

1983 Assembly Bill 98

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1983 Wisconsin Act 106

AN ACT to repeal 233.02 (3) (c) 2, 233.02 (6) and 233.06 (1) (n); to amend 16.70 (3), 16.98 (1), 233.02 (3) (c) 1, 233.02 (3) (c) 4, 233.02 (7), 233.03 (1), 233.04 (1) (h), 233.04 (2) (a), 233.05 (2) and 233.06 (1) (intro.); to repeal and recreate 233.02 (8); and to create 40.02 (54) (e), 233.03 (4), 233.04 (1) (j) and (k) and 233.06 (3) of the statutes, relating to making various changes concerning the community development finance authority.

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

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

16.70 (3) "Office" includes both houses of the legislature and any department, board, commission or body connected with the state government, including the community development finance authority created under ch. 233 and all educational, charitable, correctional, penal and other institutions.

SECTION 2. 16.98 (1) of the statutes is amended to read:

16.98 (1) The department shall engage in such activities as the secretary deems necessary to ensure the maximum utilization of federal resources by state agencies and institutions and other eligible organizations and units of government, including community development corporations and the community development finance authority as defined in s. 233.02 (1) and (3). The department shall acquire excess and surplus real and personal property at such cost to the recipient as is necessary to amortize expenditures for transportation, packing, crating, handling and program overhead.

SECTION 3. 40.02 (54) (e) of the statutes is created to read:

40.02 (54) (e) The community development finance authority created under ch. 233.

SECTION 3c. 233.02 (3) (c) 1 of the statutes is amended to read:

233.02 (3) (c) 1. Whose ~~primary~~ purpose is employing members of a target group through projects that meet the conditions specified in s. 233.06 (1) (a) to (d);

SECTION 3d. 233.02 (3) (c) 2 of the statutes is repealed.

SECTION 3e. 233.02 (3) (c) 4 of the statutes is amended to read:

233.02 (3) (c) 4. That petitions the authority for designation as a community development corporation ~~on or before 60 days after the date all the members of the authority are appointed under s. 233.03 (1)~~.

SECTION 3f. 233.02 (6) of the statutes is repealed.

SECTION 3g. 233.02 (7) of the statutes is amended to read:

233.02 (7) "Primary employment" means work which pays at least ~~1.5 times~~ the minimum wage as established under ch. 104 or under federal law, whichever is greater, offers adequate fringe benefits, including health insurance, and is not seasonal or part time.

SECTION 3j. 233.02 (8) of the statutes is repealed and recreated to read:

233.02 (8) "Project" means a commercial, industrial or real estate business or other economic activity that is located in a target area or directed toward a target group and that has either of the following purposes:

(a) To create or preserve jobs for low-income people.

SECTION 3m. 233.03 (1) of the statutes is amended to read:

233.03 (1) In order to accomplish the governmental purposes under s. 233.01, there is created a public body corporate and politic to be known as the “community development finance authority”. The authority shall be a nonprofit corporation organized under ch. 181. ~~The governor shall nominate, and with the advice and consent of the senate appoint, 11 people~~ Thirteen people shall be appointed to the authority to act as the corporation’s board of directors. The board of directors shall consist of the secretary of the department of development or a designee and 10, 8 public members nominated by the governor and appointed with the advice and consent of the senate, plus 2 representatives to the assembly representing the majority and minority parties in the assembly and appointed as are the members of standing committees in the assembly and 2 senators representing the majority and minority parties in the senate and appointed as are the members of standing committees in the senate. Four public members of the board shall represent community development corporations, one public member shall represent organized labor, one public member shall represent small business, one public member shall represent employment training programs, and one public member shall represent private financial institutions, ~~the senate shall select one public member and the assembly shall select one public member.~~ The public members shall be appointed for staggered 5-year terms. All members shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in performing their duties. Each member may hold office until a successor is appointed.

SECTION 4. 233.03 (4) of the statutes is created to read:

233.03 (4) No statutory repeal of the authority’s existence may take effect while the authority has obligations outstanding.

SECTION 4m. 233.04 (1) (h) of the statutes is amended to read:

233.04 (1) (h) ~~Sell common~~ Purchase, sell or contribute voting stock or partnership interests purchased from the community development finance company under s. 233.05.

SECTION 5. 233.04 (1) (j) and (k) of the statutes are created to read:

233.04 (1) (j) Use vehicles owned or leased by the state, subject to the department of administration’s management policies under s. 16.04.

(k) Use the state’s composition and printing facilities, if the authority pays any fees required by the department of administration for use of these facilities.

SECTION 6. 233.04 (2) (a) of the statutes is amended to read:

233.04 (2) (a) Create a community development finance company under s. 233.05 ~~and purchase a majority of the voting stock or partnership interests of the community development finance company.~~

SECTION 6m. 233.05 (2) of the statutes is amended to read:

233.05 (2) The community development finance company shall issue ~~common~~ stock or partnership interests ~~for purchase by the authority and by private investors.~~ The community development finance company shall invest funds it receives from the sale of stock or partnership interests by purchasing capital participation instruments under s. 233.06.

SECTION 7. 233.06 (1) (intro.) of the statutes is amended to read:

233.06 (1) (intro.) The community development finance company may purchase a capital participation instrument ~~through a community development corporation, on application by a community development corporation for a specific project, if the community development finance company makes a finding in writing that the project meets all of the following conditions of a project.~~ The community development finance company may require that the project meet any of the following conditions:

SECTION 7m. 233.06 (1) (n) of the statutes is repealed.

SECTION 8. 233.06 (3) of the statutes is created to read:

233.06 (3) If 25% of the membership of the community development corporation or an equal number of adult members of the target group or adults residing in the target area of the project, if any, sign a petition requesting a public hearing and file the petition with the community development corporation, the community development finance company may only purchase capital participation instruments through the community development corporation after the community development corporation holds a public hearing on the desirability of the project. The public hearing shall be held as close as practical to the proposed project site, prior to commencing the project. The community development corporation shall record the names and addresses of all persons appearing for or against the project.
