



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0624/P8  
RAC/CMH/CTS:wlj:ph

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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  
10            appropriations.

***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.

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***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

Insert 13-17  
and renewable energy

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	<b>20.192</b>	<b>Wisconsin Economic Development</b>				
15		<b>Corporation</b>				
16	(1)	PROMOTION OF ECONOMIC DEVELOPMENT				
17	(a)	Operations and programs	GPR	C	-0-	-0-
18	(m)	Federal aid; programs	PR-F	C	-0-	-0-
19	(r)	Recycling fund; programs	SEG	C	-0-	-0-

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

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

Insert 14-5

and renewable energy

1 (1) PROMOTION OF ECONOMIC DEVELOPMENT. (a) *Operations and programs.* As  
2 a continuing appropriation, the amounts in the schedule for the operations of the  
3 Wisconsin Economic Development Corporation and for funding economic  
4 development programs developed and implemented under s. 238.03.

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

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

and renewable energy

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

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

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

24 40.02 (36) "Governing body" means the legislature or the head of each state  
25 agency with respect to employees of that agency for the state, the common council

1 in cities, the village board in villages, the town board in towns, the county board in  
2 counties, the school board in school districts, or the board, commission, or other  
3 governing body having the final authority for any other unit of government, for any  
4 agency or instrumentality of 2 or more units of government, for any federated public  
5 library system established under s. 43.19 whose territory lies within a single county  
6 with a population of 500,000 or more, for a local exposition district created under  
7 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created  
8 under ch. 238, or for a long-term care district created under s. 46.2895, but does not  
9 include a local cultural arts district created under subch. V of ch. 229.

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

11 40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if  
12 the corporation elects to become a participating employer under s. 40.21 (1).

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

14 70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the  
15 Wisconsin Economic Development Corporation, provided that use of the property is  
16 primarily related to the purposes of the Wisconsin Economic Development  
17 Corporation.

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

19 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
20 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
21 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
22 Navigational System Authority, of the Wisconsin Economic Development  
23 Corporation, and of the Wisconsin Aerospace Authority.

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

1           77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
2           Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
3           Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
4           Authority, the Wisconsin Economic Development Corporation, and the Fox River  
5           Navigational System Authority.

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

7           100.45 (1) (dm) “State agency” means any office, department, agency,  
8           institution of higher education, association, society, or other body in state  
9           government created or authorized to be created by the constitution or any law which  
10          is entitled to expend moneys appropriated by law, including the legislature and the  
11          courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
12          Center Sports and Entertainment Corporation, the University of Wisconsin  
13          Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
14          Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
15          Authority, the Wisconsin Economic Development Corporation, and the Fox River  
16          Navigational System Authority.

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

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

18          101.177 (1) (d) “State agency” means any office, department, agency,  
19          institution of higher education, association, society, or other body in state  
20          government created or authorized to be created by the constitution or any law, that  
21          is entitled to expend moneys appropriated by law, including the legislature and the  
22          courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
23          Center Sports and Entertainment Corporation, the University of Wisconsin  
24          Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin



1 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
2 and the Wisconsin Health and Educational Facilities Authority, but excluding the  
3 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River  
4 Remediation Authority.

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

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

6 230.03 (3) "Agency" means any board, commission, committee, council, or  
7 department in state government or a unit thereof created by the constitution or  
8 statutes if such board, commission, committee, council, department, unit, or the  
9 head thereof, is authorized to appoint subordinate staff by the constitution or  
10 statute, except a legislative or judicial board, commission, committee, council,  
11 department, or unit thereof or an authority created under subch. II of ch. 114 or  
12 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.  
13 "Agency" does not mean any local unit of government or body within one or more local  
14 units of government that is created by law or by action of one or more local units of  
15 government.

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

17 **CHAPTER 238**

18 **WISCONSIN ECONOMIC DEVELOPMENT**

19 **CORPORATION**

20 **238.01 Definitions.** In this chapter, except as otherwise provided:

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

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

23 **238.02 Creation and organization of corporation.** (1) There is created  
24 an authority, which is a public body corporate and politic, to be known as the

1 “Wisconsin Economic Development Corporation.” The members of the board shall  
2 consist of the governor, who shall serve as chairperson of the board, and 11 members  
3 appointed by the governor for staggered 4-year terms.

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

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

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

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

18 **238.03 Duties of board.** The board shall develop and implement economic  
19 programs to provide business support and expertise and financial assistance to  
20 companies that are investing and creating jobs in Wisconsin and to support new  
21 business start-ups and business expansion and growth in Wisconsin.

22 **238.04 Powers of board.** The board shall have all the powers necessary or  
23 convenient to carry out the purposes and provisions of this chapter. In addition to  
24 all other powers granted the board under this chapter, the board may specifically:

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

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

4           (3) Maintain an office.

5           (4) Sue and be sued.

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

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

10          (7) Execute contracts and other instruments required for the operation of the  
11 corporation.

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

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

15          (10) Make loans and provide grants.

16          (11) Incur debt.

17          (12) Procure liability insurance.

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

20           **238.05 Department of commerce assistance and coordination.** (1) If  
21 requested by the board, the department of commerce shall provide staff or other  
22 resources to assist the board in carrying out the purposes and provisions of this  
23 chapter.

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

1           **238.06 Liability limited.** Neither the state nor any political subdivision of  
2 the state, nor any officer, employee, or agent of the state or a political subdivision of  
3 the state who is acting within the scope of employment or agency, is liable for any  
4 debt, obligation, act, or omission of the corporation.

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

6           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
7 233, 234, ~~or 237, or 238.~~

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

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

change  
component  
20

19           **SECTION 43. Nonstatutory provisions** ; other

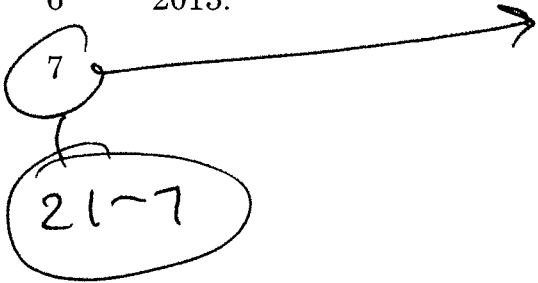
20           (1) INITIAL TERMS OF BOARD OF DIRECTORS OF THE WISCONSIN ECONOMIC  
21 DEVELOPMENT CORPORATION. Notwithstanding the lengths of terms of the members  
22 of the board of directors of the Wisconsin Economic Development Corporation  
23 specified in section 238.02 (1) of the statutes, as created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

1 (a) Three members appointed by the governor, for terms that expire on July 1,  
2 2013.

3 (b) Four members appointed by the governor, for terms that expire on July 1,  
4 2014.

5 (c) Four members appointed by the governor, for terms that expire on July 1,  
6 2015.

7  
21-7



(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0624/P4ins  
RAC/CMH/CTS:wlj:ph

**Insert 13-7:**

(k) Transferred moneys from department of commerce

PR-S C

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**Insert 14-5:**

(k) *Transferred moneys from department of commerce.* All moneys transferred under 2011 Wisconsin Act ~~...~~ (this act), section 9155 (~~§~~), for the purposes of funding programs administered by the Wisconsin Economic Development Corporation.

**Insert 21-7:**

~~§~~ ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may abolish any full-time equivalent position of portion thereof from revenues appropriated under section 20.143 of the statutes.

~~§~~ TRANSFER OF MONEYS FROM THE DEPARTMENT OF COMMERCE TO THE WISCONSIN ECONOMIC DEVELOPMENT CORPORATION. Before July 1, 2011, the secretary of administration may transfer moneys from any appropriation under section 20.143 of the statutes to the appropriation under section 20.192 (1) (~~§~~) of the statutes, as created by this act. The secretary may not transfer any moneys under this subsection if the transfer of those moneys would violate a condition imposed by the federal government on the expenditure of the moneys or if the transfer would violate the federal or state constitution.

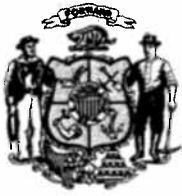
Create  
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Per Tomshon

- ✓ ① Create CEO instead of an executive director
- ✓ ② Senate confirms 11 board members + CEO.  
Board members + CEO serve at pleasure of governor
- ✓ ③ Same Ethics laws apply to Board + CEO
- ✓ ④ Make secretaries of DOA + DOR non-voting members of board.
- ⑤ CC to Jerry + Tomshon



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0624/P4  
RAC/CMH/CTS:wlj&kjf:md

Monday AM

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: All  
\*\*\*NOTES  
should be gone.

LPS: Please  
check auto-refs.  
~~that are~~ (already  
created).

gen cat.

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 appropriations.

*Analysis by the Legislative Reference Bureau*

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

Insert  
Analysis →



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

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*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

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.

11 ~~19.42 (5).~~ *\*\*\*NOTE: We did not amend s. 19.42 (code of ethics); see the definition under s.*

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

				<b>2009-10</b>	<b>2010-11</b>
<b>20.192</b>	<b>Wisconsin Economic Development</b>				
	<b>Corporation</b>				
(1)	PROMOTION OF ECONOMIC DEVELOPMENT				
(a)	Operations and programs	GPR	C	-0-	-0-
(k)	Transferred moneys from depart-				
	ment of commerce	PR-S	C	-0-	-0-
(m)	Federal aid; programs	PR-F	C	-0-	-0-
(r)	Recycling and renewable energy				
	fund; programs	SEG	C	-0-	-0-

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

1           **20.192 Wisconsin Economic Development Corporation.** There is  
2 appropriated to the Wisconsin Economic Development Corporation for the following  
3 program:

4           **(1) PROMOTION OF ECONOMIC DEVELOPMENT.** (a) *Operations and programs.* As  
5 a continuing appropriation, the amounts in the schedule for the operations of the  
6 Wisconsin Economic Development Corporation and for funding economic  
7 development programs developed and implemented under s. 238.03.

8           (k) *Transferred moneys from department of commerce.* All moneys transferred  
9 under 2011 Wisconsin Act .... (this act), section 9155 (3), for the purposes of funding  
10 programs administered by the Wisconsin Economic Development Corporation.

(AR) ↓

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

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

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

19           40.02 (28) "Employer" means the state, including each state agency, any  
20 county, city, village, town, school district, other governmental unit or  
21 instrumentality of 2 or more units of government now existing or hereafter created  
22 within the state, any federated public library system established under s. 43.19  
23 whose territory lies within a single county with a population of 500,000 or more, a  
24 local exposition district created under subch. II of ch. 229, the Wisconsin Economic  
25 Development Corporation created under ch. 238, a transit authority created under

1 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided  
2 under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts  
3 district created under subch. V of ch. 229. Each employer shall be a separate legal  
4 jurisdiction for OASDHI purposes.

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

6 40.02 (36) "Governing body" means the legislature or the head of each state  
7 agency with respect to employees of that agency for the state, the common council  
8 in cities, the village board in villages, the town board in towns, the county board in  
9 counties, the school board in school districts, or the board, commission, or other  
10 governing body having the final authority for any other unit of government, for any  
11 agency or instrumentality of 2 or more units of government, for any federated public  
12 library system established under s. 43.19 whose territory lies within a single county  
13 with a population of 500,000 or more, for a local exposition district created under  
14 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created  
15 under ch. 238, or for a long-term care district created under s. 46.2895, but does not  
16 include a local cultural arts district created under subch. V of ch. 229.

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

18 40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if  
19 the corporation elects to become a participating employer under s. 40.21 (1).

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

21 70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the  
22 Wisconsin Economic Development Corporation, provided that use of the property is  
23 primarily related to the purposes of the Wisconsin Economic Development  
24 Corporation.

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

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

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

7           77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
8 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
9 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
10 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
11 Navigational System Authority.

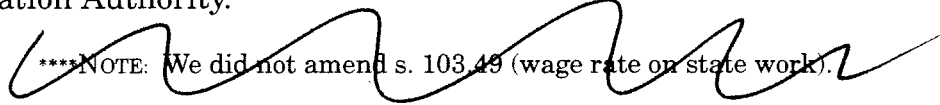
12           **SECTION 37.** 100.45 (1) (dm) of the statutes is amended to read:

13           100.45 (1) (dm) "State agency" means any office, department, 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 which  
16 is entitled to expend moneys appropriated by law, including the legislature and the  
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
18 Center Sports and Entertainment Corporation, the University of Wisconsin  
19 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
20 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
21 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
22 Navigational System Authority.

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

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

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

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

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

13           230.03 (3) "Agency" means any board, commission, committee, council, or  
14 department in state government or a unit thereof created by the constitution or  
15 statutes if such board, commission, committee, council, department, unit, or the  
16 head thereof, is authorized to appoint subordinate staff by the constitution or  
17 statute, except a legislative or judicial board, commission, committee, council,  
18 department, or unit thereof or an authority created under subch. II of ch. 114 or  
19 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.  
20 "Agency" does not mean any local unit of government or body within one or more local  
21 units of government that is created by law or by action of one or more local units of  
22 government.

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



1 WISCONSIN ECONOMIC DEVELOPMENT

2 CORPORATION

3 **238.01 Definitions.** In this chapter, except as otherwise provided:

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

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

6 **238.02 Creation and organization of corporation.** (1) There is created

7 an authority, which is a public body corporate and politic, to be known as the

8 "Wisconsin Economic Development Corporation." ~~The members of the board shall~~

9 ~~consist of the governor, who shall serve as chairperson of the board, and 11 members~~

10 ~~appointed by the governor for staggered 4-year terms.~~

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

12 (b) ~~Each member of the board shall hold office until a successor is appointed~~

13 ~~and qualified unless the member vacates or is removed from his or her office. A~~

14 ~~vacancy on the board shall be filled in the same manner as the original appointment~~

15 ~~to the board for the remainder of the unexpired term, if any.~~

16 ~~Use~~ A majority of the <sup>VOTING</sup> members of the board constitutes a quorum for the purpose

17 of conducting its business and exercising its powers and for all other purposes,

18 notwithstanding the existence of any vacancies. Action may be taken by the board

19 upon a vote of a majority of the <sup>VOTING</sup> members present. Meetings of the members of the

20 board may be held anywhere within or without the state.

21 (3) ~~The governor shall appoint an executive director, who shall serve at the~~

22 ~~pleasure of the governor. The board may delegate to the executive director any~~

23 ~~powers and duties the board considers proper. The executive director shall receive~~

24 ~~(such compensation as may be determined by the board.~~

to chief executive officer

Trans 18-8

Trans 18-24

1           **238.03 Duties of board.** The board shall develop and implement economic  
2 programs to provide business support and expertise and financial assistance to  
3 companies that are investing and creating jobs in Wisconsin and to support new  
4 business start-ups and business expansion and growth in Wisconsin.

5           **238.04 Powers of board.** The board shall have all the powers necessary or  
6 convenient to carry out the purposes and provisions of this chapter. In addition to  
7 all other powers granted the board under this chapter, the board may specifically:

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

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

11           (3) Maintain an office.

12           (4) Sue and be sued.

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

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

17           (7) Execute contracts and other instruments required for the operation of the  
18 corporation.

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

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

22           (10) Make loans and provide grants.

23           (11) Incur debt.

24           (12) Procure liability insurance.

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

3           **238.05 Department of commerce assistance and coordination.** (1) If  
4 requested by the board, the department of commerce shall provide staff or other  
5 resources to assist the board in carrying out the purposes and provisions of this  
6 chapter.

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

9           **238.06 Liability limited.** Neither the state nor any political subdivision of  
10 the state, nor any officer, employee, or agent of the state or a political subdivision of  
11 the state who is acting within the scope of employment or agency, is liable for any  
12 debt, obligation, act, or omission of the corporation.

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

14           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
15 233, 234, ~~or 237~~, or 238.

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

17           285.59 (1) (b) "State agency" means any office, department, agency, institution  
18 of higher education, association, society, or other body in state government created  
19 or authorized to be created by the constitution or any law which is entitled to expend  
20 moneys appropriated by law, including the legislature and the courts, the Wisconsin  
21 Housing and Economic Development Authority, the Bradley Center Sports and  
22 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics  
23 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace  
24 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation, and the Wisconsin Health and Educational Facilities  
2 Authority.

3 **SECTION 9155. Nonstatutory provisions; Other.**

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

9 (a) Three members appointed by the governor, for terms that expire on July 1,  
10 2013.

11 (b) Four members appointed by the governor, for terms that expire on July 1,  
12 2014.

13 (c) Four members appointed by the governor, for terms that expire on July 1,  
14 2015.

15 (2) ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section  
16 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may  
17 abolish any full-time equivalent position <sup>or</sup> of portion thereof from revenues  
18 appropriated under section 20.143 of the statutes.

19 **AR** → (3) TRANSFER OF MONEYS FROM THE DEPARTMENT OF COMMERCE TO THE WISCONSIN  
20 ECONOMIC DEVELOPMENT CORPORATION. Before July 1, 2011, the secretary of  
21 administration may transfer moneys from any appropriation under section 20.143  
22 of the statutes to the appropriation under section 20.192 (1) (k) of the statutes, as  
23 created by this act. The secretary may not transfer any moneys under this subsection  
24 if the transfer of those moneys would violate a condition imposed by the federal

1 government on the expenditure of the moneys or if the transfer would violate the  
2 federal or state constitution.

3 (END)