

## 2013 DRAFTING REQUEST

### Assembly Amendment (AA-AB40)

Received: 5/10/2013 Received By: mgallagh  
Wanted: As time permits Same as LRB:  
For: Legislative Fiscal Bureau By/Representing: Shanovich (DH)  
May Contact: Drafter: mgallagh  
Subject: Econ. Development - misc. Addl. Drafters:  
State Govt - miscellaneous Extra Copies: FFK

Submit via email: YES  
Requester's email: Legislative Fiscal Bureau  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

---

#### Pre Topic:

LFB:.....Shanovich (DH) -

---

#### Topic:

Reporting and other requirements concerning the operations of 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          | mgallagh<br>6/3/2013 | kfollett<br>6/3/2013 | jfrantze<br>6/3/2013 | _____          | srose<br>5/22/2013   |                 |                 |
| /P2          | mgallagh<br>6/6/2013 | csicilia<br>6/6/2013 | phenry<br>6/6/2013   | _____          | sbasford<br>6/3/2013 |                 |                 |
| /P3          | mgallagh<br>6/7/2013 | csicilia<br>6/7/2013 | jmurphy<br>6/7/2013  | _____          | srose<br>6/6/2013    |                 |                 |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /P4          | mgallagh       |                 |              | _____          | mbarman          |                 |                 |
|              | 6/7/2013       |                 |              | _____          | 6/7/2013         |                 |                 |

FE Sent For:

**<END>**

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB40)**

Received: 5/10/2013 Received By: mgallagh  
Wanted: As time permits Same as LRB:  
For: Legislative Fiscal Bureau By/Representing: Shanovich (DH)  
May Contact: Drafter: mgallagh  
Subject: Econ. Development - misc. Addl. Drafters:  
State Govt - miscellaneous Extra Copies: FFK

Submit via email: YES  
Requester's email: Legislative Fiscal Bureau  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

---

**Pre Topic:**

LFB:.....Shanovich (DH) -

---

**Topic:**

Reporting and other requirements concerning the operations of 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          | mgallagh<br>6/3/2013 | kfollett<br>6/3/2013 | jfrantze<br>6/3/2013 | _____          | srose<br>5/22/2013   |                 |                 |
| /P2          | mgallagh<br>6/6/2013 | csicilia<br>6/6/2013 | phenry<br>6/6/2013   | _____          | sbasford<br>6/3/2013 |                 |                 |
| /P3          |                      |                      |                      | _____          | srose<br>6/6/2013    |                 |                 |

*Handwritten notes:*  
/P4 is 6/7  
13  
Jm 6/6 self

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB40)**

Received: 5/10/2013 Received By: mgallagh  
Wanted: As time permits Same as LRB:  
For: Legislative Fiscal Bureau By/Representing: Shanovich (DH)  
May Contact: Drafter: mgallagh  
Subject: Econ. Development - misc. Addl. Drafters:  
State Govt - miscellaneous Extra Copies: FFK

Submit via email: YES  
Requester's email: Legislative Fiscal Bureau  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

---

**Pre Topic:**

LFB:.....Shanovich (DH) -

---

**Topic:**

Reporting and other requirements concerning the operations of 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          | mgallagh<br>6/3/2013 | kfollett<br>6/3/2013 | jfrantze<br>6/3/2013 | _____          | srose<br>5/22/2013   |                 |                 |
| /P2          |                      |                      |                      | _____          | sbasford<br>6/3/2013 |                 |                 |
|              |                      |                      |                      |                |                      |                 |                 |

FE Sent For: */P3 - jgs 6/6  
13*

<END>

## 2013 DRAFTING REQUEST

### Assembly Amendment (AA-AB40)

Received: 5/10/2013

Received By: mgallagh

Wanted: As time permits

Same as LRB:

For: Legislative Fiscal Bureau

By/Representing: Shanovich (DH)

May Contact:

Drafter: mgallagh

Subject: Econ. Development - misc.  
State Govt - miscellaneous

Addl. Drafters:

Extra Copies: FFK

Submit via email: YES  
Requester's email: Legislative Fiscal Bureau  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

---

#### Pre Topic:

LFB:.....Shanovich (DH) -

---

#### Topic:

Reporting and other requirements concerning the operations of 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<br>5/21/2013 | csicilia<br>5/22/2013 | rschluet<br>5/22/2013 | _____          | srose<br>5/22/2013 |                 |                 |

FE Sent For:

1P2KF  
6/3  
Jb/Kne  
6/3  
<END>

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB40)**

Received: **5/10/2013** Received By: **mgallagh**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Fiscal Bureau** By/Representing: **Shanovich (DH)**  
May Contact: Drafter: **mgallagh**  
Subject: **Econ. Development - misc.** Addl. Drafters:  
**State Govt - miscellaneous** Extra Copies: **FFK**

Submit via email: **YES**  
Requester's email: **Legislative Fiscal Bureau**  
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

---

**Pre Topic:**

LFB:.....Shanovich (DH) -

---

**Topic:**

Reporting and other requirements concerning the operations of WEDC

---

**Instructions:**

See attached

---

**Drafting History:**

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/P1 mgallagh

PI gjs 5/22/13  
52213  
JM

FE Sent For:

<END>

WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

Corporation Operations Reform  
[LFB Papers #710 and 711]

Motion:

Move to adopt the following provisions related to the operations of the Wisconsin Economic Development Corporation (WEDC):

a. *Paper #710, Alternatives #2 and #3.* Transfer \$3,750,000 GPR in 2013-14, and delete \$3,400,000 GPR and transfer \$3,750,000 GPR in 2014-15 that was provided for increased marketing activities to the Joint Committee on Finance's GPR supplemental appropriation. Require WEDC to submit a plan, for Committee approval, specifying the extent to which marketing expenses may be funded with existing funds, rather than requiring additional GPR funding. ✓

b. *Paper #711 Alternative #5.* Reduce GPR funding in the WEDC operations and programs appropriation by \$4,087,100 in 2013-14 and \$4,086,800 in 2014-15, and provide the same amount of economic development SEG (an increase to the bill of \$2,087,100 in 2013-14 and \$86,800 in 2014-15). X

c. Transfer an additional \$27,274,700 GPR and \$28,276,000 SEG in 2014-15 from WEDC to the Joint Committee on Finance's GPR and SEG supplemental appropriations. Require that WEDC submit a report to the Joint Committee on Finance that includes information indicating that the Corporation is complying with the recommendations of the Legislative Audit Bureau (LAB) included in the LAB May, 2013, audit of WEDC, and that the chief executive officer of WEDC appear before the Committee at the second quarterly meeting in fiscal year 2013-14 under s. 13.10 of the statutes (December, 2013). Provide that the Committee may release the funding based on the CEO's testimony and the information included in the report. ✓

d. Require that the CEO of WEDC submit a request to the Joint Committee on Finance for approval, detailing the specific provisions of any proposal to create any nonprofit foundation or corporation, and to appear at the Committee meeting considering the request. ✓

e. Require, beginning in 2014, the WEDC Board to have an annual independent audit conducted of the Corporation's financial statements for the previous fiscal year, and submit the audit report to the Joint Legislative Audit Committee, and the chief clerk of each house of the Legislature, for distribution to the Legislature. ✓ *see also h.*

f. Require all employees of WEDC to be subject to state ethics laws, and to file an annual statement of economic interest. ✓

g. Require WEDC to be subject to state statutory purchasing provisions. ] CMH

h. Require that the annual report submitted to the Joint Legislative Audit Committee and the legislature include: (1) 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; (2) an accounting of the industry classification, by municipality, of each job created or retained as a result of the program; (3) the amount of tax benefits allocated and verified under the program; and (4) the recipients of tax benefits allocated and verified under the program.

Act 125  
requirements

i. Require WEDC to provide the following reports to the Joint Legislative Audit Committee: (1) by October 1, 2013, the status of the Corporation's efforts to comply with; (a) creating all required economic development program rules; (b) stipulating contractually that all recipients of grants and loans of \$100,000 or more must provide WEDC with a verified financial statement describing how the funds were spent and ensuring that recipients submit the verified financial statements; (c) developing at least one expected result for each of the goals of all economic development programs that it administers; (d) ensuring that recipients of economic development grants and loans submit the contractually required progress reports; (e) annually verifying the performance information reported by the recipients of a sample of grants and loans; and (f) ensuring the annual economic development report presents clear, accurate, and complete information on each program's results; and, (2) by October 1, 2013, the status of all outstanding economic development loans for which it was responsible from January 2013 through September 2013, including the number and outstanding balance of loans it amended, the number and outstanding balance of loans it forgave, the number and outstanding balance of loans it referred to the Department of Justice for collection proceedings, and the number and outstanding balance of loans it wrote off.

✓

Note:

Under the motion state funding allocated for WEDC purposes would total \$59.3 million annually (versus \$57 million in 2012-13).

WEDC was created as an Authority under 2011 Wisconsin Act 7. Under the provisions of 2011 Wisconsin Act 32, the Department of Commerce was eliminated and statutory responsibility for creating and administering economic development programs, providing certain related technical assistance, and administering existing programs and several tax credits was transferred to WEDC. WEDC receives most of its funding from annual state appropriations provided to the Corporation. Base level funding for WEDC for fiscal year 2012-13 is \$32,790,600 GPR and \$24,189,200 SEG. The bill would provide WEDC with \$3,750,000 GPR in 2013-14 and \$7,150,000 GPR in 2014-15 for increased marketing activities, and increased expenditure authority of \$2,000,000 SEG in 2013-14 and \$4,000,000 SEG in 2014-15, for the capital catalyst and seed accelerator programs.

Under current law, the state code of ethics applies to WEDC's chief executive officer and members of the WEDC Board, but not to any other WEDC staff. WEDC is not statutorily required to announce procurement opportunities publicly or accept proposals from all interested vendors. WEDC is also allowed to select a preferred vendor without soliciting competitive bids.

The WEDC Board is required to submit, by October 1, to the Joint Legislative Audit Committee and the Legislature, a report for the previous fiscal year on each WEDC economic development program that contains all of the following: (a) a description of each program; (b) a comparison of expected and actual program outcomes; (c) the number of grants or loans made under the program; (d) the amount of each grant or loan made under the program; (e) the recipient of each grant or loan made under the program; (f) the sum total of all grants and loans awarded to, and received by, each recipient under the program; and (g) any recommended changes to the program.

Beginning in 2013, LAB is required to conduct biennial financial and program evaluation audits of WEDC. In May 2013, the LAB completed an audit of WEDC and recommended that the Corporation submit certain reports to the Legislative Joint Audit Committee.

In March 2013, the WEDC Board passed a resolution authorizing WEDC to create a nonprofit foundation to solicit donations from regional economic development associations, businesses, and individuals: The foundation is to be controlled by the Corporation's chief executive officer and governed by a board of directors separate from WEDC's governing board. According to the Legislative Audit Bureau, current statutory provisions stipulate that the Board shall have all the powers necessary to carry out the purposes and provisions of the statutes governing WEDC. However, the statutes neither specifically authorize, nor prevent it creating the foundation.

This motion would transfer \$3,750,000 in increased GPR funding provided to WEDC for marketing activities in each year of the biennium to the Committee's GPR supplemental appropriation. WEDC would be required to submit an expenditure plan for Committee approval specifying marketing expenses that would be financed with the funding. The motion would increase SEG funding by \$2,087,100 in 2013-14 and \$86,800 in 2014-15 and decrease GPR funding by \$4,087,100 in 2013-14 and \$4,086,800 in 2014-15. Along with the increased SEG funding included in the bill, the GPR reductions would be entirely offset by the SEG funding increases

The motion would transfer all of the Corporation's remaining GPR and SEG funding for 2014-15 to the Joint Committee on Finance's supplemental appropriations. WEDC would be required to submit a report to the Committee that included information indicating the Corporation's compliance with recommendations in the May, 2013, audit of WEDC, and the CEO of the Corporation would appear before the Committee, under s. 13.10 of the statutes, at the December, 2013, quarterly meeting. The Committee would base its decision to release the funds on the CEO's testimony, and information in the report. In addition, the CEO would have to appear before the Committee for approval, before creating a nonprofit foundation. The motion would make WEDC employees subject to state ethics laws, and require them to submit the annual statement of economic interest. WEDC would also be subject to state purchasing statutes. WEDC would be required to include specific information in its annual program report about the number, location, and industry of jobs created or retained by the Corporation's economic development grant, loan, and tax credit programs. The Corporation would be required to submit certain reports to the Legislative Joint Audit Committee recommended in the LAB audit. The WEDC Board would be required to have an annual independent audit conducted.

[Change to Bill: -\$11,573,900 GPR and \$2,173,900 SEG]

## Gallagher, Michael

---

**From:** Shanovich, Ron  
**Sent:** Friday, May 10, 2013 8:31 AM  
**To:** Gallagher, Michael  
**Subject:** WEDC motions

Hi Mike! Here's the WEDC motions passed by JFC yesterday. Ron



112.pdf



154.pdf

Ron Shanovich  
Legislative Fiscal Bureau  
(608) 266-8849

## Gallagher, Michael

---

**From:** Shanovich, Ron  
**Sent:** Monday, May 20, 2013 8:22 AM  
**To:** Gallagher, Michael  
**Subject:** RE: WEDC motions

No, it should be a regular meeting rs

---

**From:** Gallagher, Michael  
**Sent:** Friday, May 17, 2013 2:18 PM  
**To:** Shanovich, Ron  
**Subject:** RE: WEDC motions

Ron: You can disregard my previous e-mail if you get it—I attempted a recall.

I do have a question on item d. in Motion #154. Is it the intent that a request to establish a nonprofit be subject to the passive review process?

Thanks.

Mike

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

---

**From:** Shanovich, Ron  
**Sent:** Friday, May 10, 2013 8:31 AM  
**To:** Gallagher, Michael  
**Subject:** WEDC motions

Hi Mike! Here's the WEDC motions passed by JFC yesterday. Ron

<< File: 112.pdf >> << File: 154.pdf >>

Ron Shanovich  
Legislative Fiscal Bureau  
(608) 266-8849



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBb0073/P1  
MPG&CMH:.....

cjs

LFB:.....Shanovich (DH) – Reporting and other requirements concerning the operations of WEDC

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY BILL 40**

SN

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

2 **1.** Page 123, line 16: after that line insert:

3 **SECTION 193o.** 19.42 (10) (sm) of the statutes is amended to read:

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

8 **SECTION 193q.** 19.42 (13) (om) of the statutes is amended to read:

9 19.42 (13) (om) The employees of the Wisconsin Economic Development  
10 Corporation and the members of the board of directors of the Wisconsin Economic

INS  
1-2

X

X

1 Development Corporation employed in the private sector who are appointed by the  
2 speaker of the assembly and the senate majority leader.”.

3 **2.** Page 916, line 3: after that line insert:

INS 2-3

4 “SECTION 2055d. 238.045 of the statutes is created to read:

5 **238.045 Establishment of nonprofit organization. (1) DEFINITION.** In this  
6 section, “nonprofit organization” means a nonprofit corporation, as defined in s.  
7 181.0103 (17), and any organization described in section 501 (c) (3) of the Internal  
8 Revenue Code that is exempt from federal income tax under section 501 (a) of the  
9 Internal Revenue Code.

10 **(2) APPROVAL REQUIRED.** (a) The corporation may not establish a nonprofit  
11 organization without the approval of the joint committee on finance.

12 (b) The joint committee on finance may approve the corporation’s  
13 establishment of a nonprofit organization if the corporation’s chief executive officer  
14 submits a request for approval to the committee that describes in detail the  
15 corporation’s proposal to establish a nonprofit organization and the chief executive  
16 officer appears at the committee’s meeting to consider that request for approval.

17 **SECTION 2055e.** 238.07 (2) (ag) of the statutes is created to read:

18 238.07 (2) (ag) An accounting of the location, by municipality, of each job  
19 created or retained in the state in the previous fiscal year as a result of the program.

20 **SECTION 2055f.** 238.07 (2) (ar) of the statutes is created to read:

21 238.07 (2) (ar) An accounting of the industry classification, by municipality, of  
22 each job created or retained in the state as a result of the program.

23 **SECTION 2055k.** 238.07 (2) (dm) of the statutes is created to read:

1 238.07 (2) (dm) The total amount of tax benefits that the corporation allocated  
2 and the total amount of tax benefits that the corporation verified to the department  
3 of revenue under the program.

4 SECTION 2055m. 238.07 (2) (fm) of the statutes is created to read:

5 238.07 (2) (fm) An identification of each recipient of a tax benefit that was  
6 allocated by the corporation and each recipient of a tax benefit that was verified by  
7 the corporation to the department of revenue under the program.

8 SECTION 2055t. 238.07 (4) of the statutes is created to read:

9 238.07 (4) Annually, beginning in 2014, the board shall have an independent  
10 audit conducted of the corporation's financial statements for the previous fiscal year  
11 and submit the audit report to the joint legislative audit committee and the chief  
12 clerk of each house of the legislature, for distribution to the legislature under s.  
13 13.172 (2)."

INS  
3-14

I noCS

14 3. Page 1044, line 24: after that line insert:

15 (a) (1d) DEFINITIONS. In this <sup>sub</sup> section

16 1. (a) "Audit report" means the legislative audit bureau's report 13-7, submitted  
17 to the joint legislative audit committee in May 2013 and setting forth the legislative  
18 audit bureau's findings, conclusions, and recommendations concerning  
19 improvement of the corporation's <sup>WEDC</sup> administration of its economic development  
20 programs, its financial and personnel management, and the governance of its  
21 operations.

22 2. (b) "Economic development program" has the meaning given in s. 238.01 (3).

23 3. (c) "WEDC" means the Wisconsin Economic Development Corporation.

24 (b) (1q) SUPPLEMENTAL APPROPRIATIONS.

I noCS

(19) (1q) ~~Supplemental Appropriations~~ Response to Audit.

LPS: This is nonstat material - please fix the components of the statutes

1. (a) Operations and economic development programs. In fiscal year 2014-15,  
 the joint committee on finance may transfer up to \$27,274,700 from the  
 appropriation under section 20.865 (4) (a) of the statutes to the appropriation under  
 section 20.192 (1) (a) of the statutes for the purposes specified in section 20.192 (1)  
 (a) of the statutes, and may transfer up to \$28,276,000 from the appropriation under  
 section 20.865 (4) (u) of the statutes to the appropriation under section 20.192 (1) (r)  
 of the statutes for the purposes specified in section 20.192 (1) (r) of the statutes, if  
 all of the following occur:

a. 1. WEDC submits a report to the joint committee on finance that shows that  
 WEDC is complying with the recommendations of the legislative audit bureau in the  
 audit report.

b. 2. The chief executive officer of WEDC testifies concerning WEDC's report  
 under subdivision 1. at the second quarterly meeting of the joint committee on  
 finance in fiscal year 2013-14.

c. 3. The joint committee on finance determines, based on the information it  
 receives under subdivisions 1. and 2., that WEDC is complying with the  
 recommendations of the legislative audit bureau in the audit report.

2. (b) Marketing expenses. In fiscal year 2013-14, the joint committee on finance  
 may transfer up to \$3,750,000 from the appropriation under section 20.865 (4) (a) of  
 the statutes to the appropriation under section 20.192 (1) (a) of the statutes for  
 marketing expenses of WEDC if WEDC submits a plan to the joint committee on  
 finance specifying the extent to which WEDC's future marketing expenses may be  
 funded from WEDC's existing funds, rather than from additional GPR funding.

(2q) REPORTS TO LEGISLATIVE AUDIT COMMITTEE.

(c) I no CS

Supplement 1

NON STAT Material - Please fix components

Insert 4-23

→

1

(a) Economic development programs. No later than October 1, 2013, WEDC

single quote

no I

shall submit a report to the joint legislative audit committee that describes in detail WEDC's efforts do all of the following:

a.

1. Create all required economic development program rules or policies and procedures.

b.

2. For each economic development program grant or loan of \$100,000 or more, require as a term of the grant or loan contract that the grant or loan recipient shall submit to WEDC a verified financial statement describing how the grant or loan moneys were spent, and enforce each such contract term to ensure that each such grant or loan recipient submits that verified financial statement.

c.

3. Develop at least one expected result for each goal of each economic development program that WEDC administers.

d.

4. Ensure that each recipient of an economic development program grant or loan submit all progress reports required in the grant or loan contract.

e.

5. Verify the performance information being reported to WEDC by economic development program grant and loan recipients by annually conducting a review of a representative sample of grants and loans issued by WEDC.

f.

6. Ensure that WEDC's annual report under s. 238.07 (2) presents clear, accurate, and complete information concerning each economic development program's results.

section of the statutes

2.

(b) Outstanding loans. No later than October 1, 2013, WEDC shall submit a report to the joint legislative audit committee that covers the period from January 1, 2013 to September 30, 2013, and describes in detail the status of all outstanding economic development program loans for which WEDC was responsible during that period, including all of the following:

single quote

no I

NONSTAT Material - please fix components

- 1 a. ①. The total number and outstanding balance of loans WEDC amended.
- 2 b. ②. The total number and outstanding balance of loans WEDC forgave.
- 3 c. ③. The total number and outstanding balance of loans WEDC referred to the
- 4 department of justice for collection proceedings.
- 5 d. ④. The total number and outstanding balance of loans WEDC wrote off.”.

(END)

NONSTAT Material -  
please fix components

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0073/plinsch  
CMH:.....

1 Insert 1-2

2 1. Page 56, line 1: before that line insert:

3 "SECTION 1c. 1.14 (1) (b) of the statutes is amended to read:

4 1.14 (1) (b) "State agency" has the meaning given for "agency" under s. ~~16.70~~  
5 (~~1e~~) 16.97 (1m)."

History: 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.

6 2. Page 56, line 1: delete "SECTION 1" and substitute "SECTION 1h".

7 3. Page 66, line 5: after that line insert:

8 "SECTION 27bt. 13.92 (1) (b) 1. b. of the statutes is amended to read:

9 13.92 (1) (b) 1. b. Any agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), created  
10 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.

11 4. Page 72, line 9: after that line insert:

12 "SECTION 52t. 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  
15 data analysis system applicable to every agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m),  
16 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.

17 5. Page 75, line 21: after that line insert:

18 "SECTION 67h. 16.52 (6) (a) of the statutes is amended to read:

19 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,  
20 or printing orders for any agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), shall, before

④ #. Page 72, line 13: delete "16.70 (1e)" and substitute "16.97 (1m)"

1 any liability is incurred thereon, be submitted to the secretary for his or her approval  
 2 as to legality of purpose and sufficiency of appropriated and allotted funds therefor.  
 3 In all cases the date of the contract or order governs the fiscal year to which the  
 4 contract or order is chargeable, unless the secretary determines that the purpose of  
 5 the contract or order is to prevent lapsing of appropriations or to otherwise  
 6 circumvent budgetary intent. Upon such approval, the secretary shall immediately  
 7 encumber all contracts or orders, and indicate the fiscal year to which they are  
 8 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.

9 **SECTION 67j.** 16.53 (13) (a) of the statutes is amended to read:

10 16.53 (13) (a) In this subsection, "agency" has the meaning given in s. ~~16.70 (1e)~~  
 11 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.

12 **SECTION 67L.** 16.545 (9) of the statutes is amended to read:

13 16.545 (9) To initiate contacts with the federal government for the purpose of  
 14 facilitating participation by agencies, as defined in s. ~~16.70 (1e)~~ 16.97 (1m), in federal  
 15 aid programs, to assist those agencies in applying for such aid, and to facilitate  
 16 influencing the federal government to make policy changes that will be beneficial to  
 17 this state. The department may assess an agency to which it provides services under  
 18 this subsection a fee for the expenses incurred by the department in providing those  
 19 services.

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

20 **6.** Page 75, line 21: after that line insert:

21 **SECTION 67s.** 16.70 (1e) of the statutes is amended to read:

1           16.70 (1e) “Agency” means an office, department, agency, institution of higher  
 2 education, association, society or other body in state government created or  
 3 authorized to be created by the constitution or any law, which is entitled to expend  
 4 moneys appropriated by law, including the Wisconsin Economic Development  
 5 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).

6           **7.** Page 93, line 24: after that line insert:

7           “**SECTION 122j.** 16.765 (1) of the statutes is amended to read:

8           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
 9 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
 10 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
 11 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
 12 ~~Corporation,~~ and the Bradley Center Sports and Entertainment Corporation shall  
 13 include in all contracts executed by them a provision obligating the contractor not  
 14 to discriminate against any employee or applicant for employment because of age,  
 15 race, religion, color, handicap, sex, physical condition, developmental disability as  
 16 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national  
 17 origin and, except with respect to sexual orientation, obligating the contractor to take  
 18 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.

19           **SECTION 122jc.** 16.765 (2) of the statutes is amended to read:

20           16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
 21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
 22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
 23 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~

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

15 **SECTION 122je. 16.765 (5)** of the statutes is amended to read:

16 **16.765 (5)** The head of each contracting agency and the boards of directors of  
 17 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
 18 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
 19 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
 20 Authority, the ~~Wisconsin Economic Development Corporation~~, and the Bradley  
 21 Center Sports and Entertainment Corporation shall be primarily responsible for  
 22 obtaining compliance by any contractor with the nondiscrimination and affirmative  
 23 action provisions prescribed by this section, according to procedures recommended  
 24 by the department. The department shall make recommendations to the contracting

⑨ #. Page 93, line 24: after that line insert:

1 agencies and the boards of directors of the University of Wisconsin Hospitals and  
 2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
 3 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
 4 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
 5 ~~Corporation~~, and the Bradley Center Sports and Entertainment Corporation for  
 6 improving and making more effective the nondiscrimination and affirmative action  
 7 provisions of contracts. The department shall promulgate such rules as may be  
 8 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.

9 **SECTION 122jg. 16.765 (6)** of the statutes is amended to read:

10 16.765 (6) The department may receive complaints of alleged violations of the  
 11 nondiscrimination provisions of such contracts. The department shall investigate  
 12 and determine whether a violation of this section has occurred. The department may  
 13 delegate this authority to the contracting agency, the University of Wisconsin  
 14 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
 15 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
 16 the Lower Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
 17 ~~Corporation~~, or the Bradley Center Sports and Entertainment Corporation for  
 18 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.

19 **SECTION 122jj. 16.765 (7) (intro.)** of the statutes is amended to read:

20 16.765 (7) (intro.) When a violation of this section has been determined by the  
 21 department, the contracting agency, the University of Wisconsin Hospitals and  
 22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
 23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower

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

8 **SECTION 122jL.** 16.765 (7) (d) of the statutes is amended to read:

9 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
 10 further violations of this section and to report its corrective action to the contracting  
 11 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
 12 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
 13 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
 14 Authority, ~~the Wisconsin Economic Development Corporation~~, or the Bradley Center  
 15 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.

16 **SECTION 122jo.** 16.765 (8) of the statutes is amended to read:

17 16.765 (8) If further violations of this section are committed during the term  
 18 of the contract, the contracting agency, the Fox River Navigational System Authority,  
 19 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
 20 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Economic~~  
 21 ~~Development Corporation~~, or the Bradley Center Sports and Entertainment  
 22 Corporation may permit the violating party to complete the contract, after complying  
 23 with this section, but thereafter the contracting agency, the Fox River Navigational

1 System Authority, the Wisconsin Aerospace Authority, the Health Insurance  
 2 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the  
 3 ~~Wisconsin Economic Development Corporation~~, or the Bradley Center Sports and  
 4 Entertainment Corporation shall request the department to place the name of the  
 5 party on the ineligible list for state contracts, or the contracting agency, the Fox River  
 6 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
 7 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 may terminate the contract without liability  
 10 for the uncompleted portion or any materials or services purchased or paid for by the  
 11 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.

12 **8.** Page 94, line 12: after that line insert:

13 **“SECTION 123j.** 16.84 (14) of the statutes is amended to read:

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

18 **SECTION 123r.** 16.847 (2) (a) of the statutes is amended to read:

19 16.847 (2) (a) The department may provide funding to agencies, as defined in  
 20 s. ~~16.70 (1e)~~ 16.97 (1m), for energy conservation construction projects at state  
 21 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.”

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 **9.** Page 107, line 19: after that line insert:

4 **“SECTION 153k.** 16.855 (16) (b) 1. of the statutes is amended to read:

5 16.855 (16) (b) 1. In this paragraph, “agency” has the meaning given in s. ~~16.70~~  
6 (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.

7 **10.** Page 109, line 7: after that line insert:

8 **“SECTION 155n.** 16.891 (1) (a) of the statutes is amended to read:

9 16.891 (1) (a) “Agency” has the meaning given in s. ~~16.70~~ (1e) 16.97 (1m).”.

History: 2005 a. 25.

10 **11.** Page 119, line 15: after that line insert:

11 **“SECTION 185s.** 16.967 (1) (a) of the statutes is amended to read:

12 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.

13 **12.** Page 119, line 18: after that line insert:

14 **“SECTION 186p.** 16.97 (1m) of the statutes is amended to read:

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

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.

20

21 Insert 2-3

22 **13.** Page 386, line 24: after that line insert:

Ⓐ #. Page 100, line 3: delete “16.70 (1e)”  
and substitute “16.97 (1m)”

1           **“SECTION 432f.** 20.505 (5) (ke) of the statutes is amended to read:

2           20.505 (5) (ke) *Additional energy conservation construction projects.* All  
3           moneys received by the department from agencies, as defined in s. ~~16.70 (1e)~~ 16.97  
4           (1m), in payment of assessments under s. 16.847 (3) for energy cost savings at state  
5           facilities, for the purpose of providing additional funding to those agencies for energy  
6           conservation construction projects at state facilities under the jurisdiction of the  
7           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. 296m, 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, 593g 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.

8           **14.** Page 399, line 9: after that line insert:

9           **“SECTION 488k.** 20.866 (2) (ws) of the statutes is amended to read:

10           20.866 (2) (ws) *Administration; energy conservation projects; capital*  
11           *improvement fund.* From the capital improvement fund, a sum sufficient for the  
12           department of administration to provide funding to agencies, as defined in s. ~~16.70~~  
13           ~~(1e)~~ 16.97 (1m), for energy conservation construction projects at state facilities under  
14           the jurisdiction of the agencies pursuant to s. 16.847 (2). The state may contract  
15           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.

16           **15.** Page 400, line 16: after that line insert:

17           **“SECTION 490f.** 20.867 (3) (kd) of the statutes is amended to read:

18           20.867 (3) (kd) *Energy conservation construction projects; principal repayment,*  
19           *interest and rebates.* All moneys received by the building commission from agencies,  
20           as defined in s. ~~16.70 (1e)~~ 16.97 (1m), in payment of assessments under s. 16.847 (3),

1 for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and  
2 interest costs incurred in financing energy conservation construction projects at  
3 state facilities, to make the payments determined by the building commission under  
4 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in  
5 financing energy conservation construction projects at state facilities, and to make  
6 payments under an agreement or ancillary arrangement entered into under s. 18.06  
7 (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.

8

9 Insert 3-14

10 **16.** Page 921, line 11: after that line insert:

11 “**SECTION 2086n.** 250.20 (1) (k) of the statutes is amended to read:

12 250.20 (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.

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0073/plinsmg  
MPG:.....

1     3.     INSERT 4-23  
2     ~~1.~~ 'Finding of emergency not required.' Notwithstanding section 13.101 (3) of  
3     the statutes, the joint committee on finance is not required to find that an emergency  
4     exists in order to supplement an appropriation under subdivision 1. or 2.  
5             END INSERT 4-23

✓  
] NON STAT

## Gallagher, Michael

---

**From:** Shanovich, Ron  
**Sent:** Saturday, June 01, 2013 1:58 PM  
**To:** Gallagher, Michael  
**Cc:** Hinz, Daryl  
**Subject:** RE: b0073

Mike, the motion just restored reporting requirements that were included in the original Act 125 requirements for Commerce and the other agencies. They were removed in the last budget when Ch. 560 was converted to Ch. 238 to reflect creation of WEDC. Since the motion just restores the previous requirements, we think they should apply to all agencies. Also, DATCP now administers a number of agriculture-related tax credits and Tourism the film tax credit. Ron S

---

**From:** Gallagher, Michael  
**Sent:** Friday, May 31, 2013 3:22 PM  
**To:** Shanovich, Ron  
**Subject:** b0073

Ron: I may need to redraft b0073. Here's the issue:

In the budget amendment, page 11, lines 12 to 19, the language under s. 238.07 (2) (dm) and (fm) refers to the corporation's allocation or verification of tax benefits. However, the other agencies subject to the 2007 Act 125 reporting requirements are required to include the same information for their own economic development programs as is required under s. 238.07 (2). See ss. 23.169 (2), 36.11 (29r) (b) 2., 38.04 (10m) (b), 41.11 (1r) (b), 84.01 (11m) (b), 93.07 (20) (b), and 234.255 (2). As a result, the corporation-specific language in s. 238.07 (2) (dm) and (fm) may be unnecessarily confusing vis-à-vis those cross references.

Here is what I suggest:

If the intent is that the other agencies subject to the Act 125 reporting requirements also include information concerning tax benefits in their Act 125 reports, I should redraft the amendment to remove the corporation-specific language and conform the language of the new material with the rest of the material under s. 238.07 (2). Note that for each of those agencies the definition of "economic development program" includes the award of tax benefits, but there is no reporting requirement for tax benefits (reporting is for grants and loans only, like WEDC under current law). Given the agencies' required coordination with WEDC and parallel reporting requirements, it would make sense to me to keep the new material under s. 238.07 (2) and tweak the language so that it is not corporation-specific.

Alternatively, if the intent is to require only WEDC to include information concerning tax benefits in its Act 125 report, and not the other agencies subject to the Act 125 reporting requirements, then I should redraft the amendment to renumber the new material so that the cross-references to not include the new material.

Let me know which way to go or if you have any questions.

Thanks.

Mike

**Michael P. Gallagher**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau

1 East Main Street, Suite 200  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267-7511  
[michael.gallagher@legis.wisconsin.gov](mailto:michael.gallagher@legis.wisconsin.gov)



In. 6/3  
State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBb0073 P1  
MPG&CMH:cjs:rs

LFB:.....Shanovich (DH) – Reporting and other requirements concerning the operations of WEDC

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 40**

172

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 56, line 1: before that line insert:
- 3 “SECTION 1c. 1.14 (1) (b) of the statutes is amended to read:
- 4 1.14 (1) (b) “State agency” has the meaning given for “agency” under s. 16.70
- 5 (1e) 16.97 (1m).”.
- 6 **2.** Page 56, line 1: delete “SECTION 1” and substitute “SECTION 1h”.
- 7 **3.** Page 66, line 5: after that line insert:
- 8 “SECTION 27bt. 13.92 (1) (b) 1. b. of the statutes is amended to read:
- 9 13.92 (1) (b) 1. b. Any agency, as defined in s. 16.70 (1e) 16.97 (1m), created
- 10 under ch. 13, 14, 15, or 758.”.

1           **4.** Page 72, line 9: after that line insert:

2           “**SECTION 52t.** 16.004 (17) of the statutes is amended to read:

3           16.004 (17) BUSINESS INTELLIGENCE AND DATA WAREHOUSING SYSTEM. The  
4 department may implement an enterprise-wide reporting, data warehousing, and  
5 data analysis system applicable to every agency, as defined in s. ~~16.70 (1e)~~ 16.97 (1m),  
6 other than the legislative and judicial branches of state government.”.

7           **5.** Page 72, line 13: delete “16.70 (1e)” and substitute “16.97 (1m)”.

8           **6.** Page 75, line 21: after that line insert:

9           “**SECTION 67h.** 16.52 (6) (a) of the statutes is amended to read:

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

20           **SECTION 67j.** 16.53 (13) (a) of the statutes is amended to read:

21           16.53 (13) (a) In this subsection, “agency” has the meaning given in s. ~~16.70 (1e)~~  
22 16.97 (1m).

23           **SECTION 67L.** 16.545 (9) of the statutes is amended to read:

1           16.545 (9) To initiate contacts with the federal government for the purpose of  
2           facilitating participation by agencies, as defined in s. ~~16.70(1e)~~ 16.97(1m), in federal  
3           aid programs, to assist those agencies in applying for such aid, and to facilitate  
4           influencing the federal government to make policy changes that will be beneficial to  
5           this state. The department may assess an agency to which it provides services under  
6           this subsection a fee for the expenses incurred by the department in providing those  
7           services.

8           **SECTION 67s.** 16.70 (1e) of the statutes is amended to read:

9           16.70 (1e) “Agency” means an office, department, agency, institution of higher  
10          education, association, society or other body in state government created or  
11          authorized to be created by the constitution or any law, which is entitled to expend  
12          moneys appropriated by law, including the Wisconsin Economic Development  
13          Corporation, the legislature, and the courts, but not including an authority.”.

14          **7.** Page 93, line 24: after that line insert:

15          “**SECTION 122j.** 16.765 (1) of the statutes is amended to read:

16          16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
17          Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
18          Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
19          Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
20          ~~Corporation~~, and the Bradley Center Sports and Entertainment Corporation shall  
21          include in all contracts executed by them a provision obligating the contractor not  
22          to discriminate against any employee or applicant for employment because of age,  
23          race, religion, color, handicap, sex, physical condition, developmental disability as  
24          defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national

1 origin and, except with respect to sexual orientation, obligating the contractor to take  
2 affirmative action to ensure equal employment opportunities.

3 **SECTION 122jc.** 16.765 (2) of the statutes is amended to read:

4 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
7 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
8 ~~Corporation~~, and the Bradley Center Sports and Entertainment Corporation shall  
9 include the following provision in every contract executed by them: “In connection  
10 with the performance of work under this contract, the contractor agrees not to  
11 discriminate against any employee or applicant for employment because of age, race,  
12 religion, color, handicap, sex, physical condition, developmental disability as defined  
13 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but  
14 not be limited to, the following: employment, upgrading, demotion or transfer;  
15 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
16 forms of compensation; and selection for training, including apprenticeship. Except  
17 with respect to sexual orientation, the contractor further agrees to take affirmative  
18 action to ensure equal employment opportunities. The contractor agrees to post in  
19 conspicuous places, available for employees and applicants for employment, notices  
20 to be provided by the contracting officer setting forth the provisions of the  
21 nondiscrimination clause”.”.

22 **8.** Page 93, line 24: after that line insert:

23 “**SECTION 122je.** 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 Economic Development Corporation,~~ and the Bradley  
6 Center Sports and Entertainment Corporation shall be primarily responsible for  
7 obtaining compliance by any contractor with the nondiscrimination and affirmative  
8 action provisions prescribed by this section, according to procedures recommended  
9 by the department. The department shall make recommendations to the contracting  
10 agencies and the boards of directors of 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 for  
15 improving and making more effective the nondiscrimination and affirmative action  
16 provisions of contracts. The department shall promulgate such rules as may be  
17 necessary for the performance of its functions under this section.

18           **SECTION 122jg.** 16.765 (6) of the statutes is amended to read:

19           16.765 (6) The department may receive complaints of alleged violations of the  
20 nondiscrimination provisions of such contracts. The department shall investigate  
21 and determine whether a violation of this section has occurred. The department may  
22 delegate this authority to the contracting agency, the University of Wisconsin  
23 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
24 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
25 the Lower Fox River Remediation Authority, ~~the Wisconsin Economic Development~~

1 ~~Corporation,~~ or the Bradley Center Sports and Entertainment Corporation for  
2 processing in accordance with the department's procedures.

3 **SECTION 122jj.** 16.765 (7) (intro.) of the statutes is amended to read:

4 16.765 (7) (intro.) When a violation of this section has been determined by the  
5 department, the contracting agency, the University of Wisconsin Hospitals and  
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
7 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
8 Fox River Remediation Authority, ~~the Wisconsin Economic Development~~  
9 ~~Corporation,~~ or the Bradley Center Sports and Entertainment Corporation, the  
10 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the  
11 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the  
12 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
13 Authority, ~~the Wisconsin Economic Development Corporation,~~ or the Bradley Center  
14 Sports and Entertainment Corporation shall:

15 **SECTION 122jL.** 16.765 (7) (d) of the statutes is amended to read:

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

23 **SECTION 122jo.** 16.765 (8) of the statutes is amended to read:

24 16.765 (8) If further violations of this section are committed during the term  
25 of the contract, the contracting agency, the Fox River Navigational System Authority,

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

17 **9.** Page 94, line 12: after that line insert:

18 “**SECTION 123j.** 16.84 (14) of the statutes is amended to read:

19 16.84 (14) Provide interagency mail delivery service for agencies, as defined  
20 in s. ~~16.70 (1e)~~ 16.97 (1m). The department may charge agencies for this service. Any  
21 moneys collected shall be credited to the appropriation account under s. 20.505 (1)  
22 (kb).

23 **SECTION 123r.** 16.847 (2) (a) of the statutes is amended to read:

1           16.847 (2) (a) The department may provide funding to agencies, as defined in  
2 s. ~~16.70 (1e)~~ 16.97 (1m), for energy conservation construction projects at state  
3 facilities under the jurisdiction of the agencies to enhance the energy efficiency of the  
4 facilities. The department shall prescribe standards for evaluation of proposed  
5 projects and allocation of available moneys for those projects under this subsection.”.

6           **10.** Page 100, line 3: delete “16.70 (1e)” and substitute “16.97 (1m)”.

7           **11.** Page 107, line 19: after that line insert:

8           “**SECTION 153k.** 16.855 (16) (b) 1. of the statutes is amended to read:

9           16.855 (16) (b) 1. In this paragraph, “agency” has the meaning given in s. ~~16.70~~  
10 ~~(1e)~~ 16.97 (1m).”.

11           **12.** Page 109, line 7: after that line insert:

12           “**SECTION 155n.** 16.891 (1) (a) of the statutes is amended to read:

13           16.891 (1) (a) “Agency” has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).”.

14           **13.** Page 119, line 15: after that line insert:

15           “**SECTION 185s.** 16.967 (1) (a) of the statutes is amended to read:

16           16.967 (1) (a) “Agency” has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).”.

17           **14.** Page 119, line 18: after that line insert:

18           “**SECTION 186p.** 16.97 (1m) of the statutes is amended to read:

19           16.97 (1m) “Agency” ~~has the meaning given in s. 16.70 (1e)~~ means an office,  
20 department, agency, institution of higher education, association, society, or other  
21 body in state government created or authorized to be created by the constitution or  
22 any law, which is entitled to expend moneys appropriated by law, including the  
23 legislature and the courts, but not including an authority.”.

24           **15.** Page 123, line 16: after that line insert:

1           **“SECTION 193o.** 19.42 (10) (sm) of the statutes is amended to read:

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

6           **SECTION 193q.** 19.42 (13) (om) of the statutes is amended to read:

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

11          **16.** Page 386, line 24: after that line insert:

12          **“SECTION 432f.** 20.505 (5) (ke) of the statutes is amended to read:

13          20.505 (5) (ke) *Additional energy conservation construction projects.* All  
14          moneys received by the department from agencies, as defined in s. ~~16.70 (1e)~~ 16.97  
15          (1m), in payment of assessments under s. 16.847 (3) for energy cost savings at state  
16          facilities, for the purpose of providing additional funding to those agencies for energy  
17          conservation construction projects at state facilities under the jurisdiction of the  
18          agencies as provided in s. 16.847 (2).”.

19          **17.** Page 399, line 9: after that line insert:

20          **“SECTION 488k.** 20.866 (2) (ws) of the statutes is amended to read:

21          20.866 (2) (ws) *Administration; energy conservation projects; capital*  
22          *improvement fund.* From the capital improvement fund, a sum sufficient for the  
23          department of administration to provide funding to agencies, as defined in s. ~~16.70~~  
24          ~~(1e)~~ 16.97 (1m), for energy conservation construction projects at state facilities under

1 the jurisdiction of the agencies pursuant to s. 16.847 (2). The state may contract  
2 public debt in an amount not exceeding \$180,000,000 for this purpose.”

3 **18.** Page 400, line 16: after that line insert:

4 “**SECTION 490f.** 20.867 (3) (kd) of the statutes is amended to read:

5 20.867 (3) (kd) *Energy conservation construction projects; principal repayment,*  
6 *interest and rebates.* All moneys received by the building commission from agencies,  
7 as defined in s. ~~16.70 (1e)~~ 16.97 (1m), in payment of assessments under s. 16.847 (3),  
8 for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and  
9 interest costs incurred in financing energy conservation construction projects at  
10 state facilities, to make the payments determined by the building commission under  
11 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in  
12 financing energy conservation construction projects at state facilities, and to make  
13 payments under an agreement or ancillary arrangement entered into under s. 18.06  
14 (8) (a).”

15 **19.** Page 916, line 3: after that line insert:

16 “**SECTION 2055d.** 238.045 of the statutes is created to read:

17 **238.045 Establishment of nonprofit organization.** (1) **DEFINITION.** In this  
18 section, “nonprofit organization” means a nonprofit corporation, as defined in s.  
19 181.0103 (17), and any organization described in section 501 (c) (3) of the Internal  
20 Revenue Code that is exempt from federal income tax under section 501 (a) of the  
21 Internal Revenue Code.

22 (2) **APPROVAL REQUIRED.** (a) The corporation may not establish a nonprofit  
23 organization without the approval of the joint committee on finance.

1 (b) The joint committee on finance may approve the corporation's  
2 establishment of a nonprofit organization if the corporation's chief executive officer  
3 submits a request for approval to the committee that describes in detail the  
4 corporation's proposal to establish a nonprofit organization and the chief executive  
5 officer appears at the committee's meeting to consider that request for approval.

6 **SECTION 2055e.** 238.07 (2) (ag) of the statutes is created to read:

7 238.07 (2) (ag) An accounting of the location, by municipality, of each job  
8 created or retained in the state in the previous fiscal year as a result of the program.

9 **SECTION 2055f.** 238.07 (2) (ar) of the statutes is created to read:

10 238.07 (2) (ar) An accounting of the industry classification, by municipality, of  
11 each job created or retained in the state as a result of the program.

12 **SECTION 2055k.** 238.07 (2) (dm) of the statutes is created to read:

13 238.07 (2) (dm) The total amount of tax benefits that the corporation allocated,  
14 and the total amount of tax benefits that the corporation verified to the department  
15 of revenue, under the program.

16 **SECTION 2055m.** 238.07 (2) (fm) of the statutes is created to read:

17 238.07 (2) (fm) An identification of each recipient of a tax benefit that was  
18 allocated by the corporation and each recipient of a tax benefit that was verified by  
19 the corporation to the department of revenue, under the program.

20 **SECTION 2055t.** 238.07 (4) of the statutes is created to read:

21 238.07 (4) Annually, beginning in 2014, the board shall have an independent  
22 audit conducted of the corporation's financial statements for the previous fiscal year  
23 and submit the audit report to the joint legislative audit committee and the chief  
24 clerk of each house of the legislature, for distribution to the legislature under s.  
25 13.172 (2).".

1           **20.** Page 921, line 11: after that line insert:

2           “**SECTION 2086n.** 250.20 (1) (k) of the statutes is amended to read:

3           250.20 (1) (k) “State agency” has the meaning given in s. ~~16.70 (1e)~~ 16.97 (1m).”.

4           **21.** Page 1044, line 24: after that line insert:

5           “(1q) RESPONSE TO AUDIT.

6           (a) *Definitions.* In this subsection:

7           1. “Audit report” means the legislative audit bureau’s report 13–7, submitted  
8           to the joint legislative audit committee in May 2013 and setting forth the legislative  
9           audit bureau’s findings, conclusions, and recommendations concerning  
10           improvement of WEDC’s administration of its economic development programs, its  
11           financial and personnel management, and the governance of its operations.

12           2. “Economic development program” has the meaning given in section 238.01  
13           (3) of the statutes.

14           3. “WEDC” means the Wisconsin Economic Development Corporation.

15           (b) *Appropriations.*

16           1. ‘Operations and economic development programs.’ In fiscal year 2014–15,  
17           the joint committee on finance may supplement, from the appropriation under  
18           section 20.865 (4) (a) of the statutes, the appropriation under section 20.192 (1) (a)  
19           of the statutes for the purposes specified in section 20.192 (1) (a) of the statutes, and  
20           may supplement, from the appropriation under section 20.865 (4) (u) of the statutes,  
21           the appropriation under section 20.192 (1) (r) of the statutes for the purposes  
22           specified in section 20.192 (1) (r) of the statutes, if all of the following occur:

1           a. WEDC submits a report to the joint committee on finance that shows that  
2 WEDC is complying with the recommendations of the legislative audit bureau in the  
3 audit report.

4           b. The chief executive officer of WEDC testifies concerning WEDC's report  
5 under this subdivision 1. a. at the second quarterly meeting of the joint committee  
6 on finance in fiscal year 2013–14.

7           c. The joint committee on finance determines, based on the information it  
8 receives under this subdivision 1. a. and b., that WEDC is complying with the  
9 recommendations of the legislative audit bureau in the audit report.

10           2. 'Marketing expenses.' In fiscal year 2013–14, the joint committee on finance  
11 may supplement, from the appropriation under section 20.865 (4) (a) of the statutes,  
12 the appropriation under section 20.192 (1) (a) of the statutes for marketing expenses  
13 of WEDC if WEDC submits a plan to the joint committee on finance specifying the  
14 extent to which WEDC's future marketing expenses may be funded from WEDC's  
15 existing funds, rather than from additional GPR funding.

16           3. 'Finding of emergency not required.' Notwithstanding section 13.101 (3) of  
17 the statutes, the joint committee on finance is not required to find that an emergency  
18 exists in order to supplement an appropriation under subdivision 1. or 2.

19           (c) *Reports to joint legislative audit committee.*

20           1. 'Economic development programs.' No later than October 1, 2013, WEDC  
21 shall submit a report to the joint legislative audit committee that describes in detail  
22 WEDC's efforts do all of the following:

23           a. Create all required economic development program rules or policies and  
24 procedures.

1           b. For each economic development program grant or loan of \$100,000 or more,  
2           require as a term of the grant or loan contract that the grant or loan recipient shall  
3           submit to WEDC a verified financial statement describing how the grant or loan  
4           moneys were spent, and enforce each such contract term to ensure that each such  
5           grant or loan recipient submits that verified financial statement.

6           c. Develop at least one expected result for each goal of each economic  
7           development program that WEDC administers.

8           d. Ensure that each recipient of an economic development program grant or  
9           loan submit all progress reports required in the grant or loan contract.

10          e. Verify the performance information being reported to WEDC by economic  
11          development program grant and loan recipients by annually conducting a review of  
12          a representative sample of grants and loans issued by WEDC.

13          f. Ensure that WEDC's annual report under section 238.07 (2) presents clear,  
14          accurate, and complete information concerning each economic development  
15          program's results.

16          2. 'Outstanding loans.' No later than October 1, 2013, WEDC shall submit a  
17          report to the joint legislative audit committee that covers the period from January  
18          1, 2013, to September 30, 2013, and describes in detail the status of all outstanding  
19          economic development program loans for which WEDC was responsible during that  
20          period, including all of the following:

21               a. The total number and outstanding balance of loans WEDC amended.

22               b. The total number and outstanding balance of loans WEDC forgave.

23               c. The total number and outstanding balance of loans WEDC referred to the  
24          department of justice for collection proceedings.



Joint Finance, a plan and policies for awarding grants that ensure grant recipients are retaining and/or creating jobs. Require the Committee to approve the plan and policies, before releasing the funds to WEDC. Require grant contracts to include requirements that grant recipients provide the Corporation with documentation and other financial statements of grant expenditures, and with quarterly reports with information related to job creation and retention as determined by the Corporation. Require that contracts include penalties for noncompliance. Require WEDC to report to the Committee by January 1, 2015, on the amount of grants awarded and jobs created or retained as a result of the grant program.

22. *WEDC Procurement.* Modify a prior action of the Committee [Motion 154, item "g."] to delete the requirement that the Wisconsin Economic Development Corporation (WEDC) be subject to state agency procurement requirements. Instead, require the WEDC Board to adopt procurement policies and procedures that specify all of the following: (a) when the Corporation is required to publicly solicit proposals from multiple vendors of goods or services; (b) how WEDC is to evaluate proposals from multiple vendors; (c) how the Corporation is to assess any potential conflicts of interest a vendor may have if the vendor sells goods or services to WEDC.

#### **Tax Policy, Children and Families, and Workforce Development**

23. *Boys and Girls Clubs.* Provide \$125,000 in federal temporary assistance for needy families (TANF) funding in 2013-14 on a one-time basis for the Green Bay Boys and Girls Clubs for the BE GREAT: Graduate program. Require the program to spend the TANF monies on TANF-eligible activities, and require the program to provide \$125,000 in matching funds in order to receive the TANF funding.

24. *Payday Lenders and Licensed Lenders.* Specify that, with respect to an installment loan made by a payday lender or a licensed lender, provided the installment loan is not secured by a motor vehicle, default (under laws governing creditors' remedies under the Wisconsin Consumer Act) would mean to have outstanding an amount of one full payment or more which has remained unpaid for more than ten days after its scheduled or deferred due date. Specify that the outstanding amount would not include any delinquency or deferral charges and would be computed by applying each payment first to the installment most delinquent and then to subsequent installments in the order they come due.

25. *Federal Audit Reports Enforcement Activities.* Specify that the provisions that provide exceptions from reliance on past audits in current audit determinations be modified to specify that the exceptions apply to audit determinations, that the exception for not providing information applies specifically to information regarding the tax issue in the prior audit determination, and the exception for settling the issue through a written agreement apply specifically to a tax issue settled in the prior audit determination.

26. *Unemployment Insurance.* Provide \$89,100 GPR in 2013-14 to pay for the Department of Workforce Development's information technology upgrades and administrative costs associated with changes to unemployment insurance law under the bill.

27. *Video Service Disconnections.* Repeal the current law provision that prohibits