

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB

.....

LRB-0624/INSR

**Insert Analysis:**

This bill creates an authority, which is a public body corporate and politic, to be known as the Wisconsin Economic Development Corporation (WEDC). The WEDC is governed by a board that consists of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The secretary of administration and the secretary of revenue also serve on the board as non-voting members. The WEDC has a chief executive officer who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board considers proper.

Under the bill, the board must develop and implement economic programs to provide business support and expertise and financial assistance to companies that are investing and creating jobs in Wisconsin and to support new business start-ups and business expansion and growth in Wisconsin. The board is given all the powers necessary or convenient to carry out its duties, as well as specific powers to conduct its corporate business. The bill specifically requires the Department of Commerce (Commerce) to provide staff or other resources to assist the board in carrying out its duties and requires that Commerce and the board to coordinate their economic development programs.

The WEDC employees are not state employees, although the WEDC may elect to become a participating employer under the Wisconsin Retirement System. The members of the board and the chief executive officer are subject to state ethics laws.

In addition to creating the WEDC, the bill authorizes the secretary of administration, before July 1, 2011, to abolish any full-time equivalent position of portion thereof from revenues appropriated to Commerce and authorizes the secretary to transfer funds from Commerce appropriations to WEDC appropriations.

**Insert 18-8:**

**(Not)** The members of the board shall consist of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

The secretary of administration and the secretary of revenue shall also serve on the board as non-voting members.

**Insert 18-24:**

⌘ A chief executive officer shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board considers proper. The chief executive officer shall receive such compensation as may be determined by the board.



## 2011 BILL

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 bill creates an authority, which is a public body corporate and politic, to be known as the Wisconsin Economic Development Corporation (WEDC). The WEDC is governed by a board that consists of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The

**BILL**

secretary of administration and the secretary of revenue also serve on the board as nonvoting members. The WEDC has a chief executive officer who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board considers proper.

Under the bill, the board must develop and implement economic programs to provide business support and expertise and financial assistance to companies that are investing and creating jobs in Wisconsin and to support new business start-ups and business expansion and growth in Wisconsin. The board is given all the powers necessary or convenient to carry out its duties, as well as specific powers to conduct its corporate business. The bill specifically requires the Department of Commerce (Commerce) to provide staff or other resources to assist the board in carrying out its duties and requires that Commerce and the board coordinate their economic development programs.

The WEDC employees are not state employees, although the WEDC may elect to become a participating employer under the Wisconsin Retirement System. The members of the board and the chief executive officer are subject to state ethics laws.

In addition to creating the WEDC, the bill authorizes the secretary of administration, before July 1, 2011, to abolish any full-time equivalent position or portion thereof from revenues appropriated to Commerce and authorizes the secretary to transfer funds from Commerce appropriations to WEDC appropriations.

---

***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

**BILL**

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
3 ch. 52, 231, 233, 234, 238, or 279.

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

5 13.48 (10) (b) 6. Projects of the Wisconsin Economic Development Corporation.

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

7 13.48 (12) (b) 5. A facility constructed by or for the Wisconsin Economic  
8 Development Corporation.

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

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

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

24 13.62 (2) "Agency" means any board, commission, department, office, society,  
25 institution of higher education, council, or committee in the state government, or any

**BILL****SECTION 6**

1 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
2 233, 234, 237, 238, or 279, except that the term does not include a council or  
3 committee of the legislature.

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

5 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
6 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
7 shall be strictly nonpartisan and shall at all times observe the confidential nature  
8 of the research requests received by it; however, with the prior approval of the  
9 requester in each instance, the bureau may duplicate the results of its research for  
10 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
11 designated employees shall at all times, with or without notice, have access to all  
12 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
13 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
14 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care  
15 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
16 Navigational System Authority, and to any books, records, or other documents  
17 maintained by such agencies or authorities and relating to their expenditures,  
18 revenues, operations, and structure.

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

20 16.002 (2) "Departments" means constitutional offices, departments, and  
21 independent agencies and includes all societies, associations, and other agencies of  
22 state government for which appropriations are made by law, but not including  
23 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ in chs. 52,  
24 231, 232, 233, 234, 235, 237, and 238, or 279.

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

**BILL**

1           16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
2 department as the secretary designates may enter into the offices of state agencies  
3 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under  
4 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts  
5 and any other matter that in the secretary's judgment should be examined and may  
6 interrogate the agency's employees publicly or privately relative thereto.

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

8           16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
9 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.  
10 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate  
11 with the secretary and shall comply with every request of the secretary relating to  
12 his or her functions.

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

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

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

24           16.045 (1) (a) "Agency" means an office, department, independent agency,  
25 institution of higher education, association, society, or other body in state

**BILL****SECTION 12**

1 government created or authorized to be created by the constitution or any law, that  
2 is entitled to expend moneys appropriated by law, including the legislature and the  
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
4 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

12 16.41 (4) In this section, "authority" means a body created under subch. II of  
13 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

22 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
23 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
24 petty cash account from its contingent fund. The procedure for operation and  
25 maintenance of petty cash accounts and the character of expenditures therefrom



**BILL**

1 shall be prescribed by the secretary. In this subsection, “agency” means an office,  
2 department, independent agency, institution of higher education, association,  
3 society, or other body in state government created or authorized to be created by the  
4 constitution or any law, that is entitled to expend moneys appropriated by law,  
5 including the legislature and the courts, but not including an authority created in  
6 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

15 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
16 invoice, the agency shall notify the sender of the invoice within 10 working days after  
17 it receives the invoice of the reason it is improperly completed. In this subsection,  
18 “agency” means an office, department, independent agency, institution of higher  
19 education, association, society, or other body in state government created or  
20 authorized to be created by the constitution or any law, that is entitled to expend  
21 moneys appropriated by law, including the legislature and the courts, but not  
22 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
23 52, 231, 233, 234, 237, 238, or 279.

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

**BILL****SECTION 19**

1           16.54 (9) (a) 1. "Agency" means an office, department, independent 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, which  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
6 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

21           16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
24 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the  
25 Wisconsin Economic Development Corporation, and the Bradley Center Sports and

**BILL**

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

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

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

**BILL****SECTION 22**

1 River Navigational System Authority, the Wisconsin Aerospace Authority, the  
2 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
3 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic  
4 Development Corporation, and the Bradley Center Sports and Entertainment  
5 Corporation for improving and making more effective the nondiscrimination and  
6 affirmative action provisions of contracts. The department shall promulgate such  
7 rules as may be necessary for the performance of its functions under this section.

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

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

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

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

**BILL**

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

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

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

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

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

**BILL****SECTION 26**

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

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

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

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

24 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
25 proportionate share of the estimated costs attributable to programs administered by

**BILL**

1 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
 2 may charge premiums to agencies to finance costs under this subsection and pay the  
 3 costs from the appropriation on an actual basis. The department shall deposit all  
 4 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
 5 Costs assessed under this subsection may include judgments, investigative and  
 6 adjustment fees, data processing and staff support costs, program administration  
 7 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
 8 subsection, "agency" means an office, department, independent agency, institution  
 9 of higher education, association, society, or other body in state government created  
 10 or authorized to be created by the constitution or any law, that is entitled to expend  
 11 moneys appropriated by law, including the legislature and the courts, but not  
 12 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
 13 52, 231, 232, 233, 234, 235, 237, 238, or 279.

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

16 **2009-10**      **2010-11**

17 **20.192 Wisconsin Economic Development**  
 18 **Corporation**

19	(1)	PROMOTION OF ECONOMIC DEVELOPMENT				
20	(a)	Operations and programs	GPR	C	-0-	-0-
21	(k)	Transferred moneys from depart-				
22		ment of commerce	PR-S	C	-0-	-0-

**BILL**

**2009-10      2010-11**

1	(m) Federal aid; programs	PR-F	C	-0-	-0-
2	(r) Recycling and renewable energy				
3	fund; programs	SEG	C	-0-	-0-

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

5      **20.192 Wisconsin Economic Development Corporation.** There is  
 6 appropriated to the Wisconsin Economic Development Corporation for the following  
 7 program:

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

12      (k) *Transferred moneys from department of commerce.* All moneys transferred  
 13 under 2011 Wisconsin Act .... (this act), section 9155 (2), for the purposes of funding  
 14 programs administered by the Wisconsin Economic Development Corporation.

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

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

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



**BILL**

1           40.02 (28) "Employer" means the state, including each state agency, any  
2 county, city, village, town, school district, other governmental unit or  
3 instrumentality of 2 or more units of government now existing or hereafter created  
4 within the state, any federated public library system established under s. 43.19  
5 whose territory lies within a single county with a population of 500,000 or more, a  
6 local exposition district created under subch. II of ch. 229, the Wisconsin Economic  
7 Development Corporation created under ch. 238, a transit authority created under  
8 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided  
9 under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts  
10 district created under subch. V of ch. 229. Each employer shall be a separate legal  
11 jurisdiction for OASDHI purposes.

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

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

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

**BILL****SECTION 33**

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

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

4           70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the  
5 Wisconsin Economic Development Corporation, provided that use of the property is  
6 primarily related to the purposes of the Wisconsin Economic Development  
7 Corporation.

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

9           71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin  
10 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan  
11 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River  
12 Navigational System Authority, of the Wisconsin Economic Development  
13 Corporation, and of the Wisconsin Aerospace Authority.

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

15           77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin  
16 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health  
17 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care  
18 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
19 Navigational System Authority.

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

21           100.45 (1) (dm) "State agency" means any office, department, agency,  
22 institution of higher education, association, society, or other body in state  
23 government created or authorized to be created by the constitution or any law which  
24 is entitled to expend moneys appropriated by law, including the legislature and the  
25 courts, the Wisconsin Housing and Economic Development Authority, the Bradley

**BILL**

1 Center Sports and Entertainment Corporation, the University of Wisconsin  
2 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities  
3 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care  
4 Authority, the Wisconsin Economic Development Corporation, and the Fox River  
5 Navigational System Authority.

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

7 101.177 (1) (d) "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, that  
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 Aerospace Authority, the Wisconsin  
14 Quality Home Care Authority, the Wisconsin Economic Development Corporation,  
15 and the Wisconsin Health and Educational Facilities Authority, but excluding the  
16 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River  
17 Remediation Authority.

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

19 230.03 (3) "Agency" means any board, commission, committee, council, or  
20 department in state government or a unit thereof created by the constitution or  
21 statutes if such board, commission, committee, council, department, unit, or the  
22 head thereof, is authorized to appoint subordinate staff by the constitution or  
23 statute, except a legislative or judicial board, commission, committee, council,  
24 department, or unit thereof or an authority created under subch. II of ch. 114 or  
25 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

**BILL****SECTION 39**

1 “Agency” does not mean any local unit of government or body within one or more local  
2 units of government that is created by law or by action of one or more local units of  
3 government.

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

**CHAPTER 238****WISCONSIN ECONOMIC DEVELOPMENT****CORPORATION**

8 **238.01 Definitions.** In this chapter, except as otherwise provided:

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

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

11 **238.02 Creation and organization of corporation.** (1) There is created  
12 an authority, which is a public body corporate and politic, to be known as the  
13 “Wisconsin Economic Development Corporation.” The members of the board shall  
14 consist of the governor, who shall serve as chairperson of the board, and 11 members  
15 nominated by the governor, and with the advice and consent of the senate appointed,  
16 to serve at the pleasure of the governor. The secretary of administration and the  
17 secretary of revenue shall also serve on the board as nonvoting members.

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

23 (3) A chief executive officer shall be nominated by the governor, and with the  
24 advice and consent of the senate appointed, to serve at the pleasure of the governor.  
25 The board may delegate to the chief executive officer any powers and duties the board

**BILL**

1 considers proper. The chief executive officer shall receive such compensation as may  
2 be determined by the board.

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

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

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

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

13 (3) Maintain an office.

14 (4) Sue and be sued.

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

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

19 (7) Execute contracts and other instruments required for the operation of the  
20 corporation.

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

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

24 (10) Make loans and provide grants.

25 (11) Incur debt.

**BILL**

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

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

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

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

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

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

15           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
16 233, 234, ~~or 237,~~ or 238.

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

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

**BILL**

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

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

4 (1) ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section  
5 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may  
6 abolish any full-time equivalent position or portion thereof from revenues  
7 appropriated under section 20.143 of the statutes.

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

16 (END)

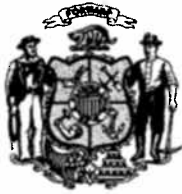
**Duerst, Christina**

---

**From:** Hanaman, Cathlene  
**Sent:** Tuesday, December 21, 2010 11:21 AM  
**To:** Duerst, Christina

I just stuck a state fiscal on 0624/1. Can you print a copy for the file?





State of Wisconsin  
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRB-0624/2

RAC/CMH/CTS:wlj:rs

RMR

Today

**BILL**

- regem cost

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

---

***Analysis by the Legislative Reference Bureau***

This bill creates an authority, which is a public body corporate and politic, to be known as the Wisconsin Economic Development Corporation (WEDC). The WEDC is governed by a board that consists of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The

secretary of administration and the secretary of revenue also serve on the board as nonvoting members. The WEDC has a chief executive officer who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board considers proper.

Under the bill, the board must develop and implement economic programs to provide business support and expertise and financial assistance to companies that are investing and creating jobs in Wisconsin and to support new business start-ups and business expansion and growth in Wisconsin. The board is given all the powers necessary or convenient to carry out its duties, as well as specific powers to conduct its corporate business. The bill specifically requires the Department of Commerce (Commerce) to provide staff or other resources to assist the board in carrying out its duties and requires that Commerce and the board coordinate their economic development programs.

The WEDC employees are not state employees, although the WEDC may elect to become a participating employer under the Wisconsin Retirement System. The members of the board and the chief executive officer are subject to state ethics laws.

In addition to creating the WEDC, the bill authorizes the secretary of administration, before July 1, 2011, to abolish any full-time equivalent position or portion thereof from revenues appropriated to Commerce and authorizes the secretary to transfer funds from Commerce appropriations to WEDC appropriations.

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

---

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

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

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

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

13.172 (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society, or other body in state

Insert  
Analysis  
A

Insert  
Analysis  
B

government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 238, or 279.

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

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

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

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

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

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

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

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

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

**13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state agencies, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority, and to any books, records, or other documents maintained by such agencies or authorities and relating to their expenditures, revenues, operations, and structure.

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

16.002 (2) "Departments" means constitutional offices, departments, and independent agencies and includes all societies, associations, and other agencies of state government for which appropriations are made by law, but not including

authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and or~~ in ~~chs. ch.~~ 52, 231, 232, 233, 234, 235, 237, ~~and 238,~~ or 279.

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

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

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

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

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

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

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

16.045 (1) (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

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

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

16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not

including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

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

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

16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin



Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause".

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

16.765 (5) The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed

by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

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

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

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

16.765 (7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall:

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

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

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

16.765 (8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to

complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

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

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

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

16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

**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-

			<b>2009-10</b>	<b>2010-11</b>
(k)	Transferred moneys from department 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-

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

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

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

(k) *Transferred moneys from department of commerce.* All moneys transferred under 2011 Wisconsin Act .... (this act), section 9155 (2), for the purposes of funding programs administered by the Wisconsin Economic Development Corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100.45 (1) (dm) "State agency" means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley



Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

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

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

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

230.03 (3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

“Agency” does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

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

**CHAPTER 238**

**WISCONSIN ECONOMIC DEVELOPMENT**

**CORPORATION**

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

- (1) “Board” means the board of directors of the corporation.
- (2) “Corporation” means the Wisconsin Economic Development Corporation.

**238.02 Creation and organization of corporation.** (1) There is created an authority, which is a public body corporate and politic, to be known as the “Wisconsin Economic Development Corporation.” The members of the board shall consist of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The secretary of administration and the secretary of revenue shall also serve on the board as nonvoting members.

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

(3) A chief executive officer shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board

1 considers proper. The chief executive officer shall receive such compensation as may  
2 be determined by the board.

3 **238.03 Duties of board.** The board shall develop and implement economic  
4 programs to provide business support and expertise and financial assistance to  
5 companies that are investing and creating jobs in Wisconsin and to support new  
6 business start-ups and business expansion and growth in Wisconsin. The board may  
7 also develop and implement any other programs related to economic development in  
8 Wisconsin.

9 **238.04 Powers of board.** The board shall have all the powers necessary or  
10 convenient to carry out the purposes and provisions of this chapter. In addition to  
11 all other powers granted the board under this chapter, the board may specifically:

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

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

15 (3) Maintain an office.

16 (4) Sue and be sued.

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

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

21 (7) Execute contracts and other instruments required for the operation of the  
22 corporation.

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

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

1           (10) Make loans and provide grants.

2           (11) Incur debt.

3           (12) Procure liability insurance.

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

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

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

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

16           **238.07 Submission of annual report to legislature.** Annually, the board  
17 shall submit to the chief clerk of each house of the legislature, for distribution to the  
18 legislature under s. 13.172 (2), a report on the activities of the corporation and the  
19 programs developed and implemented by the board.

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

21           281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,  
22 233, 234, ~~or 237,~~ or 238.

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

24           285.59 (1) (b) "State agency" means any office, department, agency, institution  
25 of higher education, association, society, or other body in state government created

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

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

10 (1) ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section  
11 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may  
12 abolish any full-time equivalent position or portion thereof from revenues  
13 appropriated under section 20.143 of the statutes.

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

22 (END)