

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0624/P1
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT** ~~to amend~~ 1.12 (1) (b), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.95 (intro.),
2 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15 (1) (ab),
3 16.41 (4), 16.417 (1) (a), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.765
4 (1), 16.765 (2), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765
5 (8), 16.85 (2), 16.865 (8), 40.02 (28), 40.02 (36), 71.26 (1) (be), 77.54 (9a) (a),
6 100.45 (1) (dm), 101.177 (1) (d), 230.03 (3), 281.75 (4) (b) 3. and 285.59 (1) (b);
7 and **to create** 13.48 (10) (b) 6., 13.48 (12) (b) 5., 20.192, 40.02 (54) (m), 70.11
8 (38r) and chapter 238 of the statutes; **relating to:** creation of an authority, to
9 be known as the Wisconsin Economic Development Corporation and making an
10 appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of the draft.

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:

1 **SECTION 1.** 1.12 (1) (b) of the statutes is amended to read:

2 1.12 (1) (b) "State agency" means an office, department, agency, institution of
3 higher education, the legislature, a legislative service agency, the courts, a judicial
4 branch agency, an association, society, or other body in state government that is
5 created or authorized to be created by the constitution or by law, for which
6 appropriations are made by law, excluding the Health Insurance Risk-Sharing Plan
7 Authority and the Wisconsin Economic Development Corporation.

8 **SECTION 2.** 13.172 (1) of the statutes is amended to read:

9 13.172 (1) In this section, "agency" means an office, department, agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
14 ch. 52, 231, 233, 234, 238, or 279.

15 **SECTION 3.** 13.48 (10) (b) 6. of the statutes is created to read:

16 13.48 (10) (b) 6. Projects of the Wisconsin Economic Development Corporation.

17 **SECTION 4.** 13.48 (12) (b) 5. of the statutes is created to read:

18 13.48 (12) (b) 5. A facility constructed by or for the Wisconsin Economic
19 Development Corporation.

20 **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

1 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
2 facility that is constructed for the benefit of or use of the state, any state agency,
3 board, commission or department, the University of Wisconsin Hospitals and Clinics
4 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
5 Home Care Authority, the Wisconsin Economic Development Corporation, or any
6 local professional baseball park district created under subch. III of ch. 229 if the
7 construction is undertaken by the department of administration on behalf of the
8 district, shall be in compliance with all applicable state laws, rules, codes and
9 regulations but the construction is not subject to the ordinances or regulations of the
10 municipality in which the construction takes place except zoning, including without
11 limitation because of enumeration ordinances or regulations relating to materials
12 used, permits, supervision of construction or installation, payment of permit fees, or
13 other restrictions.

14 **SECTION 6.** 13.62 (2) of the statutes is amended to read:

15 13.62 (2) "Agency" means any board, commission, department, office, society,
16 institution of higher education, council, or committee in the state government, or any
17 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
18 233, 234, 237, 238, or 279, except that the term does not include a council or
19 committee of the legislature.

 ****NOTE: The Wisconsin Economic Development Corporation will be subject to s.
13.94. Please let us know if you would like to amend that section to change the
requirements for the WEDC.

20 **SECTION 7.** 13.95 (intro.) of the statutes is amended to read:

21 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
22 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
23 shall be strictly nonpartisan and shall at all times observe the confidential nature

SECTION 7

1 of the research requests received by it; however, with the prior approval of the
2 requester in each instance, the bureau may duplicate the results of its research for
3 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
4 designated employees shall at all times, with or without notice, have access to all
5 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
6 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
7 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
8 Authority, the Wisconsin Economic Development Corporation, and the Fox River
9 Navigational System Authority, and to any books, records, or other documents
10 maintained by such agencies or authorities and relating to their expenditures,
11 revenues, operations, and structure.

12 **SECTION 8.** 16.002 (2) of the statutes is amended to read:

13 16.002 (2) "Departments" means constitutional offices, departments, and
14 independent agencies and includes all societies, associations, and other agencies of
15 state government for which appropriations are made by law, but not including
16 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ in chs. 52,
17 231, 232, 233, 234, 235, 237, and 238, or 279.

18 **SECTION 9.** 16.004 (4) of the statutes is amended to read:

19 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
20 department as the secretary designates may enter into the offices of state agencies
21 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
22 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
23 and any other matter that in the secretary's judgment should be examined and may
24 interrogate the agency's employees publicly or privately relative thereto.

25 **SECTION 10.** 16.004 (5) of the statutes is amended to read:

1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
3 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
4 with the secretary and shall comply with every request of the secretary relating to
5 his or her functions.

6 **SECTION 11.** 16.004 (12) (a) of the statutes is amended to read:

7 16.004 (12) (a) In this subsection, “state agency” means an association,
8 authority, board, department, commission, independent agency, institution, office,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, including the legislature, the office of the governor, and the
11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
12 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
13 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
14 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
15 River Navigational System Authority.

****NOTE: We did not specifically include the Wisconsin Economic Development Corporation under s. 16.008 (2) (payment for extraordinary police service)—please let us know if you would like otherwise.

****NOTE: We did not specifically include the Wisconsin Economic Development Corporation under s. 16.01 (1) (women’s council)—please let us know if you would like otherwise.

16 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

17 16.045 (1) (a) “Agency” means an office, department, independent agency,
18 institution of higher education, association, society, or other body in state
19 government created or authorized to be created by the constitution or any law, that
20 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
2 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

3 **SECTION 13.** 16.15 (1) (ab) of the statutes is amended to read:

4 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but
5 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
6 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
7 Wisconsin Economic Development Corporation, and the Health Insurance
8 Risk-Sharing Plan Authority.

9 **SECTION 14.** 16.41 (4) of the statutes is amended to read:

10 16.41 (4) In this section, "authority" means a body created under subch. II of
11 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 15.** 16.417 (1) (a) of the statutes is amended to read:

13 16.417 (1) (a) "Agency" means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority or the body created under subch. III of ch. 149
18 or under ch. 238.

19 **SECTION 16.** 16.52 (7) of the statutes is amended to read:

20 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
21 that is authorized to maintain a contingent fund under s. 20.920 may establish a
22 petty cash account from its contingent fund. The procedure for operation and
23 maintenance of petty cash accounts and the character of expenditures therefrom
24 shall be prescribed by the secretary. In this subsection, "agency" means an office,
25 department, independent agency, institution of higher education, association,

1 society, or other body in state government created or authorized to be created by the
2 constitution or any law, that is entitled to expend moneys appropriated by law,
3 including the legislature and the courts, but not including an authority created in
4 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

5 **SECTION 17.** 16.528 (1) (a) of the statutes is amended to read:

6 16.528 (1) (a) "Agency" means an office, department, independent agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
11 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 18.** 16.53 (2) of the statutes is amended to read:

13 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
14 invoice, the agency shall notify the sender of the invoice within 10 working days after
15 it receives the invoice of the reason it is improperly completed. In this subsection,
16 "agency" means an office, department, independent agency, institution of higher
17 education, association, society, or other body in state government created or
18 authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 52, 231, 233, 234, 237, 238, or 279.

22 **SECTION 19.** 16.54 (9) (a) 1. of the statutes is amended to read:

23 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
24 institution of higher education, association, society or other body in state
25 government created or authorized to be created by the constitution or any law, which

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
3 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

4 **SECTION 20.** 16.765 (1) of the statutes is amended to read:

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

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

18 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
22 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
23 Entertainment Corporation shall include the following provision in every contract
24 executed by them: "In connection with the performance of work under this contract,
25 the contractor agrees not to discriminate against any employee or applicant for

1 employment because of age, race, religion, color, handicap, sex, physical condition,
2 developmental disability as defined in s. 51.01 (5), sexual orientation or national
3 origin. This provision shall include, but not be limited to, the following: employment,
4 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
5 termination; rates of pay or other forms of compensation; and selection for training,
6 including apprenticeship. Except with respect to sexual orientation, the contractor
7 further agrees to take affirmative action to ensure equal employment opportunities.
8 The contractor agrees to post in conspicuous places, available for employees and
9 applicants for employment, notices to be provided by the contracting officer setting
10 forth the provisions of the nondiscrimination clause”.

11 **SECTION 22.** 16.765 (5) of the statutes is amended to read:

12 16.765 (5) The head of each contracting agency and the boards of directors of
13 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
14 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
15 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Bradley Center Sports and Entertainment
18 Corporation shall be primarily responsible for obtaining compliance by any
19 contractor with the nondiscrimination and affirmative action provisions prescribed
20 by this section, according to procedures recommended by the department. The
21 department shall make recommendations to the contracting agencies and the boards
22 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
23 River Navigational System Authority, the Wisconsin Aerospace Authority, the
24 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
25 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation, and the Bradley Center Sports and Entertainment
2 Corporation for improving and making more effective the nondiscrimination and
3 affirmative action provisions of contracts. The department shall promulgate such
4 rules as may be necessary for the performance of its functions under this section.

5 **SECTION 23.** 16.765 (6) of the statutes is amended to read:

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

16 **SECTION 24.** 16.765 (7) (intro.) of the statutes is amended to read:

17 16.765 (7) (intro.) When a violation of this section has been determined by the
18 department, the contracting agency, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
22 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
23 Entertainment Corporation, the contracting agency, the University of Wisconsin
24 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
25 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,

1 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
2 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
3 Sports and Entertainment Corporation shall:

4 **SECTION 25.** 16.765 (7) (d) of the statutes is amended to read:

5 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
6 further violations of this section and to report its corrective action to the contracting
7 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
11 Development Corporation, or the Bradley Center Sports and Entertainment
12 Corporation.

13 **SECTION 26.** 16.765 (8) of the statutes is amended to read:

14 16.765 (8) If further violations of this section are committed during the term
15 of the contract, the contracting agency, the Fox River Navigational System Authority,
16 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
17 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
18 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
19 Center Sports and Entertainment Corporation may permit the violating party to
20 complete the contract, after complying with this section, but thereafter the
21 contracting agency, the Fox River Navigational System Authority, the Wisconsin
22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
23 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
24 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
25 Entertainment Corporation shall request the department to place the name of the

1 party on the ineligible list for state contracts, or the contracting agency, the Fox River
2 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
3 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
4 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
5 Development Corporation, or the Bradley Center Sports and Entertainment
6 Corporation may terminate the contract without liability for the uncompleted
7 portion or any materials or services purchased or paid for by the contracting party
8 for use in completing the contract.

9 **SECTION 27.** 16.85 (2) of the statutes is amended to read:

10 16.85 (2) To furnish engineering, architectural, project management, and other
11 building construction services whenever requisitions therefor are presented to the
12 department by any agency. The department may deposit moneys received from the
13 provision of these services in the account under s. 20.505 (1) (kc) or in the general
14 fund as general purpose revenue — earned. In this subsection, “agency” means an
15 office, department, independent agency, institution of higher education, association,
16 society, or other body in state government created or authorized to be created by the
17 constitution or any law, which is entitled to expend moneys appropriated by law,
18 including the legislature and the courts, but not including an authority created in
19 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

20 **SECTION 28.** 16.865 (8) of the statutes is amended to read:

21 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
22 proportionate share of the estimated costs attributable to programs administered by
23 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
24 may charge premiums to agencies to finance costs under this subsection and pay the
25 costs from the appropriation on an actual basis. The department shall deposit all

1 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
 2 Costs assessed under this subsection may include judgments, investigative and
 3 adjustment fees, data processing and staff support costs, program administration
 4 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
 5 subsection, "agency" means an office, department, independent agency, institution
 6 of higher education, association, society, or other body in state government created
 7 or authorized to be created by the constitution or any law, that is entitled to expend
 8 moneys appropriated by law, including the legislature and the courts, but not
 9 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
 10 52, 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: We did not amend s. 19.42 (code of ethics); see the definition under s.
 19.42 (5).

11 **SECTION 29.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 12 insert the following amounts for the purposes indicated:

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14 **20.192 Wisconsin Economic Development**

15 **Corporation**

16 (1) PROMOTION OF ECONOMIC DEVELOPMENT

(a) Operations and programs	GPR	C	-0-	-0-
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18 **SECTION 30.** 20.192 of the statutes is created to read:

19 **20.192 Wisconsin Economic Development Corporation.** There is
 20 appropriated to the Wisconsin Economic Development Corporation for the following
 21 program:

22 (1) PROMOTION OF ECONOMIC DEVELOPMENT. (a) *Operations and programs.* As
 23 a continuing appropriation, the amounts in the schedule for the operations of the

1 Wisconsin Economic Development Corporation and for funding economic
2 development programs developed and implemented under s. 238.03.

3 **SECTION 31.** 40.02 (28) of the statutes is amended to read:

4 40.02 (28) "Employer" means the state, including each state agency, any
5 county, city, village, town, school district, other governmental unit or
6 instrumentality of 2 or more units of government now existing or hereafter created
7 within the state, any federated public library system established under s. 43.19
8 whose territory lies within a single county with a population of 500,000 or more, a
9 local exposition district created under subch. II of ch. 229, the Wisconsin Economic
10 Development Corporation created under ch. 238, a transit authority created under
11 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided
12 under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts
13 district created under subch. V of ch. 229. Each employer shall be a separate legal
14 jurisdiction for OASDHI purposes.

15 **SECTION 32.** 40.02 (36) of the statutes is amended to read:

16 40.02 (36) "Governing body" means the legislature or the head of each state
17 agency with respect to employees of that agency for the state, the common council
18 in cities, the village board in villages, the town board in towns, the county board in
19 counties, the school board in school districts, or the board, commission, or other
20 governing body having the final authority for any other unit of government, for any
21 agency or instrumentality of 2 or more units of government, for any federated public
22 library system established under s. 43.19 whose territory lies within a single county
23 with a population of 500,000 or more, for a local exposition district created under
24 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created

1 under ch. 238, or for a long-term care district created under s. 46.2895, but does not
2 include a local cultural arts district created under subch. V of ch. 229.

3 **SECTION 33.** 40.02 (54) (m) of the statutes is created to read:

4 40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if
5 the corporation elects to become a participating employer under s. 40.21 (1).

6 **SECTION 34.** 70.11 (38r) of the statutes is created to read:

7 70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the
8 Wisconsin Economic Development Corporation, provided that use of the property is
9 primarily related to the purposes of the Wisconsin Economic Development
10 Corporation.

11 **SECTION 35.** 71.26 (1) (be) of the statutes is amended to read:

12 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
13 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
14 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
15 Navigational System Authority, of the Wisconsin Economic Development
16 Corporation, and of the Wisconsin Aerospace Authority.

17 **SECTION 36.** 77.54 (9a) (a) of the statutes is amended to read:

18 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
20 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
21 Authority, the Wisconsin Economic Development Corporation, and the Fox River
22 Navigational System Authority.

23 **SECTION 37.** 100.45 (1) (dm) of the statutes is amended to read:

24 100.45 (1) (dm) "State agency" means any office, department, agency,
25 institution of higher education, association, society, or other body in state.

1 government created or authorized to be created by the constitution or any law which
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
4 Center Sports and Entertainment Corporation, the University of Wisconsin
5 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
6 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
7 Authority, the Wisconsin Economic Development Corporation, and the Fox River
8 Navigational System Authority.

****NOTE: We did not amend s. 101.055 (public employee safety and health).

9 **SECTION 38.** 101.177 (1) (d) of the statutes is amended to read:

10 101.177 (1) (d) "State agency" means any office, department, agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
17 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
18 and the Wisconsin Health and Educational Facilities Authority, but excluding the
19 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
20 Remediation Authority.

****NOTE: We did not amend s. 103.49 (wage rate on state work).

21 **SECTION 39.** 230.03 (3) of the statutes is amended to read:

22 230.03 (3) "Agency" means any board, commission, committee, council, or
23 department in state government or a unit thereof created by the constitution or

1 statutes if such board, commission, committee, council, department, unit, or the
2 head thereof, is authorized to appoint subordinate staff by the constitution or
3 statute, except a legislative or judicial board, commission, committee, council,
4 department, or unit thereof or an authority created under subch. II of ch. 114 or
5 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
6 “Agency” does not mean any local unit of government or body within one or more local
7 units of government that is created by law or by action of one or more local units of
8 government.

9 **SECTION 40.** Chapter 238 of the statutes is created to read:

10 **CHAPTER 238**
11 **WISCONSIN ECONOMIC DEVELOPMENT**
12 **CORPORATION**

13 **238.01 Definitions.** In this chapter, except as otherwise provided:

14 (1) “Board” means the board of directors of the corporation.

15 (2) “Corporation” means the Wisconsin Economic Development Corporation.

16 **238.02 Creation and organization of corporation.** (1) There is created
17 an authority, which is public body corporate and politic, to be known as the
18 “Wisconsin Economic Development Corporation.” The members of the board shall
19 consist of the governor, who shall serve as chairperson of the board, and 11 members
20 appointed by the governor for staggered 4-year terms. ~~No member appointed by the~~
21 ~~governor may be a senator or a representative to the assembly.~~

22 (2) (a) The terms of all appointed members of the board shall expire on July 1.

23 (b) Each member of the board shall hold office until a successor is appointed
24 and qualified unless the member vacates or is removed from his or her office. A

1 vacancy on the board shall be filled in the same manner as the original appointment
2 to the board for the remainder of the unexpired term, if any.

3 (c) A majority of the members of the board constitutes a quorum for the purpose
4 of conducting its business and exercising its powers and for all other purposes,
5 notwithstanding the existence of any vacancies. Action may be taken by the board
6 upon a vote of a majority of the members present. Meetings of the members of the
7 board may be held anywhere within or without the state.

8 (3) The governor shall appoint an executive director, who shall serve at the
9 pleasure of the governor. The board may delegate to the executive director any
10 powers and duties the board considers proper. The executive director shall receive
11 such compensation as may be determined by the board.

12 **238.03 Duties of board.** The board shall develop and implement economic
13 programs to provide business support and expertise and financial assistance to
14 companies that are investing and creating jobs in Wisconsin and to support new
15 business start-ups and business expansion and growth in Wisconsin.

16 **238.04 Powers of board.** The board shall have all the powers necessary or
17 convenient to carry out the purposes and provisions of this chapter. In addition to
18 all other powers granted the board under this chapter, the board may specifically:

19 (1) Adopt, amend, and repeal any bylaws, policies, and procedures for the
20 regulation of its affairs and the conduct of its business.

21 (2) Have a seal and alter the seal at pleasure.

22 (3) Maintain an office.

23 (4) Sue and be sued.

24 (5) Accept gifts, grants, loans, or other contributions from private or public
25 sources.

1 (6) Establish the corporation's annual budget and monitor the fiscal
2 management of the corporation.

3 (7) Execute contracts and other instruments required for the operation of the
4 corporation.

5 (8) Employ any officers, agents, and employees that it may require and
6 determine their qualifications, duties, and compensation.

7 (9) Issue notes, bonds, and any other obligations.

8 (10) Make loans and provide grants.

9 (11) Incur debt.

10 (12) Procure liability insurance.

11 (13) Elect to become a participating employer in the Wisconsin Retirement
12 System under s. 40.21 (1).

13 **238.05 Department of commerce assistance and coordination.** (1) If
14 requested by the board, the department of commerce shall provide staff or other
15 resources to assist the board in carrying out the purposes and provisions of this
16 chapter.

17 (2) To the greatest extent practicable, the department of commerce and the
18 board shall seek to coordinate their economic development programs.

19 **238.06 Liability limited.** Neither the state nor any political subdivision of
20 the state, nor any officer, employee, or agent of the state or a political subdivision of
21 the state who is acting within the scope of employment or agency, is liable for any
22 debt, obligation, act, or omission of the corporation.

23 **SECTION 41.** 281.75 (4) (b) 3. of the statutes is amended to read:

24 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
25 233, 234, ~~or 237,~~ or 238.

Champagne, Rick

From: Hoechst, Jonathan S - DOA [Jonathan.Hoechst@wisconsin.gov]

Sent: Tuesday, December 07, 2010 8:15 AM

To: Champagne, Rick

Subject: more WEDC draft additions

Rick,

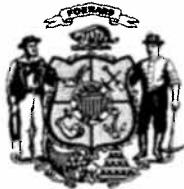
*Jonathan says
take this
one out*

Can you add the following appropriations to the WEDC draft?

- ~~1) a PR appropriation for repayments~~
- 2) a SEG appropriation (in case WEDC continues to receive recycling funds)
- 3) a FED appropriation (in case WEDC receives federal funds)

Also, are there other people at LRB I should include on the communications about WEDC?

Thanks,
Jonathan Hoechst
Budget Analyst
State Budget Office
Wisconsin Department of Administration
T: (608) 266-7329
F: (608) 267-0372
jonathan.hoechst@wi.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0624/P2
RAC/CMH/CTS:wlj:md

P3

WED AM

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repl CD

1 AN ACT *to amend* 1.12 (1) (b), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.95 (intro.),
2 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15 (1) (ab),
3 16.41 (4), 16.417 (1) (a), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.765
4 (1), 16.765 (2), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765
5 (8), 16.85 (2), 16.865 (8), 40.02 (28), 40.02 (36), 71.26 (1) (be), 77.54 (9a) (a),
6 100.45 (1) (dm), 101.177 (1) (d), 230.03 (3), 281.75 (4) (b) 3. and 285.59 (1) (b);
7 and *to create* 13.48 (10) (b) 6., 13.48 (12) (b) 5., 20.192, 40.02 (54) (m), 70.11
8 (38r) and chapter 238 of the statutes; **relating to:** creation of an authority, to
9 be known as the Wisconsin Economic Development Corporation and making
10 appropriation^s

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of the draft.

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:

1 **SECTION 1.** 1.12 (1) (b) of the statutes is amended to read:

2 1.12 (1) (b) "State agency" means an office, department, agency, institution of
3 higher education, the legislature, a legislative service agency, the courts, a judicial
4 branch agency, an association, society, or other body in state government that is
5 created or authorized to be created by the constitution or by law, for which
6 appropriations are made by law, excluding the Health Insurance Risk-Sharing Plan
7 Authority and the Wisconsin Economic Development Corporation.

8 **SECTION 2.** 13.172 (1) of the statutes is amended to read:

9 13.172 (1) In this section, "agency" means an office, department, agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
14 ch. 52, 231, 233, 234, 238, or 279.

15 **SECTION 3.** 13.48 (10) (b) 6. of the statutes is created to read:

16 13.48 (10) (b) 6. Projects of the Wisconsin Economic Development Corporation.

17 **SECTION 4.** 13.48 (12) (b) 5. of the statutes is created to read:

18 13.48 (12) (b) 5. A facility constructed by or for the Wisconsin Economic
19 Development Corporation.

20 **SECTION 5.** 13.48 (13) (a) of the statutes is amended to read:

1 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
2 facility that is constructed for the benefit of or use of the state, any state agency,
3 board, commission or department, the University of Wisconsin Hospitals and Clinics
4 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
5 Home Care Authority, the Wisconsin Economic Development Corporation, or any
6 local professional baseball park district created under subch. III of ch. 229 if the
7 construction is undertaken by the department of administration on behalf of the
8 district, shall be in compliance with all applicable state laws, rules, codes and
9 regulations but the construction is not subject to the ordinances or regulations of the
10 municipality in which the construction takes place except zoning, including without
11 limitation because of enumeration ordinances or regulations relating to materials
12 used, permits, supervision of construction or installation, payment of permit fees, or
13 other restrictions.

14 **SECTION 6.** 13.62 (2) of the statutes is amended to read:

15 13.62 (2) "Agency" means any board, commission, department, office, society,
16 institution of higher education, council, or committee in the state government, or any
17 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
18 233, 234, 237, 238, or 279, except that the term does not include a council or
19 committee of the legislature.

 ****NOTE: The Wisconsin Economic Development Corporation will be subject to s.
13.94. Please let us know if you would like to amend that section to change the
requirements for the WEDC.

20 **SECTION 7.** 13.95 (intro.) of the statutes is amended to read:

21 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
22 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
23 shall be strictly nonpartisan and shall at all times observe the confidential nature

SECTION 7

1 of the research requests received by it; however, with the prior approval of the
2 requester in each instance, the bureau may duplicate the results of its research for
3 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
4 designated employees shall at all times, with or without notice, have access to all
5 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
6 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
7 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
8 Authority, the Wisconsin Economic Development Corporation, and the Fox River
9 Navigational System Authority, and to any books, records, or other documents
10 maintained by such agencies or authorities and relating to their expenditures,
11 revenues, operations, and structure.

12 **SECTION 8.** 16.002 (2) of the statutes is amended to read:

13 16.002 (2) "Departments" means constitutional offices, departments, and
14 independent agencies and includes all societies, associations, and other agencies of
15 state government for which appropriations are made by law, but not including
16 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ in chs. 52,
17 231, 232, 233, 234, 235, 237, and 238, or 279.

18 **SECTION 9.** 16.004 (4) of the statutes is amended to read:

19 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
20 department as the secretary designates may enter into the offices of state agencies
21 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
22 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
23 and any other matter that in the secretary's judgment should be examined and may
24 interrogate the agency's employees publicly or privately relative thereto.

25 **SECTION 10.** 16.004 (5) of the statutes is amended to read:

1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
3 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
4 with the secretary and shall comply with every request of the secretary relating to
5 his or her functions.

6 **SECTION 11.** 16.004 (12) (a) of the statutes is amended to read:

7 16.004 (12) (a) In this subsection, “state agency” means an association,
8 authority, board, department, commission, independent agency, institution, office,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, including the legislature, the office of the governor, and the
11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
12 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
13 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
14 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
15 River Navigational System Authority.

 ****NOTE: We did not specifically include the Wisconsin Economic Development
Corporation under s. 16.008 (2) (payment for extraordinary police service)—please let us
know if you would like otherwise.

 ****NOTE: We did not specifically include the Wisconsin Economic Development
Corporation under s. 16.01 (1) (women’s council)—please let us know if you would like
otherwise.

16 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

17 16.045 (1) (a) “Agency” means an office, department, independent agency,
18 institution of higher education, association, society, or other body in state
19 government created or authorized to be created by the constitution or any law, that
20 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
2 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

3 **SECTION 13.** 16.15 (1) (ab) of the statutes is amended to read:

4 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but
5 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
6 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
7 Wisconsin Economic Development Corporation, and the Health Insurance
8 Risk-Sharing Plan Authority.

9 **SECTION 14.** 16.41 (4) of the statutes is amended to read:

10 16.41 (4) In this section, "authority" means a body created under subch. II of
11 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 15.** 16.417 (1) (a) of the statutes is amended to read:

13 16.417 (1) (a) "Agency" means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority or the body created under subch. III of ch. 149
18 or under ch. 238.

19 **SECTION 16.** 16.52 (7) of the statutes is amended to read:

20 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
21 that is authorized to maintain a contingent fund under s. 20.920 may establish a
22 petty cash account from its contingent fund. The procedure for operation and
23 maintenance of petty cash accounts and the character of expenditures therefrom
24 shall be prescribed by the secretary. In this subsection, "agency" means an office,
25 department, independent agency, institution of higher education, association,

1 society, or other body in state government created or authorized to be created by the
2 constitution or any law, that is entitled to expend moneys appropriated by law,
3 including the legislature and the courts, but not including an authority created in
4 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

5 **SECTION 17.** 16.528 (1) (a) of the statutes is amended to read:

6 16.528 (1) (a) "Agency" means an office, department, independent agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
11 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 18.** 16.53 (2) of the statutes is amended to read:

13 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
14 invoice, the agency shall notify the sender of the invoice within 10 working days after
15 it receives the invoice of the reason it is improperly completed. In this subsection,
16 "agency" means an office, department, independent agency, institution of higher
17 education, association, society, or other body in state government created or
18 authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 52, 231, 233, 234, 237, 238, or 279.

22 **SECTION 19.** 16.54 (9) (a) 1. of the statutes is amended to read:

23 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
24 institution of higher education, association, society or other body in state
25 government created or authorized to be created by the constitution or any law, which

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
3 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

4 **SECTION 20.** 16.765 (1) of the statutes is amended to read:

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

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

18 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
22 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
23 Entertainment Corporation shall include the following provision in every contract
24 executed by them: "In connection with the performance of work under this contract,
25 the contractor agrees not to discriminate against any employee or applicant for

1 employment because of age, race, religion, color, handicap, sex, physical condition,
2 developmental disability as defined in s. 51.01 (5), sexual orientation or national
3 origin. This provision shall include, but not be limited to, the following: employment,
4 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
5 termination; rates of pay or other forms of compensation; and selection for training,
6 including apprenticeship. Except with respect to sexual orientation, the contractor
7 further agrees to take affirmative action to ensure equal employment opportunities.
8 The contractor agrees to post in conspicuous places, available for employees and
9 applicants for employment, notices to be provided by the contracting officer setting
10 forth the provisions of the nondiscrimination clause”.

11 **SECTION 22.** 16.765 (5) of the statutes is amended to read:

12 16.765 (5) The head of each contracting agency and the boards of directors of
13 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
14 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
15 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Bradley Center Sports and Entertainment
18 Corporation shall be primarily responsible for obtaining compliance by any
19 contractor with the nondiscrimination and affirmative action provisions prescribed
20 by this section, according to procedures recommended by the department. The
21 department shall make recommendations to the contracting agencies and the boards
22 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
23 River Navigational System Authority, the Wisconsin Aerospace Authority, the
24 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
25 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation, and the Bradley Center Sports and Entertainment
2 Corporation for improving and making more effective the nondiscrimination and
3 affirmative action provisions of contracts. The department shall promulgate such
4 rules as may be necessary for the performance of its functions under this section.

5 **SECTION 23.** 16.765 (6) of the statutes is amended to read:

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

16 **SECTION 24.** 16.765 (7) (intro.) of the statutes is amended to read:

17 16.765 (7) (intro.) When a violation of this section has been determined by the
18 department, the contracting agency, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
22 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
23 Entertainment Corporation, the contracting agency, the University of Wisconsin
24 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
25 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,

1 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
2 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
3 Sports and Entertainment Corporation shall:

4 **SECTION 25.** 16.765 (7) (d) of the statutes is amended to read:

5 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
6 further violations of this section and to report its corrective action to the contracting
7 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
11 Development Corporation, or the Bradley Center Sports and Entertainment
12 Corporation.

13 **SECTION 26.** 16.765 (8) of the statutes is amended to read:

14 16.765 (8) If further violations of this section are committed during the term
15 of the contract, the contracting agency, the Fox River Navigational System Authority,
16 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
17 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
18 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
19 Center Sports and Entertainment Corporation may permit the violating party to
20 complete the contract, after complying with this section, but thereafter the
21 contracting agency, the Fox River Navigational System Authority, the Wisconsin
22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
23 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
24 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
25 Entertainment Corporation shall request the department to place the name of the

1 party on the ineligible list for state contracts, or the contracting agency, the Fox River
2 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
3 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
4 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
5 Development Corporation, or the Bradley Center Sports and Entertainment
6 Corporation may terminate the contract without liability for the uncompleted
7 portion or any materials or services purchased or paid for by the contracting party
8 for use in completing the contract.

9 **SECTION 27.** 16.85 (2) of the statutes is amended to read:

10 16.85 (2) To furnish engineering, architectural, project management, and other
11 building construction services whenever requisitions therefor are presented to the
12 department by any agency. The department may deposit moneys received from the
13 provision of these services in the account under s. 20.505 (1) (kc) or in the general
14 fund as general purpose revenue — earned. In this subsection, “agency” means an
15 office, department, independent agency, institution of higher education, association,
16 society, or other body in state government created or authorized to be created by the
17 constitution or any law, which is entitled to expend moneys appropriated by law,
18 including the legislature and the courts, but not including an authority created in
19 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

20 **SECTION 28.** 16.865 (8) of the statutes is amended to read:

21 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
22 proportionate share of the estimated costs attributable to programs administered by
23 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
24 may charge premiums to agencies to finance costs under this subsection and pay the
25 costs from the appropriation on an actual basis. The department shall deposit all

1 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
 2 Costs assessed under this subsection may include judgments, investigative and
 3 adjustment fees, data processing and staff support costs, program administration
 4 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
 5 subsection, "agency" means an office, department, independent agency, institution
 6 of higher education, association, society, or other body in state government created
 7 or authorized to be created by the constitution or any law, that is entitled to expend
 8 moneys appropriated by law, including the legislature and the courts, but not
 9 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
 10 52, 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: We did not amend s. 19.42 (code of ethics); see the definition under s. 19.42 (5).

11 **SECTION 29.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 12 insert the following amounts for the purposes indicated:

				2009-10	2010-11
13					
14	20.192	Wisconsin Economic Development			
15		Corporation			
16	(1)	PROMOTION OF ECONOMIC DEVELOPMENT			
17	(a)	Operations and programs	GPR C	-0-	-0-

Insert 13-17

18 **SECTION 30.** 20.192 of the statutes is created to read:

19 **20.192 Wisconsin Economic Development Corporation.** There is
 20 appropriated to the Wisconsin Economic Development Corporation for the following
 21 program:

22 (1) PROMOTION OF ECONOMIC DEVELOPMENT. (a) *Operations and programs.* As
 23 a continuing appropriation, the amounts in the schedule for the operations of the

SECTION 30

Insert 14-2

1 Wisconsin Economic Development Corporation and for funding economic
2 development programs developed and implemented under s. 238.03.

3 **SECTION 31.** 40.02 (28) of the statutes is amended to read:

4 40.02 (28) "Employer" means the state, including each state agency, any
5 county, city, village, town, school district, other governmental unit or
6 instrumentality of 2 or more units of government now existing or hereafter created
7 within the state, any federated public library system established under s. 43.19
8 whose territory lies within a single county with a population of 500,000 or more, a
9 local exposition district created under subch. II of ch. 229, the Wisconsin Economic
10 Development Corporation created under ch. 238, a transit authority created under
11 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided
12 under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts
13 district created under subch. V of ch. 229. Each employer shall be a separate legal
14 jurisdiction for OASDHI purposes.

15 **SECTION 32.** 40.02 (36) of the statutes is amended to read:

16 40.02 (36) "Governing body" means the legislature or the head of each state
17 agency with respect to employees of that agency for the state, the common council
18 in cities, the village board in villages, the town board in towns, the county board in
19 counties, the school board in school districts, or the board, commission, or other
20 governing body having the final authority for any other unit of government, for any
21 agency or instrumentality of 2 or more units of government, for any federated public
22 library system established under s. 43.19 whose territory lies within a single county
23 with a population of 500,000 or more, for a local exposition district created under
24 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created

1 under ch. 238, or for a long-term care district created under s. 46.2895, but does not
2 include a local cultural arts district created under subch. V of ch. 229.

3 **SECTION 33.** 40.02 (54) (m) of the statutes is created to read:

4 40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if
5 the corporation elects to become a participating employer under s. 40.21 (1).

6 **SECTION 34.** 70.11 (38r) of the statutes is created to read:

7 70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the
8 Wisconsin Economic Development Corporation, provided that use of the property is
9 primarily related to the purposes of the Wisconsin Economic Development
10 Corporation.

11 **SECTION 35.** 71.26 (1) (be) of the statutes is amended to read:

12 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
13 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
14 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
15 Navigational System Authority, of the Wisconsin Economic Development
16 Corporation, and of the Wisconsin Aerospace Authority.

17 **SECTION 36.** 77.54 (9a) (a) of the statutes is amended to read:

18 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
20 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
21 Authority, the Wisconsin Economic Development Corporation, and the Fox River
22 Navigational System Authority.

23 **SECTION 37.** 100.45 (1) (dm) of the statutes is amended to read:

24 100.45 (1) (dm) "State agency" means any office, department, agency,
25 institution of higher education, association, society, or other body in state

1 government created or authorized to be created by the constitution or any law which
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
4 Center Sports and Entertainment Corporation, the University of Wisconsin
5 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
6 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
7 Authority, the Wisconsin Economic Development Corporation, and the Fox River
8 Navigational System Authority.

****NOTE: We did not amend s. 101.055 (public employee safety and health).

9 **SECTION 38.** 101.177 (1) (d) of the statutes is amended to read:

10 101.177 (1) (d) "State agency" means any office, department, agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
17 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
18 and the Wisconsin Health and Educational Facilities Authority, but excluding the
19 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
20 Remediation Authority.

****NOTE: We did not amend s. 103.49 (wage rate on state work).

21 **SECTION 39.** 230.03 (3) of the statutes is amended to read:

22 230.03 (3) "Agency" means any board, commission, committee, council, or
23 department in state government or a unit thereof created by the constitution or

1 statutes if such board, commission, committee, council, department, unit, or the
2 head thereof, is authorized to appoint subordinate staff by the constitution or
3 statute, except a legislative or judicial board, commission, committee, council,
4 department, or unit thereof or an authority created under subch. II of ch. 114 or
5 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
6 "Agency" does not mean any local unit of government or body within one or more local
7 units of government that is created by law or by action of one or more local units of
8 government.

9 SECTION 40. Chapter 238 of the statutes is created to read:

10 CHAPTER 238

11 WISCONSIN ECONOMIC DEVELOPMENT

12 CORPORATION

13 **238.01 Definitions.** In this chapter, except as otherwise provided:

14 (1) "Board" means the board of directors of the corporation.

15 (2) "Corporation" means the Wisconsin Economic Development Corporation.

16 **238.02 Creation and organization of corporation.** (1) There is created
17 an authority, which is ^a public body corporate and politic, to be known as the
18 "Wisconsin Economic Development Corporation." The members of the board shall
19 consist of the governor, who shall serve as chairperson of the board, and 11 members
20 appointed by the governor for staggered 4-year terms.

21 (2) (a) The terms of all appointed members of the board shall expire on July 1.

22 (b) Each member of the board shall hold office until a successor is appointed
23 and qualified unless the member vacates or is removed from his or her office. A
24 vacancy on the board shall be filled in the same manner as the original appointment
25 to the board for the remainder of the unexpired term, if any.

1 (c) A majority of the members of the board constitutes a quorum for the purpose
2 of conducting its business and exercising its powers and for all other purposes,
3 notwithstanding the existence of any vacancies. Action may be taken by the board
4 upon a vote of a majority of the members present. Meetings of the members of the
5 board may be held anywhere within or without the state.

6 (3) The governor shall appoint an executive director, who shall serve at the
7 pleasure of the governor. The board may delegate to the executive director any
8 powers and duties the board considers proper. The executive director shall receive
9 such compensation as may be determined by the board.

10 **238.03 Duties of board.** The board shall develop and implement economic
11 programs to provide business support and expertise and financial assistance to
12 companies that are investing and creating jobs in Wisconsin and to support new
13 business start-ups and business expansion and growth in Wisconsin.

14 **238.04 Powers of board.** The board shall have all the powers necessary or
15 convenient to carry out the purposes and provisions of this chapter. In addition to
16 all other powers granted the board under this chapter, the board may specifically:

17 (1) Adopt, amend, and repeal any bylaws, policies, and procedures for the
18 regulation of its affairs and the conduct of its business.

19 (2) Have a seal and alter the seal at pleasure.

20 (3) Maintain an office.

21 (4) Sue and be sued.

22 (5) Accept gifts, grants, loans, or other contributions from private or public
23 sources.

24 (6) Establish the corporation's annual budget and monitor the fiscal
25 management of the corporation.

1 **(7)** Execute contracts and other instruments required for the operation of the
2 corporation.

3 **(8)** Employ any officers, agents, and employees that it may require and
4 determine their qualifications, duties, and compensation.

5 **(9)** Issue notes, bonds, and any other obligations.

6 **(10)** Make loans and provide grants.

7 **(11)** Incur debt.

8 **(12)** Procure liability insurance.

9 **(13)** Elect to become a participating employer in the Wisconsin Retirement
10 System under s. 40.21 (1).

11 **238.05 Department of commerce assistance and coordination.** (1) If
12 requested by the board, the department of commerce shall provide staff or other
13 resources to assist the board in carrying out the purposes and provisions of this
14 chapter.

15 **(2)** To the greatest extent practicable, the department of commerce and the
16 board shall seek to coordinate their economic development programs.

17 **238.06 Liability limited.** Neither the state nor any political subdivision of
18 the state, nor any officer, employee, or agent of the state or a political subdivision of
19 the state who is acting within the scope of employment or agency, is liable for any
20 debt, obligation, act, or omission of the corporation.

21 **SECTION 41.** 281.75 (4) (b) 3. of the statutes is amended to read:

22 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
23 233, 234, ~~or 237,~~ or 238.

24 **SECTION 42.** 285.59 (1) (b) of the statutes is amended to read:

1 285.59 (1) (b) "State agency" means any office, department, agency, institution
2 of higher education, association, society, or other body in state government created
3 or authorized to be created by the constitution or any law which is entitled to expend
4 moneys appropriated by law, including the legislature and the courts, the Wisconsin
5 Housing and Economic Development Authority, the Bradley Center Sports and
6 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
7 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
8 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
9 Development Corporation, and the Wisconsin Health and Educational Facilities
10 Authority.

11 **SECTION 43. Nonstatutory provisions.**

12 (1) INITIAL TERMS OF BOARD OF DIRECTORS OF THE WISCONSIN ECONOMIC
13 DEVELOPMENT CORPORATION. Notwithstanding the lengths of terms of the members
14 of the board of directors of the Wisconsin Economic Development Corporation
15 specified in section 238.02 (1) of the statutes, as created by this act, the initial
16 members shall be appointed for the following terms:

17 (a) Three members appointed by the governor, for terms that expire on July 1,
18 2013.

19 (b) Four members appointed by the governor, for terms that expire on July 1,
20 2014.

21 (c) Four members appointed by the governor, for terms that expire on July 1,
22 2015.

23 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0624/P3ins
RAC/CMH/CTS:wlj:md

Insert 13-17:

(m)	Federal aid; programs	PR-F	C	-0-	-0-
(r)	Recycling fund; programs	SEG	C	-0-	-0-

Insert 14-2:

(m) *Federal aid; programs.* All moneys received from the federal government as authorized by the governor under s. 16.54, for the purposes of funding programs administered by the Wisconsin Economic Development Corporation.

(r) *Recycling fund; programs.* From the recycling fund, as a continuing appropriation, the amounts in the schedule for funding programs administered by the Wisconsin Economic Development Corporation.

- (1) Change fund name from recycling fund to recycling & renewable energy fund
- (2) Permit DOA secretary to eliminate Commerce positions
- (3) Permit DOA secretary to share for money between Commerce & WEDC appropriations