State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2783/1
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2007 BILL

AN ACT ***to repeal*** 20.143 (1) (x), 93.47, 234.66, 560.03 (15), 560.038, 560.039, 560.10, 560.11 (1) (b), 560.13 (7), 560.137 (1) (a), 560.137 (1) (c), 560.137 (2) (a) (intro.), 560.137 (2) (bm), 560.137 (2) (c), 560.137 (2) (d), 560.137 (2) (e), 560.137 (2) (f), 560.14 (3m), 560.155 (2) (b) 3., 560.155 (4), 560.17 (5r), 560.17 (6m) (b), 560.205 (3) (c), 560.42 (5), 560.52, 560.55, 560.607 (2), 560.81 (title), 560.81 (1) to (4), 560.82 (5) (a), 560.83 (title), 560.83 (1), 560.83 (5), 560.91, 560.915, 560.925 and 560.935; ***to renumber*** 560.137 (1) (b), 560.137 (2) (a) 1., 560.137 (2) (a) 2., 560.137 (3m), 560.138 (5), 560.83 (2), 560.837 (1) (a) and 560.837 (2); ***to renumber and amend*** 560.07 (3) (b), 560.17 (6m) (a), 560.80 (5), 560.81 (intro.), 560.82 (1), 560.82 (5) (b), 560.83 (3), 560.83 (4) (a), 560.83 (4) (b), 560.837 (1) (intro.) and 560.837 (1) (b); ***to amend*** 20.002 (11) (d) 3., 20.115 (4) (c), 20.115 (4) (r), 20.143 (1) (fm), 20.143 (1) (ie), 20.143 (1) (ig), 20.143 (1) (im), 20.143 (1) (kg), 20.143 (1) (kj), 25.17 (1) (hm), 93.46 (2) (e), 234.03 (2m), 234.265 (2), 234.40 (4), 234.50 (4), 234.60 (2), 234.61 (1), 234.63 (2) (b), 234.65 (1) (b),

560.07 (9), 560.138 (3), 560.14 (3) (c) 8., 560.17 (7) (a), subchapter VII (title) of chapter 560 [precedes 560.80], 560.80 (3m), 560.80 (4), 560.80 (5m), 560.82 (title), 560.82 (2) (intro.), 560.82 (3) (intro.), 560.82 (4) (intro.), 560.82 (4) (a) (intro.), 560.82 (4) (a) 2., 560.82 (4) (b), 560.84 (1) (intro.), 560.84 (1) (b) 1., 560.84 (1) (e) 1., 560.84 (1) (f), 560.84 (2) (a) 1., 560.85 (2), 560.85 (3) (a), 560.85 (3) (b) and 560.905 (2); and ***to create*** 13.94 (1) (mm), 23.167, 23.169, 36.09 (1) (am), 36.11 (29r), 38.04 (1m), 38.04 (10m), 41.11 (1g), 41.11 (1r), 84.01 (6m), 84.01 (11m), 93.07 (18), 93.07 (20), 234.032, 234.255, 560.001 (1m), 560.01 (2) (ae), 560.01 (2) (am), 560.01 (2) (as), 560.07 (8) (a), 560.07 (8) (b), 560.07 (8) (c), 560.138 (2m) (intro.), 560.138 (5) (b), 560.139 (3) (title), 560.155 (5), 560.29 (3), 560.80 (5) (a) and (b), 560.80 (5) (c) and 560.82 (1m) (b) and (c) of the statutes; **relating to:** cleanup and consolidation of Department of Commerce economic development programs, establishing a comprehensive annual reporting requirement, requiring the development of programmatic goals and accountability measures for economic development grants and loans, requiring the exercise of rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Pursuant to the recommendations of the Legislative Audit Bureau in Report 06-9, "A Review of State Economic Development Programs," this bill makes a number of changes to the state's economic development programs.

Definition of an economic development program

Under current law, there is no uniform definition of an economic development program. This bill defines "economic development program" as a program or activity having the primary purpose of encouraging the establishment and growth of business in the state, including the creation and retention of jobs, and that satisfies all of the following:

1. The program receives funding from the state or federal government that is allocated through an appropriation under state law.

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

Cleanup and consolidation

The bill eliminates the following unfunded or inactive economic development programs administered by the Department of Commerce (Commerce): minority nonprofit corporation grants; minority business incubator grants; the industrial building construction loan fund; community-based economic development revolving loan fund grants; low-income rural municipality economic development loans; small business innovative research program grants; and the following technology-based economic development programs: the seed-capital fund, the information exchange clearinghouse, and the manufacturing modernization program.

The bill eliminates the sustainable agriculture grant program administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill eliminates the beginning farmer program administered by the Wisconsin Housing and Economic Development Authority (WHEDA).

This bill consolidates the following grant and loan programs, administered by Commerce, into one minority business grant and loan program: minority business early planning grants; minority business development grants and loans; minority business development finance and education training grants; and minority business revolving fund grants and loans.

The bill also consolidates the gaming economic development grant and loan program and the gaming economic diversification grant and loan program into one gaming economic development grant and loan program.

Current law authorizes Commerce to award early planning project grants to certain eligible recipients. An "early planning project" is defined under current law as "the preliminary stages of considering and planning the start-up or expansion of a business that will be a minority business." Under current law, eligible recipients include individuals who are minority group members and residents of this state. The bill does not change the definition of "early planning project" or "eligible recipient." The bill transfers to the Minority Business Development Board the authority to award grants and permits the board to award early planning project loans as well as grants.

Changes to reporting requirements

Under current law, Commerce must do all of the following:

1. Submit a biennial report to the legislature on the performance and operations of Commerce in the preceding biennium.

2. Periodically prepare an inventory of existing entrepreneurial assistance programs in Wisconsin.

3. Prepare a report documenting the results of an annual survey of Wisconsin businesses concerning the formation of businesses and obstacles to the formation of businesses in Wisconsin.

4. Prepare employment impact estimates related to industrial development revenue bonding.

5. Submit a report to the State of Wisconsin Investment Board describing the types of investments in businesses in Wisconsin that will have the greatest likelihood of enhancing economic development in Wisconsin.

6. Submit a report to both the Department of Natural Resources (DNR) and the federal Environmental Protection Agency concerning the compliance of the state small business stationary source technical and environmental compliance assistance program with certain federal laws.

In addition, under current law, Commerce must submit reports to the legislature incorporating the following information concerning economic development programs administered by Commerce: job gains due to funds provided to Forward Wisconsin, Inc.; the effects of the State Main Street Program on business revitalization in commercial areas having historic significance; the effectiveness of the Brownfields Grant Program; the operation and effectiveness of the Business Employees' Skills Training Grant Program; the total amount of tax credits claimed under the Early State Seed Investment Credit and Angel Investment Credit programs; a description of the activities of the Business Development Assistance Center; a description of Commerce's activities and the results of Commerce's activities coordinating entrepreneurial assistance programs and intermediary assistance programs offered by state agencies; Commerce's technology-based economic development activities; and the disposition and repayment of moneys distributed under the seed capital fund.

The economic development reporting requirements under current law are not uniform: some reports are required annually, others biennially or periodically; some reports are due in January, others in March, September, October, and December.

The bill eliminates all but the following separate reports required of Commerce:

1. A biennial report to the legislature on the performance and operations of Commerce in the preceding biennium.

2. A report to the State of Wisconsin Investment Board identifying recommended investments to enhance economic development in the state.

3. A report on the effects of the State Main Street Program.

4. A report regarding the business development promotion activities conducted by Forward Wisconsin, Inc.

The bill requires Commerce to annually submit a comprehensive report assessing economic development programs administered by Commerce to the Joint Legislative Audit Committee and to the appropriate standing committees of the assembly and the senate. The bill also restores a requirement, repealed under 2007 Wisconsin Act 20 (the budget act), that Commerce evaluate certified capital investments made under Subchapter II of Chapter 560, 2005 statutes.

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Audit by the Legislative Audit Bureau

The bill requires the Legislative Audit Bureau to prepare a financial and program evaluation audit of state economic development programs administered by the eight state entities no later than July 1, 2012.

In addition, under the bill, each of the following entities must submit to the legislature a comprehensive annual report detailing its economic development activities within the preceding fiscal year: 1) the University of Wisconsin System; 2) DATCP; 3) DNR; 4) WHEDA; 5) the Department of Tourism; 6) the Technical College System; and 7) the Department of Transportation. The comprehensive reports of all eight entities are due to the legislature by October 1 of each year.

The state entity annual reports must include information about the number of grants and loans made by each entity in each year; the amount of each grant and loan; the name of the recipient of each grant and loan; and the sum total of all grants and loans received by each recipient. The seven enumerated state entities must collaborate with Commerce to make the reported information available to the public on the Internet.

Programmatic goals and benchmarks

The bill also requires Commerce and the seven enumerated state entities to establish specific goals for each of the economic development programs administered by each entity; quantifiable benchmarks for the program goals; and methods for evaluating the projected or anticipated results of the program. Commerce and the other seven entities must independently verify the accuracy of information reported by the recipient of an economic development grant or loan.

Commerce and the seven enumerated state entities must promulgate the following rules governing economic development grants and loans:

1. A requirement that the recipient of an economic development grant or loan of at least $100,000 submit to the administering state entity a verified statement signed by both an independent accountant licensed or certified by the Accounting Examining Board in the Department of Regulation and Licensing and the director or principal officer of the recipient. The rule must also require the recipient of such a grant or loan to make available for inspection the documents supporting the verified statement.

2. Policies and procedures for the administering state entity to recoup economic development grant or loan payments, withhold future grant or loan payments, and impose a fine or penalty upon the recipient of an economic development grant or loan or tax benefits which submits false or misleading information to the administering state entity has failed to comply with the requirements of a contract entered into with the administering state entity and which has failed to provide a satisfactory explanation to the administering state entity for the failure to comply.

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

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

SECTION 1. 13.94 (1) (mm) of the statutes is created to read:

13.94 **(1)** (mm) No later than July 1, 2012, prepare a financial and performance evaluation audit of the economic development programs administered by the department of commerce, the University of Wisconsin System, the department of agriculture, trade and consumer protection, the department of natural resources, the

Wisconsin Housing and Economic Development Authority, the department of tourism, the technical college system, and the department of transportation. In this paragraph, economic development program has the meaning given in s. 560.001 (1m). The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 2. 20.002 (11) (d) 3. of the statutes is amended to read:

20.002 **(11)** (d) 3. The industrial building construction loan fund under s. 560.10, 2005 stats.

SECTION 3. 20.115 (4) (c) of the statutes is amended to read:

20.115 **(4)** (c) *Agricultural investment aids.* Biennially, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3) ~~and sustainable agriculture grants under s. 93.47~~.

SECTION 4. 20.115 (4) (r) of the statutes is amended to read:

20.115 **(4)** (r) *Agricultural investment aids, agrichemical management fund.* Biennially, from the agrichemical management fund, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3) ~~and sustainable agriculture grants under s. 93.47~~.

SECTION 5. 20.143 (1) (fm) of the statutes is amended to read:

20.143 **(1)** (fm) *Minority business projects; grants and loans.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.038, 560.039,~~ s. 560.82 ~~and 560.837, grants and loans under s. 560.83~~, the grant under 1993 Wisconsin Act 110, section 3, and the loans under 1997 Wisconsin Act 9, section 3.

SECTION 6. 20.143 (1) (ie) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

20.143 **(1)** (ie) *Wisconsin development fund, repayments.* All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275 (2), ~~2005 stats.,~~ s. 560.62, 2005 stats., s. 560.63, 2005 stats., and s. 560.66, 2005 stats., subch. V of ch. 560, ~~and~~ 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), to be used for grants and loans under s. 560.275 (2) and subch. V of ch. 560, for assistance under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16, section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and (2q), and for reimbursements under s. 560.167.

SECTION 7. 20.143 (1) (ig) of the statutes is amended to read:

20.143 **(1)** (ig) *Gaming economic development and diversification; repayments.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.137 (2) and~~ s. 560.138. All moneys received in repayment of loans under ss. 560.137 (2), 2005 stats., and 560.138 shall be credited to this appropriation account.

SECTION 8. 20.143 (1) (im) of the statutes is amended to read:

20.143 **(1)** (im) *Minority business projects; repayments.* All moneys received in repayment of grants or loans under s. ~~560.83~~ 560.82 (1m) (b) and (c) and loans under 1997 Wisconsin Act 9, section 3, to be used for grants and loans under ~~ss.~~ s. 560.82~~,~~ ~~560.83, and 560.837~~, the grant under 2001 Wisconsin Act 16, section 9110 (7g), and the loans under 1997 Wisconsin Act 9, section 3.

SECTION 9. 20.143 (1) (kg) of the statutes is amended to read:

20.143 **(1)** (kg) *American Indian economic liaison and gaming grants specialist and program marketing.* The amounts in the schedule for the American Indian economic liaison program under s. 560.87, other than for grants under s. 560.87 (6), for the salary and fringe benefits of, and related supplies and services for, the gaming grants specialist for the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138, and for marketing the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138. From this appropriation, the department may expend in each fiscal year no more than $100,000 for marketing the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 10. 20.143 (1) (kj) of the statutes is amended to read:

20.143 **(1)** (kj) *Gaming economic development and diversification; grants and loans.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.137 and~~ s. 560.138, for the grants under s. 560.139 (1) (a) ~~and~~, (2), and (3), and for the grants under 2001 Wisconsin Act 16, section 9110 (2k), (11pk), and (11zx). Of the amounts in the schedule, $500,000 shall be allocated in each fiscal year for the grants under s. ~~560.137 (3m)~~ 560.139 (3). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 11. 20.143 (1) (x) of the statutes is repealed.

SECTION 12. 23.167 of the statutes is created to read:

23.167 Goals and accountability measures for economic development programs. (1) In this section, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

(2) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

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

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

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

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

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

(f) Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this paragraph in the contract entered into by a grant or loan recipient.

(g) Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

1. Recoup payments made to the recipient.

2. Withhold payments to be made to the recipient.

3. Impose a fine or penalty on the recipient.

SECTION 13. 23.169 of the statutes is created to read:

23.169 Economic development assistance reporting. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in s. 23.167 (1), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this section.

SECTION 14. 25.17 (1) (hm) of the statutes is amended to read:

25.17 **(1)** (hm) Industrial building construction loan fund (s. 560.10, 2005 stats.);

SECTION 15. 36.09 (1) (am) of the statutes is created to read:

36.09 **(1)** (am) The board, in consultation with the department of commerce, shall do all of the following for each economic development program, as defined in s. 36.11 (29r) (a), administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the

verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 16. 36.11 (29r) of the statutes is created to read:

36.11 **(29r)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the board. The report shall include all of the information required under s. 560.01 (2) (am). The board shall collaborate with the

department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 17. 38.04 (1m) of the statutes is created to read:

38.04 **(1m)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The board, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 18. 38.04 (10m) of the statutes is created to read:

38.04 **(10m)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (1m) (a), administered by the board. The report shall include all of the information required under s. 560.01 (2) (am). The board shall collaborate with the department

of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 19. 41.11 (1g) of the statutes is created to read:

41.11 **(1g)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 20. 41.11 (1r) of the statutes is created to read:

41.11 **(1r)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a

comprehensive report assessing economic development programs, as defined in sub. (1g) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 21. 84.01 (6m) of the statutes is created to read:

84.01 **(6m)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the

program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1 and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 22. 84.01 (11m) of the statutes is created to read:

84.01 **(11m)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (6m) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 23. 93.07 (18) of the statutes is created to read:

93.07 **(18)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) In consultation with the department of commerce, to do all of the following for each economic development program administered by the department of agriculture, trade and consumer protection:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 24. 93.07 (20) of the statutes is created to read:

93.07 **(20)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, to submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (18) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 25. 93.46 (2) (e) of the statutes is amended to read:

93.46 **(2)** (e) The department may not make a grant under this subsection ~~or s. 93.47~~ that exceeds 75 percent of project costs.

SECTION 26. 93.47 of the statutes is repealed.

SECTION 27. 234.03 (2m) of the statutes is amended to read:

234.03 **(2m)** To issue notes and bonds in accordance with ss. 234.08, 234.40, 234.50, 234.60, 234.61, 234.626, 234.63, and 234.65~~, and 234.66~~.

SECTION 28. 234.032 of the statutes is created to read:

234.032 Goals and accountability measures for economic development programs. (1) In this section, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

(2) The authority, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the authority:

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

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

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

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

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

(f) Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the authority a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The authority shall include the requirement established by rule under this paragraph in the contract entered into by a grant or loan recipient.

(g) Establish by rule policies and procedures permitting the authority to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the authority under the program and fails to provide to the satisfaction of the authority an explanation for the noncompliance:

1. Recoup payments made to the recipient.

2. Withhold payments to be made to the recipient.

3. Impose a fine or penalty on the recipient.

SECTION 29. 234.255 of the statutes is created to read:

234.255 Economic development assistance reporting. Annually, no later than October 1, the authority shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in s. 234.032 (1), administered by the authority. The report shall include all of the information required under s. 560.01 (2) (am). The authority shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this section.

SECTION 30. 234.265 (2) of the statutes is amended to read:

234.265 **(2)** Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.04, 234.08, 234.49, 234.59, 234.61, 234.63, 234.65, 234.67, 234.83, 234.84, 234.90, 234.905, 234.907, or 234.91, seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s. 234.66, 2005 stats., seeking investment of funds under s. 234.03 (18m), or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

SECTION 31. 234.40 (4) of the statutes is amended to read:

234.40 **(4)** The limitations established in ss. 234.18, 234.50, 234.60, 234.61, 234.63, and 234.65~~, and 234.66~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for veterans housing loans in an aggregate principal amount exceeding $61,945,000, excluding bonds being issued to refund outstanding bonds.

SECTION 32. 234.50 (4) of the statutes is amended to read:

234.50 **(4)** The limitations established in ss. 234.18, 234.40, 234.60, 234.61, 234.63, and 234.65~~, and 234.66~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for housing rehabilitation loans in an aggregate principal amount exceeding $100,000,000, excluding bonds being issued to refund outstanding bonds. The authority shall consult with and coordinate the issuance of bonds with the building commission prior to the issuance of bonds.

SECTION 33. 234.60 (2) of the statutes is amended to read:

234.60 **(2)** The limitations in ss. 234.18, 234.40, 234.50, 234.61, 234.63, and 234.65~~, and 234.66~~ do not apply to bonds or notes issued under this section.

SECTION 34. 234.61 (1) of the statutes is amended to read:

234.61 **(1)** Upon the authorization of the department of health and family services, the authority may issue bonds or notes and make loans for the financing of housing projects which are residential facilities as defined in s. 46.28 (1) (d) and the development costs of those housing projects, if the department of health and family services has approved the residential facilities for financing under s. 46.28 (2). The limitations in ss. 234.18, 234.40, 234.50, 234.60, 234.63, and 234.65~~, and 234.66~~ do

not apply to bonds or notes issued under this section. The definition of "nonprofit corporation" in s. 234.01 (9) does not apply to this section.

SECTION 35. 234.63 (2) (b) of the statutes is amended to read:

234.63 **(2)** (b) The limits in ss. 234.18 ~~(1)~~, 234.40, 234.50, 234.60, 234.61, and 234.65~~, and 234.66~~ do not apply to bonds issued under par. (a).

SECTION 36. 234.65 (1) (b) of the statutes is amended to read:

234.65 **(1)** (b) The limits in ss. 234.18, 234.40, 234.50, 234.60, and 234.61~~, and 234.66~~ do not apply to bonds or notes issued under this section.

SECTION 37. 234.66 of the statutes is repealed.

SECTION 38. 560.001 (1m) of the statutes is created to read:

560.001 **(1m)** "Economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

SECTION 39. 560.01 (2) (ae) of the statutes is created to read:

560.01 **(2)** (ae) *Goals and accountability measures for economic development programs.* The department shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 40. 560.01 (2) (am) of the statutes is created to read:

560.01 **(2)** (am) *Economic development assistance reporting.* Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the department. The department shall make readily accessible to the public on an Internet-based system the information required under this paragraph. The report shall include all of the following information:

1. A description of each program.

2. Quantifiable performance measures directly related to the purpose of the program including, when applicable, all of the following information:

a. 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.

b. An accounting of the industry classification, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program.

3. A comparison of expected and actual program outcomes.

4. The number of grants made under the program in the previous fiscal year.

5. The number of loans made under the program in the previous fiscal year.

6. The amount of each grant and loan made under the program in the previous fiscal year.

7. The recipient of each grant or loan made under the program in the previous fiscal year.

8. The sum total of all grants and loans awarded to and received by each recipient under the program in the previous fiscal year.

9. Any recommended changes to the program.

SECTION 41. 560.01 (2) (as) of the statutes is created to read:

560.01 **(2)** (as) *Coordination of economic development program goals and accountability measures; annual reporting requirements.* 1. The department of commerce shall coordinate the development of programmatic goals and accountability measures as required under ss. 23.167, 36.09 (1) (am), 38.04 (1m), 41.11 (1g), 84.01 (6m), 93.07 (18), and 234.032 to ensure that the goals and measures are adequate, compatible, and effective.

2. The department of commerce shall collaborate with the department of natural resources, the Board of Regents of the University of Wisconsin System, the technical college system board, the department of tourism, the department of transportation, the department of agriculture, trade, and consumer protection, and the Wisconsin housing and economic development authority to facilitate the reporting required under ss. 23.169, 36.11 (29r), 38.04 (10m), 41.11 (1r), 84.01 (11m), 93.07 (20), and 234.255.

SECTION 42. 560.03 (15) of the statutes is repealed.

SECTION 43. 560.038 of the statutes is repealed.

SECTION 44. 560.039 of the statutes is repealed.

SECTION 45. 560.07 (3) (b) of the statutes is renumbered 560.07 (8) (intro.) and amended to read:

560.07 **(8)** (intro.) Contract with Forward Wisconsin, Inc., if the secretary determines it appropriate, to pay Forward Wisconsin, Inc., an amount not to exceed the amount appropriated under s. 20.143 (1) (bm), to establish and implement a

nationwide business development promotion campaign to attract persons interested in locating new enterprises in this state, and to encourage the retention and expansion of businesses and jobs in this state. Funds may be expended to carry out the contract only as provided in s. 16.501. The department shall establish all of the following for the nationwide business development promotion campaign:

SECTION 46. 560.07 (8) (a) of the statutes is created to read:

560.07 **(8)** (a) Clear and measurable goals tied to statutory policy objectives.

SECTION 47. 560.07 (8) (b) of the statutes is created to read:

560.07 **(8)** (b) At least one quantifiable performance measure for each goal described in par. (a).

SECTION 48. 560.07 (8) (c) of the statutes is created to read:

560.07 **(8)** (c) A method for evaluating the projected results with actual outcomes as determined by evaluating the information described in pars. (a) and (b).

SECTION 49. 560.07 (9) of the statutes is amended to read:

560.07 **(9)** ~~On or before July 1, 1985, and every July 1 thereafter, submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a~~ Include in the report ~~stating the net jobs gain due to~~ required under s. 560.01 (2) (am) an assessment of the nationwide business development promotion activities conducted by Forward Wisconsin, Inc., with the funds provided to Forward Wisconsin, Inc., under s. 20.143 (1) (bm). The assessment shall address the goals and performance measures established pursuant to sub. (3) (b).

SECTION 50. 560.10 of the statutes is repealed.

SECTION 51. 560.11 (1) (b) of the statutes is repealed.

SECTION 52. 560.13 (7) of the statutes is repealed.

SECTION 53. 560.137 (1) (a) of the statutes is repealed.

SECTION 54. 560.137 (1) (b) of the statutes is renumbered 560.138 (1) (at).

SECTION 55. 560.137 (1) (c) of the statutes is repealed.

SECTION 56. 560.137 (2) (a) (intro.) of the statutes is repealed.

SECTION 57. 560.137 (2) (a) 1. of the statutes is renumbered 560.138 (2m) (a).

SECTION 58. 560.137 (2) (a) 2. of the statutes is renumbered 560.138 (2m) (b).

SECTION 59. 560.137 (2) (bm) of the statutes is repealed.

SECTION 60. 560.137 (2) (c) of the statutes is repealed.

SECTION 61. 560.137 (2) (d) of the statutes is repealed.

SECTION 62. 560.137 (2) (e) of the statutes is repealed.

SECTION 63. 560.137 (2) (f) of the statutes is repealed.

SECTION 64. 560.137 (3m) of the statutes is renumbered 560.139 (3).

SECTION 65. 560.138 (2m) (intro.) of the statutes is created to read:

560.138 **(2m)** (intro.) Subject to subs. (3) and (4), from the appropriations under s. 20.143 (1) (ig) and (kj), the department may do all of the following for the purpose of improving the profitability of a qualified business that has been negatively impacted by the existence of a casino:

SECTION 66. 560.138 (3) of the statutes is amended to read:

560.138 **(3)** As a condition of approval of a grant or loan under this section, the department shall require that a qualified business provide matching funds for at least 25% of the cost of a project. The department may waive the requirement under this subsection if the department determines that the qualified business is subject to extreme financial hardship.

SECTION 67. 560.138 (5) of the statutes is renumbered 560.138 (5) (a).

SECTION 68. 560.138 (5) (b) of the statutes is created to read:

560.138 **(5)** (b) The department may forgive all or any part of a loan made under this section.

SECTION 69. 560.139 (3) (title) of the statutes is created to read:

560.139 **(3)** (title) GRANTS AND LOANS FOR ONEIDA SMALL BUSINESSES.

SECTION 70. 560.14 (3) (c) 8. of the statutes is amended to read:

560.14 **(3)** (c) 8. Whether the business incubator or technology-based incubator is or will be located in an area that has been designated as a ~~development zone under s. 560.71, a~~ development opportunity zone under s. 560.795 ~~or an enterprise development zone under s. 560.797~~.

SECTION 71. 560.14 (3m) of the statutes is repealed.

SECTION 72. 560.155 (2) (b) 3. of the statutes is repealed.

SECTION 73. 560.155 (4) of the statutes is repealed.

SECTION 74. 560.155 (5) of the statutes is created to read:

560.155 **(5)** In deciding whether to award a grant under this section, the department may not consider any factor or characteristic of the business other than the criteria established under subs. (1) and (2).

SECTION 75. 560.17 (5r) of the statutes is repealed.

SECTION 76. 560.17 (6m) (a) of the statutes is renumbered 560.17 (6m) and amended to read:

560.17 **(6m)** ~~Except as provided in par. (b), in order to~~ To receive a grant or loan under this section a person or business shall contribute cash, from a source other than the state, in an amount that equals at least 25% of the total cost of the project.

SECTION 77. 560.17 (6m) (b) of the statutes is repealed.

SECTION 78. 560.17 (7) (a) of the statutes is amended to read:

560.17 **(7)** (a) Except as provided in par. (am), the department shall designate staff to evaluate applications for grants or loans and assist the board under this section. The board shall act on an application for a grant or loan at its next regularly scheduled meeting after the department determines that the application is complete~~, except that the board shall act on an application for a loan under sub. (5r) and advise the applicant of its decision within 45 days after the department determines that the application is complete~~.

SECTION 79. 560.205 (3) (c) of the statutes is repealed.

SECTION 80. 560.29 (3) of the statutes is created to read:

560.29 **(3)** DEPARTMENT REPORTING REQUIREMENTS. The department shall include in the report required under s. 560.01 (2) (am) all of the following:

(a) The total amount of certified capital investments made, by calendar year, since July 1, 1999.

(b) Statistical information on the qualified investments made by certified capital companies during the previous 2 calendar years.

(c) The department's assessment of the number of jobs created in this state during the previous 2 calendar years as a result of qualified investments made by certified capital companies under this section.

SECTION 81. 560.42 (5) of the statutes is repealed.

SECTION 82. 560.52 of the statutes is repealed.

SECTION 83. 560.55 of the statutes is repealed.

SECTION 84. 560.607 (2) of the statutes is repealed.

SECTION 85. Subchapter VII (title) of chapter 560 [precedes 560.80] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER VII

MINORITY BUSINESS ~~EARLY PLANNING AND DEVELOPMENT PROJECTS~~ GRANTS AND LOANS

SECTION 86. 560.80 (3m) of the statutes is amended to read:

560.80 **(3m)** "Education and training project" means a business education and training program for minority group members and minority businesses that have received loans for working capital from an eligible recipient under s. ~~560.837 (1) (b)~~ 560.82 (1m) (e).

SECTION 87. 560.80 (4) of the statutes is amended to read:

560.80 **(4)** "Eligible development project costs" means costs that, in accordance with sound business and financial practices, are appropriately incurred in connection with a development project, but does not include entertainment expenses or expenses incurred more than 6 months before the board approves a grant or loan under s. ~~560.83~~ 560.82 (1m) (b).

SECTION 88. 560.80 (5) of the statutes is renumbered 560.80 (5) (intro.) and amended to read:

560.80 **(5)** (intro.) "Eligible recipient" means ~~a person who is eligible to receive a grant under s. 560.82 (5) (a) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b).~~ any of the following:

SECTION 89. 560.80 (5) (a) and (b) of the statutes are created to read:

560.80 **(5)** (a) An individual who is a minority group member and a resident of this state.

(b) A minority business.

SECTION 90. 560.80 (5) (c) of the statutes is created to read:

560.80 **(5)** (c) A person who is eligible to receive a grant under s. 560.82 (1m) (d) or (e).

SECTION 91. 560.80 (5m) of the statutes is amended to read:

560.80 **(5m)** "Finance project" means financial assistance to a minority group member or a minority business described in s. ~~560.837~~ 560.82 (1m) (d) and (e).

SECTION 92. 560.81 (title) of the statutes is repealed.

SECTION 93. 560.81 (intro.) of the statutes is renumbered 560.82 (1g) and amended to read:

560.82 **(1g)** The department shall make a grant or loan to an eligible recipient or local development corporation under this ~~subchapter~~ section if ~~any of the following apply:~~ the board awards a grant or loan to the eligible recipient or local development corporation under sub. (1m).

SECTION 94. 560.81 (1) to (4) of the statutes are repealed.

SECTION 95. 560.82 (title) of the statutes is amended to read:

560.82 (title) **Minority business ~~early planning~~ grants and loans.**

SECTION 96. 560.82 (1) of the statutes is renumbered 560.82 (1m) (intro.) and amended to read:

560.82 **(1m)** (intro.) ~~Subject to s. 560.84, the department~~ The board may award a grant or loan under this section to ~~an~~ any of the following:

(a) Subject to s. 560.84, an eligible recipient, as defined in s. 560.80 (5) (a), to fund an early planning project.

SECTION 97. 560.82 (1m) (b) and (c) of the statutes are created to read:

560.82 **(1m)** (b) Subject to s. 560.84, an eligible recipient or local development corporation that submits application materials in a form specified by the department by rule to fund eligible development project costs.

(c) A local development corporation to make grants or loans under sub. (2g) (a) 1. or to fund a revolving fund program under sub. (2g) (a) 2.

SECTION 98. 560.82 (2) (intro.) of the statutes is amended to read:

560.82 **(2)** (intro.) The ~~department~~ board may not award a grant or loan under sub. ~~(1)~~ (1m) (a) unless the eligible recipient, as defined in s. 560.80 (5) (a), submits an application, in a form required by the department, that contains or describes all of the following:

SECTION 99. 560.82 (3) (intro.) of the statutes is amended to read:

560.82 **(3)** (intro.) An eligible recipient, as defined in s. 560.80 (5) (a), who receives a grant or loan under sub. ~~(1)~~ (1m) (a) or s. 560.835 (6), 2001 stats., may only use the proceeds of the grant for the following purposes:

SECTION 100. 560.82 (4) (intro.) of the statutes is amended to read:

560.82 **(4)** (intro.) ~~In any fiscal biennium, the department~~ The board may not do any of the following:

SECTION 101. 560.82 (4) (a) (intro.) of the statutes is amended to read:

560.82 **(4)** (a) (intro.) Award in a fiscal biennium, for grants or loans under sub. ~~(1)~~ (1m) (a), more than 25% of the total of all of the following:

SECTION 102. 560.82 (4) (a) 2. of the statutes is amended to read:

560.82 **(4)** (a) 2. The lesser of the funds received in a fiscal biennium in repayment of grants or loans under s. 560.83, 2005 stats., and this section or the funds appropriated for the fiscal biennium under s. 20.143 (1) (im).

SECTION 103. 560.82 (4) (b) of the statutes is amended to read:

560.82 **(4)** (b) Award~~,~~ in a fiscal biennium to any one eligible recipient, as defined in s. 560.80 (5) (a), or for any one early planning project, grants or loans under sub. ~~(1)~~ (1m) (a) that total more than $15,000.

SECTION 104. 560.82 (5) (a) of the statutes is repealed.

SECTION 105. 560.82 (5) (b) of the statutes is renumbered 560.82 (5) and amended to read:

560.82 **(5)** If the ~~department~~ board awards a grant or loan under sub. ~~(1)~~ (1m) (a), the department may contract directly with and pay grant or loan proceeds directly to any person providing technical or management assistance to the grant or loan recipient.

SECTION 106. 560.83 (title) of the statutes is repealed.

SECTION 107. 560.83 (1) of the statutes is repealed.

SECTION 108. 560.83 (2) of the statutes is renumbered 560.82 (2g).

SECTION 109. 560.83 (3) of the statutes is renumbered 560.82 (2g) (c) and amended to read:

560.82 **(2g)** (c) The ~~board may not award a grant or loan under sub. (1) or (2) unless the eligible recipient or the~~ local development corporation submits an application, or other materials, in a form specified by the department by rule.

SECTION 110. 560.83 (4) (a) of the statutes is renumbered 560.82 (4) (c) and amended to read:

560.82 **(4)** (c) ~~In~~ Award in any fiscal biennium~~, the board may not award~~, to any one eligible recipient or local development corporation or for any one development project, grants or loans under sub. ~~(1)~~ (1m) (b) that total more than $100,000 in a fiscal biennium.

SECTION 111. 560.83 (4) (b) of the statutes is renumbered 560.82 (4) (d) and amended to read:

560.82 **(4)** (d) ~~In~~ Award, in any fiscal year, ~~the board may not award~~ to any one local development corporation, grants or loans under sub. ~~(2)~~ (1m) (c) that total more than $200,000.

SECTION 112. 560.83 (5) of the statutes is repealed.

SECTION 113. 560.837 (1) (intro.) of the statutes is renumbered 560.82 (1m) (d) (intro.) and amended to read:

560.82 **(1m)** (d) (intro.) Subject to s. 560.84, ~~the board may award a grant under this subsection to~~ a nonprofit organization or private financial institution, as defined in s. 234.01 (5k), whether or not for profit, to fund a finance project if all of the following apply:

SECTION 114. 560.837 (1) (a) of the statutes is renumbered 560.82 (1m) (d) 1.

SECTION 115. 560.837 (1) (b) of the statutes is renumbered 560.82 (1m) (d) 2. and amended to read:

560.82 **(1m)** (d) 2. The loans for working capital under ~~par. (a) 1.~~ subd. 1. a. do not exceed $5,000.

SECTION 116. 560.837 (2) of the statutes is renumbered 560.82 (1m) (e).

SECTION 117. 560.84 (1) (intro.) of the statutes is amended to read:

560.84 **(1)** (intro.) The ~~department or~~ board may not award a grant or loan for a project under this subchapter unless, after considering the application or other material submitted by the eligible recipient or local development corporation, the ~~department or~~ board determines all of the following:

SECTION 118. 560.84 (1) (b) 1. of the statutes is amended to read:

560.84 **(1)** (b) 1. If an early planning project ~~under s. 560.82~~, that the project will increase employment in this state.

SECTION 119. 560.84 (1) (e) 1. of the statutes is amended to read:

560.84 **(1)** (e) 1. For grants funding early planning projects under s. 560.82 (1m) (a), not less than 25% of the cost of the project. Up to 50% of the contribution under this subdivision may be in the form of the in-kind services of a qualified 3rd party or qualified 3rd parties. The department shall determine what services may be used as in-kind contributions and whether a 3rd party is qualified, for purposes of this subdivision.

SECTION 120. 560.84 (1) (f) of the statutes is amended to read:

560.84 **(1)** (f) That the project meets all applicable criteria set forth in s. 560.82~~, 560.83, or 560.837, whichever is appropriate~~.

SECTION 121. 560.84 (2) (a) 1. of the statutes is amended to read:

560.84 **(2)** (a) 1. If an early planning project ~~under s. 560.82~~, the extent to which the project will increase employment in this state.

SECTION 122. 560.85 (2) of the statutes is amended to read:

560.85 **(2)** The board shall develop a policy governing the repayment of grants and loans made under s. ~~560.83~~ 560.82 (1m) (b) and (c). The board or department shall deposit moneys received in repayment of grants and loans under s. ~~560.83~~ 560.82 (1m) (b) and (c) in the appropriation under s. 20.143 (1) (im).

SECTION 123. 560.85 (3) (a) of the statutes is amended to read:

560.85 **(3)** (a) Develop procedures to evaluate applications and monitor project performance for grants awarded for early planning projects under s. 560.82 (1m) (a) or s. 560.835 (6), 2001 stats.

SECTION 124. 560.85 (3) (b) of the statutes is amended to read:

560.85 **(3)** (b) Develop procedures, with the approval of the board, to evaluate applications, monitor project performance, and audit grants and loans awarded for development projects under s. ~~560.83~~ 560.82 (1m) (b), projects under s. 560.835, 2001

stats., and finance projects and education and training projects under s. ~~560.837~~ 560.82 (1m) (d) and (e).

SECTION 125. 560.905 (2) of the statutes is amended to read:

560.905 **(2)** The standing committees of the senate and assembly with jurisdiction over science and technology shall advise the department concerning the administration of this subchapter. The department shall consider the advice of the committees in carrying out the functions under this subchapter. ~~Annually, the department shall submit a report on the department's activities to the chief clerk of each house of the legislature for distribution under s. 13.172 (3) to the standing committees with jurisdiction over science and technology.~~

SECTION 126. 560.91 of the statutes is repealed.

SECTION 127. 560.915 of the statutes is repealed.

SECTION 128. 560.925 of the statutes is repealed.

SECTION 129. 560.935 of the statutes is repealed.

SECTION 130. Fiscal changes.

(1) The unencumbered balance in the appropriation account under section 20.143 (1) (x), 2005 stats., is transferred to the appropriation account under section 20.143 (1) (c) of the statutes.

(END)

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2783/2
TKK:wlj&bx:pg

2007 BILL

AN ACT ***to repeal*** 20.143 (1) (x), 93.47, 234.66, 560.03 (15), 560.038, 560.039, 560.10, 560.11 (1) (b), 560.13 (7), 560.137 (1) (a), 560.137 (1) (c), 560.137 (2) (a) (intro.), 560.137 (2) (bm), 560.137 (2) (c), 560.137 (2) (d), 560.137 (2) (e), 560.137 (2) (f), 560.14 (3m), 560.155 (2) (b) 3., 560.155 (4), 560.17 (5r), 560.17 (6m) (b), 560.205 (3) (c), 560.42 (5), 560.52, 560.55, 560.607 (2), 560.81 (title), 560.81 (1) to (4), 560.82 (5) (a), 560.83 (title), 560.83 (1), 560.83 (5), 560.91, 560.915, 560.925 and 560.935; ***to renumber*** 560.137 (1) (b), 560.137 (2) (a) 1., 560.137 (2) (a) 2., 560.137 (3m), 560.138 (5), 560.83 (2), 560.837 (1) (a) and 560.837 (2); ***to renumber and amend*** 560.07 (3) (b), 560.17 (6m) (a), 560.80 (5), 560.81 (intro.), 560.82 (1), 560.82 (5) (b), 560.83 (3), 560.83 (4) (a), 560.83 (4) (b), 560.837 (1) (intro.) and 560.837 (1) (b); ***to amend*** 20.002 (11) (d) 3., 20.115 (4) (c), 20.115 (4) (r), 20.143 (1) (fm), 20.143 (1) (ie), 20.143 (1) (ig), 20.143 (1) (im), 20.143 (1) (kg), 20.143 (1) (kj), 25.17 (1) (hm), 93.46 (2) (e), 234.03 (2m), 234.265 (2), 234.40 (4), 234.50 (4), 234.60 (2), 234.61 (1), 234.63 (2) (b), 234.65 (1) (b),

560.07 (9), 560.138 (3), 560.14 (3) (c) 8., 560.17 (7) (a), subchapter VII (title) of chapter 560 [precedes 560.80], 560.80 (3m), 560.80 (4), 560.80 (5m), 560.82 (title), 560.82 (2) (intro.), 560.82 (3) (intro.), 560.82 (4) (intro.), 560.82 (4) (a) (intro.), 560.82 (4) (a) 2., 560.82 (4) (b), 560.84 (1) (intro.), 560.84 (1) (b) 1., 560.84 (1) (e) 1., 560.84 (1) (f), 560.84 (2) (a) 1., 560.85 (2), 560.85 (3) (a), 560.85 (3) (b) and 560.905 (2); and ***to create*** 13.94 (1) (mm), 23.167, 23.169, 36.09 (1) (am), 36.11 (29r), 38.04 (1m), 38.04 (10m), 41.11 (1g), 41.11 (1r), 84.01 (6m), 84.01 (11m), 93.07 (18), 93.07 (20), 234.032, 234.255, 560.001 (1m), 560.01 (2) (ae), 560.01 (2) (am), 560.01 (2) (as), 560.07 (8) (a), 560.07 (8) (b), 560.07 (8) (c), 560.138 (2m) (intro.), 560.138 (5) (b), 560.139 (3) (title), 560.155 (5), 560.29 (3), 560.80 (5) (a) and (b), 560.80 (5) (c) and 560.82 (1m) (b) and (c) of the statutes; **relating to:** cleanup and consolidation of Department of Commerce economic development programs, establishing a comprehensive annual reporting requirement, requiring the development of programmatic goals and accountability measures for economic development grants and loans, requiring the exercise of rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Pursuant to the recommendations of the Legislative Audit Bureau in Report 06-9, "A Review of State Economic Development Programs," this bill makes a number of changes to the state's economic development programs.

Definition of an economic development program

Under current law, there is no uniform definition of an economic development program. This bill defines "economic development program" as a program or activity having the primary purpose of encouraging the establishment and growth of business in the state, including the creation and retention of jobs, and that satisfies all of the following:

1. The program receives funding from the state or federal government that is allocated through an appropriation under state law.

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

BILL

Cleanup and consolidation

The bill eliminates the following unfunded or inactive economic development programs administered by the Department of Commerce (Commerce): minority nonprofit corporation grants; minority business incubator grants; the industrial building construction loan fund; community-based economic development revolving loan fund grants; low-income rural municipality economic development loans; small business innovative research program grants; and the following technology-based economic development programs: the seed-capital fund, the information exchange clearinghouse, and the manufacturing modernization program.

The bill eliminates the sustainable agriculture grant program administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill eliminates the beginning farmer program administered by the Wisconsin Housing and Economic Development Authority (WHEDA).

This bill consolidates the following grant and loan programs, administered by Commerce, into one minority business grant and loan program: minority business early planning grants; minority business development grants and loans; minority business development finance and education training grants; and minority business revolving fund grants and loans.

The bill also consolidates the gaming economic development grant and loan program and the gaming economic diversification grant and loan program into one gaming economic development grant and loan program.

Current law authorizes Commerce to award early planning project grants to certain eligible recipients. An "early planning project" is defined under current law as "the preliminary stages of considering and planning the start-up or expansion of a business that will be a minority business." Under current law, eligible recipients include individuals who are minority group members and residents of this state. The bill does not change the definition of "early planning project" or "eligible recipient." The bill transfers to the Minority Business Development Board the authority to award grants and permits the board to award early planning project loans as well as grants.

Changes to reporting requirements

Under current law, Commerce must do all of the following:

1. Submit a biennial report to the legislature on the performance and operations of Commerce in the preceding biennium.

2. Periodically prepare an inventory of existing entrepreneurial assistance programs in Wisconsin.

3. Prepare a report documenting the results of an annual survey of Wisconsin businesses concerning the formation of businesses and obstacles to the formation of businesses in Wisconsin.

4. Prepare employment impact estimates related to industrial development revenue bonding.

5. Submit a report to the State of Wisconsin Investment Board describing the types of investments in businesses in Wisconsin that will have the greatest likelihood of enhancing economic development in Wisconsin.

6. Submit a report to both the Department of Natural Resources (DNR) and the federal Environmental Protection Agency concerning the compliance of the state small business stationary source technical and environmental compliance assistance program with certain federal laws.

In addition, under current law, Commerce must submit reports to the legislature incorporating the following information concerning economic development programs administered by Commerce: job gains due to funds provided to Forward Wisconsin, Inc.; the effects of the State Main Street Program on business revitalization in commercial areas having historic significance; the effectiveness of the Brownfields Grant Program; the operation and effectiveness of the Business Employees' Skills Training Grant Program; the total amount of tax credits claimed under the Early State Seed Investment Credit and Angel Investment Credit programs; a description of the activities of the Business Development Assistance Center; a description of Commerce's activities and the results of Commerce's activities coordinating entrepreneurial assistance programs and intermediary assistance programs offered by state agencies; Commerce's technology-based economic development activities; and the disposition and repayment of moneys distributed under the seed capital fund.

The economic development reporting requirements under current law are not uniform: some reports are required annually, others biennially or periodically; some reports are due in January, others in March, September, October, and December.

The bill eliminates all but the following separate reports required of Commerce:

1. A biennial report to the legislature on the performance and operations of Commerce in the preceding biennium.

2. A report to the State of Wisconsin Investment Board identifying recommended investments to enhance economic development in the state.

3. A report on the effects of the State Main Street Program.

4. A report regarding the business development promotion activities conducted by Forward Wisconsin, Inc.

The bill requires Commerce to annually submit a comprehensive report assessing economic development programs administered by Commerce to the Joint Legislative Audit Committee and to the appropriate standing committees of the assembly and the senate. The bill also restores a requirement, repealed under 2007 Wisconsin Act 20 (the budget act), that Commerce evaluate certified capital investments made under Subchapter II of Chapter 560, 2005 statutes.

In addition, under the bill, each of the following entities must submit to the legislature a comprehensive annual report detailing its economic development activities within the preceding fiscal year: 1) the University of Wisconsin System; 2) DATCP; 3) DNR; 4) WHEDA; 5) the Department of Tourism; 6) the Technical College System; and 7) the Department of Transportation. The comprehensive reports of all eight entities are due to the legislature by October 1 of each year.

The state entity annual reports must include information about the number of grants and loans made by each entity in each year; the amount of each grant and loan; the name of the recipient of each grant and loan; and the sum total of all grants and loans received by each recipient. The seven enumerated state entities must

collaborate with Commerce to make the reported information available to the public on the Internet.

Programmatic goals and benchmarks

The bill also requires Commerce and the seven enumerated state entities to establish specific goals for each of the economic development programs administered by each entity; quantifiable benchmarks for the program goals; and methods for evaluating the projected or anticipated results of the program. Commerce and the other seven entities must independently verify the accuracy of information reported by the recipient of an economic development grant or loan.

Commerce and the seven enumerated state entities must promulgate the following rules governing economic development grants and loans:

1. A requirement that the recipient of an economic development grant or loan of at least $100,000 submit to the administering state entity a verified statement signed by both an independent accountant licensed or certified by the Accounting Examining Board in the Department of Regulation and Licensing and the director or principal officer of the recipient. The rule must also require the recipient of such a grant or loan to make available for inspection the documents supporting the verified statement.

2. Policies and procedures for the administering state entity to recoup economic development grant or loan payments, withhold future grant or loan payments, and impose a fine or penalty upon the recipient of an economic development grant or loan or tax benefits which submits false or misleading information to the administering state entity has failed to comply with the requirements of a contract entered into with the administering state entity and which has failed to provide a satisfactory explanation to the administering state entity for the failure to comply.

Audit by the Legislative Audit Bureau

The bill requires the Legislative Audit Bureau to prepare a financial and program evaluation audit of state economic development programs administered by the eight state entities no later than July 1, 2012.

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

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

SECTION 1. 13.94 (1) (mm) of the statutes is created to read:

13.94 **(1)** (mm) No later than July 1, 2012, prepare a financial and performance evaluation audit of the economic development programs administered by the department of commerce, the University of Wisconsin System, the department of agriculture, trade and consumer protection, the department of natural resources, the

Wisconsin Housing and Economic Development Authority, the department of tourism, the technical college system, and the department of transportation. In this paragraph, economic development program has the meaning given in s. 560.001 (1m). The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 2. 20.002 (11) (d) 3. of the statutes is amended to read:

20.002 **(11)** (d) 3. The industrial building construction loan fund under s. 560.10, 2005 stats.

SECTION 3. 20.115 (4) (c) of the statutes is amended to read:

20.115 **(4)** (c) *Agricultural investment aids.* Biennially, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3) ~~and sustainable agriculture grants under s. 93.47~~.

SECTION 4. 20.115 (4) (r) of the statutes is amended to read:

20.115 **(4)** (r) *Agricultural investment aids, agrichemical management fund.* Biennially, from the agrichemical management fund, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3) ~~and sustainable agriculture grants under s. 93.47~~.

SECTION 5. 20.143 (1) (fm) of the statutes is amended to read:

20.143 **(1)** (fm) *Minority business projects; grants and loans.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.038, 560.039,~~ s. 560.82 ~~and 560.837, grants and loans under s. 560.83~~, the grant under 1993 Wisconsin Act 110, section 3, and the loans under 1997 Wisconsin Act 9, section 3.

SECTION 6. 20.143 (1) (ie) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

20.143 **(1)** (ie) *Wisconsin development fund, repayments.* All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275 (2), ~~2005 stats.,~~ s. 560.62, 2005 stats., s. 560.63, 2005 stats., and s. 560.66, 2005 stats., subch. V of ch. 560, ~~and~~ 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), to be used for grants and loans under s. 560.275 (2) and subch. V of ch. 560, for assistance under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16, section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and (2q), and for reimbursements under s. 560.167.

SECTION 7. 20.143 (1) (ig) of the statutes is amended to read:

20.143 **(1)** (ig) *Gaming economic development and diversification; repayments.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.137 (2) and~~ s. 560.138. All moneys received in repayment of loans under ss. 560.137 (2), 2005 stats., and 560.138 shall be credited to this appropriation account.

SECTION 8. 20.143 (1) (im) of the statutes is amended to read:

20.143 **(1)** (im) *Minority business projects; repayments.* All moneys received in repayment of grants or loans under s. ~~560.83~~ 560.82 (1m) (b) and (c) and loans under 1997 Wisconsin Act 9, section 3, to be used for grants and loans under ~~ss.~~ s. 560.82, ~~560.83, and 560.837~~, the grant under 2001 Wisconsin Act 16, section 9110 (7g), and the loans under 1997 Wisconsin Act 9, section 3.

SECTION 9. 20.143 (1) (kg) of the statutes is amended to read:

20.143 **(1)** (kg) *American Indian economic liaison and gaming grants specialist and program marketing.* The amounts in the schedule for the American Indian economic liaison program under s. 560.87, other than for grants under s. 560.87 (6), for the salary and fringe benefits of, and related supplies and services for, the gaming grants specialist for the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138, and for marketing the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138. From this appropriation, the department may expend in each fiscal year no more than $100,000 for marketing the ~~programs~~ program under ~~ss. 560.137 and~~ s. 560.138. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 10. 20.143 (1) (kj) of the statutes is amended to read:

20.143 **(1)** (kj) *Gaming economic development and diversification; grants and loans.* Biennially, the amounts in the schedule for grants and loans under ~~ss. 560.137 and~~ s. 560.138, for the grants under s. 560.139 (1) (a) ~~and~~, (2), and (3), and for the grants under 2001 Wisconsin Act 16, section 9110 (2k), (11pk), and (11zx). Of the amounts in the schedule, $500,000 shall be allocated in each fiscal year for the grants under s. ~~560.137 (3m)~~ 560.139 (3). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 11. 20.143 (1) (x) of the statutes is repealed.

SECTION 12. 23.167 of the statutes is created to read:

23.167 Goals and accountability measures for economic development programs. (1) In this section, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

(2) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

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

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

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

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

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

(f) Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this paragraph in the contract entered into by a grant or loan recipient.

(g) Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

1. Recoup payments made to the recipient.

2. Withhold payments to be made to the recipient.

3. Impose a fine or penalty on the recipient.

SECTION 13. 23.169 of the statutes is created to read:

23.169 Economic development assistance reporting. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in s. 23.167 (1), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this section.

SECTION 14. 25.17 (1) (hm) of the statutes is amended to read:

25.17 **(1)** (hm) Industrial building construction loan fund (s. 560.10, 2005 stats.);

SECTION 15. 36.09 (1) (am) of the statutes is created to read:

36.09 **(1)** (am) The board, in consultation with the department of commerce, shall do all of the following for each economic development program, as defined in s. 36.11 (29r) (a), administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the

verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 16. 36.11 (29r) of the statutes is created to read:

36.11 **(29r)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the board. The report shall include all of the information required under s. 560.01 (2) (am). The board shall collaborate with the

department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 17. 38.04 (1m) of the statutes is created to read:

38.04 **(1m)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The board, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the board:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the board. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the board and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the board a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The board shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the board to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the board under the program and fails to provide to the satisfaction of the board an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 18. 38.04 (10m) of the statutes is created to read:

38.04 **(10m)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the board shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (1m) (a), administered by the board. The report shall include all of the information required under s. 560.01 (2) (am). The board shall collaborate with the department

of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 19. 41.11 (1g) of the statutes is created to read:

41.11 **(1g)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 20. 41.11 (1r) of the statutes is created to read:

41.11 **(1r)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a

comprehensive report assessing economic development programs, as defined in sub. (1g) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 21. 84.01 (6m) of the statutes is created to read:

84.01 **(6m)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) The department, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the

program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1 and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 22. 84.01 (11m) of the statutes is created to read:

84.01 **(11m)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (6m) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 23. 93.07 (18) of the statutes is created to read:

93.07 **(18)** GOALS AND ACCOUNTABILITY MEASURES FOR ECONOMIC DEVELOPMENT PROGRAMS. (a) In this subsection, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

2. The program provides financial assistance, tax credits, or direct services to specific industries, businesses, local governments, or organizations.

(b) In consultation with the department of commerce, to do all of the following for each economic development program administered by the department of agriculture, trade and consumer protection:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 24. 93.07 (20) of the statutes is created to read:

93.07 **(20)** ECONOMIC DEVELOPMENT ASSISTANCE REPORTING. Annually, no later than October 1, to submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in sub. (18) (a), administered by the department. The report shall include all of the information required under s. 560.01 (2) (am). The department shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this subsection.

SECTION 25. 93.46 (2) (e) of the statutes is amended to read:

93.46 **(2)** (e) The department may not make a grant under this subsection ~~or s. 93.47~~ that exceeds 75 percent of project costs.

SECTION 26. 93.47 of the statutes is repealed.

SECTION 27. 234.03 (2m) of the statutes is amended to read:

234.03 **(2m)** To issue notes and bonds in accordance with ss. 234.08, 234.40, 234.50, 234.60, 234.61, 234.626, 234.63, and 234.65~~, and 234.66~~.

SECTION 28. 234.032 of the statutes is created to read:

234.032 Goals and accountability measures for economic development programs. (1) In this section, "economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

(2) The authority, in consultation with the department of commerce, shall do all of the following for each economic development program administered by the authority:

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

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

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

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

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

(f) Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the authority a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The authority shall include the requirement established by rule under this paragraph in the contract entered into by a grant or loan recipient.

(g) Establish by rule policies and procedures permitting the authority to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the board or fails to comply with the terms of a contract entered into with the authority under the program and fails to provide to the satisfaction of the authority an explanation for the noncompliance:

1. Recoup payments made to the recipient.

2. Withhold payments to be made to the recipient.

3. Impose a fine or penalty on the recipient.

SECTION 29. 234.255 of the statutes is created to read:

234.255 Economic development assistance reporting. Annually, no later than October 1, the authority shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs, as defined in s. 234.032 (1), administered by the authority. The report shall include all of the information required under s. 560.01 (2) (am). The authority shall collaborate with the department of commerce to make readily accessible to the public on an Internet-based system the information required under this section.

SECTION 30. 234.265 (2) of the statutes is amended to read:

234.265 **(2)** Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.04, 234.08, 234.49, 234.59, 234.61, 234.63, 234.65, 234.67, 234.83, 234.84, 234.90, 234.905, 234.907, or 234.91, seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s. 234.66, 2005 stats., seeking investment of funds under s. 234.03 (18m), or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

SECTION 31. 234.40 (4) of the statutes is amended to read:

234.40 **(4)** The limitations established in ss. 234.18, 234.50, 234.60, 234.61, 234.63, and 234.65~~, and 234.66~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for veterans housing loans in an aggregate principal amount exceeding $61,945,000, excluding bonds being issued to refund outstanding bonds.

SECTION 32. 234.50 (4) of the statutes is amended to read:

234.50 **(4)** The limitations established in ss. 234.18, 234.40, 234.60, 234.61, 234.63, and 234.65~~, and 234.66~~ are not applicable to bonds issued under the authority of this section. The authority may not have outstanding at any one time bonds for housing rehabilitation loans in an aggregate principal amount exceeding $100,000,000, excluding bonds being issued to refund outstanding bonds. The authority shall consult with and coordinate the issuance of bonds with the building commission prior to the issuance of bonds.

SECTION 33. 234.60 (2) of the statutes is amended to read:

234.60 **(2)** The limitations in ss. 234.18, 234.40, 234.50, 234.61, 234.63, and 234.65~~, and 234.66~~ do not apply to bonds or notes issued under this section.

SECTION 34. 234.61 (1) of the statutes is amended to read:

234.61 **(1)** Upon the authorization of the department of health and family services, the authority may issue bonds or notes and make loans for the financing of housing projects which are residential facilities as defined in s. 46.28 (1) (d) and the development costs of those housing projects, if the department of health and family services has approved the residential facilities for financing under s. 46.28 (2). The limitations in ss. 234.18, 234.40, 234.50, 234.60, 234.63, and 234.65~~, and 234.66~~ do

not apply to bonds or notes issued under this section. The definition of "nonprofit corporation" in s. 234.01 (9) does not apply to this section.

SECTION 35. 234.63 (2) (b) of the statutes is amended to read:

234.63 **(2)** (b) The limits in ss. 234.18 ~~(1)~~, 234.40, 234.50, 234.60, 234.61, and 234.65~~, and 234.66~~ do not apply to bonds issued under par. (a).

SECTION 36. 234.65 (1) (b) of the statutes is amended to read:

234.65 **(1)** (b) The limits in ss. 234.18, 234.40, 234.50, 234.60, and 234.61~~, and 234.66~~ do not apply to bonds or notes issued under this section.

SECTION 37. 234.66 of the statutes is repealed.

SECTION 38. 560.001 (1m) of the statutes is created to read:

560.001 **(1m)** "Economic development program" means a program or activity having the primary purpose of encouraging the establishment and growth of business in this state, including the creation and retention of jobs, and that satisfies all of the following:

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

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

SECTION 39. 560.01 (2) (ae) of the statutes is created to read:

560.01 **(2)** (ae) *Goals and accountability measures for economic development programs.* The department shall do all of the following for each economic development program administered by the department:

1. Establish clear and measurable goals for the program that are tied to statutory policy objectives.

2. Establish at least one quantifiable benchmark for each program goal described in subd. 1.

3. Require that each recipient of a grant or loan under the program submit a report to the department. Each contract with a recipient of a grant or loan under the program shall specify the frequency and format of the report to be submitted to the department and the performance measures to be included in the report.

4. Establish a method for evaluating the projected results of the program with actual outcomes as determined by evaluating the information described in subds. 1. and 2.

5. Annually and independently verify, from a sample of grants and loans, the accuracy of the information required to be reported under subd. 3.

6. Establish by rule a requirement that the recipient of a grant or loan under the program of at least $100,000 submit to the department a verified statement signed by both an independent certified public accountant licensed or certified under ch. 442 and the director or principal officer of the recipient to attest to the accuracy of the verified statement, and make available for inspection the documents supporting the verified statement. The department shall include the requirement established by rule under this subdivision in the contract entered into by a grant or loan recipient.

7. Establish by rule policies and procedures permitting the department to do all of the following if a recipient of a grant or loan or tax benefits under the program submits false or misleading information to the department or fails to comply with the terms of a contract entered into with the department under the program and fails to provide to the satisfaction of the department an explanation for the noncompliance:

a. Recoup payments made to the recipient.

b. Withhold payments to be made to the recipient.

c. Impose a fine or penalty on the recipient.

SECTION 40. 560.01 (2) (am) of the statutes is created to read:

560.01 **(2)** (am) *Economic development assistance reporting.* Annually, no later than October 1, the department shall submit to the joint legislative audit committee and to the appropriate standing committees of the legislature under s. 13.172 (3) a comprehensive report assessing economic development programs administered by the department. The department shall make readily accessible to the public on an Internet-based system the information required under this paragraph. The report shall include all of the following information:

1. A description of each program.

2. Quantifiable performance measures directly related to the purpose of the program including, when applicable, all of the following information:

a. 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.

b. An accounting of the industry classification, by municipality, of each job created or retained in the state in the previous fiscal year as a result of the program.

3. A comparison of expected and actual program outcomes.

4. The number of grants made under the program in the previous fiscal year.

5. The number of loans made under the program in the previous fiscal year.

6. The amount of each grant and loan made under the program in the previous fiscal year.

7. The recipient of each grant or loan made under the program in the previous fiscal year.

8. The sum total of all grants and loans awarded to and received by each recipient under the program in the previous fiscal year.

9. Any recommended changes to the program.

SECTION 41. 560.01 (2) (as) of the statutes is created to read:

560.01 **(2)** (as) *Coordination of economic development program goals and accountability measures; annual reporting requirements.* 1. The department of commerce shall coordinate the development of programmatic goals and accountability measures as required under ss. 23.167, 36.09 (1) (am), 38.04 (1m), 41.11 (1g), 84.01 (6m), 93.07 (18), and 234.032 to ensure that the goals and measures are adequate, compatible, and effective.

2. The department of commerce shall collaborate with the department of natural resources, the Board of Regents of the University of Wisconsin System, the technical college system board, the department of tourism, the department of transportation, the department of agriculture, trade, and consumer protection, and the Wisconsin housing and economic development authority to facilitate the reporting required under ss. 23.169, 36.11 (29r), 38.04 (10m), 41.11 (1r), 84.01 (11m), 93.07 (20), and 234.255.

SECTION 42. 560.03 (15) of the statutes is repealed.

SECTION 43. 560.038 of the statutes is repealed.

SECTION 44. 560.039 of the statutes is repealed.

SECTION 45. 560.07 (3) (b) of the statutes is renumbered 560.07 (8) (intro.) and amended to read:

560.07 **(8)** (intro.) Contract with Forward Wisconsin, Inc., if the secretary determines it appropriate, to pay Forward Wisconsin, Inc., an amount not to exceed the amount appropriated under s. 20.143 (1) (bm), to establish and implement a

nationwide business development promotion campaign to attract persons interested in locating new enterprises in this state, and to encourage the retention and expansion of businesses and jobs in this state. Funds may be expended to carry out the contract only as provided in s. 16.501. The department shall establish all of the following for the nationwide business development promotion campaign:

SECTION 46. 560.07 (8) (a) of the statutes is created to read:

560.07 **(8)** (a) Clear and measurable goals tied to statutory policy objectives.

SECTION 47. 560.07 (8) (b) of the statutes is created to read:

560.07 **(8)** (b) At least one quantifiable performance measure for each goal described in par. (a).

SECTION 48. 560.07 (8) (c) of the statutes is created to read:

560.07 **(8)** (c) A method for evaluating the projected results with actual outcomes as determined by evaluating the information described in pars. (a) and (b).

SECTION 49. 560.07 (9) of the statutes is amended to read:

560.07 **(9)** ~~On or before July 1, 1985, and every July 1 thereafter, submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a~~ Include in the report ~~stating the net jobs gain due to~~ required under s. 560.01 (2) (am) an assessment of the nationwide business development promotion activities conducted by Forward Wisconsin, Inc., with the funds provided to Forward Wisconsin, Inc., under s. 20.143 (1) (bm). The assessment shall address the goals and performance measures established pursuant to sub. (3) (b).

SECTION 50. 560.10 of the statutes is repealed.

SECTION 51. 560.11 (1) (b) of the statutes is repealed.

SECTION 52. 560.13 (7) of the statutes is repealed.

SECTION 53. 560.137 (1) (a) of the statutes is repealed.

SECTION 54. 560.137 (1) (b) of the statutes is renumbered 560.138 (1) (at).

SECTION 55. 560.137 (1) (c) of the statutes is repealed.

SECTION 56. 560.137 (2) (a) (intro.) of the statutes is repealed.

SECTION 57. 560.137 (2) (a) 1. of the statutes is renumbered 560.138 (2m) (a).

SECTION 58. 560.137 (2) (a) 2. of the statutes is renumbered 560.138 (2m) (b).

SECTION 59. 560.137 (2) (bm) of the statutes is repealed.

SECTION 60. 560.137 (2) (c) of the statutes is repealed.

SECTION 61. 560.137 (2) (d) of the statutes is repealed.

SECTION 62. 560.137 (2) (e) of the statutes is repealed.

SECTION 63. 560.137 (2) (f) of the statutes is repealed.

SECTION 64. 560.137 (3m) of the statutes is renumbered 560.139 (3).

SECTION 65. 560.138 (2m) (intro.) of the statutes is created to read:

560.138 **(2m)** (intro.) Subject to subs. (3) and (4), from the appropriations under s. 20.143 (1) (ig) and (kj), the department may do all of the following for the purpose of improving the profitability of a qualified business that has been negatively impacted by the existence of a casino:

SECTION 66. 560.138 (3) of the statutes is amended to read:

560.138 **(3)** As a condition of approval of a grant or loan under this section, the department shall require that a qualified business provide matching funds for at least 25% of the cost of a project. The department may waive the requirement under this subsection if the department determines that the qualified business is subject to extreme financial hardship.

SECTION 67. 560.138 (5) of the statutes is renumbered 560.138 (5) (a).

SECTION 68. 560.138 (5) (b) of the statutes is created to read:

560.138 **(5)** (b) The department may forgive all or any part of a loan made under this section.

SECTION 69. 560.139 (3) (title) of the statutes is created to read:

560.139 **(3)** (title) GRANTS AND LOANS FOR ONEIDA SMALL BUSINESSES.

SECTION 70. 560.14 (3) (c) 8. of the statutes is amended to read:

560.14 **(3)** (c) 8. Whether the business incubator or technology-based incubator is or will be located in an area that has been designated as a ~~development zone under s. 560.71, a~~ development opportunity zone under s. 560.795 ~~or an enterprise development zone under s. 560.797~~.

SECTION 71. 560.14 (3m) of the statutes is repealed.

SECTION 72. 560.155 (2) (b) 3. of the statutes is repealed.

SECTION 73. 560.155 (4) of the statutes is repealed.

SECTION 74. 560.155 (5) of the statutes is created to read:

560.155 **(5)** In deciding whether to award a grant under this section, the department may not consider any factor or characteristic of the business other than the criteria established under subs. (1) and (2).

SECTION 75. 560.17 (5r) of the statutes is repealed.

SECTION 76. 560.17 (6m) (a) of the statutes is renumbered 560.17 (6m) and amended to read:

560.17 **(6m)** ~~Except as provided in par. (b), in order to~~ To receive a grant or loan under this section a person or business shall contribute cash, from a source other than the state, in an amount that equals at least 25% of the total cost of the project.

SECTION 77. 560.17 (6m) (b) of the statutes is repealed.

SECTION 78. 560.17 (7) (a) of the statutes is amended to read:

560.17 **(7)** (a) Except as provided in par. (am), the department shall designate staff to evaluate applications for grants or loans and assist the board under this section. The board shall act on an application for a grant or loan at its next regularly scheduled meeting after the department determines that the application is complete~~, except that the board shall act on an application for a loan under sub. (5r) and advise the applicant of its decision within 45 days after the department determines that the application is complete~~.

SECTION 79. 560.205 (3) (c) of the statutes is repealed.

SECTION 80. 560.29 (3) of the statutes is created to read:

560.29 **(3)** DEPARTMENT REPORTING REQUIREMENTS. The department shall include in the report required under s. 560.01 (2) (am) all of the following:

(a) The total amount of certified capital investments made, by calendar year, since July 1, 1999.

(b) Statistical information on the qualified investments made by certified capital companies during the previous 2 calendar years.

(c) The department's assessment of the number of jobs created in this state during the previous 2 calendar years as a result of qualified investments made by certified capital companies under this section.

SECTION 81. 560.42 (5) of the statutes is repealed.

SECTION 82. 560.52 of the statutes is repealed.

SECTION 83. 560.55 of the statutes is repealed.

SECTION 84. 560.607 (2) of the statutes is repealed.

SECTION 85. Subchapter VII (title) of chapter 560 [precedes 560.80] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER VII

MINORITY BUSINESS ~~EARLY PLANNING AND DEVELOPMENT PROJECTS~~ GRANTS AND LOANS

SECTION 86. 560.80 (3m) of the statutes is amended to read:

560.80 **(3m)** "Education and training project" means a business education and training program for minority group members and minority businesses that have received loans for working capital from an eligible recipient under s. ~~560.837 (1) (b)~~ 560.82 (1m) (e).

SECTION 87. 560.80 (4) of the statutes is amended to read:

560.80 **(4)** "Eligible development project costs" means costs that, in accordance with sound business and financial practices, are appropriately incurred in connection with a development project, but does not include entertainment expenses or expenses incurred more than 6 months before the board approves a grant or loan under s. ~~560.83~~ 560.82 (1m) (b).

SECTION 88. 560.80 (5) of the statutes is renumbered 560.80 (5) (intro.) and amended to read:

560.80 **(5)** (intro.) "Eligible recipient" means ~~a person who is eligible to receive a grant under s. 560.82 (5) (a) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b).~~ any of the following:

SECTION 89. 560.80 (5) (a) and (b) of the statutes are created to read:

560.80 **(5)** (a) An individual who is a minority group member and a resident of this state.

(b) A minority business.

SECTION 90. 560.80 (5) (c) of the statutes is created to read:

560.80 **(5)** (c) A person who is eligible to receive a grant under s. 560.82 (1m) (d) or (e).

SECTION 91. 560.80 (5m) of the statutes is amended to read:

560.80 **(5m)** "Finance project" means financial assistance to a minority group member or a minority business described in s. ~~560.837~~ 560.82 (1m) (d) and (e).

SECTION 92. 560.81 (title) of the statutes is repealed.

SECTION 93. 560.81 (intro.) of the statutes is renumbered 560.82 (1g) and amended to read:

560.82 **(1g)** The department shall make a grant or loan to an eligible recipient or local development corporation under this ~~subchapter~~ section if ~~any of the following apply:~~ the board awards a grant or loan to the eligible recipient or local development corporation under sub. (1m).

SECTION 94. 560.81 (1) to (4) of the statutes are repealed.

SECTION 95. 560.82 (title) of the statutes is amended to read:

560.82 (title) **Minority business ~~early planning~~ grants and loans.**

SECTION 96. 560.82 (1) of the statutes is renumbered 560.82 (1m) (intro.) and amended to read:

560.82 **(1m)** (intro.) ~~Subject to s. 560.84, the department~~ The board may award a grant or loan under this section to ~~an~~ any of the following:

(a) Subject to s. 560.84, an eligible recipient, as defined in s. 560.80 (5) (a), to fund an early planning project.

SECTION 97. 560.82 (1m) (b) and (c) of the statutes are created to read:

560.82 **(1m)** (b) Subject to s. 560.84, an eligible recipient or local development corporation that submits application materials in a form specified by the department by rule to fund eligible development project costs.

(c) A local development corporation to make grants or loans under sub. (2g) (a) 1. or to fund a revolving fund program under sub. (2g) (a) 2.

SECTION 98. 560.82 (2) (intro.) of the statutes is amended to read:

560.82 **(2)** (intro.) The ~~department~~ board may not award a grant or loan under sub. ~~(1)~~ (1m) (a) unless the eligible recipient, as defined in s. 560.80 (5) (a), submits an application, in a form required by the department, that contains or describes all of the following:

SECTION 99. 560.82 (3) (intro.) of the statutes is amended to read:

560.82 **(3)** (intro.) An eligible recipient, as defined in s. 560.80 (5) (a), who receives a grant or loan under sub. ~~(1)~~ (1m) (a) or s. 560.835 (6), 2001 stats., may only use the proceeds of the grant for the following purposes:

SECTION 100. 560.82 (4) (intro.) of the statutes is amended to read:

560.82 **(4)** (intro.) ~~In any fiscal biennium, the department~~ The board may not do any of the following:

SECTION 101. 560.82 (4) (a) (intro.) of the statutes is amended to read:

560.82 **(4)** (a) (intro.) Award in a fiscal biennium, for grants or loans under sub. ~~(1)~~ (1m) (a), more than 25% of the total of all of the following:

SECTION 102. 560.82 (4) (a) 2. of the statutes is amended to read:

560.82 **(4)** (a) 2. The lesser of the funds received in a fiscal biennium in repayment of grants or loans under s. 560.83, 2005 stats., and this section or the funds appropriated for the fiscal biennium under s. 20.143 (1) (im).

SECTION 103. 560.82 (4) (b) of the statutes is amended to read:

560.82 **(4)** (b) Award, in a fiscal biennium to any one eligible recipient, as defined in s. 560.80 (5) (a), or for any one early planning project, grants or loans under sub. ~~(1)~~ (1m) (a) that total more than $15,000.

SECTION 104. 560.82 (5) (a) of the statutes is repealed.

SECTION 105. 560.82 (5) (b) of the statutes is renumbered 560.82 (5) and amended to read:

560.82 **(5)** If the ~~department~~ board awards a grant or loan under sub. ~~(1)~~ (1m) (a), the department may contract directly with and pay grant or loan proceeds directly to any person providing technical or management assistance to the grant or loan recipient.

SECTION 106. 560.83 (title) of the statutes is repealed.

SECTION 107. 560.83 (1) of the statutes is repealed.

SECTION 108. 560.83 (2) of the statutes is renumbered 560.82 (2g).

SECTION 109. 560.83 (3) of the statutes is renumbered 560.82 (2g) (c) and amended to read:

560.82 **(2g)** (c) The ~~board may not award a grant or loan under sub. (1) or (2) unless the eligible recipient or the~~ local development corporation submits an application, or other materials, in a form specified by the department by rule.

SECTION 110. 560.83 (4) (a) of the statutes is renumbered 560.82 (4) (c) and amended to read:

560.82 **(4)** (c) ~~In~~ Award in any fiscal biennium~~, the board may not award~~, to any one eligible recipient or local development corporation or for any one development project, grants or loans under sub. ~~(1)~~ (1m) (b) that total more than $100,000 in a fiscal biennium.

SECTION 111. 560.83 (4) (b) of the statutes is renumbered 560.82 (4) (d) and amended to read:

560.82 **(4)** (d) ~~In~~ Award, in any fiscal year~~, the board may not award~~ to any one local development corporation, grants or loans under sub. ~~(2)~~ (1m) (c) that total more than $200,000.

SECTION 112. 560.83 (5) of the statutes is repealed.

SECTION 113. 560.837 (1) (intro.) of the statutes is renumbered 560.82 (1m) (d) (intro.) and amended to read:

560.82 **(1m)** (d) (intro.) Subject to s. 560.84, ~~the board may award a grant under this subsection to~~ a nonprofit organization or private financial institution, as defined in s. 234.01 (5k), whether or not for profit, to fund a finance project if all of the following apply:

SECTION 114. 560.837 (1) (a) of the statutes is renumbered 560.82 (1m) (d) 1.

SECTION 115. 560.837 (1) (b) of the statutes is renumbered 560.82 (1m) (d) 2. and amended to read:

560.82 **(1m)** (d) 2. The loans for working capital under ~~par. (a) 1.~~ subd. 1. a. do not exceed $5,000.

SECTION 116. 560.837 (2) of the statutes is renumbered 560.82 (1m) (e).

SECTION 117. 560.84 (1) (intro.) of the statutes is amended to read:

560.84 **(1)** (intro.) The ~~department or~~ board may not award a grant or loan for a project under this subchapter unless, after considering the application or other material submitted by the eligible recipient or local development corporation, the ~~department or~~ board determines all of the following:

SECTION 118. 560.84 (1) (b) 1. of the statutes is amended to read:

560.84 **(1)** (b) 1. If an early planning project ~~under s. 560.82~~, that the project will increase employment in this state.

SECTION 119. 560.84 (1) (e) 1. of the statutes is amended to read:

560.84 **(1)** (e) 1. For grants funding early planning projects under s. 560.82 (1m) (a), not less than 25% of the cost of the project. Up to 50% of the contribution under this subdivision may be in the form of the in-kind services of a qualified 3rd party or qualified 3rd parties. The department shall determine what services may be used as in-kind contributions and whether a 3rd party is qualified, for purposes of this subdivision.

SECTION 120. 560.84 (1) (f) of the statutes is amended to read:

560.84 **(1)** (f) That the project meets all applicable criteria set forth in s. 560.82~~, 560.83, or 560.837, whichever is appropriate~~.

SECTION 121. 560.84 (2) (a) 1. of the statutes is amended to read:

560.84 **(2)** (a) 1. If an early planning project ~~under s. 560.82~~, the extent to which the project will increase employment in this state.

SECTION 122. 560.85 (2) of the statutes is amended to read:

560.85 **(2)** The board shall develop a policy governing the repayment of grants and loans made under s. ~~560.83~~ 560.82 (1m) (b) and (c). The board or department shall deposit moneys received in repayment of grants and loans under s. ~~560.83~~ 560.82 (1m) (b) and (c) in the appropriation under s. 20.143 (1) (im).

SECTION 123. 560.85 (3) (a) of the statutes is amended to read:

560.85 **(3)** (a) Develop procedures to evaluate applications and monitor project performance for grants awarded for early planning projects under s. 560.82 (1m) (a) or s. 560.835 (6), 2001 stats.

SECTION 124. 560.85 (3) (b) of the statutes is amended to read:

560.85 **(3)** (b) Develop procedures, with the approval of the board, to evaluate applications, monitor project performance, and audit grants and loans awarded for development projects under s. ~~560.83~~ 560.82 (1m) (b), projects under s. 560.835, 2001

stats., and finance projects and education and training projects under s. ~~560.837~~ 560.82 (1m) (d) and (e).

SECTION 125. 560.905 (2) of the statutes is amended to read:

560.905 **(2)** The standing committees of the senate and assembly with jurisdiction over science and technology shall advise the department concerning the administration of this subchapter. The department shall consider the advice of the committees in carrying out the functions under this subchapter. ~~Annually, the department shall submit a report on the department's activities to the chief clerk of each house of the legislature for distribution under s. 13.172 (3) to the standing committees with jurisdiction over science and technology.~~

SECTION 126. 560.91 of the statutes is repealed.

SECTION 127. 560.915 of the statutes is repealed.

SECTION 128. 560.925 of the statutes is repealed.

SECTION 129. 560.935 of the statutes is repealed.

SECTION 130. Fiscal changes.

(1) The unencumbered balance in the appropriation account under section 20.143 (1) (x), 2005 stats., is transferred to the appropriation account under section 20.143 (1) (c) of the statutes.

(END)