

1 may claim as a credit against the tax imposed under s. 71.43, up to 1 percent of the
2 amount that the claimant paid in the taxable year to purchase tangible personal
3 property, items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services from
4 Wisconsin vendors, as determined by the department of commerce under s. 238.399
5 (5) (e) or s. 560.799 (5) (e), 2009 stats., except that the claimant may not claim the
6 credit under this subdivision and subd. 3. for the same expenditures.

7 **SECTION 2108.** 71.47 (3w) (c) 3. of the statutes is amended to read:

8 71.47 (3w) (c) 3. No credit may be allowed under this subsection unless the
9 claimant includes with the claimant's return a copy of the claimant's certification for
10 tax benefits under s. 238.399 (5) or (5m) or s. 560.799 (5) or (5m), 2009 stats.

11 **SECTION 2109.** 71.47 (3w) (d) of the statutes is amended to read:

12 71.47 (3w) (d) *Administration.* Section 71.28 (4) (g) and (h), as it applies to the
13 credit under s. 71.28 (4), applies to the credit under this subsection. Claimants shall
14 include with their returns a copy of their certification for tax benefits, and a copy of
15 the verification of their expenses, from the department of commerce or the Wisconsin
16 Economic Development Corporation.

17 **SECTION 2110.** 71.47 (4) (am) of the statutes is amended to read:

18 71.47 (4) (am) *Development zone additional research credit.* In addition to the
19 credit under par. (ad), any corporation may credit against taxes otherwise due under
20 this chapter an amount equal to 5 percent of the amount obtained by subtracting
21 from the corporation's qualified research expenses, as defined in section 41 of the
22 Internal Revenue Code, except that "qualified research expenses" include only
23 expenses incurred by the claimant in a development zone under subch. II of ch. 238
24 or subch. VI of ch. 560, 2009 stats., except that a taxpayer may elect the alternative
25 computation under section 41 (c) (4) of the Internal Revenue Code and that election

1 applies until the department permits its revocation and except that “qualified
2 research expenses” do not include compensation used in computing the credit under
3 sub. (1dj) nor research expenses incurred before the claimant is certified for tax
4 benefits under s. 238.365 (3) or s. 560.765 (3), 2009 stats., the corporation’s base
5 amount, as defined in section 41 (c) of the Internal Revenue Code, in a development
6 zone, except that gross receipts used in calculating the base amount means gross
7 receipts from sales attributable to Wisconsin under s. 71.25 (9) (b) 1. and 2., (df) 1.
8 and 2., (dh) 1., 2., and 3., (dj), and (dk) and research expenses used in calculating the
9 base amount include research expenses incurred before the claimant is certified for
10 tax benefits under s. 238.365 (3) or s. 560.765 (3), 2009 stats., in a development zone,
11 if the claimant submits with the claimant’s return a copy of the claimant’s
12 certification for tax benefits under s. 238.365 (3) or s. 560.765 (3), 2009 stats., and
13 a statement from the department of commerce or the Wisconsin Economic
14 Development Corporation verifying the claimant’s qualified research expenses for
15 research conducted exclusively in a development zone. The rules under s. 73.03 (35)
16 apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they
17 apply to the credit under that subsection apply to claims under this paragraph.
18 Section 41 (h) of the Internal Revenue Code does not apply to the credit under this
19 paragraph. No credit may be claimed under this paragraph for taxable years that
20 begin on January 1, 1998, or thereafter. Credits under this paragraph for taxable
21 years that begin before January 1, 1998, may be carried forward to taxable years that
22 begin on January 1, 1998, or thereafter.

23 **SECTION 2111.** 71.47 (5b) (a) 2. of the statutes is amended to read:

24 71.47 (5b) (a) 2. “Fund manager” means an investment fund manager certified
25 under s. 238.15 (2) or s. 560.205 (2), 2009 stats.

1 **SECTION 2112.** 71.47 (5b) (b) 1. of the statutes is amended to read:

2 71.47 **(5b)** (b) 1. For taxable years beginning after December 31, 2004, subject
3 to the limitations provided under this subsection and s. 238.15 or s. 560.205, 2009
4 stats., and except as provided in subd. 2., a claimant may claim as a credit against
5 the tax imposed under s. 71.43, up to the amount of those taxes, 25 percent of the
6 claimant's investment paid to a fund manager that the fund manager invests in a
7 business certified under s. 238.15 (1) or s. 560.205 (1), 2009 stats.

8 **SECTION 2113.** 71.47 (5b) (b) 2. of the statutes is amended to read:

9 71.47 **(5b)** (b) 2. In the case of a partnership, limited liability company, or
10 tax-option corporation, the computation of the 25 percent limitation under subd. 1.
11 shall be determined at the entity level rather than the claimant level and may be
12 allocated among the claimants who make investments in the manner set forth in the
13 entity's organizational documents. The entity shall provide to the department of
14 revenue and to the department of commerce or the Wisconsin Economic
15 Development Corporation the names and tax identification numbers of the
16 claimants, the amounts of the credits allocated to the claimants, and the
17 computation of the allocations.

18 **SECTION 2114.** 71.47 (5b) (d) 3. of the statutes is amended to read:

19 71.47 **(5b)** (d) 3. For ~~calendar years beginning~~ investments made after
20 December 31, 2007, if an investment for which a claimant claims a credit under par.
21 (b) is held by the claimant for less than 3 years, the claimant shall pay to the
22 department, in the manner prescribed by the department, the amount of the credit
23 that the claimant received related to the investment.

24 **SECTION 2115.** 71.47 (5f) (a) 1. (intro.) of the statutes is amended to read:

1 71.47 (5f) (a) 1. (intro.) “Accredited production” means a film, video, broadcast
2 advertisement, or television production, as approved by the department of commerce
3 or the department of tourism, for which the aggregate salary and wages included in
4 the cost of the production for the period ending 12 months after the month in which
5 the principal filming or taping of the production begins exceeds \$50,000. “Accredited
6 production” also means an electronic game, as approved by the department of
7 commerce or the department of tourism, for which the aggregate salary and wages
8 included in the cost of the production for the period ending 36 months after the month
9 in which the principal programming, filming, or taping of the production begins
10 exceeds \$100,000. “Accredited production” does not include any of the following,
11 regardless of the production costs:

12 **SECTION 2116.** 71.47 (5f) (a) 3. of the statutes is amended to read:

13 71.47 (5f) (a) 3. “Production expenditures” means any expenditures that are
14 incurred in this state and directly used to produce an accredited production,
15 including expenditures for set construction and operation, wardrobes, make-up,
16 clothing accessories, photography, sound recording, sound synchronization, sound
17 mixing, lighting, editing, film processing, film transferring, special effects, visual
18 effects, renting or leasing facilities or equipment, renting or leasing motor vehicles,
19 food, lodging, and any other similar expenditure as determined by the department
20 of commerce or the department of tourism. “Production expenditures” do not include
21 salary, wages, or labor-related contract payments.

22 **SECTION 2117.** 71.47 (5f) (c) 6. of the statutes is amended to read:

23 71.47 (5f) (c) 6. No credit may be allowed under this subsection unless the
24 claimant files an application with the department of commerce or the department of
25 tourism, at the time and in the manner prescribed by the department of commerce

1 or the department of tourism, and the department of commerce or the department
2 of tourism approves the application. The claimant shall submit a fee with the
3 application in an amount equal to 2 percent of the claimant's budgeted production
4 expenditures or to \$5,000, whichever is less. The claimant shall submit a copy of the
5 approved application with the claimant's return.

6 **SECTION 2118.** 71.47 (5h) (c) 4. of the statutes is amended to read:

7 71.47 (5h) (c) 4. No claim may be allowed under this subsection unless the
8 department of commerce or the department of tourism certifies, in writing, that the
9 credits claimed under this subsection are for expenses related to establishing or
10 operating a film production company in this state and the claimant submits a copy
11 of the certification with the claimant's return.

12 **SECTION 2119.** 71.47 (5i) (c) 1. of the statutes is amended to read:

13 71.47 (5i) (c) 1. The maximum amount of the credits that may be claimed under
14 this subsection and ss. 71.07 (5i) and 71.28 (5i) in a taxable year is \$10,000,000, as
15 allocated under s. 73.15 or s. 560.204, 2009 stats.

16 **SECTION 2120.** 71.47 (5j) (a) 2d. of the statutes is amended to read:

17 71.47 (5j) (a) 2d. "Diesel replacement renewable fuel" includes biodiesel and
18 any other fuel derived from a renewable resource that meets all of the applicable
19 requirements of the American Society for Testing and Materials for that fuel and that
20 the department of ~~commerce~~ safety and professional services designates by rule as
21 a diesel replacement renewable fuel.

22 **SECTION 2121.** 71.47 (5j) (a) 2m. of the statutes is amended to read:

23 71.47 (5j) (a) 2m. "Gasoline replacement renewable fuel" includes ethanol and
24 any other fuel derived from a renewable resource that meets all of the applicable
25 requirements of the American Society for Testing and Materials for that fuel and that

1 the department of ~~commerce~~ safety and professional services designates by rule as
2 a gasoline replacement renewable fuel.

3 **SECTION 2122.** 71.47 (5j) (c) 3. of the statutes is amended to read:

4 71.47 (5j) (c) 3. The department of ~~commerce~~ safety and professional services
5 shall establish standards to adequately prevent, in the distribution of conventional
6 fuel to an end user, the inadvertent distribution of fuel containing a higher
7 percentage of renewable fuel than the maximum percentage established by the
8 federal environmental protection agency for use in conventionally-fueled engines.

9 **SECTION 2122d.** 71.47 (5n) of the statutes is created to read:

10 71.47 (5n) **QUALIFIED PRODUCTION ACTIVITIES CREDIT.** (a) *Definitions.* In this
11 subsection:

12 1. "Claimant" means a person who files a claim under this subsection.

13 2. "Eligible qualified production activities income" means the lesser of the
14 following:

15 a. Qualified production activities income that derives from property located in
16 this state that is assessed as manufacturing property under s. 70.995 or as
17 agricultural property under s. 70.32 (2) (a) 4.

18 b. Income that is apportioned to this state under s. 71.45 (3), (3d), and (3e).

19 c. Income that is determined to be taxable in this state under s. 71.255 (2).

20 3. "Qualified production activities income" means qualified production
21 activities income as defined in 26 USC 199 (c).

22 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
23 claimant may claim as a credit against the tax imposed under s. 71.43, up to the
24 amount of the tax, an amount equal to one of the following percentages of the
25 claimant's eligible qualified production activities income in the taxable year:

1 1. For taxable years beginning after December 31, 2012, and before January
2 1, 2014, 1.875 percent.

3 2. For taxable years beginning after December 31, 2013, and before January
4 1, 2015, 3.75 percent.

5 3. For taxable years beginning after December 31, 2014, and before January
6 1, 2016, 5.526 percent.

7 4. For taxable years beginning after December 31, 2015, 7.5 percent.

8 (c) *Limitations.* Partnerships, limited liability companies, and tax-option
9 corporations may not claim the credit under this subsection, but the eligibility for,
10 and the amount of, the credit are based on their share of the income described under
11 par. (b). A partnership, limited liability company, or tax-option corporation shall
12 compute the amount of credit that each of its partners, members, or shareholders
13 may claim and shall provide that information to each of them. Partners, members
14 of limited liability companies, and shareholders of tax-option corporations may
15 claim the credit in proportion to their ownership interests.

16 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
17 s. 71.28 (4), applies to the credit under this subsection.

18 **SECTION 2123d.** 71.49 (1) (dn) of the statutes is created to read:

19 71.49 (1) (dn) Qualified production activities credit under s. 71.47 (5n).

20 **SECTION 2124.** 71.54 (1) (f) (intro.) of the statutes is amended to read:

21 71.54 (1) (f) *2001 and thereafter to 2011.* (intro.) Subject to sub. (2m), the
22 amount of any claim filed in 2001 ~~and thereafter~~ to 2011 and based on property taxes
23 accrued or rent constituting property taxes accrued during the previous year is
24 limited as follows:

25 **SECTION 2125.** 71.54 (1) (g) of the statutes is created to read:

1 71.54 (1) (g) *2012 and thereafter.* The amount of any claim filed in 2012 and
2 thereafter and based on property taxes accrued or rent constituting property taxes
3 accrued during the previous year is limited as follows:

4 1. If the household income was \$8,060 or less in the year to which the claim
5 relates, the claim is limited to 80 percent of the property taxes accrued or rent
6 constituting property taxes accrued or both in that year on the claimant's homestead.

7 2. If the household income was more than \$8,060 in the year to which the claim
8 relates, the claim is limited to 80 percent of the amount by which the property taxes
9 accrued or rent constituting property taxes accrued or both in that year on the
10 claimant's homestead exceeds 8.785 percent of the household income exceeding
11 \$8,060.

12 3. No credit may be allowed if the household income of a claimant exceeds
13 \$24,680.

14 **SECTION 2126.** 71.54 (2) (b) 3. of the statutes is amended to read:

15 71.54 (2) (b) 3. Subject to sub. (2m), in calendar year ~~1990 or any subsequent~~
16 ~~calendar year~~ years 1990 to 2010, \$1,450.

17 **SECTION 2127.** 71.54 (2) (b) 4. of the statutes is created to read:

18 71.54 (2) (b) 4. In calendar years 2011 or any subsequent calendar year, \$1,460.

19 **SECTION 2128.** 71.54 (2m) of the statutes is amended to read:

20 71.54 (2m) INDEXING FOR INFLATION; 2010 ~~AND THEREAFTER.~~ (a) For calendar years
21 beginning after December 31, 2009, and before January 1, 2011, the dollar amounts
22 of the threshold income under sub. (1) (f) 1. and 2., the maximum household income
23 under sub. (1) (f) 3. and the maximum property taxes under sub. (2) (b) 3. shall be
24 increased each year by a percentage equal to the percentage change between the U.S.
25 consumer price index for all urban consumers, U.S. city average, for the 12-month

1 average of the U.S. consumer price index for the month of August of the year before
2 the previous year through the month of July of the previous year and the U.S.
3 consumer price index for all urban consumers, U.S. city average, for the 12-month
4 average of the U.S. consumer price index for August 2007 through July 2008, as
5 determined by the federal department of labor, except that the adjustment may occur
6 only if the percentage is a positive number. Each amount that is revised under this
7 paragraph shall be rounded to the nearest multiple of \$10 if the revised amount is
8 not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount
9 shall be increased to the next higher multiple of \$10. The department of revenue
10 shall annually adjust the changes in dollar amounts required under this paragraph
11 and incorporate the changes into the income tax forms and instructions.

12 (b) The department of revenue shall ~~annually~~ adjust the slope under sub. (1)
13 (f) 2. such that, as a claimant's income increases from the threshold income as
14 calculated under par. (a), to an amount that exceeds the maximum household income
15 as calculated under par. (a), the credit that may be claimed is reduced to \$0 and the
16 department of revenue shall incorporate the changes into the income tax forms and
17 instructions.

18 **SECTION 2129.** 71.78 (4) (m) of the statutes is amended to read:

19 71.78 (4) (m) The ~~secretary of commerce~~ chief executive officer of the Wisconsin
20 Economic Development Corporation and employees of ~~that department~~ the
21 corporation to the extent necessary to administer the development zone program
22 under subch. ~~VI of ch. 560~~ II of ch. 238.

23 **SECTION 2131d.** 71.935 (1) (cr) of the statutes is created to read:

24 71.935 (1) (cr) "Municipality" means any city, village, or town, and includes any
25 entity providing consolidated services among cities, villages, and towns.

1 **SECTION 2132.** 73.03 (27) of the statutes is amended to read:

2 **73.03 (27)** To write off from the records of the department income, franchise,
3 sales, use, withholding, motor fuel, gift, beverage and cigarette tax and ~~recycling~~
4 economic development surcharge liabilities, following a determination by the
5 secretary of revenue that they are not collectible. Taxes written off under this
6 subsection remain legal obligations.

7 **SECTION 2133.** 73.03 (35) of the statutes is amended to read:

8 **73.03 (35)** To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
9 (2dj), (2dL), (2dm), (2dr), (2ds), or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
10 (1ds), (1dx), or (4) (am), 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), or
11 (4) (am), or 76.636 if granting the full amount claimed would violate a requirement
12 under s. 238.385 or s. 560.785, 2009 stats., or would bring the total of the credits
13 granted to that claimant under all of those subsections over the limit for that
14 claimant under s. 238.368, 238.395 (2) (b), or 238.397 (5) (b) or s. 560.768, 2009 stats.,
15 s. 560.795 (2) (b), 2009 stats., or s. 560.797 (5) (b), 2009 stats.

16 **SECTION 2134.** 73.03 (35m) of the statutes is amended to read:

17 **73.03 (35m)** To deny a portion of a credit claimed under s. 71.07 (3g), 71.28 (3g),
18 or 71.47 (3g), if granting the full amount claimed would violate a requirement under
19 s. 238.23 or s. 560.96, 2009 stats., or would bring the total of the credits claimed under
20 ss. 71.07 (3g), 71.28 (3g), and 71.47 (3g) over the limit for all claimants under s.
21 238.23 (2) or s. 560.96 (2), 2009 stats.

22 **SECTION 2135.** 73.03 (63) of the statutes is amended to read:

23 **73.03 (63)** Notwithstanding the amount limitations specified under ~~ss.~~ s. 71.07
24 (5d) (c) 1. and s. 238.15 (3) (d) or s. 560.205 (3) (d), 2009 stats., in consultation with
25 the department of commerce or the Wisconsin Economic Development Corporation,

1 to carry forward to subsequent taxable years unclaimed credit amounts of the early
2 stage seed investment credits under ss. 71.07 (5b), 71.28 (5b), 71.47 (5b), and 76.638
3 and the angel investment credit under s. 71.07 (5d). Annually, no later than July 1,
4 the department of commerce or the Wisconsin Economic Development Corporation
5 shall submit to the department of revenue its recommendations for the carry forward
6 of credit amounts as provided under this subsection.

7 **SECTION 2136.** 73.0301 (1) (b) of the statutes is amended to read:

8 73.0301 (1) (b) “Credentialing board” means a board, examining board or
9 affiliated credentialing board in the department of ~~regulation and licensing~~ safety
10 and professional services that grants a credential.

11 **SECTION 2137.** 73.0301 (1) (e) of the statutes is amended to read:

12 73.0301 (1) (e) “Licensing department” means the department of
13 administration; the board of commissioners of public lands; ~~the department of~~
14 ~~commerce~~; the department of children and families; the government accountability
15 board; the department of financial institutions; the department of health services;
16 the department of natural resources; the department of public instruction; ~~the~~
17 ~~department of regulation and licensing~~; the department of safety and professional
18 services; the department of workforce development; the office of the commissioner
19 of insurance; or the department of transportation.

20 **SECTION 2138.** 73.0301 (2) (a) 1. of the statutes is amended to read:

21 73.0301 (2) (a) 1. Request the department of revenue to certify whether an
22 applicant for a license or license renewal or continuation is liable for delinquent
23 taxes. With respect to an applicant for a license granted by a credentialing board,
24 the department of ~~regulation and licensing~~ safety and professional services shall

1 make a request under this subdivision. This subdivision does not apply to the
2 department of transportation with respect to licenses described in sub. (1) (d) 7.

3 **SECTION 2139.** 73.0301 (2) (a) 2. of the statutes is amended to read:

4 73.0301 (2) (a) 2. Request the department of revenue to certify whether a
5 license holder is liable for delinquent taxes. With respect to a holder of a license
6 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
7 and professional services shall make a request under this subdivision.

8 **SECTION 2140.** 73.0301 (2) (b) 1. a. of the statutes is amended to read:

9 73.0301 (2) (b) 1. a. If, after a request is made under par. (a) 1. or 2., the
10 department of revenue certifies that the license holder or applicant for a license or
11 license renewal or continuation is liable for delinquent taxes, revoke the license or
12 deny the application for the license or license renewal or continuation. The
13 department of transportation may suspend licenses described in sub. (1) (d) 7. in lieu
14 of revoking those licenses. A suspension, revocation or denial under this subd. 1. a.
15 is not subject to administrative review or, except as provided in subd. 2. and sub. (5)
16 (am), judicial review. With respect to a license granted by a credentialing board, the
17 department of ~~regulation and licensing~~ safety and professional services shall make
18 a revocation or denial under this subd. 1. a. With respect to a license to practice law,
19 the department of revenue shall not submit a certification under this subd. 1. a. to
20 the supreme court until after the license holder or applicant has exhausted his or her
21 remedies under sub. (5) (a) and (am) or has failed to make use of such remedies.

22 **SECTION 2141.** 73.0301 (2) (b) 1. b. of the statutes is amended to read:

23 73.0301 (2) (b) 1. b. Mail a notice of suspension, revocation or denial under
24 subd. 1. a. to the license holder or applicant. The notice shall include a statement
25 of the facts that warrant the suspension, revocation or denial and a statement that

1 the license holder or applicant may, within 30 days after the date on which the notice
2 of denial, suspension or revocation is mailed, file a written request with the
3 department of revenue to have the certification of tax delinquency on which the
4 suspension, revocation or denial is based reviewed at a hearing under sub. (5) (a).
5 With respect to a license granted by a credentialing board, the department of
6 ~~regulation and licensing~~ safety and professional services shall mail a notice under
7 this subd. 1. b. With respect to a license to practice law, the department of revenue
8 shall mail a notice under this subd. 1. b. and the notice shall indicate that the license
9 holder or applicant may request a hearing under sub. (5) (a) and (am) and that the
10 department of revenue shall submit a certificate of delinquency to suspend, revoke,
11 or deny a license to practice law to the supreme court after the license holder or
12 applicant has exhausted his or her remedies under sub. (5) (a) and (am) or has failed
13 to make use of such remedies. A notice sent to a person who holds a license to practice
14 law or who is an applicant for a license to practice law shall also indicate that the
15 department of revenue may not submit a certificate of delinquency to the supreme
16 court if the license holder or applicant pays the delinquent tax in full or enters into
17 an agreement with the department of revenue to satisfy the delinquency.

18 **SECTION 2142.** 73.0301 (2) (b) 2. of the statutes is amended to read:

19 73.0301 (2) (b) 2. Except as provided in subd. 2m., if notified by the department
20 of revenue that the department of revenue has affirmed a certification of tax
21 delinquency after a hearing under sub. (5) (a), affirm a suspension, revocation or
22 denial under subd. 1. a. A license holder or applicant may seek judicial review under
23 ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane
24 County, of an affirmation of a revocation or denial under this subdivision. With
25 respect to a license granted by a credentialing board, the department of ~~regulation~~

1 ~~and licensing~~ safety and professional services shall make an affirmation under this
2 subdivision.

3 **SECTION 2143.** 73.0301 (2) (b) 3. of the statutes is amended to read:

4 73.0301 (2) (b) 3. If a person submits a nondelinquency certificate issued under
5 sub. (5) (b) 1., reinstate the license or grant the application for the license or license
6 renewal or continuation, unless there are other grounds for suspending or revoking
7 the license or for denying the application for the license or license renewal or
8 continuation. If reinstatement is required under this subdivision, a person is not
9 required to submit a new application or other material or to take a new test. No
10 separate fee may be charged for reinstatement of a license under this subdivision.
11 With respect to a license granted by a credentialing board, the department of
12 ~~regulation and licensing~~ safety and professional services shall reinstate a license or
13 grant an application under this subdivision.

14 **SECTION 2144.** 73.0301 (2) (b) 4. of the statutes is amended to read:

15 73.0301 (2) (b) 4. If a person whose license has been suspended or revoked or
16 whose application for a license or license renewal or continuation has been denied
17 under subd. 1. a. submits a nondelinquency certificate issued under sub. (3) (a) 2.,
18 reinstate the license or grant the person's application for the license or license
19 renewal or continuation, unless there are other grounds for not reinstating the
20 license or for denying the application for the license or license renewal or
21 continuation. With respect to a license granted by a credentialing board, the
22 department of ~~regulation and licensing~~ safety and professional services shall
23 reinstate a license or grant an application under this subdivision.

24 **SECTION 2151.** 75.106 (1) (a) of the statutes is amended to read:

1 75.106 (1) (a) “Brownfield” has the meaning given in s. ~~560.13~~ 238.13 (1) (a),
2 except that, for purposes of this section, “brownfield” also means abandoned, idle, or
3 underused residential facilities or sites, the expansion or redevelopment of which is
4 adversely affected by actual or perceived environmental contamination.

5 **SECTION 2152.** 76.24 (2) (a) of the statutes is amended to read:

6 76.24 (2) (a) All taxes paid by any railroad company derived from or
7 apportionable to repair facilities, docks, ore yards, piers, wharves, grain elevators,
8 and their approaches, or car ferries on the basis of the separate valuation provided
9 for in s. 76.16, shall be distributed annually from the transportation fund to the
10 towns, villages, and cities in which they are located, pursuant to certification made
11 by the department of revenue on or before August 15. Beginning with amounts
12 distributed in 2011, the amount distributed to any town, village, or city under this
13 paragraph may not be less than the amount distributed to it in 2010 under this
14 paragraph.

15 **SECTION 2153.** 76.635 (1) (a) of the statutes is amended to read:

16 76.635 (1) (a) “Certified capital company” has the meaning given in s. 560.29
17 (1) (a), 2009 stats.

18 **SECTION 2154.** 76.635 (1) (b) of the statutes is amended to read:

19 76.635 (1) (b) “Certified capital investment” has the meaning given in s. 560.29
20 (1) (b), 2009 stats.

21 **SECTION 2155.** 76.635 (1) (c) of the statutes is amended to read:

22 76.635 (1) (c) “Investment date” has the meaning given in s. 560.29 (1) (d), 2009
23 stats.

24 **SECTION 2156.** 76.635 (1) (d) of the statutes is amended to read:

1 76.635 (1) (d) "Investment pool" has the meaning given in s. 560.29 (1) (e), 2009
2 stats.

3 **SECTION 2157.** 76.635 (1) (e) of the statutes is amended to read:

4 76.635 (1) (e) "Qualified investment" has the meaning given in s. 560.29 (1) (g),
5 2009 stats.

6 **SECTION 2158.** 76.636 (1) (b) 1. of the statutes is amended to read:

7 76.636 (1) (b) 1. A development zone under s. 238.30 or s. 560.70, 2009 stats.

8 **SECTION 2159.** 76.636 (1) (b) 2. of the statutes is amended to read:

9 76.636 (1) (b) 2. A development opportunity zone under s. 238.395 or s. 560.795,
10 2009 stats.

11 **SECTION 2160.** 76.636 (1) (b) 3. of the statutes is amended to read:

12 76.636 (1) (b) 3. An enterprise development zone under s. 238.397 or s. 560.797,
13 2009 stats.

14 **SECTION 2161.** 76.636 (1) (b) 4. of the statutes is amended to read:

15 76.636 (1) (b) 4. An agricultural development zone under s. 238.398 or s.
16 560.798, 2009 stats.

17 **SECTION 2163.** 76.636 (2) (intro.) of the statutes is amended to read:

18 76.636 (2) CREDITS. (intro.) Except as provided in s. 73.03 (35), and subject to
19 s. 238.385 or s. 560.785, 2009 stats., for any taxable year for which an insurer is
20 entitled under s. 238.395 or s. 560.795 (3), 2009 stats., to claim tax benefits or
21 certified under s. 238.365 (3), 238.397 (4), or 238.398 (3) or s. 560.765 (3), 2009 stats.,
22 s. 560.797 (4), 2009 stats., or s. 560.798 (3), 2009 stats., the insurer may claim as a
23 credit against the fees due under s. 76.60, 76.63, 76.65, 76.66, or 76.67 the following
24 amounts:

25 **SECTION 2164.** 76.636 (2) (b) of the statutes is amended to read:

1 76.636 (2) (b) The amount determined by multiplying the amount determined
2 under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time
3 jobs created in a development zone and filled by a member of a targeted group and
4 by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
5 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

6 **SECTION 2165.** 76.636 (2) (c) of the statutes is amended to read:

7 76.636 (2) (c) The amount determined by multiplying the amount determined
8 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
9 jobs created in a development zone and not filled by a member of a targeted group
10 and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
11 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

12 **SECTION 2166.** 76.636 (2) (d) of the statutes is amended to read:

13 76.636 (2) (d) The amount determined by multiplying the amount determined
14 under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of
15 full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009
16 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in an
17 enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for
18 which significant capital investment was made and by then subtracting the
19 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
20 under s. 49.147 (3m) (c) for those jobs.

21 **SECTION 2167.** 76.636 (2) (e) of the statutes is amended to read:

22 76.636 (2) (e) The amount determined by multiplying the amount determined
23 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
24 jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats.,
25 excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in a

1 development zone and not filled by a member of a targeted group and by then
2 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
3 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

4 **SECTION 2168.** 76.636 (4) (intro.) of the statutes is amended to read:

5 76.636 (4) CREDIT PRECLUDED. (intro.) If the certification of a person for tax
6 benefits under s. 238.365 (3), 238.397 (4), or 238.398 (3) or s. 560.765 (3), 2009 stats.,
7 s. 560.797 (4), 2009 stats., or s. 560.798 (3), 2009 stats., is revoked, or if the person
8 becomes ineligible for tax benefits under s. 238.395 (3) or s. 560.795 (3), 2009 stats.,
9 that person may not do any of the following:

10 **SECTION 2169.** 76.636 (5) of the statutes is amended to read:

11 76.636 (5) CARRY-OVER PRECLUDED. If a person who is entitled under s. 238.395
12 (3) or s. 560.795 (3), 2009 stats., to claim tax benefits or certified under s. 238.365 (3),
13 238.397 (4), or 238.398 (3) or s. 560.765 (3), 2009 stats., s. 560.797 (4), 2009 stats.,
14 or s. 560.798 (3), 2009 stats., for tax benefits ceases business operations in the
15 development zone during any of the taxable years that that zone exists, that person
16 may not carry over to any taxable year following the year during which operations
17 cease any unused credits from the taxable year during which operations cease or
18 from previous taxable years.

19 **SECTION 2170.** 76.636 (6) of the statutes is amended to read:

20 76.636 (6) ADMINISTRATION. Any insurer who claims a credit under sub. (2) shall
21 include with the insurer's annual return under s. 76.64 a copy of its certification for
22 tax benefits and a copy of its verification of expenses from the department of
23 commerce or the Wisconsin Economic Development Corporation.

24 **SECTION 2171.** 76.637 (1) of the statutes is amended to read:

1 76.637 (1) DEFINITION. In this section, “claimant” means an insurer who files
2 a claim under this section and is certified under s. 238.301 (2) or s. 560.701 (2), 2009
3 stats., and authorized to claim tax benefits under s. 238.303 or s. 560.703, 2009 stats.

4 **SECTION 2172.** 76.637 (2) of the statutes is amended to read:

5 76.637 (2) FILING CLAIMS. Subject to the limitations under this section, ss.
6 238.301 to 238.306, and ss. 560.701 to 560.706, 2009 stats., for taxable years
7 beginning after December 31, 2008, a claimant may claim as a credit against the fees
8 due under s. 76.60, 76.63, 76.65, 76.66, or 76.67 the amount authorized for the
9 claimant under s. 238.303 or s. 560.703, 2009 stats.

10 **SECTION 2173.** 76.637 (3) of the statutes is amended to read:

11 76.637 (3) LIMITATIONS. No credit may be allowed under this section unless the
12 insurer includes with the insurer’s annual return under s. 76.64 a copy of the
13 claimant’s certification under s. 238.301 (2) or s. 560.701 (2), 2009 stats., and a copy
14 of the claimant’s notice of eligibility to receive tax benefits under s. 238.303 (3) or s.
15 560.703 (3), 2009 stats.

16 **SECTION 2174.** 76.637 (4) of the statutes is amended to read:

17 76.637 (4) ADMINISTRATION. If an insurer’s certification is revoked under s.
18 238.305 or s. 560.705, 2009 stats., or if an insurer becomes ineligible for tax benefits
19 under s. 238.302 or s. 560.702, 2009 stats., the insurer may not claim credits under
20 this section for the taxable year that includes the day on which the certification is
21 revoked; the taxable year that includes the day on which the insurer becomes
22 ineligible for tax benefits; or succeeding taxable years and the insurer may not carry
23 over unused credits from previous years to offset the fees imposed under ss. 76.60,
24 76.63, 76.65, 76.66, or 76.67 for the taxable year that includes the day on which

1 certification is revoked; the taxable year that includes the day on which the insurer
2 becomes ineligible for tax benefits; or succeeding taxable years.

3 **SECTION 2175.** 76.638 (1) of the statutes is amended to read:

4 76.638 (1) DEFINITIONS. In this section, “fund manager” means an investment
5 fund manager certified under s. 238.15 (2) or s. 560.205 (2), 2009 stats.

6 **SECTION 2176.** 76.638 (2) of the statutes is amended to read:

7 76.638 (2) FILING CLAIMS. For taxable years beginning after December 31, 2008,
8 subject to the limitations provided under this subsection and s. 238.15 or s. 560.205,
9 2009 stats., an insurer may claim as a credit against the fees imposed under s. 76.60,
10 76.63, 76.65, 76.66, or 76.67, 25 percent of the insurer’s investment paid to a fund
11 manager that the fund manager invests in a business certified under s. 238.15 or s.
12 560.205 (1), 2009 stats.

13 **SECTION 2177.** Chapter 77 (title) of the statutes is amended to read:

14 **CHAPTER 77**

15 **TAXATION OF FOREST CROPLANDS;**

16 **REAL ESTATE TRANSFER FEES;**

17 **SALES AND USE TAXES; COUNTY,**

18 **TRANSIT AUTHORITY, AND**

19 **SPECIAL DISTRICT SALES AND USE**

20 **TAXES; MANAGED FOREST LAND;**

21 **RECYCLING ECONOMIC DEVELOPMENT**

22 **SURCHARGE; LOCAL FOOD**

23 **AND BEVERAGE TAX;**

24 **LOCAL RENTAL CAR TAX; PREMIER**

25 **RESORT AREA TAXES;**

**STATE RENTAL VEHICLE FEE;
DRY CLEANING FEES;
SOUTHEASTERN REGIONAL
TRANSIT AUTHORITY FEE**

SECTION 2177m. Chapter 77 (title) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

CHAPTER 77

**TAXATION OF FOREST CROPLANDS;
REAL ESTATE TRANSFER FEES;
SALES AND USE TAXES;
COUNTY, ~~TRANSIT AUTHORITY,~~ AND
SPECIAL DISTRICT SALES AND USE
TAXES; MANAGED FOREST LAND;
ECONOMIC DEVELOPMENT SURCHARGE;
LOCAL FOOD AND BEVERAGE TAX;
LOCAL RENTAL CAR TAX; PREMIER
RESORT AREA TAXES;
STATE RENTAL VEHICLE FEE;
DRY CLEANING FEES;
~~SOUTHEASTERN REGIONAL
TRANSIT AUTHORITY FEE~~**

SECTION 2178. 77.22 (2) (d) of the statutes is amended to read:

77.22 (2) (d) If the real estate transferred is not subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4)

1 (c), the reason why it is not so subject or the form prescribed by the department of
2 commerce safety and professional services under s. 101.122 (6).

3 **SECTION 2178m.** 77.52 (21) of the statutes is renumbered 77.52 (21) (a) and
4 amended to read:

5 77.52 (21) (a) ~~A~~ Except as provided in par. (b), a person who provides a product
6 that is not ~~a~~ distinct and identifiable ~~product~~ because it is provided free of charge,
7 as provided in s. 77.51 (3pf) (b), is the consumer of ~~that~~ the product that is provided
8 free of charge and shall pay the tax imposed under this subchapter on the purchase
9 price of that product.

10 **SECTION 2178n.** 77.52 (21) (b) of the statutes is created to read:

11 77.52 (21) (b) A person who provides a product that is not distinct and
12 identifiable because it is provided free of charge to a purchaser who must also
13 purchase another product that is subject to the tax imposed under this subchapter
14 from that person in the same transaction may purchase the product provided free of
15 charge without tax, for resale.

16 **SECTION 2179.** 77.54 (5) (am) of the statutes is created to read:

17 77.54 (5) (am) Modular homes, as defined in s. 101.71 (6), and manufactured
18 homes, as defined in s. 101.91 (2), that are used in real property construction
19 activities outside this state.

20 **SECTION 2180m.** 77.54 (9a) (er) of the statutes is repealed.

21 **SECTION 2181.** 77.54 (11m) of the statutes is created to read:

22 77.54 (11m) The sales price from the sales of and the storage, use, or other
23 consumption of vegetable oil or animal fat that is converted into motor vehicle fuel
24 that is exempt under s. 78.01 (2n) from the taxes imposed under s. 78.01 (1).

25 **SECTION 2181n.** 77.54 (58) of the statutes is created to read:

1 **77.71 Imposition of county, ~~transit authority,~~ and special district sales**
2 **and use taxes.** Whenever a county sales and use tax ordinance is adopted under
3 s. 77.70, ~~a transit authority resolution is adopted under s. 77.708,~~ or a special district
4 resolution is adopted under s. 77.705 or 77.706, the following taxes are imposed:

5 (1) For the privilege of selling, licensing, leasing, or renting tangible personal
6 property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and
7 (d), and for the privilege of selling, licensing, performing, or furnishing services a
8 sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county
9 tax, ~~at the rate under s. 77.708 in the case of a transit authority tax,~~ or at the rate
10 under s. 77.705 or 77.706 in the case of a special district tax of the sales price from
11 the sale, license, lease, or rental of tangible personal property and the items,
12 property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed
13 under sub. (4), sold, licensed, leased, or rented at retail in the county, or special
14 district, ~~or transit authority's jurisdictional area,~~ or from selling, licensing,
15 performing, or furnishing services described under s. 77.52 (2) in the county, or
16 special district, ~~or transit authority's jurisdictional area.~~

17 (2) An excise tax is imposed at the rates under s. 77.70 in the case of a county
18 tax, ~~at the rate under s. 77.708 in the case of a transit authority tax,~~ or at the rate
19 under s. 77.705 or 77.706 in the case of a special district tax of the purchase price
20 upon every person storing, using, or otherwise consuming in the county, or special
21 district, ~~or transit authority's jurisdictional area~~ tangible personal property, or
22 items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the
23 tangible personal property, item, property, good, or service is subject to the state use
24 tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3),
25 or (4) has been paid relieves the buyer of liability for the tax under this subsection

1 and except that if the buyer has paid a similar local tax in another state on a purchase
2 of the same tangible personal property, item, property, good, or service that tax shall
3 be credited against the tax under this subsection and except that for motor vehicles
4 that are used for a purpose in addition to retention, demonstration, or display while
5 held for sale in the regular course of business by a dealer the tax under this
6 subsection is imposed not on the purchase price but on the amount under s. 77.53
7 (1m).

8 (3) An excise tax is imposed upon a contractor engaged in construction
9 activities within the county, ~~or special district, or transit authority's jurisdictional~~
10 ~~area~~, at the rates under s. 77.70 in the case of a county tax, ~~at the rate under s. 77.708~~
11 ~~in the case of a transit authority tax~~, or at the rate under s. 77.705 or 77.706 in the
12 case of a special district tax of the purchase price of tangible personal property or
13 items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing,
14 altering, repairing, or improving real property and that became a component part of
15 real property in that county or special district ~~or in the transit authority's~~
16 ~~jurisdictional area~~, except that if the contractor has paid the sales tax of a county,
17 ~~transit authority~~, or special district in this state on that tangible personal property,
18 item, property, or good, or has paid a similar local sales tax in another state on a
19 purchase of the same tangible personal property, item, property, or good, that tax
20 shall be credited against the tax under this subsection.

21 (4) An excise tax is imposed at the rates under s. 77.70 in the case of a county
22 tax, ~~at the rate under s. 77.708 in the case of a transit authority tax~~, or at the rate
23 under s. 77.705 or 77.706 in the case of a special district tax of the purchase price
24 upon every person storing, using, or otherwise consuming a motor vehicle, boat,
25 recreational vehicle, as defined in s. 340.01 (48r), or aircraft, if that property must

1 be registered or titled with this state and if that property is to be customarily kept
2 in a county that has in effect an ordinance under s. 77.70, ~~the jurisdictional area of~~
3 ~~a transit authority that has in effect a resolution under s. 77.708~~, or in a special
4 district that has in effect a resolution under s. 77.705 or 77.706, except that if the
5 buyer has paid a similar local sales tax in another state on a purchase of the same
6 property that tax shall be credited against the tax under this subsection.

7 **SECTION 2183h.** 77.73 (2) of the statutes is amended to read:

8 77.73 (2) Counties, and special districts, ~~and transit authorities~~ do not have
9 jurisdiction to impose the tax under s. 77.71 (2) in regard to items, property, and
10 goods under s. 77.52 (1) (b), (c), and (d), and tangible personal property, except
11 snowmobiles, trailers, semitrailers, and all-terrain vehicles, purchased in a sale
12 that is consummated in another county or special district in this state, ~~or in another~~
13 ~~transit authority's jurisdictional area~~, that does not have in effect an ordinance or
14 resolution imposing the taxes under this subchapter and later brought by the buyer
15 into the county, or special district, ~~or jurisdictional area of the transit authority~~ that
16 has imposed a tax under s. 77.71 (2).

17 **SECTION 2183i.** 77.73 (3) of the statutes is amended to read:

18 77.73 (3) Counties, and special districts, ~~and transit authorities~~ have
19 jurisdiction to impose the taxes under this subchapter on retailers who file, or who
20 are required to file, an application under s. 77.52 (7) or who register, or who are
21 required to register, under s. 77.53 (9) or (9m), regardless of whether such retailers
22 are engaged in business in the county, or special district, ~~or transit authority's~~
23 ~~jurisdictional area~~, as provided in s. 77.51 (13g). A retailer who files, or is required
24 to file, an application under s. 77.52 (7) or who registers, or is required to register,
25 under s. 77.53 (9) or (9m) shall collect, report, and remit to the department the taxes

1 imposed under this subchapter for all counties, or special districts, ~~and transit~~
2 ~~authorities~~ that have an ordinance or resolution imposing the taxes under this
3 subchapter.

4 **SECTION 2183j.** 77.75 of the statutes is amended to read:

5 **77.75 Reports.** Every person subject to county, ~~transit authority,~~ or special
6 district sales and use taxes shall, for each reporting period, record that person's sales
7 made in the county, or special district, ~~or jurisdictional area of a transit authority~~
8 that has imposed those taxes separately from sales made elsewhere in this state and
9 file a report as prescribed by the department of revenue.

10 **SECTION 2183k.** 77.76 (1) of the statutes is amended to read:

11 77.76 (1) The department of revenue shall have full power to levy, enforce, and
12 collect county, ~~transit authority,~~ and special district sales and use taxes and may take
13 any action, conduct any proceeding, impose interest and penalties, and in all respects
14 proceed as it is authorized to proceed for the taxes imposed by subch. III. The
15 department of transportation and the department of natural resources may
16 administer the county, ~~transit authority,~~ and special district sales and use taxes in
17 regard to items under s. 77.61 (1).

18 **SECTION 2183L.** 77.76 (2) of the statutes is amended to read:

19 77.76 (2) Judicial and administrative review of departmental determinations
20 shall be as provided in subch. III for state sales and use taxes, and no county, ~~transit~~
21 ~~authority,~~ or special district may intervene in any matter related to the levy,
22 enforcement, and collection of the taxes under this subchapter.

23 **SECTION 2183m.** 77.76 (3r) of the statutes is repealed.

24 **SECTION 2183n.** 77.76 (4) of the statutes is amended to read:

1 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for
2 taxes imposed by special districts under ss. 77.705 and 77.706 ~~and transit authorities~~
3 ~~under s. 77.708~~ and 1.75% of the taxes collected for taxes imposed by counties under
4 s. 77.70 to cover costs incurred by the state in administering, enforcing, and
5 collecting the tax. All interest and penalties collected shall be deposited and retained
6 by this state in the general fund.

7 **SECTION 2183o.** 77.76 (5) of the statutes is repealed.

8 **SECTION 2183p.** 77.77 (1) of the statutes is amended to read:

9 77.77 (1) (a) The sales price from services subject to the tax under s. 77.52 (2)
10 or the lease, rental, or license of tangible personal property and property, items, and
11 goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this
12 subchapter, and the incremental amount of tax caused by a rate increase applicable
13 to those services, leases, rentals, or licenses is due, beginning with the first billing
14 period starting on or after the effective date of the county ordinance, special district
15 resolution, ~~transit authority resolution~~, or rate increase, regardless of whether the
16 service is furnished or the property, item, or good is leased, rented, or licensed to the
17 customer before or after that date.

18 (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease,
19 rental, or license of tangible personal property and property, items, and goods
20 specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this
21 subchapter, and a decrease in the tax rate imposed under this subchapter on those
22 services first applies, beginning with bills rendered on or after the effective date of
23 the repeal or sunset of a county ordinance, or special district resolution, ~~or transit~~
24 ~~authority resolution~~ imposing the tax or other rate decrease, regardless of whether

1 the service is furnished or the property, item, or good is leased, rented, or licensed
2 to the customer before or after that date.

3 **SECTION 2183q.** 77.77 (3) of the statutes is amended to read:

4 77.77 (3) The sale of building materials to contractors engaged in the business
5 of constructing, altering, repairing or improving real estate for others is not subject
6 to the taxes under this subchapter, and the incremental amount of tax caused by the
7 rate increase applicable to those materials is not due, if the materials are affixed and
8 made a structural part of real estate, and the amount payable to the contractor is
9 fixed without regard to the costs incurred in performing a written contract that was
10 irrevocably entered into prior to the effective date of the county ordinance, special
11 district resolution, ~~transit authority resolution~~, or rate increase or that resulted from
12 the acceptance of a formal written bid accompanied by a bond or other performance
13 guaranty that was irrevocably submitted before that date.

14 **SECTION 2183r.** 77.78 of the statutes is amended to read:

15 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
16 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft that
17 is required to be registered by this state may be registered or titled by this state
18 unless the registrant files a sales and use tax report and pays the county tax, ~~transit~~
19 ~~authority tax~~, and special district tax at the time of registering or titling to the state
20 agency that registers or titles the property. That state agency shall transmit those
21 tax revenues to the department of revenue.

22 **SECTION 2184.** Subchapter VII (title) of chapter 77 [precedes 77.92] of the
23 statutes is amended to read:

24

CHAPTER 77

1 SUBCHAPTER VII

2 RECYCLING ECONOMIC DEVELOPMENT SURCHARGE3 **SECTION 2184n.** 77.92 (4) of the statutes is amended to read:

4 77.92 (4) "Net business income," with respect to a partnership, means taxable
5 income as calculated under section 703 of the Internal Revenue Code; plus the items
6 of income and gain under section 702 of the Internal Revenue Code, including taxable
7 state and municipal bond interest and excluding nontaxable interest income or
8 dividend income from federal government obligations; minus the items of loss and
9 deduction under section 702 of the Internal Revenue Code, except items that are not
10 deductible under s. 71.21; plus guaranteed payments to partners under section 707
11 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
12 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
13 (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5n), (5r), (5rm), and
14 (8r); and plus or minus, as appropriate, transitional adjustments, depreciation
15 differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but
16 excluding income, gain, loss, and deductions from farming. "Net business income,"
17 with respect to a natural person, estate, or trust, means profit from a trade or
18 business for federal income tax purposes and includes net income derived as an
19 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

20 **SECTION 2185.** 77.93 (intro.) of the statutes is amended to read:

21 **77.93 Applicability.** (intro.) For the privilege of doing business in this state,
22 there is imposed ~~a recycling~~ an economic development surcharge on the following
23 entities:

24 **SECTION 2186.** 77.96 (6) of the statutes is amended to read:

1 77.96 (6) The department of revenue shall refer to the surcharge under this
2 subchapter as the ~~recycling~~ economic development surcharge.

3 **SECTION 2187.** 77.97 of the statutes is amended to read:

4 **77.97 Use of revenue.** The department of revenue shall deposit the
5 surcharge, interest and penalties collected under this subchapter in the ~~recycling~~
6 ~~and renewable energy~~ economic development fund under s. 25.49.

7 **SECTION 2187d.** Subchapter XIII (title) of chapter 77 [precedes 77.997] of the
8 statutes is repealed.

9 **SECTION 2187f.** 77.9971 of the statutes is repealed.

10 **SECTION 2187h.** 77.9972 of the statutes is repealed.

11 **SECTION 2187j.** 77.9973 of the statutes is renumbered 77.9973 (1).

12 **SECTION 2187L.** 77.9973 of the statutes, as affected by 2011 Wisconsin Act ...
13 (this act), is repealed.

14 **SECTION 2187n.** 77.9973 (2) of the statutes is created to read:

15 77.9973 (2) Retailers and the department of revenue may not collect fees under
16 this subchapter for the southeastern regional transit authority after the effective
17 date of this subsection [LRB inserts date], except that the department of revenue
18 may collect from retailers fees that accrued before the effective date of this subsection
19 [LRB inserts date], and fees, interest, and penalties that relate to those taxes.

20 **SECTION 2187p.** 79.01 (2) of the statutes is repealed.

21 **SECTION 2188.** 79.01 (2d) of the statutes is amended to read:

22 79.01 (2d) There is established an account in the general fund entitled the
23 “County and Municipal Aid Account.” ~~Beginning with the distributions in 2011, the~~
24 The total amount to be distributed each year in 2011 to counties and municipalities
25 from the county and municipal aid account is \$824,825,715 and the total amount to

1 be distributed to counties and municipalities in 2012, and in each year thereafter,
2 from the county and municipal aid account is \$748,075,715.

3 **SECTION 2188d.** 79.01 (2m) of the statutes is amended to read:

4 79.01 (2m) There is established an account in the general fund entitled the
5 “Public Utility Distribution Account,” referred to in this chapter as the “public utility
6 account.” There shall be appropriated to the public utility account the sums specified
7 in s. 79.04 (5), (6), and (7).

8 **SECTION 2188e.** 79.01 (4) of the statutes is repealed.

9 **SECTION 2188f.** 79.015 of the statutes is amended to read:

10 **79.015 Statement of estimated payments.** The department of revenue, on
11 or before September 15 of each year, shall provide to each municipality and county
12 a statement of estimated payments to be made in the next calendar year to the
13 municipality or county under ss. ~~79.03~~, 79.035, 79.04, and 79.05, ~~79.058~~, and ~~79.06~~.

14 **SECTION 2188g.** 79.02 (2) (b) of the statutes is amended to read:

15 79.02 (2) (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), payments in July shall
16 equal 15% of the municipality’s or county’s estimated payments under ss. ~~79.03~~,
17 79.035, and 79.04, ~~79.058~~, and ~~79.06~~ and 100% of the municipality’s estimated
18 payments under s. 79.05.

19 **SECTION 2188h.** 79.02 (3) (a) of the statutes is amended to read:

20 79.02 (3) (a) Subject to s. 59.605 (4), payments to each municipality and county
21 in November shall equal that municipality’s or county’s entitlement under ss. ~~79.03~~,
22 79.035, 79.04, and 79.05, ~~79.058~~, and ~~79.06~~ for the current year, minus the amount
23 distributed to the municipality or county in July.

24 **SECTION 2188i.** 79.02 (3) (b) of the statutes is repealed.

25 **SECTION 2188j.** 79.02 (3) (c) of the statutes is repealed.

1 **SECTION 2188k.** 79.02 (3) (d) of the statutes is repealed.

2 **SECTION 2189.** *e 2188 km ← (B)* 79.02 (3) (e) of the statutes is amended to read:

3 79.02 (3) (e) For the distribution in 2004 and subsequent years, the total
4 amount of the November payments to each county and municipality under s. 79.035
5 shall be reduced by an amount equal to the amount of supplements paid from the
6 appropriation accounts under s. 20.435 (4) (b) and (gm) that the county or
7 municipality received for the fiscal year in which a payment is made under this
8 section, as determined under s. 49.45 (51).

9 **SECTION 2188L.** 79.02 (4) of the statutes is repealed.

10 **SECTION 2190d.** 79.03 of the statutes is repealed.

11 **SECTION 2191b.** 79.035 (1) of the statutes is amended to read:

12 79.035 (1) ~~In 2004 and subsequent years, except as provided under s. 79.02 (4),~~
13 ~~each~~ Each county and municipality shall receive a payment from the county and
14 municipal aid account and, ~~beginning with payments in November 2009,~~ from the
15 appropriation accounts under s. 20.835 (1) (q) and (r) in an amount determined under
16 ~~sub. (2)~~ this section.

17 **SECTION 2191c.** 79.035 (1) of the statutes, as affected by 2011 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 79.035 (1) Each county and municipality shall receive a payment from the
20 county and municipal aid account and from the appropriation account under s.
21 20.835 (1) (r) in an amount determined under this section.

22 **SECTION 2191d.** 79.035 (2) of the statutes is repealed.

23 **SECTION 2191g.** 79.035 (4) of the statutes is created to read:

24 79.035 (4) (a) For the distribution in 2012, the total amount of the payments
25 to all municipalities under this section shall be reduced by \$47,663,400 and the total

1 amount of the payments to all counties under this section shall be reduced by
2 \$29,086,600.

3 (b) 1. To calculate the reduction under this subsection for each municipality, the
4 department of revenue shall first divide \$47,663,400 by the total population of all
5 municipalities. The department shall then adjust the result of the calculation to
6 establish a per capita amount applied to all municipalities so that the reduction for
7 each municipality is no more than the maximum allowable reduction under this
8 subsection for that municipality and so that the total reductions to county and
9 municipal aid payments for municipalities under this subsection is \$47,663,400.

10 2. To calculate the reduction under this subsection for each county, the
11 department of revenue shall first divide \$29,086,600 by the total population of all
12 counties. The department shall then adjust the result of the calculation to establish
13 a per capita amount applied to all counties so that the reduction for each county is
14 no more than the maximum allowable reduction under this subsection for that
15 county and so that the total reductions to county and municipal aid payments for
16 counties under this subsection is \$29,086,600.

17 (c) 1. The reduction for a municipality that has a population of less than 2,500
18 is the amount calculated by multiplying the amount determined under par. (b) 1. by
19 the municipality's population, multiplied by the quotient of the municipality's
20 population divided by 2,500.

21 2. Except as provided under par. (h), the reduction determined under this
22 paragraph may not exceed the lesser of an amount equal to 15 percent of the
23 municipality's payment under this section in 2011, prior to any reduction under s.
24 79.02 (3) (e), or 10 cents for each \$1,000 of the municipality's equalized value, as
25 determined under s. 70.57.

1 (d) 1. The reduction for a municipality that has a population of at least 2,500,
2 but no greater than 10,000, is the amount equal to 10 cents for each \$1,000 of the
3 municipality's equalized value, as determined under s. 70.57, plus the amount
4 determined as follows:

5 a. Multiply the amount determined under par. (b) 1. by the municipality's
6 population.

7 b. Subtract 2,500 from the municipality's population.

8 c. Divide the number determined under subd. 1. b. by 7,500.

9 d. Multiply the number determined under subd. 1. a. by the number
10 determined under subd. 1. c.

11 2. Except as provided in par. (h), the reduction determined under this
12 paragraph may not exceed the lesser of an amount equal to 15 percent of the
13 municipality's payment under this section in 2011, prior to any reduction under s.
14 79.02 (3) (e), or 15 cents for each \$1,000 of the municipality's equalized value, as
15 determined under s. 70.57.

16 (e) 1. The reduction for a municipality that has a population greater than
17 10,000, but no greater than 50,000, is the amount equal to 15 cents for each \$1,000
18 of the municipality's equalized value, as determined under s. 70.57, plus the amount
19 determined as follows:

20 a. Multiply the amount determined under par. (b) 1. by the municipality's
21 population.

22 b. Subtract 10,000 from the municipality's population.

23 c. Divide the number determined under subd. 1. b. by 40,000.

24 d. Multiply the number determined under subd. 1. a. by the number
25 determined under subd. 1. c.

1 2. Except as provided in par. (h), the reduction determined under this
2 paragraph may not exceed the lesser of an amount equal to 15 percent of the
3 municipality's payment under this section in 2011, prior to any reduction under s.
4 79.02 (3) (e), or 25 cents for each \$1,000 of the municipality's equalized value, as
5 determined under s. 70.57.

6 (f) 1. The reduction for a municipality that has a population greater than
7 50,000, but no greater than 110,000, is the amount equal to 25 cents for each \$1,000
8 of the municipality's equalized value, as determined under s. 70.57, plus the amount
9 determined as follows:

10 a. Multiply the amount determined under par. (b) 1. by the municipality's
11 population.

12 b. Subtract 50,000 from the municipality's population.

13 c. Divide the number determined under subd. 1. b. by 60,000.

14 d. Multiply the number determined under subd. 1. a. by the number
15 determined under subd. 1. c.

16 2. Except as provided in par. (h), the reduction determined under this
17 paragraph may not exceed the lesser of an amount equal to 15 percent of the
18 municipality's payment under this section in 2011, prior to any reduction under s.
19 79.02 (3) (e), or 30 cents for each \$1,000 of the municipality's equalized value, as
20 determined under s. 70.57.

21 (g) The reduction for a municipality that has a population greater than 110,000
22 is an amount equal to 30 cents for each \$1,000 of the municipality's equalized value,
23 as determined under s. 70.57, plus an amount equal to the municipality's population
24 multiplied by the amount determined under par. (b) 1., except that the reduction
25 determined under this paragraph may not exceed the lesser of an amount equal to

1 25 percent of the municipality's payment under this section in 2011, prior to any
2 reduction under s. 79.02 (3) (e), or 35 cents for each \$1,000 in equalized value, as
3 determined under s. 70.57.

4 (h) The reduction determined under par. (c), (d), (e), or (f) for a town or village
5 may not exceed the lesser of an amount equal to 25 percent of the town's or village's
6 payment under this section in 2011, prior to any reduction under s. 79.02 (3) (e), or
7 the amount determined under par. (c) 2., (d) 2., (e) 2., or (f) 2. based on equalized
8 value.

9 (i) The reduction for a county is the amount determined under par. (b) 2.
10 multiplied by the county's population, except that the reduction determined under
11 this paragraph may not exceed the lesser of an amount equal to 25 percent of the
12 county's payment under this section in 2011, prior to any reduction under s. 79.02
13 (3) (e), or 15 cents for each \$1,000 of the county's equalized value, as determined
14 under s. 70.57.

15 **SECTION 2191k.** 79.035 (5) of the statutes is created to read:

16 79.035 (5) For the distribution in 2013 and subsequent years, each county and
17 municipality shall receive a payment under this section that is equal to the amount
18 of the payment determined for the county or municipality under this section for 2012.

19 **SECTION 2191L.** 79.04 (1) (a) of the statutes is amended to read:

20 79.04 (1) (a) An amount from the ~~shared revenue~~ public utility account ~~or, for~~
21 ~~the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats.,~~
22 determined by multiplying by 3 mills in the case of a town, and 6 mills in the case
23 of a city or village, the first \$125,000,000 of the amount shown in the account, plus
24 leased property, of each public utility except qualified wholesale electric companies,
25 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production

1 plant, exclusive of land,” “general structures,” and “substations,” in the case of light,
2 heat and power companies, electric cooperatives or municipal electric companies, for
3 all property within a municipality in accordance with the system of accounts
4 established by the public service commission or rural electrification administration,
5 less depreciation thereon as determined by the department of revenue and less the
6 value of treatment plant and pollution abatement equipment, as defined under s.
7 70.11 (21), as determined by the department of revenue plus an amount from the
8 ~~shared revenue public utility account or, for the distribution in 2003, from the~~
9 ~~appropriation under s. 20.835 (1) (t), 2003 stats.,~~ determined by multiplying by 3
10 mills in the case of a town, and 6 mills in the case of a city or village, of the first
11 \$125,000,000 of the total original cost of production plant, general structures, and
12 substations less depreciation, land and approved waste treatment facilities of each
13 qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to
14 the department of revenue of all property within the municipality. The total of
15 amounts, as depreciated, from the accounts of all public utilities for the same
16 production plant is also limited to not more than \$125,000,000. The amount
17 distributable to a municipality under this subsection and sub. (6) in any year shall
18 not exceed \$300 times the population of the municipality, except that, beginning with
19 payments in 2009, the amount distributable to a municipality under this subsection
20 and sub. (6) in any year shall not exceed \$425 times the population of the
21 municipality.

22 **SECTION 2191n.** 79.04 (2) (a) of the statutes is amended to read:

23 79.04 (2) (a) Annually, except for production plants that begin operation after
24 December 31, 2003, or begin operation as a repowered production plant after
25 December 31, 2003, and except as provided in sub. (4m), the department of

1 administration, upon certification by the department of revenue, shall distribute
2 from the ~~shared revenue public utility~~ account ~~or, for the distribution in 2003, from~~
3 ~~the appropriation under s. 20.835 (1) (t), 2003 stats.,~~ to any county having within its
4 boundaries a production plant, general structure, or substation, used by a light, heat
5 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
6 in s. 66.0813 unless the production plant or substation is owned or operated by a local
7 governmental unit that is located outside of the municipality in which the production
8 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
9 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
10 amount determined by multiplying by 6 mills in the case of property in a town and
11 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
12 amount shown in the account, plus leased property, of each public utility except
13 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
14 31 of the preceding year for "production plant, exclusive of land," "general
15 structures," and "substations," in the case of light, heat and power companies,
16 electric cooperatives or municipal electric companies, for all property within the
17 municipality in accordance with the system of accounts established by the public
18 service commission or rural electrification administration, less depreciation thereon
19 as determined by the department of revenue and less the value of treatment plant
20 and pollution abatement equipment, as defined under s. 70.11 (21), as determined
21 by the department of revenue plus an amount from the ~~shared revenue public utility~~
22 ~~account or, for the distribution in 2003, from the appropriation under s. 20.835 (1)~~
23 ~~(t), 2003 stats.,~~ determined by multiplying by 6 mills in the case of property in a town,
24 and 3 mills in the case of property in a city or village, of the total original cost of
25 production plant, general structures, and substations less depreciation, land and

1 approved waste treatment facilities of each qualified wholesale electric company, as
2 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property
3 within the municipality. The total of amounts, as depreciated, from the accounts of
4 all public utilities for the same production plant is also limited to not more than
5 \$125,000,000. The amount distributable to a county under this subsection and sub.
6 (6) in any year shall not exceed \$100 times the population of the county, except that,
7 beginning with payments in 2009, the amount distributable to a county under this
8 subsection and sub. (6) in any year shall not exceed \$125 times the population of the
9 county.

10 **SECTION 2192.** 79.04 (7) (a) of the statutes is amended to read:

11 79.04 (7) (a) Beginning with payments in 2005, if a production plant, as
12 described in sub. (6) (a), other than a nuclear-powered production plant, is built on
13 the site of, or on a site adjacent to, an existing or decommissioned production plant;
14 or is built on a site purchased by a public utility before January 1, 1980, that was
15 identified in an advance plan as a proposed site for a production plant; or is built on,
16 or on a site adjacent to, brownfields, as defined in s. 238.13 (1) (a) or s. 560.13 (1) (a),
17 2009 stats., after December 31, 2003, and has a name-plate capacity of at least one
18 megawatt, each municipality and county in which such a production plant is located
19 shall receive annually from the public utility account a payment in an amount that
20 is equal to the number of megawatts that represents the production plant's
21 name-plate capacity, multiplied by \$600.

22 **SECTION 2192c.** 79.043 (1) of the statutes is repealed.

23 **SECTION 2192g.** 79.043 (2) of the statutes is repealed.

24 **SECTION 2192n.** 79.043 (3) of the statutes is repealed.

25 **SECTION 2192r.** 79.043 (4) of the statutes is repealed.

1 **SECTION 2192w.** 79.043 (5) of the statutes is repealed.

2 **SECTION 2193d.** 79.043 (6) of the statutes is renumbered 79.035 (3) and
3 amended to read:

4 79.035 (3) For the distribution in 2011 ~~and subsequent years~~, each county and
5 municipality shall receive a payment under this section ~~and s. 79.035~~ that is equal
6 to the amount of the payment determined for the county or municipality under s.
7 79.02 (4), 2009 stats., in 2010.

8 **SECTION 2195.** 79.05 (1) (am) of the statutes is amended to read:

9 79.05 (1) (am) "Inflation factor" means a percentage equal to the average
10 annual percentage change in the U.S. consumer price index for all urban consumers,
11 U.S. city average, as determined by the U.S. department of labor, for the 12 months
12 ending on September 30 of the year before the statement under s. 79.015, except that
13 the percentage under this paragraph shall not be less than ~~3 percent~~ zero.

14 **SECTION 2195g.** 79.058 of the statutes is repealed.

15 **SECTION 2195k.** 79.06 of the statutes is repealed.

16 **SECTION 2195L.** 79.07 of the statutes is repealed.

17 **SECTION 2196.** 84.01 (6m) (b) (intro.) of the statutes is amended to read:

18 84.01 (6m) (b) (intro.) The department, in consultation with the department
19 ~~of commerce~~ Wisconsin Economic Development Corporation, shall do all of the
20 following for each economic development program administered by the department:

21 **SECTION 2197.** 84.01 (11m) (title) of the statutes is amended to read:

22 84.01 (11m) (title) ECONOMIC DEVELOPMENT ASSISTANCE COORDINATION AND
23 REPORTING.

24 **SECTION 2198.** 84.01 (11m) of the statutes is renumbered 84.01 (11m) (b) and
25 amended to read:

1 84.01 (11m) (b) Annually, no later than October 1, the department shall submit
2 to the joint legislative audit committee and to the appropriate standing committees
3 of the legislature under s. 13.172 (3) a comprehensive report assessing economic
4 development programs, as defined in sub. (6m) (a), administered by the department.
5 The report shall include all of the information required under s. ~~560.01 (2) (am)~~
6 238.07 (2). The department shall collaborate with the ~~department of commerce~~
7 Wisconsin Economic Development Corporation to make readily accessible to the
8 public on an Internet-based system the information required under this subsection.

9 **SECTION 2199.** 84.01 (11m) (a) of the statutes is created to read:

10 84.01 (11m) (a) The department shall coordinate any economic development
11 assistance with the Wisconsin Economic Development Corporation.

12 **SECTION 2200m.** 84.01 (18) of the statutes is created to read:

13 84.01 (18) PLAN FOR TRANSPORTATION FINANCING FOR NEXT 10 YEARS. In each
14 even-numbered year, with the information submitted by the department under s.
15 16.42 (1), the department shall submit a 10-year plan that includes an estimate of
16 total transportation fund revenues, proposed bonding, and estimated debt service for
17 each year of the 10-year period covered by the plan. The plan shall include various
18 scenarios with different levels of transportation spending, from bond or cash sources,
19 and different levels of revenues, with at least one scenario resulting in achieving a
20 stable debt service percentage by the end of the 10-year period. For any scenario
21 resulting in an increasing debt service percentage, the plan shall identify the
22 potential consequences for specific transportation programs of reduced net revenues.

23 **SECTION 2201.** 84.01 (33) (c) of the statutes is repealed.

24 **SECTION 2202.** 84.013 (1) (a) (intro.) of the statutes is amended to read:

1 84.013 (1) (a) (intro.) “Major highway project” means a project, except a project
2 providing an approach to a bridge over a river that forms a boundary of the state, a
3 high-cost state highway bridge project under s. 84.017, or a southeast Wisconsin
4 freeway rehabilitation project under s. 84.014, which megaproject under s. 84.0145,
5 that satisfies any of the following:

6 1m. The project has a total cost of more than \$5,000,000 \$30,000,000, subject
7 to adjustment under sub. (2m), and which involves any of the following:

8 **SECTION 2203.** 84.013 (1) (a) 1. of the statutes is renumbered 84.013 (1) (a) 1m.

9 a.

10 **SECTION 2204.** 84.013 (1) (a) 2. (intro.), a. and b. of the statutes are
11 consolidated, renumbered 84.013 (1) (a) 1m. b. and amended to read:

12 84.013 (1) (a) 1m. b. Reconstructing or reconditioning an existing highway by
13 either of the following: ~~a. Relocating~~ relocating 2.5 miles or more of the existing
14 highway. ~~b. Adding or adding~~ one or more lanes 5 miles or more in length to the
15 existing highway.

16 **SECTION 2205.** 84.013 (1) (a) 2m. of the statutes is created to read:

17 84.013 (1) (a) 2m. The project has a total cost of more than \$75,000,000, subject
18 to adjustment under sub. (2m), and is not described in subd. 1m.

19 **SECTION 2206.** 84.013 (1) (a) 3. of the statutes is renumbered 84.013 (1) (a) 1m.

20 c.

21 **SECTION 2207.** 84.013 (2) (a) of the statutes is amended to read:

22 84.013 (2) (a) Subject to ss. 84.014 (6) (b), 84.555, and 86.255, major highway
23 projects shall be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and
24 (ct) and (4) (jq) and 20.866 (2) (ur) to (uum) and (uus).

25 **SECTION 2208.** 84.013 (2) (b) of the statutes is amended to read:

1 84.013 (2) (b) Except as provided in ss. ~~84.014~~, 84.017, 84.03 (3), and 84.555,
2 and subject to ~~s. ss. 84.014 (6) (c) and~~ 86.255, reconditioning, reconstruction and
3 resurfacing of highways shall be funded from the appropriations under ss. 20.395 (3)
4 (cq) to (cx) and 20.866 (2) (uur) and (uut).

5 **SECTION 2209.** 84.013 (2m) of the statutes is created to read:

6 84.013 (2m) The department shall annually adjust the amounts specified in
7 sub. (1) (a) 1m. and 2m. to reflect the annual change in the Wisconsin Department
8 of Transportation Price Index, Yearly Moving Average, as maintained by the
9 department or, if at any time the department no longer maintains this index, another
10 suitable index as determined by the department. Beginning in 2012, prior to October
11 1 of each year, the department shall compute the annual adjustment required under
12 this subsection and shall publish the new adjusted amount applicable under sub. (1)
13 (a) 1m. and 2m., which amount shall become effective on October 1 of that year. The
14 department may not adjust the amounts specified in sub. (1) (a) 1m. and 2m. to an
15 amount less than that specified in sub. (1) (a) 1m. and 2m.

16 **SECTION 2210.** 84.013 (3) (ad) of the statutes is created to read:

17 84.013 (3) (ad) Notwithstanding s. 13.489 (4) (c), any project approved by the
18 transportation projects commission under s. 13.489 (4m) (b).

19 **SECTION 2211.** 84.013 (3) (bd) of the statutes is created to read:

20 84.013 (3) (bd) I 39/90 extending approximately 45 miles from USH 12/18 in
21 Dane County to the Illinois-Wisconsin state line in Rock County.

22 **SECTION 2212.** 84.013 (3) (bh) of the statutes is created to read:

23 84.013 (3) (bh) STH 38 extending approximately 9 miles from CTH "K" in
24 Racine County to Oakwood Road in Milwaukee County.

25 **SECTION 2213.** 84.013 (3) (bp) of the statutes is created to read:

1 84.013 (3) (bp) USH 10 and USH 10/STH 441 extending approximately 5 miles
2 from CTH "CB" in Winnebago County to Oneida Street in Calumet County.

3 **SECTION 2214.** 84.013 (3) (bt) of the statutes is created to read:

4 84.013 (3) (bt) STH 15 extending approximately 11 miles from STH 76 to USH
5 45, near New London, in Outagamie County.

6 **SECTION 2215.** 84.013 (4) (a) of the statutes is amended to read:

7 84.013 (4) (a) Subject to s. 13.489 (1m), in preparation for future major highway
8 projects, the department may perform preliminary engineering and design work and
9 studies for possible major highway projects not listed under sub. (3), but no major
10 highway may be constructed unless the project is listed under sub. (3) or approved
11 under sub. (6).

12 **SECTION 2216.** 84.013 (9) of the statutes is amended to read:

13 84.013 (9) If the department, ~~in consultation with the department of commerce,~~
14 determines that a business development having a payroll exceeding \$10,000,000 in
15 a calendar year is being located within a 3-mile radius of the intersection of I 90 and
16 Town Line Road in Rock County, the department shall construct an interchange
17 funded from the appropriations under s. 20.395 (3) (cq) to (cx) off of I 90 to Town Line
18 Road.

19 **SECTION 2217.** 84.014 (2) of the statutes is amended to read:

20 84.014 (2) Subject to ss. 84.555 and 86.255, any southeast Wisconsin freeway
21 rehabilitation projects, including the Marquette interchange reconstruction project
22 and projects that involve adding one or more lanes 5 miles or more in length to the
23 existing freeway, may be funded ~~only~~ from the appropriations under ss. 20.395 (3)
24 (cr), (ct), (cw), and (cy) and 20.866 (2) (uum) and (uup).

25 **SECTION 2218.** 84.014 (6) of the statutes is created to read:

1 84.014 (6) (a) A southeast Wisconsin freeway rehabilitation project under this
2 section may not simultaneously be considered a southeast Wisconsin freeway
3 megaproject under s. 84.0145.

4 (b) Notwithstanding sub. (5m), a southeast Wisconsin freeway rehabilitation
5 project under this section may also be considered a major highway project, eligible
6 for funding under s. 84.013 (2) (a), if the project meets the criteria for a major
7 highway project under s. 84.013 (1) (a) and satisfies all applicable requirements
8 under ss. 13.489 and 84.013.

9 (c) Notwithstanding sub. (5m), a southeast Wisconsin freeway rehabilitation
10 project under this section may also be eligible for funding under s. 84.013 (2) (b) if
11 the project is not considered a southeast Wisconsin freeway megaproject under s.
12 84.0145 or a major highway project under s. 84.013.

13 **SECTION 2219.** 84.0145 of the statutes is created to read:

14 **84.0145 Southeast Wisconsin freeway megaprojects.** (1) In this section:

15 (a) "I 94 north-south corridor" has the meaning given in s. 84.014 (5m) (ag) 1.

16 (b) "Southeast Wisconsin freeway" has the meaning given in s. 84.014 (1) (e).

17 (c) "Southeast Wisconsin freeway megaproject" means any project on a
18 southeast Wisconsin freeway having a total cost of more than \$500 million, subject
19 to adjustment under sub. (4).

20 (d) "Zoo interchange" has the meaning given in s. 84.014 (5m) (ag) 2.

21 (2) Subject to sub. (3) and s. 86.255, any southeast Wisconsin freeway
22 megaproject may be funded only from the appropriations under ss. 20.395 (3) (aq),
23 (av), (ax), and (ct) and 20.866 (2) (uup).

1 **(3)** (a) The department may not encumber or expend any moneys for
2 construction of a southeast Wisconsin freeway megaproject unless the project is
3 specifically enumerated in a list under par. (b).

4 (b) The department may provide funding for the following southeast Wisconsin
5 freeway megaprojects:

- 6 1. The I 94 north-south corridor project.
- 7 2. The Zoo interchange project.

8 **(4)** The department shall annually adjust the amount specified in sub. (1) (c)
9 to reflect the annual change in the Wisconsin Department of Transportation Price
10 Index, Yearly Moving Average, as maintained by the department or, if at any time
11 the department no longer maintains this index, another suitable index as
12 determined by the department. Beginning in 2012, prior to October 1 of each year,
13 the department shall compute the annual adjustment required under this subsection
14 and shall publish the new adjusted amount applicable under sub. (1) (c), which
15 amount shall become effective on October 1 of that year. The department may not
16 adjust the amount specified in sub. (1) (c) to an amount less than that specified in sub.
17 (1) (c).

18 **SECTION 2220.** 84.016 (2) of the statutes is amended to read:

19 84.016 **(2)** Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95,
20 but subject to ~~sub. (3) and~~ s. 86.255, this state's share of costs for any major interstate
21 bridge project, including preliminary design work for the project, may be funded only
22 from the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

23 **SECTION 2221.** 84.016 (3) of the statutes is repealed.

24 **SECTION 2221am.** 84.017 of the statutes is created to read:

OK

1 **84.017 High-cost state highway bridge projects.** (1) In this section,
2 “high-cost state highway bridge project” means a project involving the construction
3 or rehabilitation of a bridge on the state trunk highway system, including
4 approaches, that has a total estimated cost of more than \$150,000,000, but does not
5 include any major interstate bridge project, as defined in s. 84.016 (1), or any project
6 involving a bridge that is part of a southeast Wisconsin freeway megaproject
7 enumerated under s. 84.0145 (3) (b).

8 (2) Subject to sub. (3) and s. 86.255, any high-cost state highway bridge project
9 may be funded only from the appropriations under s. 20.395 (3) (dr), (dw), and (dy).

10 (3) During the 2011-13 fiscal biennium, the department may encumber or
11 expend moneys from any of the appropriations under s. 20.395 (3) (aq), (av), (ax), (br),
12 (bq), (bv), (bx), (cq), (cv), and (cx) for preliminary costs associated with the
13 reconstruction of the Hoan Bridge and approaches to the east bank of the Milwaukee
14 River on I-794 in Milwaukee County.

15 (4) A high-cost state highway bridge project under this section may not be
16 considered a southeast Wisconsin freeway megaproject under s. 84.0145. ✓

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19 **SECTION 2221i.** ✓ 84.07 (5) of the statutes is created to read:

20 **84.07 (5) COUNTY HIGHWAY DEPARTMENT MAINTENANCE CAPACITY AND FUNDING.** (a)
21 The department shall work cooperatively with county highway departments to
22 determine an appropriate level of state work sufficient to fully utilize manpower and
23 equipment needed for winter maintenance.

24 (b) Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42
25 for purposes of each biennial budget bill, if the department determines that funding

1 for counties to perform needed maintenance activities is inadequate, the department
2 shall include a funding proposal for maintenance activities performed by counties
3 that is no less than the amount appropriated and allocated for this purpose for the
4 second fiscal year of the fiscal biennium in which the information is submitted and
5 that also includes an inflationary adjustment.

6 **SECTION 2222.** 84.075 (1c) (a) of the statutes is amended to read:

7 84.075 (1c) (a) “Disabled veteran–owned business” means a business certified
8 by the department of ~~commerce~~ administration under s. ~~560.0335~~ 16.283 (3).

9 **SECTION 2223.** 84.075 (1c) (b) of the statutes is amended to read:

10 84.075 (1c) (b) “Minority business” means a business certified by the
11 department of ~~commerce~~ administration under s. ~~560.036~~ 16.287 (2).

12 **SECTION 2224.** 84.075 (3) of the statutes is amended to read:

13 84.075 (3) The department shall at least semiannually, or more often if
14 required by the department of administration, report to the department of
15 administration the total amount of money it has paid to contractors, subcontractors,
16 and vendors that are minority businesses and that are disabled veteran–owned
17 businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of contacts with
18 minority businesses and disabled veteran–owned businesses in connection with
19 proposed purchases and contracts. In its reports, the department shall include only
20 amounts paid to businesses certified by the department of ~~commerce~~ safety and
21 professional services as minority businesses or disabled veteran–owned businesses.

22 **SECTION 2225.** 84.076 (1) (c) of the statutes is amended to read:

23 84.076 (1) (c) “Minority business” has the meaning given under s. ~~560.036~~
24 16.287 (1) (e) 1.

25 **SECTION 2226.** 84.076 (1) (d) of the statutes is amended to read:

1 84.076 (1) (d) "Minority group member" has the meaning given under s.
2 ~~560.036~~ 16.287 (1) (f).

3 **SECTION 2227.** 84.09 (5) (a) of the statutes is amended to read:

4 84.09 (5) (a) Subject to pars. (b) and (c) and to the approval of the governor, the
5 department may sell at public or private sale property of whatever nature owned by
6 the state and under the jurisdiction of the department when the department
7 determines that the property is no longer necessary for the state's use for
8 transportation purposes and, if real property, the real property is not the subject of
9 a petition under s. ~~560.9810~~ ^{plain Δ} 16.310 (2). The department shall present to the
10 governor a full and complete report of the property to be sold, the reason for the sale,
11 and the minimum price for which the same should be sold, together with an
12 application for the governor's approval of the sale. The governor shall thereupon
13 make such investigation as he or she may deem necessary and approve or disapprove
14 the application. Upon such approval and receipt of the full purchase price, the
15 department shall by appropriate deed or other instrument transfer the property to
16 the purchaser. The approval of the governor is not required for public or private sale
17 of property having an appraised value at the time of sale of not more than \$15,000,
18 for the transfer of surplus state real property to the department of administration
19 under s. ~~560.9810~~ 16.310, or for the transfer of surplus state personal property to the
20 department of tourism under sub. (5s). The funds derived from sales under this
21 subsection shall be deposited in the transportation fund, and the expense incurred
22 by the department in connection with the sale shall be paid from such fund.

23 **SECTION 2228.** 84.09 (5) (b) of the statutes is amended to read:

24 84.09 (5) (b) Subject to the approval of the governor in the manner, scope, and
25 form specified in par. (a), with respect to the sale of property acquired by the