

1 in a form relating to real estate practice shall be referred to the appropriate council  
2 on forms for review before the form is approved.

3 **SECTION 3234m.** 452.06 (2) (a) of the statutes is amended to read:

4 452.06 (2) (a) Advise the ~~secretary on the promulgation of rules under s. 452.05~~  
5 ~~(1) (c) and~~ board on establishing continuing education requirements under s. 452.05  
6 (1) (d).

7 **SECTION 3234r.** 452.06 (2) (b) of the statutes is amended to read:

8 452.06 (2) (b) ~~Periodically, but not~~ Not less than annually, review subjects  
9 covered on examinations for licensure under this chapter and the qualifications for  
10 instructors of and performance evaluations for educational and continuing  
11 educational programs, training sessions, and courses approved under this chapter.

12 **SECTION 3234t.** 452.06 (3) of the statutes is amended to read:

13 452.06 (3) If the secretary creates any councils or committees under s. 15.04  
14 (1) (c) to provide advice to the department or board on matters relating to real estate  
15 practice ~~other than the council under sub. (1)~~, such councils or committees shall be  
16 chaired by a member of the board, if available, and shall report to the board and the  
17 secretary.

18 **SECTION 3235.** 452.07 (title) of the statutes is amended to read:

19 **452.07 (title) Rules; review of rules.**

20 **SECTION 3236.** 452.07 (1) of the statutes is amended to read:

21 452.07 (1) The ~~department~~ board shall promulgate rules for the guidance of the  
22 real estate profession and define professional conduct and unethical practice.

23 **SECTION 3237.** 452.07 (1m) of the statutes is amended to read:

24 452.07 (1m) The ~~department~~ board shall promulgate rules that specify the  
25 supervisory duties of brokers under s. 452.12 (3).

1           **SECTION 3238.** 452.07 (2) to (7) of the statutes are repealed.

2           **SECTION 3239.** 452.09 (1) (intro.) of the statutes is amended to read:

3           452.09 (1) **FORM OF APPLICATION.** (intro.) Any person desiring to act as a broker  
4 or salesperson shall submit to the ~~department~~ board an application for a license. The  
5 application shall be in such form as the ~~department~~ board prescribes and shall  
6 include the following:

7           **SECTION 3240.** 452.09 (1) (e) of the statutes is amended to read:

8           452.09 (1) (e) Any other information ~~which~~ that the ~~department~~ board may  
9 reasonably require to enable it to determine the competency of each applicant,  
10 including each business representative of the business entity, to transact the  
11 business of a broker or salesperson in a manner ~~which~~ that safeguards the interests  
12 of the public.

13           **SECTION 3241.** 452.09 (2) (a) of the statutes is amended to read:

14           452.09 (2) (a) Except as provided in a reciprocal agreement under s. 452.05 (3),  
15 each applicant for a salesperson's license shall submit to the ~~department~~ board  
16 evidence satisfactory to the ~~department~~ board of successful completion of  
17 educational programs approved for this purpose under s. 452.05 (1) (c). The  
18 ~~department~~ board may waive the requirement under this paragraph upon proof that  
19 the applicant has received 10 academic credits in real estate or real estate related  
20 law courses from an accredited institution of higher education.

21           **SECTION 3242.** 452.09 (2) (c) 2. of the statutes is amended to read:

22           452.09 (2) (c) 2. Submit to the ~~department~~ board evidence satisfactory to the  
23 ~~department~~ board of successful completion of educational programs in business  
24 management approved for this purpose under s. 452.05 (1) (c). No educational

1 programs applied to satisfy the requirement under subd. 1. may be applied to satisfy  
2 the requirement under this subdivision.

3 **SECTION 3243.** 452.09 (2) (d) of the statutes is amended to read:

4 452.09 (2) (d) The ~~department~~ board may waive the requirements under par.  
5 (c) upon proof that the applicant has received 20 academic credits in real estate or  
6 real estate related law courses from an accredited institution of higher education or  
7 that the applicant is licensed to practice law in this state.

8 **SECTION 3244.** 452.09 (3) (a) of the statutes is amended to read:

9 452.09 (3) (a) In determining competency, the ~~department~~ board shall require  
10 proof that the applicant for a broker's or salesperson's license has a fair knowledge  
11 of the English language,; a fair understanding of the general purposes and general  
12 legal effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel  
13 mortgages, and conditional sales contracts,; and a general and fair understanding  
14 of the obligations between principal and agent, as well as of this chapter. ~~An~~ The  
15 board shall deny a license to an applicant receiving a failing grade, as established by  
16 rules of the ~~department~~ board, on any examination given under this section ~~shall be~~  
17 ~~denied a license~~, but any applicant may review his or her examination results in a  
18 manner established by rules of the ~~department~~ board.

19 **SECTION 3245.** 452.09 (3) (b) of the statutes is amended to read:

20 452.09 (3) (b) The ~~department~~ board shall determine competency under par.  
21 (a) by means of only an oral examination for any applicant who is unable to write  
22 because of a physical handicap.

23 **SECTION 3246.** 452.09 (3) (d) of the statutes is amended to read:

24 452.09 (3) (d) Except as provided in a reciprocal agreement under s. 452.05 (3),  
25 the ~~department~~ board may not grant a broker's license to an applicant who does not

1 hold a salesperson's license unless the applicant passes the salesperson's  
2 examination and the broker's examination.

3 **SECTION 3247.** 452.09 (5) of the statutes is amended to read:

4 452.09 (5) APPRENTICESHIPS. Any person who is a resident of this state and 18  
5 years of age or over may, upon application filed in accordance with sub. (1), be  
6 indentured to a licensed resident broker in accordance with rules promulgated by the  
7 ~~department~~ board. These rules shall be promulgated so as to protect the public and  
8 may limit the real estate sales and brokerage activity of the apprentice. The  
9 ~~department~~ board may require an apprentice to take a preliminary examination  
10 covering general knowledge and may prescribe the character and extent of his or her  
11 work during apprenticeship. The ~~department~~ board may issue a temporary  
12 salesperson's permit to the individual for a period not to exceed one year upon  
13 payment of the fee under s. 440.05 (6). The temporary permit is not renewable.

14 **SECTION 3248.** 452.10 (2) (b) of the statutes is amended to read:

15 452.10 (2) (b) Unless an application is withdrawn in writing before the  
16 ~~department~~ board has made any investigation, no part of the fee shall be returned.

17 **SECTION 3249.** 452.10 (4) (a) of the statutes is amended to read:

18 452.10 (4) (a) Any licensed salesperson or broker may transfer to the  
19 employment of a licensed broker by first paying the transfer fee specified in s. 440.05  
20 (7) and filing a transfer form with the ~~department~~ board.

21 **SECTION 3250.** 452.10 (6) of the statutes is amended to read:

22 452.10 (6) In the case of applications for renewals of licenses the ~~department~~  
23 board may dispense with such matters contained in s. 452.09 (1) as it deems  
24 unnecessary in view of prior applications.

25 **SECTION 3251.** 452.11 (3) of the statutes is amended to read:

1           452.11 (3) Every nonresident applicant, and every resident licensee who  
2 becomes a nonresident, shall file with the ~~department~~ board an irrevocable consent  
3 that actions may be commenced against the applicant or licensee in the proper court  
4 of any county of the state in which a cause of action arises or in which the plaintiff  
5 resides, by the service of any process or pleading authorized by the laws of this state  
6 on the ~~department~~ board or any duly authorized employee. The consent shall  
7 stipulate and agree that such service is valid and binding as due service upon the  
8 applicant or licensee in all courts in this state. The consent shall be duly  
9 acknowledged and, if made by a corporation, shall be authenticated by the corporate  
10 seal.

11           **SECTION 3252.** 452.11 (4) of the statutes is amended to read:

12           452.11 (4) Any process or pleading under this section shall be served in  
13 duplicate upon the ~~department~~ board or its duly authorized employee. One copy  
14 shall be filed with the ~~department~~ board and the other immediately forwarded by  
15 certified mail to the nonresident licensee against whom the process or pleading is  
16 directed at the last address provided to the ~~department~~ board by the nonresident  
17 licensee. No default in any such proceeding or action may be taken unless it appears  
18 by affidavit of the ~~secretary~~ chairperson of the board or any duly authorized  
19 employee that a copy of the process or pleading was mailed to the nonresident  
20 licensee as required in this subsection. No judgment by default may be taken in any  
21 action or proceeding within 20 days after the date of mailing the process or pleading  
22 to the nonresident licensee.

23           **SECTION 3253.** 452.12 (1) of the statutes is amended to read:

1           452.12 (1) EXPIRATION. A license granted by the ~~department~~ board entitles the  
2 holder to act as a broker or salesperson, as the case may be, until the applicable  
3 renewal date specified under s. 440.08 (2) (a).

4           **SECTION 3254.** 452.12 (2) (c) of the statutes is amended to read:

5           452.12 (2) (c) Application for a business entity license shall be made on forms  
6 prescribed by the ~~department~~ board, listing the names and addresses of all business  
7 representatives, and shall be accompanied by the initial credential fee determined  
8 by the department under s. 440.03 (9) (a). If there is a change in any of the business  
9 representatives, the change shall be reported to the ~~department~~ board, on the same  
10 form, within 30 days after the effective date of the change.

11           **SECTION 3255.** 452.12 (4) of the statutes is amended to read:

12           452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. ~~The department shall~~  
13 ~~maintain the register required by s. 440.035 (4).~~ The board shall include in the  
14 register the board maintains under s. 440.035 (4) the names of all brokers and  
15 salespersons whose licenses have been ~~were~~ revoked at any time within the past 2  
16 years prior to the issuance thereof shall be included in the register. The register shall  
17 be available for purchase at cost.

18           **SECTION 3255m.** 452.12 (5) (a) of the statutes is amended to read:

19           452.12 (5) (a) Renewal applications for all licenses shall be submitted with the  
20 applicable renewal fee determined by the department under s. 440.03 (9) (a) on or  
21 before the applicable renewal date specified under s. 440.08 (2) (a). The department  
22 shall pay \$10 of each renewal fee received under this paragraph to the Board of  
23 Regents of the University of Wisconsin System for research and educational, public  
24 outreach, and grant activities under s. 36.25 (34).

25           **SECTION 3256.** 452.12 (5) (b) of the statutes is amended to read:

1           452.12 (5) (b) If an application for renewal is not filed with the department  
2 board on or before the renewal date, the applicant may not engage in any of the  
3 activities covered by the license until the license is renewed or a new license is issued.

4           **SECTION 3256m.** 452.12 (5) (c) 1. of the statutes is renumbered 452.12 (5) (c)  
5 and amended to read:

6           452.12 (5) (c) At the time of renewal, each broker or salesperson shall submit  
7 proof of attendance at and successful completion of continuing education programs  
8 or courses approved under s. 452.05 (1) (g), ~~except as provided in subd. 2.~~

9           **SECTION 3257j.** 452.12 (5) (c) 2. of the statutes is repealed.

10          **SECTION 3259.** 452.12 (6) (b) of the statutes is amended to read:

11          452.12 (6) (b) Unless an applicant's license has been revoked or suspended  
12 under s. 452.14 (3), the ~~department~~ board may register the applicant under par. (a)  
13 as an inactive licensee upon payment of a \$15 fee.

14          **SECTION 3260.** 452.12 (6) (d) of the statutes is amended to read:

15          452.12 (6) (d) If an inactive licensee files an application for reinstatement  
16 before January 1, 1996, the ~~department~~ board shall reinstate the inactive licensee's  
17 original license in accordance with the requirements for late renewal under s. 440.08  
18 (3).

19          **SECTION 3261.** 452.12 (6) (e) (intro.) of the statutes is amended to read:

20          452.12 (6) (e) (intro.) Except as provided in ss. 440.03 (11m) (b), 440.12 and  
21 440.13 (2) (a) (c), the ~~department~~ board shall reinstate an inactive licensee's original  
22 license as follows:

23          **SECTION 3262.** 452.12 (6) (e) 1. of the statutes is amended to read:

24          452.12 (6) (e) 1. If a person has registered as an inactive licensee before  
25 November 1, 1990, the ~~department~~ board shall reinstate the person's original license

1 if that person applies to the ~~department~~ board for reinstatement of his or her original  
2 license, pays the fee specified under s. 440.05 (1), passes an examination under s.  
3 452.09 (3), and completes the education requirements established by the ~~department~~  
4 board under par. (f).

5 **SECTION 3263.** 452.12 (6) (e) 2. of the statutes is amended to read:

6 452.12 (6) (e) 2. If a person has registered as an inactive licensee on or after  
7 November 1, 1990, the ~~department~~ board shall reinstate the person's original license  
8 if that person applies to the ~~department~~ board for reinstatement of his or her original  
9 license, pays the renewal fee determined by the department under s. 440.03 (9) (a)  
10 for the original license and completes ~~12 hours of~~ the continuing education as  
11 requirements established by the ~~department~~ board under par. (f). A person who is  
12 eligible for reinstatement of his or her original license under this subdivision shall  
13 complete the requirements for reinstatement under this subdivision before January  
14 1, 1996, or within 5 years after the date on which the person registered as an inactive  
15 licensee, whichever is later.

16 **SECTION 3264.** 452.12 (6) (e) 3. of the statutes is amended to read:

17 452.12 (6) (e) 3. If a person who is eligible for reinstatement of his or her  
18 original license under subd. 2. does not complete the requirements for reinstatement  
19 within the time specified under subd. 2., the ~~department~~ board shall reinstate the  
20 original license of that person if he or she meets the requirements specified under  
21 subd. 1.

22 **SECTION 3265.** 452.12 (6) (f) of the statutes is amended to read:

23 452.12 (6) (f) The ~~department~~ board shall promulgate rules establishing the  
24 education requirements that applicants for reinstatement of original licenses under  
25 par. (e) must satisfy.



1           **SECTION 3266.** 452.13 (2) (b) 1. of the statutes is amended to read:

2           452.13 (2) (b) 1. Register with the department of ~~regulation and licensing~~  
3 safety and professional services the name and address of the depository institution  
4 and the number of the interest-bearing common trust account.

5           **SECTION 3267.** 452.13 (2) (b) 2. of the statutes is amended to read:

6           452.13 (2) (b) 2. Notify the department of ~~regulation and licensing~~ safety and  
7 professional services when any of the information required under subd. 1. is  
8 changed.

9           **SECTION 3268.** 452.13 (2) (b) 3. of the statutes is amended to read:

10          452.13 (2) (b) 3. Furnish the department of ~~regulation and licensing~~ safety and  
11 professional services with a letter authorizing the department of ~~regulation and~~  
12 ~~licensing~~ safety and professional services and the department of ~~commerce~~  
13 administration to examine and audit the interest-bearing common trust account  
14 whenever the department of ~~regulation and licensing~~ safety and professional  
15 services or the department of ~~commerce~~ administration considers it necessary.

16          **SECTION 3269.** 452.13 (2) (bm) of the statutes is amended to read:

17          452.13 (2) (bm) The department of ~~regulation and licensing~~ safety and  
18 professional services shall forward to the department of ~~commerce~~ administration  
19 the information and documents furnished under par. (b).

20          **SECTION 3270.** 452.13 (2) (d) of the statutes is amended to read:

21          452.13 (2) (d) The department of ~~commerce~~ administration is the beneficial  
22 owner of the interest accruing to the interest-bearing common trust account, minus  
23 any service charges or fees.

24          **SECTION 3271.** 452.13 (2) (e) 1. of the statutes is amended to read:

1           452.13 (2) (e) 1. Annually, before February 1, remit to the department of  
2 ~~commerce~~ administration the total interest or dividends, minus service charges or  
3 fees, earned on the average daily balance in the interest-bearing common trust  
4 account during the 12 months ending on the previous December 31. A depository  
5 institution is not required to remit any amount if the total interest or dividends for  
6 that period is less than \$10 before any deduction for service charges or fees.

7           **SECTION 3272.** 452.13 (2) (e) 2. of the statutes is amended to read:

8           452.13 (2) (e) 2. When the interest remittance is sent, furnish to the  
9 department of ~~commerce~~ administration and to the broker maintaining the  
10 interest-bearing common trust account a statement that includes the name of the  
11 broker for whose account the remittance is made, the rate of interest applied, the  
12 amount of service charges or fees deducted, if any, and the account balance for the  
13 period that the statement covers.

14           **SECTION 3273.** 452.13 (2) (f) 2. of the statutes is amended to read:

15           452.13 (2) (f) 2. May not assess a service charge or fee for an interest-bearing  
16 common trust account against the department of ~~commerce~~ administration.

17           **SECTION 3274.** 452.13 (2) (f) 3. of the statutes is amended to read:

18           452.13 (2) (f) 3. May deduct a service charge or fee from the interest earned by  
19 an interest-bearing common trust account, and if a balance remains, may deduct the  
20 remaining charge or fee from the interest earned on any other interest-bearing  
21 common trust account maintained in that depository institution, before remitting  
22 interest to the department of ~~commerce~~ administration.

23           **SECTION 3274m.** 452.13 (5) of the statutes is amended to read:

1           452.13 (5) RULES. In consultation with the department of ~~regulation and~~  
2           licensing safety and professional services, the department of ~~commerce~~  
3           administration shall promulgate rules necessary to administer this section.

4           **SECTION 3276.** 452.14 (1) of the statutes is amended to read:

5           452.14 (1) The ~~department~~ board shall, upon motion of the ~~board~~ secretary or  
6           his or her designee or upon its own determination, conduct investigations and, as  
7           appropriate, may hold hearings and make findings, if the board or the department  
8           receives credible information that a broker, salesperson, or time-share salesperson  
9           has violated this chapter or any rule promulgated under this chapter.

10          **SECTION 3277.** 452.14 (2) of the statutes is amended to read:

11          452.14 (2) ~~The department shall present the findings of any investigation of~~  
12          ~~a licensee or registrant to the board for its consideration. The department shall upon~~  
13          ~~motion of the board, and~~ board may, ~~upon its own determination,~~ commence  
14          disciplinary proceedings on any matter under investigation concerning a licensee or  
15          registrant. ~~No investigation of a licensee or registrant may be closed without motion~~  
16          ~~of the board.~~

17          **SECTION 3278.** 452.14 (3) (L) of the statutes is amended to read:

18          452.14 (3) (L) Violated any provision of this chapter or any rule promulgated  
19          under this chapter;

20          **SECTION 3279.** 452.17 (2) of the statutes is amended to read:

21          452.17 (2) Any person who engages in or follows the business or occupation of,  
22          or advertises or holds himself or herself out as or acts temporarily or otherwise as,  
23          a time-share salesperson in this state without being registered with the ~~department~~  
24          board shall be prosecuted by the district attorney in the county where the violation

1 occurs and may be fined not less than \$25 nor more than \$200 or imprisoned not less  
2 than 10 days nor more than 6 months or both.

3 **SECTION 3280.** 452.22 (2) of the statutes is amended to read:

4 452.22 (2) The certificate of the ~~secretary~~ chairperson of the board or his or her  
5 designee to the effect that a specified individual or business entity is not or was not  
6 on a specified date the holder of a broker's, salesperson's, or time-share salesperson's  
7 license or registration, or that a specified license or registration was not in effect on  
8 a date specified, or as to the issuance, limitation, suspension, or revocation of any  
9 license or registration or the reprimand of any license or registration holder thereof,  
10 the filing or withdrawal of any application or its existence or nonexistence, is prima  
11 facie evidence of the facts ~~therein~~ stated in the certificate for all purposes in any  
12 action or proceedings.

13 **SECTION 3281.** 462.01 (3) of the statutes is amended to read:

14 462.01 (3) "Department" means the department of ~~regulation and licensing~~  
15 safety and professional services.

16 **SECTION 3283.** 551.403 (2) (a) 2. of the statutes is amended to read:

17 551.403 (2) (a) 2. Institutional investors, except any institutional investor  
18 described in s. 551.102 (11) (k), (m), or (o).

19 **SECTION 3284.** 551.403 (2) (a) 2m. of the statutes is amended to read:

20 551.403 (2) (a) 2m. Accredited investors as defined in Rule 501 (a) (1), ~~(2)~~, or  
21 (3), ~~(7)~~ or (8) adopted under the Securities Act of 1933.

22 **SECTION 3285.** Chapter 560 (title) of the statutes is repealed.

23 **SECTION 3286.** Subchapter I (title) of chapter 560 [precedes 560.001] of the  
24 statutes is repealed.

25 **SECTION 3287.** 560.001 of the statutes is repealed.

1           **SECTION 3288.** 560.01 (title), (1) and (2) of the statutes are repealed.

2           **SECTION 3289.** 560.01 (3) of the statutes is renumbered 238.04 (14) and  
3 amended to read:

4           238.04 (14) ~~FOREIGN OFFICE AGREEMENTS. The department may enter~~ Enter into  
5 agreements regarding compensation, space, and other administrative matters as are  
6 necessary to operate ~~departmental~~ offices in other states and foreign countries. Such  
7 agreements shall be subject to the approval of the secretary of administration.

8           **SECTION 3290.** 560.02 of the statutes is repealed.

9           **SECTION 3291.** 560.03 (title) of the statutes is repealed.

10          **SECTION 3292.** 560.03 (intro.) of the statutes is repealed.

11          **SECTION 3293.** 560.03 (1) of the statutes is repealed.

12          **SECTION 3294.** 560.03 (2) of the statutes is repealed.

13          **SECTION 3295.** 560.03 (3) of the statutes is repealed.

14          **SECTION 3296.** 560.03 (4) of the statutes is repealed.

15          **SECTION 3297.** 560.03 (4m) of the statutes is repealed.

16          **SECTION 3298.** 560.03 (5) of the statutes is repealed.

17          **SECTION 3299.** 560.03 (6) of the statutes is repealed.

18          **SECTION 3299m.** 560.03 (7) of the statutes is repealed.

19          **SECTION 3300.** 560.03 (8) of the statutes is repealed.

20          **SECTION 3301.** 560.03 (9) of the statutes is repealed.

21          **SECTION 3302.** 560.03 (10) of the statutes is repealed.

22          **SECTION 3303.** 560.03 (11) of the statutes is repealed.

23          **SECTION 3304.** 560.03 (16) of the statutes is repealed.

24          **SECTION 3305.** 560.03 (17) of the statutes is renumbered 238.25 and amended  
25 to read:

1           **238.25 Assistance to loan recipients.** ~~Assist~~ The corporation shall assist  
2 new businesses and small businesses receiving economic development loans under  
3 s. 234.65 (1) (a) or the assistance of the Wisconsin Housing and Economic  
4 Development Authority in locating sources of venture capital and in obtaining the  
5 state and federal licenses and permits necessary for business operations.

6           **SECTION 3306.** 560.03 (18) of the statutes is repealed.

7           **SECTION 3307.** 560.03 (19) of the statutes is repealed.

8           **SECTION 3308.** 560.03 (20) of the statutes is repealed.

9           **SECTION 3309.** 560.03 (21) of the statutes is repealed.

10          **SECTION 3310.** 560.03 (22) of the statutes is repealed.

11          **SECTION 3311.** 560.03 (23) of the statutes is repealed.

12          **SECTION 3312.** 560.03 (25) of the statutes is repealed.

13          **SECTION 3313.** 560.03 (26) of the statutes is repealed.

14          **SECTION 3314.** 560.031 of the statutes is repealed.

15          **SECTION 3315.** 560.032 of the statutes is renumbered 238.10 and amended to  
16 read:

17           **238.10 Allocation of volume cap on tax-exempt bonds. (1) ALLOCATION.**  
18 The department, ~~by rule,~~ corporation shall establish under 26 USC 146 and  
19 administer a system for the allocation of the volume cap on the issuance of private  
20 activity bonds, as defined under 26 USC 141 (a), among all municipalities, as defined  
21 in s. 67.01 (5), and any corporation formed on behalf of those municipalities, and  
22 among this state, the Wisconsin Health and Educational Facilities Authority, the  
23 Wisconsin Aerospace Authority, and the Wisconsin Housing and Economic  
24 Development Authority.

1           (2) AMENDMENT TO ALLOCATION. At any time prior to December 31 in any year,  
2 the ~~department~~ corporation may ~~promulgate~~ adopt rules to revise the allocation  
3 system established for that year under sub. (1), except that any revision under this  
4 subsection does not apply to any allocation under which the recipient of that  
5 allocation has adopted a resolution authorizing the issuance of a private activity  
6 bond, as defined in 26 USC 141 (a).

7           (3) CONDITIONS. The ~~department~~ corporation may establish, ~~by rule,~~ any  
8 procedure for, and place any condition upon, the granting of an allocation under this  
9 section which the ~~department~~ corporation deems to be in the best interest of the state  
10 including, ~~but not limited to,~~ a requirement that a cash deposit, at a rate established  
11 by the ~~department in the rules~~ corporation, be a condition for an allocation.

12           (4) CERTIFICATION. If the ~~secretary~~ corporation receives notice of the issuance  
13 of a bond under an allocation under subs. (1) to (3), the ~~secretary~~ corporation shall  
14 certify that that bond meets the requirements of 26 USC 146.

15           **SECTION 3316.** 560.033 of the statutes is repealed.

16           **SECTION 3317.** 560.0335 of the statutes is renumbered 16.283.

17           **SECTION 3318.** 560.034 of the statutes is renumbered 238.11, and 238.11 (1),  
18 (2), (3) and (5) (intro.), as renumbered, are amended to read:

19           238.11 (1) The ~~department~~ corporation shall prescribe the notice forms to be  
20 used under ss. 66.1103 (4m) (a) 1. and 234.65 (3) (a). The ~~department~~ corporation  
21 shall include on the forms a requirement for information on the number of jobs the  
22 person submitting the notice expects to be eliminated, created, or maintained on the  
23 project site and elsewhere in this state by the project which is the subject of the  
24 notice. The ~~department~~ corporation shall prescribe the forms to be used under ss.  
25 66.1103 (4m) (b) and 234.65 (3r).

1           (2) If the ~~department~~ corporation receives a notice under s. 66.1103 (4m) (a),  
2 the ~~department~~ corporation shall estimate, no later than 20 days after receipt of the  
3 notice, whether the project ~~which~~ that is the subject of the notice is expected to  
4 eliminate, create, or maintain jobs on the project site and elsewhere in this state and  
5 the net number of jobs expected to be eliminated, created, or maintained as a result  
6 of the project.

7           (3) If the ~~department~~ corporation receives a notice under s. 234.65 (3) (a), the  
8 ~~department~~ corporation shall estimate, no later than 20 days after receipt of the  
9 notice, whether the project which is the subject of the notice is expected to eliminate,  
10 create, or maintain jobs on the project site and elsewhere in this state and the net  
11 number of jobs expected to be eliminated, created, or maintained as a result of the  
12 project.

13           (5) (intro.) The ~~department~~ corporation shall issue an estimate made:

14           **SECTION 3319.** 560.035 of the statutes is renumbered 16.285.

15           **SECTION 3320.** 560.036 of the statutes is renumbered 16.287.

16           **SECTION 3321m.** 560.037 of the statutes is repealed.

17           **SECTION 3322.** 560.04 of the statutes is repealed.

18           **SECTION 3323.** 560.045 of the statutes is repealed.

19           **SECTION 3324.** 560.047 of the statutes is repealed.

20           **SECTION 3325.** 560.05 of the statutes is repealed.

21           **SECTION 3326.** 560.07 of the statutes is repealed.

22           **SECTION 3327.** 560.075 of the statutes is renumbered 238.12, and 238.12 (2),  
23 as renumbered, is amended to read:

24           238.12 (2) The ~~department~~ corporation may not award a grant or loan under  
25 this chapter to a person or certify a person to receive tax benefits unless the



1 department corporation enters into an agreement with the person that requires the  
2 person to repay the grant, loan, or tax benefits if, within 5 years after receiving the  
3 grant or loan or being certified to receive tax benefits, the person ceases to conduct  
4 in this state the economic activity for which the person received the grant or loan or  
5 for which the person was certified to receive tax benefits and commences  
6 substantially the same economic activity outside this state.

7 **SECTION 3328.** 560.08 (1), (2) (intro.), (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j)  
8 of the statutes are repealed.

9 **SECTION 3329.** 560.08 (2) (m) of the statutes is renumbered 238.26 and  
10 amended to read:

11 **238.26 Report to investment board.** No later than September 30 of each  
12 even-numbered year, the corporation shall submit to the investment board a report  
13 describing the types of investments in businesses in this state ~~which~~ that will have  
14 the greatest likelihood of enhancing economic development in this state.

15 **SECTION 3330c.** 560.081 (1) and (2) (intro.) and (a) of the statutes are  
16 renumbered 238.127 (2) (intro.) and (a), and 238.127 (2) (intro.), as renumbered, is  
17 amended to read:

18 238.127 (2) (intro.) The department corporation shall establish and administer  
19 a state main street program to coordinate state and local participation in programs  
20 offered by the national main street center, created by the national trust for historic  
21 preservation, to assist municipalities in planning, managing and implementing  
22 programs for the revitalization of business areas. The department corporation shall  
23 do all of the following:

24 **SECTION 3330g.** 560.081 (2) (b) of the statutes is repealed.

1           **SECTION 3330m.** 560.081 (2) (c) to (h) of the statutes are renumbered 238.127  
2 (2) (c) to (h), and 238.127 (2) (c) (intro.), (e), (f) 4. and (h), as renumbered, are amended  
3 to read:

4           238.127 (2) (c) (intro.) With help from ~~the council on main street programs and~~  
5 ~~from~~ interested individuals and organizations, develop a plan describing the  
6 objectives of the state main street program and the methods by which the  
7 ~~department~~ corporation shall:

8           (e) Annually select, upon application, up to 5 municipalities to participate in  
9 the state main street program. The program for each municipality shall conclude  
10 after 3 years, except that the program for each municipality selected after July 29,  
11 1995, shall conclude after 5 years. The ~~department~~ corporation shall select program  
12 participants representing various geographical regions and populations. A  
13 municipality may apply to participate, and the ~~department~~ corporation may select  
14 a municipality for participation, more than one time. In selecting a municipality,  
15 however, the ~~department~~ corporation may give priority to those municipalities that  
16 have not previously participated.

17           (f) 4. Local assistance in paying for the services of a design consultant  
18 ~~recommended by the council on main street programs.~~

19           (h) Provide training, technical assistance and information on the revitalization  
20 of business areas to municipalities which do not participate in the state main street  
21 program. The ~~department~~ corporation may charge reasonable fees for the services  
22 and information provided under this paragraph. ~~The department shall deposit all~~  
23 ~~fees collected under this paragraph in the appropriation account under s. 20.143 (1)~~  
24 (g).

25           **SECTION 3330s.** 560.081 (2) (i) of the statutes is repealed.

1           **SECTION 3331.** 560.082 of the statutes is repealed.

2           **SECTION 3332.** 560.09 of the statutes is repealed.

3           **SECTION 3333.** 560.097 of the statutes is renumbered 238.125 and amended to  
4 read:

5           **238.125 Notification of position openings; compliance.** The department  
6 corporation shall monitor compliance with the position-opening notification  
7 requirements under ss. 66.1103 (6m) and 106.16.

8           **SECTION 3334b.** 560.11 of the statutes is renumbered 285.795, and 285.795 (1)  
9 (a) and (2), as renumbered, are amended to read:

10           285.795 (1) (a) Advise the department of ~~natural resources~~ concerning the  
11 effectiveness of the small business stationary source technical and environmental  
12 compliance assistance program under s. 285.79, difficulties encountered by small  
13 business stationary sources, as defined in s. 285.79 (1), in complying with s. 299.15  
14 and ch. 285 and the degree and severity of enforcement of s. 299.15 and ch. 285  
15 against small business stationary sources.

16           (2) The employees of ~~the department of commerce who staff the small business~~  
17 ~~ombudsman clearinghouse under s. 560.03 (9) and the employees of the department~~  
18 ~~of natural resources~~ who staff the small business stationary source technical and  
19 environmental compliance assistance program under s. 285.79 shall provide the  
20 small business environmental council with the assistance necessary to comply with  
21 sub. (1).

22           **SECTION 3335.** 560.125 (title) and (1) to (3) of the statutes are renumbered  
23 101.45 (title) and (1) to (3).

24           **SECTION 3336.** 560.125 (4) (a) to (e) of the statutes are renumbered 101.45 (4)  
25 (a) to (e), and 101.45 (4) (d), as renumbered, is amended to read:

1           101.45 (4) (d) In any fiscal year, the department may not pay to any one  
2 applicant more than 20 percent of the amount appropriated under s. ~~20.143 (3)~~  
3 20.165 (2) (sm) for the fiscal year.

4           **SECTION 3337.** 560.125 (4) (f) and (g) of the statutes are repealed.

5           **SECTION 3338.** 560.125 (5) to (6) of the statutes are renumbered 101.45 (5) to  
6 (6).

7           **SECTION 3339.** 560.126 of the statutes is repealed.

8           **SECTION 3340.** 560.128 of the statutes is repealed.

9           **SECTION 3341.** 560.13 (1), (2), (3), (5) and (6m) of the statutes are renumbered  
10 238.13 (1), (2), (3), (5) and (6m), and 238.13 (2) (a) (intro.) and (b) 1., (3) (intro.) and  
11 (f) and (5), as renumbered, are amended to read:

12           238.13 (2) (a) (intro.) ~~Subject to subs. (4) and (5), from the appropriation under~~  
13 ~~s. 20.143 (1) (qm) the department~~ The corporation may make a grant to a person if  
14 all of the following apply:

15           (b) 1. The contribution required under par. (a) 3. may be in cash or in-kind.  
16 Cash contributions may be of private or public funds, ~~excluding funds obtained under~~  
17 ~~the program under s. 560.17 or under any program under subch. II or V of this~~  
18 ~~chapter.~~ In-kind contributions shall be limited to actual remediation services.

19           (3) (intro.) The ~~department~~ corporation may consider the following criteria in  
20 making awards under this section:

21           (f) Any other factors considered by the ~~department~~ corporation to be relevant  
22 to assessing the viability and feasibility of the project.

23           (5) Before the ~~department~~ corporation awards a grant under this section, the  
24 ~~department~~ corporation shall consider the recommendations of the department of  
25 administration and the department of natural resources.

- 1           **SECTION 3342.** 560.13 (4) of the statutes is repealed.
- 2           **SECTION 3343.** 560.13 (6) of the statutes is repealed.
- 3           **SECTION 3344.** 560.138 of the statutes is repealed.
- 4           **SECTION 3345.** 560.139 of the statutes is repealed.
- 5           **SECTION 3346.** 560.145 of the statutes is repealed.
- 6           **SECTION 3347.** 560.15 of the statutes is repealed.
- 7           **SECTION 3348.** 560.155 of the statutes is repealed.
- 8           **SECTION 3349.** 560.157 of the statutes is repealed.
- 9           **SECTION 3350.** 560.165 of the statutes is repealed.
- 10          **SECTION 3351.** 560.167 of the statutes is repealed.
- 11          **SECTION 3352.** 560.17 of the statutes is repealed.
- 12          **SECTION 3353.** 560.19 of the statutes is repealed.
- 13          **SECTION 3354.** 560.203 of the statutes is repealed.
- 14          **SECTION 3355g.** 560.204 (title), (1), (2) and (4) of the statutes are renumbered  
15 73.15 (title), (1), (2) and (3), and 73.15 (1), (2) and (3), as renumbered, are amended  
16 to read:
- 17           73.15 (1) The department of revenue shall implement a program to certify  
18 health care providers as eligible for the electronic medical records credit under ss.  
19 71.07 (5i), 71.28 (5i), and 71.47 (5i).
- 20           (2) If the department of revenue certifies a health care provider under sub. (1),  
21 the department shall determine the amount of credits to allocate to the health care  
22 provider. The total amount of electronic medical records credits allocated to health  
23 care providers in any year may not exceed \$10,000,000.
- 24           (3) The ~~department, in consultation with the~~ department of revenue, shall  
25 promulgate rules to administer this section.

1           **SECTION 3355m.** 560.204 (3) of the statutes is repealed.

2           **SECTION 3356.** 560.205 of the statutes is renumbered 238.15, and 238.15 (1)  
3 (intro.), (2) and (3) (a), (b), (d) (intro.), 1., 2. a. and b. and (e), as renumbered, are  
4 amended to read:

5           238.15 (1) ANGEL INVESTMENT TAX CREDITS. (intro.) The ~~department~~ corporation  
6 shall implement a program to certify businesses for purposes of s. 71.07 (5d). A  
7 business desiring certification shall submit an application to the ~~department~~  
8 corporation in each taxable year for which the business desires certification. The  
9 business shall specify in its application the investment amount it wishes to raise and  
10 the ~~department~~ corporation may certify the business and determine the amount that  
11 qualifies for purposes of s. 71.07 (5d). ~~Unless otherwise provided under the rules of~~  
12 ~~the department, a~~ A business may be certified under this subsection, and may  
13 maintain such certification, only if the business satisfies all of the following  
14 conditions:

15           (2) EARLY STAGE SEED INVESTMENT TAX CREDITS. The ~~department~~ corporation  
16 shall implement a program to certify investment fund managers for purposes of ss.  
17 71.07 (5b), 71.28 (5b), 71.47 (5b), and 76.638. An investment fund manager desiring  
18 certification shall submit an application to the ~~department~~ corporation. The  
19 investment fund manager shall specify in the application the investment amount  
20 that the manager wishes to raise and the ~~department~~ corporation may certify the  
21 manager and determine the amount that qualifies for purposes of ss. 71.07 (5b),  
22 71.28 (5b), 71.47 (5b), and 76.638. In determining whether to certify an investment  
23 fund manager, the ~~department~~ corporation shall consider the investment fund  
24 manager's experience in managing venture capital funds, the past performance of  
25 investment funds managed by the applicant, the expected level of investment in the

1 investment fund to be managed by the applicant, and any other relevant factors. The  
2 ~~department corporation~~ may certify only investment fund managers that commit to  
3 consider placing investments in businesses certified under sub. (1).

4 (3) (a) *List of certified businesses and investment fund managers.* The  
5 ~~department corporation~~ shall maintain a list of businesses certified under sub. (1)  
6 and investment fund managers certified under sub. (2) and shall permit public access  
7 to the lists through the ~~department's corporation's~~ Internet Web site.

8 (b) *Notification of department of revenue.* The ~~department of commerce~~  
9 ~~corporation~~ shall notify the department of revenue of every certification issued under  
10 ~~sub. subs.~~ (1) and (2) and the date on which any such certification is revoked or  
11 expires.

12 (d) *Rules.* (intro.) The ~~department of commerce corporation~~, in consultation  
13 with the department of revenue, shall ~~promulgate~~ adopt rules to administer this  
14 section. The rules shall further define "bona fide angel investment" for purposes of  
15 s. 71.07 (5d) (a) 1. The rules shall limit the aggregate amount of tax credits under  
16 s. 71.07 (5d) that may be claimed for investments in businesses certified under sub.  
17 (1) at \$3,000,000 per calendar year for calendar years beginning after December 31,  
18 2004, and before January 1, 2008, \$5,500,000 per calendar year for calendar years  
19 beginning after December 31, 2007, and before January 1, 2010, \$6,500,000 for  
20 calendar year 2010, and \$20,000,000 per calendar year for calendar years beginning  
21 after December 31, 2010, plus, for taxable years beginning after December 31, 2010,  
22 an additional \$250,000 for tax credits that may be claimed for investments in  
23 nanotechnology businesses certified under sub. (1). The rules shall also limit the  
24 aggregate amount of the tax credits under ss. 71.07 (5b), 71.28 (5b), 71.47 (5b), and  
25 76.638 that may be claimed for investments paid to fund managers certified under

1 sub. (2) at \$3,500,000 per calendar year for calendar years beginning after December  
2 31, 2004, and before January 1, 2008, \$6,000,000 per calendar year for calendar  
3 years beginning after December 31, 2007, and before January 1, 2010, \$8,000,000 for  
4 calendar year 2010, and \$20,500,000 per calendar year for calendar years beginning  
5 after December 31, 2010, plus, for taxable years beginning after December 31, 2010,  
6 an additional \$250,000 for tax credits that may be claimed for investments in  
7 nanotechnology businesses certified under sub. (1). The rules shall also provide that,  
8 for calendar years beginning after December 31, 2007, no person may receive a credit  
9 under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), or 76.638 unless the person's  
10 investment is kept in a certified business, or with a certified fund manager, for no less  
11 than 3 years. The rules shall permit the ~~department~~ corporation to reallocate credits  
12 under this section that are unused in any calendar year to a person eligible for tax  
13 benefits, as defined under s. ~~560.2055~~ 238.16 (1) (d), if all of the following apply:

14 1. The ~~department~~ corporation notifies the joint committee on finance in  
15 writing of its proposed reallocation.

16 2. a. The cochairpersons of the joint committee on finance fail to notify the  
17 ~~department~~ corporation, within 14 working days after the date of the department's  
18 corporation's notification under subd. 1., that the committee has scheduled a meeting  
19 for the purpose of reviewing the proposed reallocation.

20 b. The cochairpersons of the joint committee on finance notify the ~~department~~  
21 corporation that the committee has approved the proposed reallocation.

22 (e) *Transfer*. A person who is eligible to claim a credit under s. 71.07 (5b), 71.28  
23 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit to another person  
24 who is subject to the taxes or fees imposed under s. 71.02, 71.23, 71.47, or subch. III  
25 of ch. 76, if the person receives prior authorization from the investment fund



1 manager and the manager then notifies the ~~department of commerce~~ corporation  
2 and the department of revenue of the transfer and submits with the notification a  
3 copy of the transfer documents. No person may sell or otherwise transfer a credit as  
4 provided in this paragraph more than once in a 12-month period. The ~~department~~  
5 corporation may charge any person selling or otherwise transferring a credit under  
6 this paragraph a fee equal to 1 percent of the credit amount sold or transferred. ~~The~~  
7 ~~department shall deposit all fees collected under this paragraph in the appropriation~~  
8 ~~account under s. 20.143 (1) (gm).~~

9 **SECTION 3357.** 560.2055 (title) and (1) of the statutes are renumbered 238.16  
10 (title) and (1).

11 **SECTION 3358.** 560.2055 (2) of the statutes is renumbered 238.16 (2), and  
12 238.16 (2) (intro.) and (b), as renumbered, are amended to read:

13 238.16 (2) (intro.) The ~~department~~ corporation may certify a person to receive  
14 tax benefits under this section if all of the following apply:

15 (b) The person applies under this section and enters into a contract with the  
16 ~~department~~ corporation.

17 **SECTION 3359m.** 560.2055 (3) of the statutes is renumbered 238.16 (3), and  
18 238.16 (3) (intro.), (a) and (b) of the statutes, as renumbered, are amended to read:

19 238.16 (3) ELIGIBILITY FOR TAX BENEFITS. (intro.) A person certified under sub.  
20 (2) may receive tax benefits under this section if, in each year for which the person  
21 claims tax benefits under this section, the person increases net employment in the  
22 person's business, and one of the following ~~apply~~ applies:

23 (a) In a tier I county or municipality, an eligible employee for whom the person  
24 claims a tax credit will earn at least \$20,000 ~~but not more than \$100,000~~ in wages  
25 from the person in the year for which the credit is claimed.

1 (b) In a tier II county or municipality, an eligible employee for whom the person  
2 claims a tax credit will earn at least \$30,000 ~~but not more than \$100,000~~ in wages  
3 from the person in the year for which the credit is claimed.

4 **SECTION 3362.** 560.2055 (4) (title) and (a) of the statutes are renumbered  
5 238.16 (4) (title) and (a).

6 **SECTION 3363m.** 560.2055 (4) (b) 1. of the statutes is renumbered 238.16 (4) (b)  
7 1. and amended to read:

8 238.16 (4) (b) 1. The ~~department~~ corporation may award to a person certified  
9 under sub. (2) tax benefits for each eligible employee in an amount equal to up to 10  
10 percent of the wages paid by the person to that employee or \$10,000, whichever is  
11 less, if that employee earned wages in the year for which the tax benefit is claimed  
12 equal to one of the following:

13 a. In a tier I county or municipality, at least \$20,000 ~~but not more than~~  
14 \$100,000.

15 b. In a tier II county or municipality, at least \$30,000 ~~but not more than~~  
16 \$100,000.

17 **SECTION 3365.** 560.2055 (4) (b) 2. and (c) of the statutes are renumbered 238.16  
18 (4) (b) 2. and (c) and amended to read:

19 238.16 (4) (b) 2. The ~~department~~ corporation may award to a person certified  
20 under sub. (2) tax benefits in an amount to be determined by the ~~department~~ by rule  
21 corporation for costs incurred by the person to undertake the training activities  
22 described in sub. (3) (c).

23 (c) Subject to a reallocation by the ~~department~~ corporation pursuant to rules  
24 promulgated adopted under s. ~~560.205~~ 238.215 (3) (d), the ~~department~~ corporation  
25 may allocate up to \$5,000,000 in tax benefits under this section in any calendar year.

1           **SECTION 3366.** 560.2055 (5) of the statutes is renumbered 238.16 (5), and  
2           238.16 (5) (title), (a), (b), (c), (d), (e) and (f) (intro.) and 1. (intro.), as renumbered, are  
3           amended to read:

4           238.16 (5) (title) ~~DUTIES OF THE DEPARTMENT CORPORATION.~~ (a) The ~~department~~  
5           ~~of commerce corporation~~ shall notify the department of revenue when the  
6           ~~department of commerce corporation~~ certifies a person to receive tax benefits.

7           (b) The ~~department of commerce corporation~~ shall notify the department of  
8           revenue within 30 days of revoking a certification made under sub. (2).

9           (c) The ~~department corporation~~ may require a person to repay any tax benefits  
10          the person claims for a year in which the person failed to maintain employment  
11          required by an agreement under sub. (2) (b).

12          (d) The ~~department corporation~~ shall determine the maximum amount of the  
13          tax credits under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q) that a certified business  
14          may claim and shall notify the department of revenue of this amount.

15          (e) The ~~department corporation~~ shall annually verify the information  
16          submitted to the ~~department corporation~~ by the person claiming tax benefits under  
17          ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q).

18          (f) (intro.) The ~~department corporation~~ shall ~~promulgate~~ adopt rules for the  
19          implementation and operation of this section, including rules relating to the  
20          following:

21                1. (intro.) The definitions of a tier I county or municipality and a tier II county  
22                or municipality. The ~~department corporation~~ may consider all of the following  
23                information when establishing the definitions required under this subdivision:

24           **SECTION 3367.** 560.2056 of the statutes is renumbered 93.54 and amended to  
25           read:

**93.54 Food processing plant and food warehouse investment credit.**

(1) The department of ~~commerce~~ shall implement a program to certify taxpayers as eligible for the food processing plant and food warehouse investment credit under ss. 71.07 (3rn), 71.28 (3rn), and 71.47 (3rn).

(2) If the department of ~~commerce~~ certifies a taxpayer under sub. (1), the department of ~~commerce~~ shall determine the amount of credits to allocate to that taxpayer. The total amount of food processing plant and food warehouse investment credits allocated to taxpayers in fiscal year 2009-10 may not exceed \$600,000 and the total amount of food processing plant and food warehouse investment credits allocated to taxpayers in fiscal year 2010-11, and in each fiscal year thereafter, may not exceed \$700,000.

(3) The department of ~~commerce~~ shall inform the department of revenue of every taxpayer certified under sub. (1) and the amount of credits allocated to the taxpayer.

(4) The department of ~~commerce~~, in consultation with the department of revenue, shall promulgate rules to administer this section.

**SECTION 3368.** 560.206 of the statutes is renumbered 41.155, and 41.155 (4), as renumbered, is amended to read:

41.155 (4) The department of ~~commerce~~ tourism, in consultation with the department of revenue, shall promulgate rules to administer this section.

**SECTION 3369.** 560.207 of the statutes is renumbered 93.535 and amended to read:

**93.535 Dairy manufacturing facility investment credit.** (1) The department of ~~commerce~~ shall implement a program to certify taxpayers, including taxpayers who are members of dairy cooperatives, as eligible for the dairy

1 manufacturing facility investment credit under ss. 71.07 (3p), 71.28 (3p), and 71.47  
2 (3p).

3 (2) If the department of ~~commerce~~ certifies a taxpayer under sub. (1), the  
4 department of ~~commerce~~ shall determine the amount of credits to allocate to that  
5 taxpayer. The total amount of dairy manufacturing facility investment credits  
6 allocated to taxpayers in fiscal year 2007-08 may not exceed \$600,000 and the total  
7 amount of dairy manufacturing facility investment credits allocated to taxpayers  
8 who are not members of dairy cooperatives in fiscal year 2008-09, and in each fiscal  
9 year thereafter, may not exceed \$700,000. The total amount of dairy manufacturing  
10 facility investment credits allocated to taxpayers who are members of dairy  
11 cooperatives in fiscal year 2009-10 may not exceed \$600,000 and the total amount  
12 of dairy manufacturing facility investment credits allocated to taxpayers who are  
13 members of dairy cooperatives in fiscal year 2010-11, and in each fiscal year  
14 thereafter, may not exceed \$700,000.

15 (3) The department of ~~commerce~~ shall inform the department of revenue of  
16 every taxpayer certified under sub. (1) and the amount of credits allocated to the  
17 taxpayer.

18 (4) The department of ~~commerce~~, in consultation with the department of  
19 revenue, shall promulgate rules to administer this section.

20 **SECTION 3370.** 560.208 of the statutes is renumbered 93.545 and amended to  
21 read:

22 **93.545 Meat processing facility investment credit.** (1) The department  
23 of ~~commerce~~ shall implement a program to certify taxpayers as eligible for the meat  
24 processing facility investment credit under ss. 71.07 (3r), 71.28 (3r), and 71.47 (3r).

1           (2) If the department of ~~commerce~~ certifies a taxpayer under sub. (1), the  
2 department of ~~commerce~~ shall determine the amount of credits to allocate to that  
3 taxpayer. The total amount of meat processing facility investment credits allocated  
4 to taxpayers in fiscal year 2009-10 may not exceed \$300,000 and the total amount  
5 of meat processing facility investment credits allocated to taxpayers in fiscal year  
6 2010-11, and in each fiscal year thereafter, may not exceed \$700,000.

7           (3) The department of ~~commerce~~ shall inform the department of revenue of  
8 every taxpayer certified under sub. (1) and the amount of credits allocated to the  
9 taxpayer.

10          (4) The department of ~~commerce~~, in consultation with the department of  
11 revenue, shall promulgate rules to administer this section.

12          **SECTION 3371.** 560.2085 of the statutes is renumbered 238.20, and 238.20 (1)  
13 (intro.), (2) and (3), as renumbered, are amended to read:

14          238.20 (1) (intro.) The ~~department~~ corporation shall implement a program to  
15 certify qualified new business ventures for purposes of s. 71.05 (24). A business  
16 desiring certification shall submit an application to the ~~department~~ corporation in  
17 each taxable year for which the business desires certification. Subject to sub. (2), a  
18 business may be certified under this subsection, and may maintain such  
19 certification, only if the business is engaged in one of the following:

20          (2) The ~~department~~ corporation may not certify a business under sub. (1) if the  
21 business is engaged in real estate development, insurance, banking, lending,  
22 lobbying, political consultation, professional services provided by attorneys,  
23 accountants, business consultants, physicians, or health care consultants, wholesale  
24 or retail sales, leisure, hospitality, transportation, or construction.

1           **(3)** (a) The ~~department~~ corporation shall maintain a list of businesses certified  
2 under sub. (1) and shall permit public access to the lists through the ~~department's~~  
3 corporation's Internet Web site.

4           (b) The ~~department of commerce~~ corporation shall notify the department of  
5 revenue of every certification issued under sub. (1) and the date on which a  
6 certification under sub. (1) is revoked or expires.

7           **SECTION 3372.** 560.209 of the statutes is renumbered 93.547 and amended to  
8 read:

9           **93.547 Woody biomass harvesting and processing credit.** (1) The  
10 ~~department of commerce~~ shall implement a program to certify taxpayers as eligible  
11 for the woody biomass harvesting and processing credit under ss. 71.07 (3rm), 71.28  
12 (3rm), and 71.47 (3rm).

13           **(2)** If the ~~department of commerce~~ certifies a taxpayer under sub. (1), the  
14 ~~department of commerce~~ shall determine the amount of credits to allocate to that  
15 taxpayer. The total amount of woody biomass harvesting and processing credits  
16 allocated to taxpayers in any fiscal year may not exceed \$900,000. In each fiscal year,  
17 the ~~department of commerce~~ shall allocate \$450,000 in tax credits to businesses that,  
18 individually, have no more than \$5,000,000 in gross receipts from doing business in  
19 this state for the taxable year in which the credit is claimed.

20           **(3)** The ~~department of commerce~~ shall inform the department of revenue of  
21 every taxpayer certified under sub. (1) and the amount of credits allocated to the  
22 taxpayer.

23           **(4)** The ~~department of commerce~~, in consultation with the department of  
24 revenue, shall promulgate rules to administer this section.

25           **SECTION 3373.** 560.21 of the statutes is repealed.

1           **SECTION 3374.** 560.25 of the statutes is repealed.

2           **SECTION 3375.** 560.255 of the statutes is repealed.

3           **SECTION 3376.** 560.27 of the statutes is repealed.

4           **SECTION 3377.** 560.275 of the statutes is repealed.

5           **SECTION 3378.** 560.276 of the statutes is repealed.

6           **SECTION 3379.** 560.277 of the statutes is repealed.

7           **SECTION 3380.** 560.28 of the statutes is repealed.

8           **SECTION 3380m.** 560.285 (title) of the statutes is renumbered 101.934 (title).

9           **SECTION 3381.** 560.285 (1) of the statutes is repealed.

10          **SECTION 3381c.** 560.285 (2) of the statutes is renumbered 101.934 (2).

11          **SECTION 3381f.** 560.285 (3) of the statutes is renumbered 101.934 (3) and  
12 amended to read:

13           101.934 (3) ADMINISTRATION. The department shall contract with one or more  
14 entities that are exempt from taxation under section 501 (a) of the Internal Revenue  
15 Code and that employ individuals with technical expertise concerning manufactured  
16 housing for the administration of the grant program under this section. The  
17 department shall promulgate rules to establish the grant program under this  
18 section. To the extent feasible, the department shall coordinate the program under  
19 this section with the state housing strategy plan under s. 560.9802 16.302.

20          **SECTION 3382.** 560.29 of the statutes is repealed.

21          **SECTION 3383.** Subchapter II (title) of chapter 560 [precedes 560.30] of the  
22 statutes is repealed.

23          **SECTION 3384.** 560.30 of the statutes is repealed.

24          **SECTION 3385.** 560.301 of the statutes is repealed.

25          **SECTION 3386.** 560.302 of the statutes is repealed.



1           **SECTION 3387.** 560.303 of the statutes is repealed.

2           **SECTION 3388.** 560.304 of the statutes is repealed.

3           **SECTION 3389.** 560.305 of the statutes is repealed.

4           **SECTION 3390.** Subchapter III (title) of chapter 560 [precedes 560.41] of the  
5 statutes is repealed.

6           **SECTION 3391.** 560.41 of the statutes is repealed.

7           **SECTION 3392.** 560.42 of the statutes is repealed.

8           **SECTION 3393.** 560.43 of the statutes is repealed.

9           **SECTION 3394.** 560.44 of the statutes is repealed.

10          **SECTION 3395m.** 560.45 of the statutes is repealed.

11          **SECTION 3396.** Subchapter IV (title) of chapter 560 [precedes 560.51] of the  
12 statutes is repealed.

13          **SECTION 3397.** 560.51 of the statutes is repealed.

14          **SECTION 3398.** 560.53 of the statutes is repealed.

15          **SECTION 3399.** 560.54 of the statutes is repealed.

16          **SECTION 3400.** Subchapter V (title) of chapter 560 [precedes 560.60] of the  
17 statutes is repealed.

18          **SECTION 3401.** 560.60 of the statutes is repealed.

19          **SECTION 3402.** 560.602 of the statutes is repealed.

20          **SECTION 3403.** 560.605 of the statutes is repealed.

21          **SECTION 3404.** 560.607 of the statutes is repealed.

22          **SECTION 3405.** 560.61 of the statutes is repealed.

23          **SECTION 3406.** 560.68 of the statutes is repealed.

24          **SECTION 3407.** Subchapter VI (title) of chapter 560 [precedes 560.70] of the  
25 statutes is repealed.

1           **SECTION 3408.** 560.70 (intro.), (2), (2g), (2m), (3), (4), (4m), (5), (6) and (7) of the  
2 statutes are renumbered 238.30 (intro.), (2), (2g), (2m), (3), (4), (4m), (5), (6) and (7),  
3 and 238.30 (intro.), (2g), (2m) (b), (4) and (7) (b) 1. and 2., (c) and (d), as renumbered,  
4 are amended to read:

5           **238.30 Definitions.** (intro.) In this section and ss. ~~560.71 to 560.795~~ 238.31  
6 to 238.395:

7           **(2g)** “Eligible activity” means an activity described under s. ~~560.702~~ 238.302.

8           **(2m)** (b) The ~~department may by rule specify~~ corporation may adopt a rule  
9 specifying circumstances under which the ~~department~~ corporation may grant  
10 exceptions to the requirement under par. (a) that a full-time job means a job in which  
11 an individual, as a condition of employment, is required to work at least 2,080 hours  
12 per year, but under no circumstances may a full-time job mean a job in which an  
13 individual, as a condition of employment, is required to work less than 37.5 hours per  
14 week.

15           **(4)** “Local governing body” means the governing body of one or more cities,  
16 villages, towns, or counties or the elected governing body of a federally recognized  
17 American Indian tribe or band in this state.

18           **(7)** (b) 1. Except as provided in subd. 2., in s. ~~560.795~~ 238.395, “tax benefits”  
19 means the development zones investment credit under ss. 71.07 (2di), 71.28 (1di),  
20 and 71.47 (1di) and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx),  
21 71.47 (1dx), and 76.636. With respect to the development opportunity zones under  
22 s. ~~560.795~~ 238.395 (1) (e) and (f), “tax benefits” also means the development zones  
23 capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

24           2. With respect to the development opportunity zones under s. ~~560.795~~ 238.395  
25 (1) (g) and (h), “tax benefits” means the development zone credits under ss. 71.07

1 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636 and the development zones capital  
2 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

3 (c) In s. ~~560.798~~ 238.398, “tax benefits” means the development zones capital  
4 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm) and the  
5 development zones credits under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636.

6 (d) In ss. ~~560.701 to 560.706~~ 238.301 to 238.306, “tax benefits” means the  
7 economic development tax credit under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and  
8 76.637.

9 **SECTION 3409.** 560.70 (1) of the statutes is repealed.

10 **SECTION 3410.** 560.701 of the statutes is renumbered 238.301, and 238.301 (1)  
11 (intro.) and (e), (2) (a) and (b) and (3) (intro.), (b), (c), (d) and (f), as renumbered, are  
12 amended to read:

13 **238.301 (1) APPLICATION.** (intro.) Any person may apply to the department  
14 corporation on a form prepared by the ~~department~~ corporation for certification under  
15 this section. The application shall include all of the following:

16 (e) Other information required by the ~~department~~ corporation or the  
17 department of revenue.

18 **(2) (a)** The ~~department~~ corporation may certify a person who submits an  
19 application under sub. (1) if, after conducting an investigation, the ~~department~~  
20 corporation determines that the person is conducting or intends to conduct at least  
21 one eligible activity.

22 (b) The ~~department~~ corporation shall provide a person certified under this  
23 section and the department of revenue with a copy of the certification.

1           **(3) CONTRACT.** (intro.) A person certified under this section shall enter into a  
2 written contract with the ~~department~~ corporation. The contract shall include  
3 provisions that detail all of the following:

4           (b) Whether any of the eligible activities will occur in an economically  
5 distressed area, as designated by the ~~department~~ corporation under s. ~~560.704~~  
6 238.304 (1).

7           (c) Whether any of the eligible activities will benefit members of a targeted  
8 group, as determined by the ~~department~~ corporation under s. ~~560.704~~ 238.304 (2).

9           (d) A compliance schedule that includes a sequence of anticipated actions to be  
10 taken or goals to be achieved by the person before the person may receive tax benefits  
11 under s. ~~560.703~~ 238.303.

12           (f) If feasible, a determination of the tax benefits the person will be authorized  
13 to claim under s. ~~560.703~~ 238.303 (2) if the person fulfills the terms of the contract.

14           **SECTION 3411.** 560.702 of the statutes is renumbered 238.302, and 238.302  
15 (intro.), (1), (2) and (3), as renumbered, are amended to read:

16           **238.302 Eligible activities.** (intro.) A person who conducts or proposes to  
17 conduct any of the following may be certified under s. ~~560.701~~ 238.301 (2):

18           **(1) JOB CREATION PROJECT.** A project that creates and maintains for a period of  
19 time established by the ~~department~~ corporation by rule full-time jobs in addition to  
20 any existing full-time jobs provided by the person.

21           **(2) CAPITAL INVESTMENT PROJECT.** A project that involves a significant  
22 investment of capital, as defined by the ~~department~~ corporation by rule under s.  
23 ~~560.706~~ 238.306 (2) (b), by the person in new equipment, machinery, real property,  
24 or depreciable personal property.

1           **(3) EMPLOYEE TRAINING PROJECT.** A project that involves significant investments  
2 in the training or reeducation of employees, as defined by the department  
3 corporation by rule under s. ~~560.706~~ 238.306 (2) (c), by the person for the purpose of  
4 improving the productivity or competitiveness of the business of the person.

5           **SECTION 3412.** 560.703 (title) of the statutes is renumbered 238.303 (title).

6           **SECTION 3413.** 560.703 (1) (a) of the statutes, as affected by 2011 Wisconsin Act  
7 4, is renumbered 238.303 (1) (a) and amended to read:

8           238.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a  
9 reallocation by the department corporation pursuant to rules promulgated adopted  
10 under s. ~~560.205~~ 238.15 (3) (d), the total tax benefits available to be allocated by the  
11 department corporation under ss. ~~560.701 to 560.706~~ 238.301 to 238.306 may not  
12 exceed the sum of the tax benefits remaining to be allocated under ~~ss. s. 560.71 to~~  
13 560.785, 2009 stats., s. 560.797, 2009 stats., s. 560.798, 2009 stats., s. 560.7995, 2009  
14 stats., and s. 560.96, 2009 stats., on March 6, 2009, plus \$25,000,000.

15           **SECTION 3414.** 560.703 (1) (am) of the statutes, as created by 2011 Wisconsin  
16 Act 4, is renumbered 238.303 (1) (am) and amended to read:

17           238.303 (1) (am) Before the department corporation allocates the additional  
18 \$25,000,000 in tax benefits specified in par. (a), the department corporation shall  
19 submit its plan for such allocation to the joint committee on finance. If the  
20 cochairpersons of the committee do not notify the department corporation within 14  
21 working days after the date of the department's corporation's submittal that the  
22 committee has scheduled a meeting for the purpose of reviewing the plan, the plan  
23 may be implemented and the additional amount may be allocated as proposed by the  
24 department corporation. If, within 14 working days after the date of the  
25 department's corporation's submittal, the cochairpersons of the committee notify the

1 ~~department corporation~~ that the committee has scheduled a meeting for the purpose  
2 of reviewing the proposed plan, the plan may be implemented and the additional  
3 amount allocated only upon approval of the committee.

4 **SECTION 3415.** 560.703 (1) (b), (2) and (3) of the statutes are renumbered  
5 238.303 (1) (b), (2) and (3) and amended to read:

6 238.303 (1) (b) The ~~department corporation~~ may submit to the joint committee  
7 on finance a request in writing to exceed the total tax benefits specified in par. (a).  
8 The ~~department corporation~~ shall submit with its request a justification for seeking  
9 an increase under this paragraph. The joint committee on finance, following its  
10 review, may approve or disapprove an increase in the total tax benefits available to  
11 be allocated under ss. ~~560.701 to 560.706~~ 238.301 to 238.306.

12 (2) AUTHORITY TO CLAIM TAX BENEFITS. The ~~department corporation~~ may  
13 authorize a person certified under s. ~~560.701~~ 238.301 (2) to claim tax benefits only  
14 after the person has submitted a report to the ~~department corporation~~ that  
15 documents to the satisfaction of the ~~department corporation~~ that the person has  
16 complied with the terms of the contract under s. ~~560.701~~ 238.301 (3) and the  
17 requirements of any applicable rules ~~promulgated~~ adopted under s. ~~560.706~~ 238.306  
18 (2).

19 (3) NOTICE OF ELIGIBILITY. The ~~department corporation~~ shall provide to the  
20 person and to the department of revenue a notice of eligibility to receive tax benefits  
21 that reports the amount of tax benefits for which the person is eligible.

22 **SECTION 3416.** 560.704 of the statutes is renumbered 238.304, and 238.304  
23 (intro.) and (1), as renumbered, are amended to read:

24 **238.304 Eligible activities in economically distressed areas and**  
25 **benefiting members of targeted groups.** (intro.) The ~~department corporation~~

1 may authorize a person certified under s. ~~560.701~~ 238.301 (2) to claim additional tax  
2 benefits under s. ~~560.703~~ 238.303 if, after conducting an investigation, the  
3 ~~department~~ corporation determines any of the following:

4 (1) The person conducts at least one eligible activity in an area designated by  
5 the ~~department~~ corporation as economically distressed. In designating an area as  
6 economically distressed under this subsection, the ~~department~~ corporation shall  
7 follow the methodology established by rule under s. ~~560.706~~ 238.306 (2) (e).

8 **SECTION 3417.** 560.705 of the statutes is renumbered 238.305, and 238.305  
9 (intro.), (1) and (2), as renumbered, are amended to read:

10 **238.305 Revocation of certification.** (intro.) The ~~department~~ corporation  
11 shall revoke the certification of a person who does any of the following:

12 (1) Supplies false or misleading information to obtain certification under s.  
13 ~~560.701~~ 238.301 (2).

14 (2) Supplies false or misleading information to obtain tax benefits under s.  
15 ~~560.703~~ 238.303.

16 **SECTION 3418.** 560.706 of the statutes is renumbered 238.306, and 238.306  
17 (intro.), (1) (a) and (b), (2) (a), (b), (c), (d), (e) (intro.), (f), (g), (h), (i) and (k) and (3),  
18 as renumbered, are amended to read:

19 **238.306 Responsibilities of the ~~department~~ corporation.** (intro.) The  
20 ~~department~~ corporation shall do all of the following:

21 (1) (a) Annually verify information submitted to the department of revenue  
22 under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and 76.637 by persons certified under  
23 s. ~~560.701~~ 238.301 (2) and eligible to receive tax benefits under s. ~~560.703~~ 238.303.

24 (b) Notify and obtain written approval from the ~~secretary~~ chief executive officer  
25 of the corporation for any certification under sub. (2) (j).

1           (2) (a) A schedule of hourly wage ranges to be paid, and health insurance  
2 benefits to be provided, to an employee by a person certified under s. ~~560.701~~ 238.301  
3 (2) and the corresponding per employee tax benefit for which a person certified under  
4 s. ~~560.701~~ 238.301 (2) may be eligible.

5           (b) A definition of “significant investment of capital” for purposes of s. ~~560.702~~  
6 238.302 (2), together with a corresponding schedule of tax benefits for which a person  
7 who is certified under s. ~~560.701~~ 238.301 (2) and who conducts a project described  
8 in s. ~~560.702~~ 238.302 (2) may be eligible. The ~~department~~ corporation shall include  
9 in the definition required under this paragraph a schedule of investments that takes  
10 into consideration the size or nature of the business.

11           (c) A definition of “significant investments in the training or reeducation of  
12 employees” for purposes of s. ~~560.702~~ 238.302 (3), together with a corresponding  
13 schedule of tax benefits for which a person who is certified under s. ~~560.701~~ 238.301  
14 (2) and who conducts a project under s. ~~560.702~~ 238.302 (3) may be eligible.

15           (d) A schedule of tax benefits for which a person who is certified under s.  
16 ~~560.701~~ 238.301 (2) and who conducts a project that will result in the location or  
17 retention of a person’s corporate headquarters in Wisconsin may be eligible.

18           (e) (intro.) The methodology for designating an area as economically distressed  
19 under s. ~~560.704~~ 238.304 (1). The methodology under this paragraph shall require  
20 the ~~department~~ corporation to consider the most current data available for the area  
21 and for the state on the following indicators:

22           (f) A schedule of additional tax benefits for which a person who is certified  
23 under s. ~~560.701~~ 238.301 (2) and who conducts an eligible activity described under  
24 s. ~~560.704~~ 238.304 may be eligible.



1 (g) Reporting requirements, minimum benchmarks, and outcomes expected of  
2 a person certified under s. ~~560.701~~ 238.301 (2) before that person may receive tax  
3 benefits under s. ~~560.703~~ 238.303.

4 (h) Policies, criteria, and methodology for allocating a portion of the tax benefits  
5 available under s. ~~560.703~~ 238.303 to rural areas.

6 (i) Policies, criteria, and methodology for allocating a portion of the tax benefits  
7 available under s. ~~560.703~~ 238.303 to small businesses.

8 (k) Procedures for implementing ss. ~~560.701 to 560.706~~ 238.301 to 238.306.

9 **(3) REPORTING.** Annually, 6 months after the report has been submitted under  
10 s. ~~560.01 (2) (am)~~ 238.07 (2), submit to the joint legislative audit committee and to  
11 the appropriate standing committees of the legislature under s. 13.172 (3) a  
12 comprehensive report assessing the program under ss. ~~560.701 to 560.706~~ 238.301  
13 to 238.306. The report under this subsection shall update the applicable information  
14 provided in the report under s. ~~560.01 (2) (am)~~ 238.07 (2).

15 **SECTION 3419.** 560.71 of the statutes is renumbered 238.31, and 238.31 (1)  
16 (intro.), (ac), (am), (b), (d) and (e) (intro.), 3. and 4. a., c. and d., (1m) (intro.), (a) and  
17 (h), (2) and (3) (intro.), as renumbered, are amended to read:

18 238.31 (1) (intro.) The ~~department~~ corporation may designate an area as a  
19 development zone if all of the following apply:

20 (ac) The ~~department~~ corporation has invited a local governing body to nominate  
21 the area under s. ~~560.715~~ 238.315.

22 (am) A local governing body nominates the area as described in s. ~~560.72~~  
23 238.32.

24 (b) The ~~department~~ corporation has evaluated the local governing body's  
25 application as described in s. ~~560.725~~ 238.325.

1 (d) The area meets the applicable requirements under s. ~~560.735 or 560.737~~  
2 238.335.

3 (e) (intro.) The ~~department~~ corporation determines all of the following:

4 3. That economic development in the area is not likely to occur or continue  
5 without the ~~department's~~ corporation's designation of the area as a development  
6 zone.

7 4. a. The unemployment rate in the area is higher than the state average for  
8 the 18 months immediately preceding the date on which the application under s.  
9 ~~560.72~~ 238.32 (2) or (3) was submitted to the ~~department~~ corporation.

10 c. The percentage of households in the area receiving unemployment insurance  
11 under ch. 108, relief funded by a relief block grant under ch. 49, or aid to families with  
12 dependent children under s. 49.19 is higher than the state average.

13 d. In the 36 months immediately preceding the date on which the application  
14 under s. ~~560.72~~ 238.32 (2) or (3) was submitted to the ~~department~~ corporation, a  
15 number of workers in the area were permanently laid off by their employer or became  
16 unemployed as a result of a business action subject to s. 109.07 (1m).

17 (1m) (intro.) In making a determination under sub. (1) (e), the ~~department~~  
18 corporation shall consider all of the following:

19 (a) The extent of poverty, unemployment, or other factors contributing to  
20 general economic hardship in the area.

21 (h) Any other factors that the ~~department~~ corporation considers relevant.

22 (2) In determining whether an area meets the requirements under sub. (1) (e)  
23 or s. ~~560.735~~ 238.335, the ~~department~~ corporation may rely on any data provided by  
24 the local governing body which ~~that~~ the ~~department~~ corporation determines is  
25 relevant.

1           **(3)** (intro.) The ~~department~~ corporation shall do all of the following:

2           **SECTION 3420.** 560.715 of the statutes is renumbered 238.315 and amended to  
3 read:

4           **238.315 Invitation to nominate area.** If the ~~department~~ corporation  
5 determines that an area has experienced or is about to experience economic distress,  
6 the ~~department~~ corporation may invite local governing bodies in the area to  
7 nominate the area as a development zone.

8           **SECTION 3421.** 560.72 of the statutes is renumbered 238.32, and 238.32 (1)  
9 (intro.), (2) (intro.), (c), (d), (f) and (i), (3) and (5), as renumbered, are amended to read:

10           **238.32 (1)** (intro.) A local governing body may nominate an area as a  
11 development zone, if the ~~department~~ corporation has invited the governing body to  
12 nominate the area under s. ~~560.715~~ 238.315 and if the governing body does all of the  
13 following:

14           **(2)** (intro.) A local governing body may nominate the area as a development  
15 zone by submitting an application to the ~~department~~ corporation in a form prescribed  
16 by the ~~department~~ corporation. The application shall include all of the following:

17           (c) Evidence that the area meets at least 3 of the criteria under s. ~~560.71~~ 238.31  
18 (1) (e) 4.

19           (d) Evidence that the area meets the applicable requirements of s. ~~560.735~~  
20 238.335.

21           (f) A description of past and present economic development activities in the  
22 area under local, state, or federal programs.

23           (i) Any other information required by the ~~department~~ corporation.

1           (3) Two or more local governing bodies may submit a joint application  
2 nominating an area as a development zone, subject to s. ~~560.735~~ 238.335 (2), if each  
3 local governing body complies with subs. (1) and (2).

4           (5) The ~~department~~ corporation may permit a local governing body to revise an  
5 application that the ~~department~~ corporation determines is inadequate or  
6 incomplete.

7           **SECTION 3422.** 560.725 of the statutes is renumbered 238.325 and amended to  
8 read:

9           **238.325 Evaluation by ~~department~~ corporation.** (1) The ~~department~~  
10 corporation shall evaluate applications received under s. ~~560.72~~ 238.32 (2) and (3).

11           (2) Subject to s. ~~560.735~~ 238.335 (5), the ~~department~~ corporation may reduce  
12 the size of an area nominated as a development zone, if the ~~department~~ corporation  
13 determines the boundaries as proposed by the local governing body in an application  
14 under s. ~~560.72~~ 238.32 (2) or (3) are inconsistent with the purpose of the development  
15 zone program. Any nominated area which is reduced under this subsection need not  
16 comply with s. ~~560.735~~ 238.335 (1) and (4).

17           (3) After evaluating an application submitted under s. ~~560.72~~ 238.32 (2) or (3),  
18 the ~~department~~ corporation may approve the application, subject to any reduction  
19 in the size of the nominated area under sub. (2). If the ~~department~~ corporation  
20 approves the application, the ~~department~~ corporation shall designate the area as a  
21 development zone, subject to s. ~~560.71~~ 238.31, and notify the local governing body.

22           **SECTION 3423.** 560.735 of the statutes is renumbered 238.335, and 238.335 (1)  
23 (a) and (c), (2), (5) (a) and (b), (6) (a) 1. and 2. and (c), (6r) and (7), as renumbered, are  
24 amended to read:

1           238.335 (1) (a) The area contains less than 10% of the valuation of the property  
2 of the city, village, or town, as determined under s. 70.57, in which the area is located.

3           (c) If the area is located within a village, town, or city other than a 1st class city,  
4 the population of the area is not less than 1,000 nor more than 10,000, as estimated  
5 under s. 16.96.

6           (2) If an area is located within the boundaries of 2 or more cities, villages, or  
7 towns, the property value of the cities, villages, or towns under sub. (1) (a) shall be  
8 combined for the purposes of sub. (1).

9           (5) (a) The area has a continuous border following natural or man-made  
10 boundaries such as streets, highways, rivers, municipal limits, or limits of a  
11 reservation.

12           (b) The area consists of contiguous blocks, census blocks, or similar units.

13           (6) (a) 1. Each of the areas has a continuous border following natural or  
14 man-made boundaries and consists of contiguous blocks, census blocks, or similar  
15 units.

16           2. Each area meets at least 3 of the criteria listed in s. ~~560.71~~ 238.31 (1) (e) 4.

17           (c) If an application is submitted by the governing body of a county under s.  
18 ~~560.72~~ 238.32 (2) or (3), up to 4 separate areas may be nominated or designated as  
19 one development zone, if par. (a) 1. to 3. applies.

20           (6r) Subject to the population limit under sub. (6m), if an area that is  
21 nominated or designated as a development zone is comprised of one or more entire  
22 counties and a city, village, or town is partially located in the area and partially  
23 located outside of the area, the entire city, village, or town shall be part of the  
24 nominated or designated area.

1           (7) The ~~department~~ corporation may waive the requirements of this section in  
2 a particular case, if the ~~department~~ corporation determines that application of the  
3 requirement is impractical with respect to a particular development zone.

4           **SECTION 3424.** 560.737 of the statutes is repealed.

5           **SECTION 3425.** 560.74 of the statutes is renumbered 238.34, and 238.34 (1), (2),  
6 (3) (intro.) and (a), (4), (5) and (6), as renumbered, are amended to read:

7           238.34 (1) Except as provided under sub. (6), at any time after a development  
8 zone is designated by the ~~department~~ corporation, a local governing body may submit  
9 an application to change the boundaries of the development zone. If the boundary  
10 change reduces the size of a development zone, the local governing body shall explain  
11 why the area excluded should no longer be in a development zone. The ~~department~~  
12 corporation may require the local governing body to submit additional information.

13           (2) The ~~department~~ corporation may approve an application for a boundary  
14 change if the development zone, as affected by the boundary changes, meets the  
15 applicable requirements of s. ~~560.735~~ 238.335 and 3 of the criteria under s. ~~560.71~~  
16 238.31 (1) (e) 4.

17           (3) (intro.) If the ~~department~~ corporation approves an application for a  
18 boundary change under sub. (2), it shall do all of the following:

19           (a) Redetermine the limit on the tax benefits for the development zone  
20 established under s. ~~560.745~~ 238.345 (2) (a).

21           (4) The change in the boundaries or tax benefits limit of a development zone  
22 shall be effective on the day the ~~department~~ corporation notifies the local governing  
23 body under sub. (3) (b).

24           (5) No change in the boundaries of a development zone may affect the duration  
25 of an area as a development zone under s. ~~560.745~~ 238.345 (1) (a). The ~~department~~

1 corporation may consider a change in the boundary of a development zone when  
2 evaluating an application for an extension of the designation of an area as a  
3 development zone under s. ~~560.745~~ 238.345 (1) (b).

4 (6) The ~~department~~ corporation may not accept any applications under sub. (1)  
5 to change the boundaries of a development zone designated under s. ~~560.71~~ 238.31  
6 on or after March 6, 2009.

7 **SECTION 3426.** 560.745 of the statutes is renumbered 238.345, and 238.345 (1)  
8 (a) and (b), (2) (a), (am), (b), (c) 1. and 2. and (d) and (3), as renumbered, are amended  
9 to read:

10 238.345 (1) (a) The designation of an area as a development zone shall be  
11 effective for 240 months, beginning on the day the department notifies the local  
12 governing body under s. ~~560.725~~ 238.325 (3) of the designation.

13 (b) The local governing body may apply to the ~~department~~ corporation for one  
14 60-month extension of the designation. The ~~department~~ corporation shall  
15 ~~promulgate~~ adopt rules establishing criteria for approving an extension of a  
16 designation of an area as a development zone under this subsection. No applications  
17 may be accepted by the ~~department~~ corporation under this paragraph on or after  
18 March 6, 2009.

19 (2) (a) When the ~~department~~ corporation designates a development zone under  
20 s. ~~560.71~~ 238.31, it shall establish a limit for tax benefits for the development zone  
21 determined by allocating to the development zone a portion of \$38,155,000.

22 (am) Notwithstanding par. (a), the ~~department~~ corporation may increase the  
23 established limit for tax benefits for a development zone. The ~~department~~  
24 corporation may not increase the limit for tax benefits established for any  
25 development zone designated under s. ~~560.71~~ 238.31 on or after March 6, 2009.

1 (b) Annually the ~~department~~ corporation shall estimate the amount of forgone  
2 state revenue because of tax benefits claimed by persons in each development zone.

3 (c) 1. Ninety days after the day on which the ~~department~~ corporation  
4 determines that the forgone tax revenues under par. (b) will equal or exceed the limit  
5 for the development zone established under par. (a) or (am).

6 2. The day that the ~~department~~ corporation withdraws its designation of an  
7 area as a development zone under sub. (3).

8 (d) The ~~department~~ corporation shall immediately notify the local governing  
9 body of a change in the expiration date of the development zone under par. (c).

10 (3) The ~~department~~ corporation may withdraw the designation of an area as  
11 a development zone if any of the following ~~apply~~ applies:

12 (a) No person is certified as eligible to receive tax benefits under s. 560.765  
13 238.365 (3) during the 12-month period beginning on the day the area is designated  
14 as a development zone and the ~~department~~ corporation determines that the local  
15 governing body that nominated the zone is not in compliance with s. 560.763 238.363.

16 (b) No person is certified as eligible to receive tax benefits under s. 560.765  
17 238.365 (3) during the 24-month period beginning on the day the area is designated  
18 a development zone.

19 **SECTION 3427.** 560.75 of the statutes is renumbered 238.35, and 238.35 (intro.),  
20 (6), (7), (8) and (10), as renumbered, are amended to read:

21 **238.35 Additional duties of the ~~department~~ corporation.** (intro.) The  
22 ~~department~~ corporation shall do all of the following:

23 (6) Notify University of Wisconsin small business development centers, the  
24 Wisconsin housing and development centers, the central administration of all  
25 University of Wisconsin campuses and regional planning commissions about the



1 development zone program and encourage those entities to provide advice to the  
2 ~~department~~ corporation or local governing bodies on ways to improve the  
3 development zone program.

4 (7) Prepare forms for the certification described under s. ~~560.765~~ 238.365 (5).

5 (8) Annually verify information submitted to the ~~department~~ corporation  
6 under s. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), or 76.636.

7 (10) Enter into an agreement with the local governing body of a 1st class city  
8 where a development zone is designated under s. ~~560.71~~ 238.31 (3) (c) 1. to provide  
9 efficient administration of the development zone program within the development  
10 zone.

11 **SECTION 3428.** 560.763 of the statutes is renumbered 238.363, and 238.363 (1)  
12 (intro.) and (c) and (4), as renumbered, are amended to read:

13 238.363 (1) (intro.) If an area nominated by a local governing body is designated  
14 as a development zone under s. ~~560.71~~ 238.31, the local governing body shall do all  
15 of the following:

16 (c) Assist the ~~department~~ corporation in the administration of the  
17 development zone program.

18 (4) The local governing body of a 1st class city where a development zone is  
19 designated under s. ~~560.71~~ 238.31 (3) (c) 1. shall enter into an agreement with the  
20 ~~department~~ corporation to provide efficient administration of the development zone  
21 program within the development zone.

22 **SECTION 3429.** 560.765 of the statutes is renumbered 238.365, and 238.365  
23 (intro.), (2), (3) (intro.), (b), (c), (e) and (j) and (5) (e), (g) and (h), as renumbered, are  
24 amended to read:

1           **238.365 Certification for tax benefits.** (intro.) The ~~department~~ corporation  
2 shall do all of the following:

3           (2) Determine whether a person applying for tax benefits engages or will  
4 engage in economic activity ~~which that~~ violates s. ~~560.78~~ 238.38 (1).

5           (3) (intro.) Subject to s. ~~560.78~~ 238.38, certify persons who are eligible to claim  
6 tax benefits while an area is designated as a development zone, according to the  
7 following criteria:

8           (b) The person's commitment not to engage in economic activity that violates  
9 s. ~~560.78~~ 238.38 (1).

10           (c) The number of full-time jobs that will be created, retained, or substantially  
11 upgraded as a result of the person's economic activity in relation to the amount of tax  
12 benefits estimated for the person under sub. (4).

13           (e) The amount the person proposes to invest in a business, or spend on the  
14 construction, rehabilitation, repair, or remodeling of a building, located within the  
15 development zone.

16           (j) Any other criteria established under rules ~~promulgated~~ adopted by the  
17 ~~department~~ corporation.

18           (5) (e) The estimated number of full-time jobs that will be created, retained,  
19 or significantly upgraded in the development zone because of the person's business.

20           (g) The limit under s. ~~560.768~~ 238.368 on tax benefits the person may claim  
21 while an area is designated as a development zone.

22           (h) Other information required by the ~~department~~ corporation or the  
23 department of revenue.