70 (2), Stats., to include a body created under ch. 238 in the definition of "authority" in the context of state procurement laws.
- Amend s. 19.42 (10) (sm), Stats., to specify that all WEDC board members and employees, except clerical employees, are officials required to file statements of economic interests. (As a model, see s. 19.42 (10) (h), Stats., governing the filing obligations of WHEDA members and employees.)
- Amend s. 19.42 (13) (om), Stats., to make all WEDC board members and employees public officials for purposes of state ethics laws.
- Amend s. 238.02 (1), Stats., to specify that WEDC Board members (other than the ex-officio members) shall be appointed for six-year terms, and include a non-statutory provision specifying staggered term lengths for existing board members based on the order in which the members were appointed.
- Amend s. 238.02 (1), Stats., to provide that the WEDC Board shall have a vice chair who is chosen by the board and serve as vice chair for a two-year term. Require the vice chair to be a public member who has significant corporate management experience. Specify that the vice chair of the board shall have a role similar to a lead director of an entity incorporated under ch. 180 and shall do all of the following: chair meetings of the board in the chair's absence; chair the governance committee; serve as a liaison between board members and the board chair; work with the board chair to ensure adequate committee structure; and carry out other duties, as required by the governance committee and the board. Provide that the WEDC Board shall have a governance committee comprised of the vice chair and two other public members chosen by the board. Specify that the governance committee shall do all of the following: develop governance principles for the board's oversight of the corporation; oversee the Board's performance; recommend membership for board committees; assist the board chair in identifying qualified candidates for vacant board positions; and facilitate communication between board members and the corporation's CEO.
- Amend s. 238.03, Stats., to require that the CEO of WEDC submit a plan detailing the specific provisions of any proposal to create any nonprofit foundation or corporation to the Joint Committee on Finance for approval under a 14-day passive review process.
- Amend s. 238.07 (2), Stats., to include in the annual report the items eliminated from the Act 125 reports under 2011 Wisconsin Act 7, namely:
 - Quantifiable performance measures directly related to the purpose of the program including, when applicable, an accounting of the location, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program and an accounting of the industry classification, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program.
 - The amount of tax benefits allocated and verified under the program in the previous fiscal year.
 - The recipients of tax benefits allocated and verified under the program in the previous fiscal year.

- Also amend s. 238.07 (2), Stats., to include in the annual report the number of businesses receiving grants, loans, and tax credits that fulfilled their contractual reporting obligations required under s. 238.03 (2) (c), Stats., during the reporting period and a list of businesses that failed to fulfill contractual reporting obligations during the reporting period.

Please include me on the list of people who should receive a copy of the p-draft.

Thanks very much, and let me know if you have questions.

Anna

Anna Henning
Staff Attorney
Wisconsin Legislative Council
(608) 266-0292
anna.henning@legis.wisconsin.gov



By Wed. 5/29 Noon Thanks
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2441/PT
MPG&CMH:.....
slays Sac

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

2442/1

- 1 AN ACT ^{gen cat} relating to: board of directors, powers and duties, including reporting
- 2 requirements, and financial audits of the Wisconsin Economic Development
- 3 Corporation.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the laws governing the Wisconsin Economic Development Corporation (WEDC), including the following:

1. WEDC administers, develops, and implements economic development programs that have the purpose of encouraging the establishment and growth of businesses in this state. Each year, WEDC submits a report by October 1 to the Joint Legislative Audit Committee and each house of the legislature that provides information about the progress of WEDC's economic development programs during the previous fiscal year. That report must contain a description of each program, a comparison of expected and actual program outcomes, the number of grants or loans made under each program, the amount of each grant or loan, the recipient of each grant or loan, the sum total of all grants and loans awarded by WEDC under an economic development program, and any recommended changes to each program.

The bill requires WEDC to include all of the following additional information in its annual report:

a. Quantifiable performance measures directly related to the purpose of each economic development program, including an accounting of the location and industry classification, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program.

b. The amount of tax benefits that WEDC allocated, or verified to the Department of Revenue (DOR), under each program in the previous fiscal year.

c. An identification of each recipient of a tax benefit that WEDC allocated, or verified to DOR, during the previous fiscal year.

d. The total number of recipients of a grant, loan, or tax benefit that satisfied the certain reporting obligations to WEDC and a list identifying each recipient of a grant, loan, or tax benefit that failed to satisfy those obligations.

2. Currently, the board of directors of WEDC includes six members who are nominated by the governor and appointed with the advice and consent of the senate and who serve at the pleasure of the governor; three members appointed by the speaker of the assembly, consisting of one majority and one minority party representative to the assembly and one person employed in the private sector; and three members appointed by the senate majority leader, consisting of one majority and one minority party senator and one person employed in the private sector.

Under the bill, the members of the board nominated by the governor no longer serve at the pleasure of the governor but serve six-year, staggered terms. In addition, the members of the board employed in the private sector and appointed by the speaker of the assembly and senate majority leader no longer serve at the pleasure of the speaker or majority leader but serve six-year terms.

3. Under current law, the governor serves as the chairperson of WEDC's board. Under the bill, the board must also elect one of its public members to serve as the board's lead director for a two-year term. The lead director must have significant corporate management experience. Under the bill, the lead director is to chair meetings of the board in the chairperson's absence, chair the governance committee, described below, serve as a liaison between the chairperson and the other board members, work with the chairperson to ensure adequate committee structure for any committees the board establishes, and carry out other duties as assigned by the board or the governance committee.

4. The bill further requires WEDC's board to establish a governance committee. In addition to the lead director, who serves as chair of the governance committee, the governance committee must include two of the board's public members. The bill directs the governance committee to develop principles for the board's oversight of WEDC, oversee the board's operations, recommend membership for committees the board establishes, assist the chairperson to identify qualified candidates to fill vacancies on the board, and facilitate communication between the members of the board and the chief executive officer of WEDC.

5. Under current law, the Legislative Audit Bureau is required to conduct a financial audit of WEDC every two years and a program evaluation audit of the economic development programs administered by WEDC every two years. The bill requires that the financial audit be conducted annually until June 30, 2019, after which point, the financial audit reverts to being conducted every two years.

6. In addition to other powers specifically enumerated in the statutes, current law grants WEDC all the powers necessary or convenient to carry out its purposes. The bill limits WEDC's power to establish a nonprofit organization by requiring WEDC to submit any plan to establish a nonprofit organization to the Joint Committee on Finance under passive review.

← INS A

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

INS
3-1

1 **SECTION 1.** 13.94 (1) (dr) of the statutes is renumbered 13.94 (1) (dr) 3. and
2 amended to read:

3 13.94 (1) (dr) 3. Biennially, ~~beginning in 2013~~, conduct a financial audit of the
4 ~~Wisconsin Economic Development Corporation~~ and a program evaluation audit of
5 the economic development programs administered by the Wisconsin Economic
6 Development Corporation under ch. 238.

7 4. The legislative audit bureau shall file a copy of each audit report under this
8 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; 2011 a. 7, 10, 32, 166; 2013 a. 8.

9 **SECTION 2.** 13.94 (1) (dr) 1. of the statutes is created to read:

10 13.94 (1) (dr) 1. Annually, conduct a financial audit of the Wisconsin Economic
11 Development Corporation. This subdivision does not apply after June 30, 2019.

12 **SECTION 3.** 13.94 (1) (dr) 2. of the statutes is created to read:

13 13.94 (1) (dr) 2. Biennially, conduct a financial audit of the Wisconsin Economic
14 Development Corporation. This subdivision applies after June 30, 2019.

15 **SECTION 4.** 13.94 (1s) (c) 5. of the statutes is amended to read:

16 13.94 (1s) (c) 5. The Wisconsin Economic Development Corporation for the cost
17 of the ~~audit~~ audits required to be performed under sub. (1) (dr).

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; 2011 a. 7, 10, 32, 166; 2013 a. 8.

INS
3-18

18 **SECTION 5.** 19.42 (10) (sm) of the statutes is amended to read:

SECTION 5

1 **19.42 (10) (sm)** The non-clerical employees of the Wisconsin Economic
 2 Development Corporation and the members of the board of directors of the Wisconsin
 3 Economic Development Corporation employed in the private sector who are
 4 appointed by the speaker of the assembly and the senate majority leader.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335; 2007 a. 1, 20, 196; 2009 a. 28; 2011 a. 7, 10, 32, 229.

5 **SECTION 6. 19.42 (13) (om)** of the statutes is amended to read:

6 **19.42 (13) (om)** The non-clerical employees of the Wisconsin Economic
 7 Development Corporation and the members of the board of directors of the Wisconsin
 8 Economic Development Corporation employed in the private sector who are
 9 appointed by the speaker of the assembly and the senate majority leader.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335; 2007 a. 1, 20, 196; 2009 a. 28; 2011 a. 7, 10, 32, 229.

10 **SECTION 7. 238.02 (1)** of the statutes is amended to read:

IN (11)-10

11 **238.02 (1)** There is created an authority, which is a public body corporate and
 12 politic, to be known as the “Wisconsin Economic Development Corporation.” The
 13 members of the board shall consist of the governor, who shall serve as chairperson
 14 of the board, and 6 members nominated by the governor, and with the advice and
 15 consent of the senate appointed, to serve at the pleasure of the governor for 6-year
 16 terms; 3 members appointed by the speaker of the assembly, consisting of one
 17 majority and one minority party representative to the assembly, appointed as are the
 18 members of standing committees in the assembly, and one person employed in the
 19 private sector, to serve at the speaker’s pleasure for a 6-year term; and 3 members
 20 appointed by the senate majority leader, consisting of one majority and one minority
 21 party senator, appointed as are members of standing committees in the senate, and
 22 one person employed in the private sector, to serve at the majority leader’s pleasure

1 for a 6-year term. The secretary of administration and the secretary of revenue shall
2 also serve on the board as nonvoting members.

3 **SECTION 8.** 238.02 (1g) of the statutes is created to read:

4 238.02 (1g) (a) The board shall elect a lead director to serve for a 2-year term.
5 The lead director shall have significant corporate management experience and shall
6 be one of the members of the board nominated by the governor or one of the members
7 appointed by the speaker of the assembly or senate majority leader who is employed
8 in the private sector.

9 (b) The lead director shall do all of the following:

- 10 1. Chair meetings of the board in the chairperson's absence.
- 11 2. Chair the governance committee under sub. (1r).
- 12 3. Serve as a liaison between the chairperson of the board and the other
13 members of the board.
- 14 4. Work with the chairperson to ensure an adequate committee structure for
15 any committee the board establishes.
- 16 5. Carry out any other duties assigned to the lead director by the board or the
17 governance committee.

18 **SECTION 9.** 238.02 (1r) of the statutes is created to read:

19 238.02 (1r) (a) The board shall establish a governance committee. The
20 governance committee shall consist of the lead director and two other members who
21 shall be elected by the board from the members of the board nominated by the
22 governor or the members appointed by the speaker of the assembly and senate
23 majority leader who are employed in the private sector, or both.

24 (b) The governance committee shall do all of the following:

- 25 1. Develop governance principles for the board's oversight of the corporation.

- 1 2. Oversee the board's operations.
- 2 3. Recommend membership for committees the board establishes.
- 3 4. Assist the chairperson to identify qualified candidates to fill vacancies on the
- 4 board.
- 5 5. Facilitate communication between the members of the board and the chief
- 6 executive officer of the corporation.

7 **SECTION 10.** 238.03 (2) (c) of the statutes is amended to read:

8 238.03 (2) (c) Require that each recipient of a grant ~~or~~, loan, or allocation of a

9 tax benefit under the program submit a report to the corporation. Each contract with

10 a recipient of a grant ~~or~~, loan, or allocation of a tax benefit under the program must

11 specify the frequency and format of the report to be submitted to the corporation and

12 the performance measures to be included in the report.

13 History: 2011 a. 7.

13 **SECTION 11.** 238.03 (2) (e) of the statutes is amended to read:

14 238.03 (2) (e) Annually and independently verify, from a sample of grants ~~and~~,

15 loans, and allocated tax benefits the accuracy of the information required to be

16 reported under par. (c).

17 History: 2011 a. 7.

17 **SECTION 12.** 238.045 of the statutes is created to read:

18 **238.045 Establishment of nonprofit organization. (1) DEFINITION.** In this

19 section, “nonprofit organization” means a nonprofit corporation, as defined in s.

20 181.0103 (17), and any organization described in section 501 (c) (3) of the Internal

21 Revenue Code that is exempt from federal income tax under section 501 (a) of the

22 Internal Revenue Code.

23 **(2) REQUIREMENTS.** (a) The corporation may not establish a nonprofit

24 organization except as provided in par. (b).

1 (b) 1. The chief executive officer of the corporation shall submit any plan for
2 the corporation to establish a nonprofit organization to the joint committee on
3 finance. That plan shall describe in detail the corporation's proposal to establish the
4 nonprofit organization.

5 2. If, within 14 working days after the date the joint committee on finance
6 receives the plan under subd. 1., the cochairpersons of the committee do not notify
7 the chief executive officer of the corporation that the committee has scheduled a
8 meeting to review the plan, the corporation may implement the plan. If, within 14
9 working days after the date the committee receives the plan, the cochairpersons of
10 the committee notify the chief executive officer that the committee has scheduled a
11 meeting to review the plan, the corporation may implement the plan only upon
12 approval by the committee.

13 **SECTION 13.** 238.07 (2) (am) of the statutes is created to read:

14 238.07 (2) (am) Quantifiable performance measures directly related to the
15 purpose of the program including, when applicable, all of the following information:

16 1. An accounting of the location, by municipality, of each job created or retained
17 in the state in the previous fiscal year as a result of the program.

18 2. An accounting of the industry classification, by municipality, of each job
19 created or retained in the state as a result of the program.

20 **SECTION 14.** 238.07 (2) (dm) of the statutes is created to read:

21 238.07 (2) (dm) The total amount of tax benefits that the corporation allocated,
22 and the total amount of tax benefits that the corporation verified to the department
23 of revenue, under the program.

24 **SECTION 15.** 238.07 (2) (fm) of the statutes is created to read:

1 238.07 (2) (fm) An identification of each recipient of a tax benefit that was
2 allocated by the corporation, and each recipient of a tax benefit that was verified by
3 the corporation to the department of revenue, under the program.

4 **SECTION 16.** 238.07 (2) (gm) of the statutes is created to read:

5 238.07 (2) (gm) The number of recipients of a grant, loan, or tax benefit under
6 the program that satisfied the requirements under s. 238.03 (2) (c) and a list that
7 identifies each recipient of a grant, loan, or tax benefit under the program that failed
8 to satisfy those requirements.

MS
8-9
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SECTION 17. Nonstatutory provisions.

(1) TERM LIMITS; STAGGERING OF TERMS.

(a) The current members of the board of directors of the Wisconsin Economic
Development Corporation who are nominated by the governor shall no longer serve
at the pleasure of the governor but shall have terms expiring as follows, in order from
first to last based on the order in which the members were appointed:

- 1. The terms of 2 members shall expire on July 1, 2018.
- 2. The terms of 2 members shall expire on July 1, 2019.
- 3. The terms of 2 members shall expire on July 1, 2020.

(b) The current member of the board of directors of the Wisconsin Economic
Development Corporation who is employed in the private sector and appointed by the
speaker of the assembly shall no longer serve at the pleasure of the speaker but shall
have a term expiring on July 1, 2017.

(c) The current member of the board of directors of the Wisconsin Economic
Development Corporation who is employed in the private sector and appointed by the

1 senate majority leader shall no longer serve at the pleasure of the majority leader but
2 shall have a term expiring on July 1, 2017.

3 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2442/linsch
CMH:.....

1 Insert A

7. Under current law, with certain exceptions, the Department of Administration (DOA) must purchase, or may delegate the authority to purchase, all necessary materials, supplies, equipment, all other permanent personal property and miscellaneous capital, and contractual services for all agencies. DOA, or its delegated agents, may contract for services that can be performed more economically or efficiently by contract. With exceptions, DOA must award orders and contracts to the lowest responsible bidders or most competitive proposal. If the estimated cost of an expenditure exceeds \$50,000, DOA must solicit bids or competitive sealed proposals. This bill adds WEDC to the definition of agency for purposes of state procurement so that WEDC is subject to the same laws regulating agency purchasing.

2 3-1
3 Insert ~~4-3~~

4 **SECTION 1.** 1.14 (1) (b) of the statutes is amended to read:

5 1.14 (1) (b) "State agency" has the meaning given for "agency" under s. ~~16.70~~
6 (1e) 16.97 (1m).

History: 2007 a. 166.

History: story: 2007 a. 166.

History: : 2007 a. 166.

History: ensure that each United States flag that is displayed at each building, structure, or facility that is owned or occupied entirely by the agency, authority, or unit is manufactured in the United States.

7 **SECTION 2.** 13.92 (1) (b) 1. b. of the statutes is amended to read:

8 13.92 (1) (b) 1. b. Any agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), created
9 under ch. 13, 14, 15, or 758.

History: 1971 c. 270 s. 104; 1973 c. 90, 333; 1975 c. 41 s. 52; 1975 c. 199, 266; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 110, 204; 1981 c. 372; 1983 a. 27, 29, 308; 1987 a. 27; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27; 1997 a. 27, 237; 2001 a. 46; 2003 a. 33; 2007 a. 20 ss. 17dr to 17fm, 17he, 17Lr to 17nr, 17re, 17te, 17ve to 17xr; 2011 a. 21, 43; 2013 a. 5.

10 3
11 Insert ~~1-18~~

12 **SECTION 3.** 16.004 (17) of the statutes is amended to read:

13 16.004 (17) BUSINESS INTELLIGENCE AND DATA WAREHOUSING SYSTEM. The
14 department may implement an enterprise-wide reporting, data warehousing, and

1 data analysis system applicable to every agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m),
2 other than the legislative and judicial branches of state government.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 196 ss. 21, 130 (3); 1977 c. 272; 1979 c. 34, 221, 357; 1981 c. 20 ss. 3v, 55d, 55m; 1983 a. 27 ss. 58, 2202 (49) (a); 1983 a. 524; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27; 1989 a. 335; 1991 a. 39, 316; 1993 a. 496; 1995 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 ss. 140 to 141f, 9160; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

3 **SECTION 4. 16.52 (6) (a) of the statutes is amended to read:**

4 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,
5 or printing orders for any agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), shall, before
6 any liability is incurred thereon, be submitted to the secretary for his or her approval
7 as to legality of purpose and sufficiency of appropriated and allotted funds therefor.
8 In all cases the date of the contract or order governs the fiscal year to which the
9 contract or order is chargeable, unless the secretary determines that the purpose of
10 the contract or order is to prevent lapsing of appropriations or to otherwise
11 circumvent budgetary intent. Upon such approval, the secretary shall immediately
12 encumber all contracts or orders, and indicate the fiscal year to which they are
13 chargeable.

History: 1971 c. 125, 261; 1973 c. 243; 1975 c. 41 s. 52; 1977 c. 29; 1977 c. 196 s. 130 (3), (4); 1977 c. 272, 273, 418; 1979 c. 34 ss. 65 to 67, 2102 (43) (a); 1981 c. 14; 1983 a. 27 ss. 73, 74, 2202 (42); 1983 a. 368; 1985 a. 29; 1987 a. 399; 1989 a. 31, 336, 359; 1991 a. 39, 316; 1995 a. 27 ss. 296, 297, 9145 (1); 1997 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28, 276; 2011 a. 7, 10.

14 **SECTION 5. 16.53 (13) (a) of the statutes is amended to read:**

15 16.53 (13) (a) In this subsection, “agency” has the meaning given in s. ~~16.70 (1e)~~
16 16.97 (1m).

History: 1971 c. 100 s. 23; 1971 c. 215, 261; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 39, 164, 198, 397, 422; 1977 c. 29, 196, 418; 1979 c. 34, 221; 1981 c. 1, 20; 1983 a. 3, 27, 192, 368; 1985 a. 29, 300; 1985 a. 332 ss. 15, 251 (1); 1987 a. 399; 1989 a. 31; 1989 a. 125 ss. 1, 10; 1991 a. 39, 316; 1993 a. 80, 399; 1995 a. 27 ss. 301, 302, 9126 (19), 9130 (4); 1997 a. 3; 2001 a. 16; 2003 a. 33, 117, 171; 2005 a. 74, 335; 2007 a. 20 ss. 90b, 91, 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 7, 10.

17 **SECTION 6. 16.545 (9) of the statutes is amended to read:**

18 16.545 (9) To initiate contacts with the federal government for the purpose of
19 facilitating participation by agencies, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), in federal
20 aid programs, to assist those agencies in applying for such aid, and to facilitate
21 influencing the federal government to make policy changes that will be beneficial to
22 this state. The department may assess an agency to which it provides services under

1 this subsection a fee for the expenses incurred by the department in providing those
2 services.

History: 1975 c. 39; 1983 a. 192 s. 303 (3); 1983 a. 308, 538; 1995 a. 27; 2001 a. 16; 2003 a. 33.

3 **SECTION 7. 16.70 (1e) of the statutes is amended to read:**

4 16.70 (1e) "Agency" means an office, department, 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, which is entitled to expend
7 moneys appropriated by law, including the Wisconsin Economic Development
8 Corporation, the legislature, and the courts, but not including an authority.

History: 1971 c. 164; 1975 c. 41 s. 52; 1977 c. 29; 1979 c. 34, 221; 1983 a. 27, 106; 1985 a. 29 ss. 122a to 122f, 3200 (1); 1987 a. 292, 399; 1989 a. 335; 1991 a. 39, 189;
1993 a. 263, 399; 1995 a. 27, 56; 1997 a. 27; 1999 a. 65, 167; 2001 a. 16, 38; 2003 a. 33; 2005 a. 74, 89, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 10, 229; s. 13.92 (2) (i).

9 **SECTION 8. 16.765 (1) of the statutes is amended to read:**

10 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
11 Clinics Authority, 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 Economic Development~~
14 ~~Corporation~~, and the Bradley Center Sports and Entertainment Corporation shall
15 include in all contracts executed by them a provision obligating the contractor not
16 to discriminate against any employee or applicant for employment because of age,
17 race, religion, color, handicap, sex, physical condition, developmental disability as
18 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national
19 origin and, except with respect to sexual orientation, obligating the contractor to take
20 affirmative action to ensure equal employment opportunities.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130
(4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

21 **SECTION 9. 16.765 (2) of the statutes is amended to read:**

22 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

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

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

17 **SECTION 10. 16.765 (5)** of the statutes is amended to read:

18 **16.765 (5)** The head of each contracting agency and the boards of directors of
 19 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
 20 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 21 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 22 Authority, ~~the Wisconsin Economic Development Corporation~~, and the Bradley
 23 Center Sports and Entertainment Corporation shall be primarily responsible for
 24 obtaining compliance by any contractor with the nondiscrimination and affirmative

1 action provisions prescribed by this section, according to procedures recommended
 2 by the department. The department shall make recommendations to the contracting
 3 agencies and the boards of directors of the University of Wisconsin Hospitals and
 4 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
 5 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
 6 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~
 7 ~~Corporation~~, and the Bradley Center Sports and Entertainment Corporation for
 8 improving and making more effective the nondiscrimination and affirmative action
 9 provisions of contracts. The department shall promulgate such rules as may be
 10 necessary for the performance of its functions under this section.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

11 **SECTION 11. 16.765 (6) of the statutes is amended to read:**

12 16.765 (6) The department may receive complaints of alleged violations of the
 13 nondiscrimination provisions of such contracts. The department shall investigate
 14 and determine whether a violation of this section has occurred. The department may
 15 delegate this authority to the contracting agency, the University of Wisconsin
 16 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
 17 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
 18 the Lower Fox River Remediation Authority, ~~the Wisconsin Economic Development~~
 19 ~~Corporation~~, or the Bradley Center Sports and Entertainment Corporation for
 20 processing in accordance with the department's procedures.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

21 **SECTION 12. 16.765 (7) (intro.) of the statutes is amended to read:**

22 16.765 (7) (intro.) When a violation of this section has been determined by the
 23 department, the contracting agency, the University of Wisconsin Hospitals and

1 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
 2 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
 3 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~
 4 ~~Corporation~~, or the Bradley Center Sports and Entertainment Corporation, the
 5 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the
 6 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the
 7 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 8 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
 9 Sports and Entertainment Corporation shall:

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130
 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

10 **SECTION 13.** 16.765 (7) (d) of the statutes is amended to read:

11 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
 12 further violations of this section and to report its corrective action to the contracting
 13 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
 14 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 15 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 16 Authority, ~~the Wisconsin Economic Development Corporation~~, or the Bradley Center
 17 Sports and Entertainment Corporation.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130
 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

18 **SECTION 14.** 16.765 (8) of the statutes is amended to read:

19 16.765 (8) If further violations of this section are committed during the term
 20 of the contract, the contracting agency, the Fox River Navigational System Authority,
 21 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
 22 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Economic~~
 23 ~~Development Corporation~~, or the Bradley Center Sports and Entertainment

1 Corporation may permit the violating party to complete the contract, after complying
 2 with this section, but thereafter the contracting agency, the Fox River Navigational
 3 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
 4 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the~~
 5 ~~Wisconsin Economic Development Corporation~~, or the Bradley Center Sports and
 6 Entertainment Corporation shall request the department to place the name of the
 7 party on the ineligible list for state contracts, or the contracting agency, the Fox River
 8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 10 Authority, ~~the Wisconsin Economic Development Corporation~~, or the Bradley Center
 11 Sports and Entertainment Corporation may terminate the contract without liability
 12 for the uncompleted portion or any materials or services purchased or paid for by the
 13 contracting party for use in completing the contract.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210; 1985 a. 26; 1985 a. 29 s. 3200 (1); 1995 a. 27 ss. 386 to 389, 9130 (4); 1995 a. 225; 1997 a. 3; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10.

14 **SECTION 15.** 16.84 (14) of the statutes is amended to read:

15 16.84 (14) Provide interagency mail delivery service for agencies, as defined
 16 in s. ~~16.70 (1e)~~ 16.97 (1m). The department may charge agencies for this service. Any
 17 moneys collected shall be credited to the appropriation account under s. 20.505 (1)
 18 (kb).

History: 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174; 2001 a. 16; 2003 a. 33, 321.

19 **SECTION 16.** 16.847 (2) (a) of the statutes is amended to read:

20 16.847 (2) (a) The department may provide funding to agencies, as defined in
 21 s. ~~16.70 (1e)~~ 16.97 (1m), for energy conservation construction projects at state
 22 facilities under the jurisdiction of the agencies to enhance the energy efficiency of the

1 facilities. The department shall prescribe standards for evaluation of proposed
2 projects and allocation of available moneys for those projects under this subsection.

3 **History:** 1991 a. 269; 1993 a. 16, 414; 1995 a. 27; 1997 a. 237; 2001 a. 16, 104; 2007 a. 20; 2009 a. 28.

3 **SECTION 17.** 16.855 (16) (b) 1. of the statutes is amended to read:

4 16.855 (16) (b) 1. In this paragraph, “agency” has the meaning given in s. ~~16.70~~
5 ~~(1e)~~ 16.97 (1m).

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20; 1983 a. 27 ss. 104g to 105, 2202 (1); 1983 a. 390 s. 6; 1985 a. 29; 1985 a. 332
s. 251 (1); 1987 a. 27, 292; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 400p, 9126 (19); 1995 a. 227; 1997 a. 27, 306; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 103; 2003 a. 33,
157; 2005 a. 141, 391; 2007 a. 20 s. 9121 (6) (a); 2009 a. 299; 2011 a. 32; 2011 a. 260 s. 80.

6 **SECTION 18.** 16.891 (1) (a) of the statutes is amended to read:

7 16.891 (1) (a) “Agency” has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).

8 **History:** 2005 a. 25.

8 **SECTION 19.** 16.967 (1) (a) of the statutes is amended to read:

9 16.967 (1) (a) “Agency” has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).

History: 1989 a. 31, 339; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 403, 9116 (5), 9126 (19); 1995 a. 201; 1997 a. 27 ss. 141am to 141an, 9456 (3m); 1999 a. 9 ss. 114m, 114n,
9401 (2zu); 2001 a. 16; 2003 a. 33 ss. 2811, 2813; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 92, 2493, 2495; 2007 a. 20 s. 9121 (6) (a); 2009 a. 314; 2011 a. 32.

10 **SECTION 20.** 16.97 (1m) of the statutes is amended to read:

11 16.97 (1m) “Agency” ~~has the meaning given in s. 16.70 (1e)~~ means an office,
12 department, agency, institution of higher education, association, society, or other
13 body in state government created or authorized to be created by the constitution or
14 any law, which is entitled to expend moneys appropriated by law, including the
15 legislature and the courts, but not including an authority.

16 **History:** 2001 a. 16 ss. 346, 347, 348, 1027; Stats. 2001 s. 22.01; 2003 a. 33 ss. 232, 752 to 756; Stats. 2003 s. 16.97.

17 Insert 4-10

18 **SECTION 21.** 20.505 (5) (ke) of the statutes is amended to read:

19 20.505 (5) (ke) *Additional energy conservation construction projects.* All
20 moneys received by the department from agencies, as defined in s. ~~16.70 (1e)~~ 16.97
21 (1m), in payment of assessments under s. 16.847 (3) for energy cost savings at state
22 facilities, for the purpose of providing additional funding to those agencies for energy

1 conservation construction projects at state facilities under the jurisdiction of the
2 agencies as provided in s. 16.847 (2).

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226; 2009 a. 11, 28, 302, 318; 2011 a. 29, 32 ss. 406, 421m, 435m to 446m, 716m to 747c, 755, 759 to 766; 2011 a. 166, 260.

3 **SECTION 22. 20.866 (2) (ws)** of the statutes is amended to read:

4 **20.866 (2) (ws)** *Administration; energy conservation projects; capital*
5 *improvement fund.* From the capital improvement fund, a sum sufficient for the
6 department of administration to provide funding to agencies, as defined in s. 16.70
7 ~~(1e)~~ 16.97 (1m), for energy conservation construction projects at state facilities under
8 the jurisdiction of the agencies pursuant to s. 16.847 (2). The state may contract
9 public debt in an amount not exceeding \$180,000,000 for this purpose.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300; 2007 a. 5; 2007 a. 20 ss. 582 to 597s, 9121 (6) (a); 2007 a. 226; 2009 a. 28, 361; 2011 a. 13, 32, 158.

10 **SECTION 23. 20.867 (3) (kd)** of the statutes is amended to read:

11 **20.867 (3) (kd)** *Energy conservation construction projects; principal repayment,*
12 *interest and rebates.* All moneys received by the building commission from agencies,
13 as defined in s. 16.70 ~~(1e)~~ 16.97 (1m), in payment of assessments under s. 16.847 (3),
14 for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and
15 interest costs incurred in financing energy conservation construction projects at
16 state facilities, to make the payments determined by the building commission under
17 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in
18 financing energy conservation construction projects at state facilities, and to make

1 payments under an agreement or ancillary arrangement entered into under s. 18.06
2 (8) (a).

History: 1971 c. 125; 1973 c. 90 ss. 132 to 140g; 1975 c. 39; 1977 c. 29 ss. 352m to 353m, 1654 (8) (c), 1656 (3); 1977 c. 418; 1979 c. 34 ss. 629 to 631, 677w; 1979 c. 102 s. 4; 1979 c. 176, 177, 221; 1981 c. 1, 20, 93; 1981 c. 314 s. 146; 1981 c. 317; 1983 a. 27; 1983 a. 36 s. 96 (3); 1985 a. 6, 29; 1985 a. 332 s. 253; 1987 a. 27, 399; 1989 a. 31, 46, 219, 359; 1991 a. 32, 39, 269; 1993 a. 16; 1995 a. 27; 1999 a. 9, 167; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28, 361; 2011 a. 32 ss. 574rm, 798y to 799r.

3

4 Insert 8-9

5 **SECTION 24.** 250.20 (1) (k) of the statutes is amended to read:

6 250.20 (1) (k) "State agency" has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).

History: 1993 a. 16; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2007 a. 130 ss. 29 to 34, 36 to 42, 178; Stats. 2007 s. 250.20; 2009 a. 28.
History: Stats. 2007 s. 250.20; 2009 a. 28.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-04411dn

MPG:./:...

SAC

2442

Representative ^{ge} Kofkman:

~~State Council:~~

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that the requirement, under s. 238.07 (2) (gm) in the draft, that WEDC include information in its annual report showing compliance, or lack thereof, with the reporting requirements under s. 238.03 (2) (c), stats., by recipients of grants, loans, and tax benefits under WEDC's economic development programs necessitated changes to s. 238.03 (2) (c) and (e), stats. In particular, the draft amends s. 238.03 (2) (c) and (e), stats., to include a reference to tax benefits. Under current law, those provisions only require reports from the recipients of grants and loans, not the recipients of tax benefits. Please let me know if you want to handle that differently.

Also, as requested, I tried to incorporate as much as possible the language from the drafting instructions concerning the lead director position and the governance committee, both of which are created in the draft. Please review those portions of the draft carefully to ensure that the language the draft uses is consistent with your intent.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2442/1dn
MPG:sac:jm

May 29, 2013

Representative Kerkman:

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Please note that the requirement, under s. 238.07 (2) (gm) in the draft, that WEDC include information in its annual report showing compliance, or lack thereof, with the reporting requirements under s. 238.03 (2) (c), stats., by recipients of grants, loans, and tax benefits under WEDC's economic development programs necessitated changes to s. 238.03 (2) (c) and (e), stats. In particular, the draft amends s. 238.03 (2) (c) and (e), stats., to include a reference to tax benefits. Under current law, those provisions only require reports from the recipients of grants and loans, not the recipients of tax benefits. Please let me know if you want to handle that differently.

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Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
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