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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

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

SECTION 2. 13.172 (1) of the statutes is amended to read:
13.172 (1) In this section, "agency" means an office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 238, or 279.

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

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

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

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

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

13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.
SECTION 6. 13.62 (2) of the statutes is amended to read:

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

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

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

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

16.002 (2) “Departments” means constitutional offices, departments, and independent agencies and includes all societies, associations, and other agencies of state government for which appropriations are made by law, but not including
S ECTION 8

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

S ECTION 9. 16.004 (4) of the statutes is amended to read:

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

S ECTION 10. 16.004 (5) of the statutes is amended to read:

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

S ECTION 11. 16.004 (12) (a) of the statutes is amended to read:

16.004 (12) (a) In this subsection, “state agency” means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor, and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.
SECTION 12. 16.045 (1) (a) of the statutes is amended to read:

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

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

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

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

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

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

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

SECTION 16. 16.52 (7) of the statutes is amended to read:
16.52 (7) **Petty Cash Account.** With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.765 (8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to
1. complete the contract, after complying with this section, but thereafter the
2. contracting agency, the Fox River Navigational System Authority, the Wisconsin
3. Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
4. Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
5. Wisconsin Economic Development Corporation, or the Bradley Center Sports and
6. Entertainment Corporation shall request the department to place the name of the
7. party on the ineligible list for state contracts, or the contracting agency, the Fox River
8. Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9. Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10. Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
11. Development Corporation, or the Bradley Center Sports and Entertainment
12. Corporation may terminate the contract without liability for the uncompleted
13. portion or any materials or services purchased or paid for by the contracting party
14. for use in completing the contract.

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

16.85 (2) To furnish engineering, architectural, project management, and other
building construction services whenever requisitions therefor are presented to the
department by any agency. The department may deposit moneys received from the
provision of these services in the account under s. 20.505 (1) (kc) or in the general
fund as general purpose revenue — earned. In this subsection, “agency” means an
office, department, independent agency, institution of higher education, association,
society, or other body in state government created or authorized to be created by the
constitution or any law, which is entitled to expend moneys appropriated by law,
including the legislature and the courts, but not including an authority created in
subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.
SECTION 28. 16.865 (8) of the statutes is amended to read:

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

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

<table>
<thead>
<tr>
<th>2009-10</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.192 Wisconsin Economic Development Corporation</td>
<td></td>
</tr>
<tr>
<td>(1) PROMOTION OF ECONOMIC DEVELOPMENT</td>
<td></td>
</tr>
<tr>
<td>(a) Operations and programs GPR C -0- -0-</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 29

SENATE BILL 6

(k) Transferred general fund moneys from department of commerce PR−S C −0− −0−

(m) Federal aid; programs PR−F C −0− −0−

(r) Recycling and renewable energy fund; programs SEG C −0− −0−

(sk) Transferred segregated fund moneys from department of commerce SEG−S C −0− −0−

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

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

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

2. (k) Transferred general fund moneys from department of commerce. All moneys transferred under 2011 Wisconsin Act .... (this act), section 9155 (2), for the operations of the Wisconsin Economic Development Corporation and for funding economic development programs developed and implemented under s. 238.03.

3. (m) Federal aid; programs. All moneys received from the federal government as authorized by the governor under s. 16.54, for the purposes of funding programs administered by the Wisconsin Economic Development Corporation.
(r) Recycling and renewable energy fund; programs. From the recycling and renewable energy fund, as a continuing appropriation, the amounts in the schedule for funding programs administered by the Wisconsin Economic Development Corporation.

(sk) Transferred segregated fund moneys from department of commerce. From the appropriate segregated funds, all moneys transferred under 2011 Wisconsin Act .... (this act), section 9155 (2), for the operations of the Wisconsin Economic Development Corporation and for funding economic development programs developed and implemented under s. 238.03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.177 (1) (d) “State agency” means any office, department, agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority, but excluding the
SECTION 38

Health Insurance Risk-Sharing Plan Authority and the Lower Fox River Remediation Authority.

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

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

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

CHAPTER 238

WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

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

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

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

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

(2) A majority of the voting members of the board constitutes a quorum for the
purpose of conducting its business and exercising its powers and for all other
purposes, notwithstanding the existence of any vacancies. Action may be taken by
the board upon a vote of a majority of the voting members present.

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

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

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

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

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

(3) Maintain an office.

(4) Sue and be sued.
(5) Accept gifts, grants, loans, or other contributions from private or public sources.

(6) Establish the corporation’s annual budget and monitor the fiscal management of the corporation.

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

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

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

(10) Make loans and provide grants.

(11) Incur debt.

(12) Procure liability insurance.

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

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

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

238.06 Liability limited. Neither the state nor any political subdivision of the state, nor any officer, employee, or agent of the state or a political subdivision of the state who is acting within the scope of employment or agency, is liable for any debt, obligation, act, or omission of the corporation.
238.07 Submission of annual report to legislature. Annually, the board shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the activities of the corporation and the programs developed and implemented by the board.

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

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

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

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

SECTION 9155. Nonstatutory provisions; Other.

(1) Abolition of department of commerce positions. Notwithstanding section 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may abolish any full-time equivalent position or portion thereof from revenues appropriated under section 20.143 of the statutes.

(2) Transfer of moneys from the department of commerce to the Wisconsin Economic Development Corporation. Before July 1, 2011, the secretary of
administration may transfer moneys from any general fund appropriation under
section 20.143 of the statutes to the appropriation under section 20.192 (1) (k) of the
statutes, as created by this act. Before July 1, 2011, the secretary of administration
may also transfer moneys from any segregated fund appropriation under section
20.143 of the statutes to the appropriation under section 20.192 (1) (sk) of the
statutes, as created by this act. The secretary may not transfer any moneys under
this subsection if the transfer of those moneys would violate a condition imposed by
the federal government on the expenditure of the moneys or if the transfer would
violate the federal or state constitution.

(END)