

2015 DRAFTING REQUEST

Bill

Received: 9/15/2015 Received By: mgallagh
For: Julie Lassa (608) 266-3123 Same as LRB:
May Contact: By/Representing: Mark
Subject: Econ. Development - misc. Drafter: mgallagh
Econ. Development - WEDC Addl. Drafters: amckean
State Govt - miscellaneous

Extra Copies:

Submit via email: YES
Requester's email: Sen.Lassa@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
aaron.mckean@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Create Wisconsin Department of Economic Opportunity and Badger Innovation Corporation; phase out WEDC.

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|------------------------|----------------|----------------------|-----------------|-----------------|
| /? | mgallagh 9/25/2015 | anienaja 10/1/2015 | _____ | | | |
| /P1 | mgallagh 10/13/2015 | anienaja 10/14/2015 | _____ | mbarman 10/1/2015 | | State |
| /P2 | mgallagh | anienaja | _____ | mbarman | | State |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|-----------------------|----------------|----------------------|-----------------------|-----------------|
| | 11/4/2015 | 11/4/2015 | _____ | 10/14/2015 | | |
| /1 | mgallagh 12/4/2015 | anienaja 12/4/2015 | _____ _____ | mbarman 11/4/2015 | | State |
| /2 | | | _____ _____ | lparisi 12/4/2015 | sbasford 12/9/2015 | State |

FE Sent For:

at intro
12/18/15

<END>

Gallagher, Michael

From: Knickelbine, Mark
Sent: Tuesday, September 15, 2015 9:30 AM
To: Gallagher, Michael
Cc: Egerer, Matt
Subject: Drafting Instructions

To: Michael Gallagher
From: Mark Knickelbine, Office of State Senator Julie Lassa
RE: Drafting Instructions, Create Economic Development Agency

We'd like a bill drafted that will create two new entities. We're working with Rep. Barca's office on this so you can communicate with them if needed.

Wisconsin Department of Economic Opportunity

The first is a state agency, to be called the Wisconsin Department of Economic Opportunity, tasked with promoting family supporting jobs through economic development awards. It would be directed to emphasize programs that encourage entrepreneurship, new business start-ups, and minority, veterans' and women owned businesses



It would administer all current statutory economic development programs and responsibilities currently assigned to WEDC. In addition, economic development programs that have been transferred to DOA are transferred to this agency (~~CDBG loans, Venture Capital~~). Loan programs that were targeted for phase out in the FY 15-17 budget will remain. All current assets and obligations of WEDC would transfer to this agency, after which WEDC will cease operations and its current statutory language will be repealed.



This will be a standard state agency, with a Cabinet-level Secretary appointed by the Governor and confirmed by the Senate, state employees subject to all relevant statutory protections and requirements, and with the ability to promulgate administrative rules. It would be required to meet the same Act 125 requirements as all other state agencies, along with the responsibility to compile the annual report on economic development. WDEO would be subject to the same open records and meetings requirements of any other state agency. Its advisory board members would be subject to the same disclosure requirements as other agency/authority board members, and its staff would be subject to the same ethics requirements as other state agencies.



WDEO would have a 12-member advisory board to assist in setting major economic development policy goals. Members shall be appointed by the Governor for overlapping 3-year terms and approved by the Senate. Members shall have expertise in banking, business financing, public economic development administration, private business, and other related stakeholder groups. No fewer than 4 members shall have public economic development administration experience.



Its annual report on its economic development programs must state the total number of jobs created and retained as a result of all awards, and may not use aggregate figures such as "jobs impacted." The ARED must also include the number of companies which WEDC has initiated action against to recover funds from companies that are not in compliance with contract agreements, and the total dollar amount of funds recovered.





In statutes currently requiring WEDC to verify the performance information reported by companies that receive awards, specify that "verify" requires WDEO to independently review company records, such as payroll records or audited statements of capital expenditures.





Require that contract terms must be consistent with state law at the time they are signed.




Require, before it enter into an agreement with a company that results in an economic development award, that WDEO conduct a thorough background check of the company and its principals, including a check of court records and business performance. A second search must be completed immediately before signing the contract if more than three months have elapsed after the initial search. 


No company may receive an economic development award unless it agrees to maintain employment in Wisconsin at least at a level equal to its average over the two years prior to the contract's execution date. Companies must commit to retaining any jobs created as a result of the award for a minimum of five years after the conclusion of the contract. Failure to comply with these terms will result in the contract being referred to DOJ for action to recover awarded funds. 


Require any WDEO employee who is aware of possible fraud committed against the agency to cause that to be reported to appropriate law enforcement officials for investigation and possible action. 


Require WDEO to maintain a website listing all awards, job creation and retention goals, actual jobs created or retained, contracts, administrative rules, contract amendments, and agendas and minutes and materials discussed by its advisory board and the board of the Badger Innovation Corporation. 



Badger Innovation Corporation

The Badger Innovation Corporation is a private corporation owned by the State of Wisconsin. Working collaboratively with WDEO, it conducts foreign trade missions, business siting promotion, international business development, marketing, and the creation of industry cluster development strategies. 


The corporation is funded through private donations and an appropriation from the State of Wisconsin consisting of the segregated funds economic development surcharge, which currently is imposed on tax-option (S) corporations, C corporations, and insurers that are required to file a corporate in-come/franchise tax return if they have more than \$4 million in gross receipts from all activities. 

The corporation's Board of Directors consists of a Chairman, who is the Secretary of the WDEO; four legislators, one each appointed by the Assembly Speaker and Minority Leader and the Senate Majority and Minority leaders; nine members appointed by the Governor with the consent of the Senate representing regional and local economic development agencies, private business, and other related stakeholder groups, who shall serve overlapping three-year terms; and the Secretaries of Administration, Revenue and Workforce Development, who will serve as non-voting members. 

BIC will employ a CEO, who shall be selected by the Board of Directors with the approval of the Governor. The CEO will serve at the pleasure of the Board. The board will also approve the hiring of a Chief Operating Officer and Chief Financial Officer, both of whom shall serve at the pleasure of the CEO. Other than these, all other powers and provisions currently assigned to the WEDC board would apply to the board of BIC, except for any that refer to the administration of economic development awards that will be administered by WDEO. 

BIC will be subject to the state's open records and open meeting provisions. Annual reports of its activities will be included in the Annual Report on Economic Development issued by WDEO. Its records shall be available for inspection by the Legislative Audit Bureau, which shall conduct a program and financial audit every odd-numbered year. 


Transition Council

The governor shall appoint a transition council to create a detailed plan for the transition from WEDC to WDEO/BIC. This shall include a staff organization plan that specifies responsibilities for administering all 

funds, loans, and other obligations acquired by WDEO/BIC, and transferring current WEDC employees to either WDEO or BIC. The Council should consist of representatives of local and regional economic development agencies, one individual each appointed by the Speaker and Minority Leader of the Assembly and the Majority and Minority Leaders of the Senate, the Secretary CEO, COO and CFO of WEDC, and the Secretaries of Administration and Revenue. WEDC shall provide staffing and facilities in support of the plan's development. The Council shall present its plan to the Governor within 12 months of the effective date of this bill; implementation of this plan shall be included in the next Executive Budget. The plan will be implemented 6 months after effective date of the next biennial budget; Joint Finance may approve requests for additional time if necessary.

RRR

Let me know if you have questions. Thanks!

Mark Knickelbine

Policy Analyst

Office of State Senator Julie Lassa

24th Senate District

P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

Gallagher, Michael

From: Knickelbine, Mark
Sent: Tuesday, September 22, 2015 2:34 PM
To: Gallagher, Michael
Subject: RE: Drafting Instructions

Hi, Mike –

Sorry I missed you yesterday. My responses are below. Thanks!

Mark Knickelbine
Policy Analyst
Office of State Senator Julie Lassa
24th Senate District
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-8123

From: Gallagher, Michael
Sent: Tuesday, September 22, 2015 11:02 AM
To: Knickelbine, Mark <Mark.Knickelbine@legis.wisconsin.gov>
Cc: Egerer, Matt <Matt.Egerer@legis.wisconsin.gov>
Subject: RE: Drafting Instructions

Mark: I tried calling yesterday. Here are my questions at this point:

1. With respect to the Badger Innovation Corporation, the constitution, under section 1 of article XI, prohibits the legislature from creating a corporation. However, we can require that the Department of Economic Opportunity or the Transition Council create the Badger Innovation Corporation as a nonstock, nonprofit corporation under ch. 181. We would then essentially condition the payment of state aid (via the new appropriation) to the corporation on the corporation's keeping the desired membership of the board and carrying out its functions under the draft. Okay? The other option is to create an authority, which is what WHEDA and WEDC are—despite its name, WEDC is not a corporation. Or, you could just have the new department of economic opportunity assume the duties intended for the Badger Innovation Corporation.

The first option sounds fine, as long as that arrangement would allow the corporation to raise funds from private sources to contribute toward its activities, and that it would be subject to LAB audit.

2. The drafting instructions do not specify the number of members to be appointed to the Transition Council by the governor. How many such members should I include in the draft? Also, are the Transition Council members appointed by the speaker and minority leader of the assembly and the majority and minority leaders in the senate meant to be public members, or are they meant to be legislative members like the Badger Innovation Corporation?

Since we specify 7 of the members already, let's have it be a 12-member board. The legislative members of the transition council need not be legislators.

3. The drafting instructions provide that the Transition Council is to submit its plan to the governor within 12 months after the effective date of the bill. Also, the drafting instructions require that the plan be included in the governor's 2017-19 executive budget and gives the plan an effective date of 6 months after the effective date of the 2017-19 biennial budget. If the bill's other provisions go into effect immediately upon passage of the bill, that means that WEDC would already have been eliminated and the new department and the Badger Innovation Corporation created long before the required effective date of the transition plan. Is the intent to give the elimination of WEDC and creation of the new department and the Badger Innovation Corporation a delayed effective date, making those provisions—the vast majority of the bill—effective at the same time the transition plan takes effect after the passage of the 20-19 biennial budget? If so, it is important to note that the current legislature cannot bind a future legislature. There is no way to require that the 2017-19 legislature actually pass the transitional plan in the 2017-19 biennial budget. As a consequence, if the effective date of the elimination of WEDC, etc., is made contingent upon the future legislature passing the transition plan, and the legislature never passes the transition plan, the elimination of WEDC, etc., would never take effect. I can make the bill's effective date contingent on a transition plan being passed by a future legislature. I just want you to be aware that the consequence of doing it that way is that the bill may never take effect.

I'm sorry if my instructions were unclear. The intent is that the plan should go into the first biennial budget that is submitted after the completion of the plan; most of the provisions of the bill would not go into effect until 6 months after that budget is passed, including the abolition of WEDC. The fact that the plan may be amended, or even rejected, by the Legislature as part of its budget deliberations is intentional; the budget process is how the Legislature will approve/amend the plan.

Let me know what you want to do, and feel free to call if you want to discuss any of this.

Thanks.

Mike

Michael P. Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Knickelbine, Mark
Sent: Tuesday, September 15, 2015 9:30 AM
To: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>
Cc: Egerer, Matt <Matt.Egerer@legis.wisconsin.gov>
Subject: Drafting Instructions

To: Michael Gallagher
From: Mark Knickelbine, Office of State Senator Julie Lassa
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This will be a standard state agency, with a Cabinet-level Secretary appointed by the Governor and confirmed by the Senate, state employees subject to all relevant statutory protections and requirements, and with the ability to promulgate administrative rules. It would be required to meet the same Act 125 requirements as all other state agencies, along with the responsibility to compile the annual report on economic development. WDEO would be subject to the same open records and meetings requirements of any other state agency. Its advisory board members would be subject to the same disclosure requirements as other agency/authority board members, and its staff would be subject to the same ethics requirements as other state agencies.

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Require any WDEO employee who is aware of possible fraud committed against the agency to cause that to be reported to appropriate law enforcement officials for investigation and possible action.

Require WDEO to maintain a website listing all awards, job creation and retention goals, actual jobs created or retained, contracts, administrative rules, contract amendments, and agendas and minutes and materials discussed by its advisory board and the board of the Badger Innovation Corporation.

Badger Innovation Corporation

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BIC will be subject to the state's open records and open meeting provisions. Annual reports of its activities will be included in the Annual Report on Economic Development issued by WDEO. Its records shall be available for inspection by the Legislative Audit Bureau, which shall conduct a program and financial audit every odd-numbered year.

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The governor shall appoint a transition council to create a detailed plan for the transition from WEDC to WDEO/BIC. This shall include a staff organization plan that specifies responsibilities for administering all funds, loans, and other obligations acquired by WDEO/BIC, and transferring current WEDC employees to either WDEO or BIC. The Council should consist of representatives of local and regional economic development agencies, one individual each appointed by the Speaker and Minority Leader of the Assembly and the Majority and Minority Leaders of the Senate, the Secretary CEO, COO and CFO of WEDC, and the Secretaries of Administration and Revenue. WEDC shall provide staffing and facilities in support of the plan's development. The Council shall present its plan to the Governor within 12 months of the effective date of this bill; implementation of this plan shall be included in the next Executive Budget. The plan will be implemented 6 months after effective date of the next biennial budget; Joint Finance may approve requests for additional time if necessary.

Let me know if you have questions. Thanks!

Mark Knickelbine

Policy Analyst

Office of State Senator Julie Lassa

24th Senate District

P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3225/P1dn
MPG&AJM:...

Ann

- Date -

Senator Lassa:

Please review this draft carefully to ensure that it is consistent with your intent. We have a few comments and questions:

1. We did not include "Wisconsin" in the name of the new Department of Economic Opportunity because each department created under ch. 15 already has "State of Wisconsin" in its name. See s. 15.02 (2), stats.
2. We created new PR appropriations for the Department of Economic Opportunity to expend moneys it receives as gifts, grants, or proceeds and moneys it receives as fees and repayments of grants and loans. Relying on the general language of the existing appropriation from the economic development fund, s. 20.192 (1) (r), renumbered s. 20.143 (1) (r) in the draft, we did not create any new appropriations for existing economic development programs, such as the main street program or the program for making grants to regional economic development organizations. If you wish to create such appropriations in the draft, please let us know.
3. With respect to the membership of the transition council, do you wish to have the gubernatorial appointees subject to senate confirmation? Also, As it consistent with your intent to require that the transition council members appointed by legislative members be representatives of local and regional economic development agencies, in addition to the gubernatorial appointees? If not, let us know, and I will redraft.
4. Rather than having the transition plan be submitted to the governor 12 months after the bill's publication date, you may instead want to include a specific date for submission of the plan to the governor, such as September 1, 2016, to ensure that the plan is submitted sufficiently in advance of submission of the 2017-19 executive budget to the legislature.
5. With respect to the exemptions under s. 19.58 (3), adding the Department of Economic Opportunity to those exemptions, as is done in the draft, is consistent with the treatment of the former Department of Commerce under the 2009 statutes. Please let us know if it is inconsistent with your intent. Also, please let us know if you would like to add the Badger Innovation Corporation to the exemptions or would like to discuss the exemptions.
6. The draft retains the additional independent audit requirement for the Department of Economic Opportunity that applies for WEDC under current law, under s. 238.07 (4). Please let us know if that is not consistent with your intent.

Please to not hesitate to contact us with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

Aaron McKean
Legislative Attorney
(608) 266-0132
aaron.mckean@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

JA ✓
Xref ✓
Pwf ✓

D-Note

(P)

Gen.

1 **AN ACT ...; relating to:** creating the Department of Economic Opportunity and
 2 the Economic Development Policy Board, requiring the creation of a nonstock,
 3 nonprofit corporation to be known as the ^eBadger Innovation Corporation,^o
 4 providing for the elimination of the Wisconsin Economic Development
 5 Corporation and the transfer its functions to the Department of Economic
 6 Opportunity and the Badger Innovation Corporation, granting rule-making
 7 authority, and making appropriations.

Analysis by the Legislative Reference Bureau

This bill provides for the elimination of the Wisconsin Economic Development Corporation (WEDC) and the transfer of its functions to a new Department of Economic Opportunity (DEO) and a nonstock, nonprofit corporation to be known as the "Badger Innovation Corporation." The bill's provisions become effective only if a transition plan is enacted as a part of the 2017-19 biennial budget act.

Transition

The bill creates an Economic Development Transition Council (transition council) to effect the transition of WEDC's functions to DEO and the Badger Innovation Corporation. The transition council consists of the following members:

- ✓ 1. Five members appointed by the governor.
- ✓ 2. One member appointed jointly by the speaker of the assembly and the minority leader of the assembly.

STET

3. One member appointed jointly by the majority leader and minority leader of the senate.

4. The chief executive officer, chief operating officer, and chief financial officer of WEDC.

5. The secretary of administration.

6. The secretary of revenue.

The members appointed by the governor and legislators are required to be representatives of local and regional economic development agencies.

The bill requires the transition council to develop a detailed plan for the transfer of WEDC's duties, powers, and functions to DEO and the Badger Innovation Corporation. The transition council is required to submit the transition plan to the governor within 12 months after the bill is enacted, and the bill requires the governor to include the transition plan as a part of the executive budget for the 2017–19 fiscal biennium. If the transition plan or a version of it is enacted as a part of the 2017–19 biennial budget act, the transition plan takes effect approximately six months after enactment of the 2017–19 biennial budget act, unless the legislature specifies a different effective date. If the transition plan is not enacted as a part of the 2017–19 biennial budget act, this bill, in its entirety, is ineffective.

Department of Economic Opportunity

Under the bill, DEO assumes most of WEDC's functions related to economic development, including reporting requirements. The bill also includes new responsibilities for DEO, including the following:

* 1. DEO emphasize economic development programs that encourage entrepreneurship; new business start-ups; and woman-owned, disabled-veteran owned, and minority businesses.

* 2. DEO must post on its Internet site DEO's job creation and retention goals; all amendments to contracts executed under an economic development program of DEO; and all agenda, meeting minutes, and materials discussed for meetings of the Economic Development Policy Board, described below, and the board of directors of the Badger Innovation Corporation.

3. DEO's contract with a grant or loan recipient, or with a person DEO certifies to claim tax credits, must include a provision requiring the recipient to repay all or a portion of the grant, loan, or tax credits if, within five years after receiving the grant or loan or being certified to receive tax credits, the total number of employees the recipient employs in full-time jobs in Wisconsin falls below the average number of employees the recipient employed in full-time jobs in Wisconsin during the previous two years. DEO is required to refer any claim for damages with respect to that contract requirement to the Department of Justice for collection.

4. DEO's contract with a grant or loan recipient, or with a person DEO certifies to claim tax credits, must include a provision requiring the recipient to repay all or a portion of the grant, loan, or tax credits if, within five years after the contract terms have been completed, the person eliminates any full-time job in this state that was created as a result of the grant, loan, or tax credits. DEO is also required to refer any claim for damages with respect to that contract requirement to the Department of Justice for collection.

✓ 5. In its annual report to the legislature, DEO must include the number of businesses or other persons against whom DEO, or WEDC under previous law, has initiated an action because the business or other person was not in compliance with contract requirements under an economic development program administered by DEO, or WEDC under previous law, and the total dollar amount that has been recovered to date as a result of those actions.

✓ 6. Before DEO executes a contract awarding a grant, loan, or tax credit to a person, DEO must conduct a thorough background check of the person that includes information concerning the person's business performance and a review of any legal proceedings in which the person is or was a party.

✓ 7. DEO must cooperate with the Badger Innovation Corporation to carry out the corporation's economic development duties, described below.

The bill also creates the Economic Development Policy Board (board), attached to DEO for limited purposes. The board consists of 12 members nominated by the governor and appointed with senate confirmation for staggered three-year terms. The members must have expertise in banking, business financing, and public economic development administration, and must represent private business and related stakeholder groups. At least four of the members must have public economic development administration experience. The board's function is to assist DEO in setting major economic development policy goals for the state.

Badger Innovation Corporation

Finally, under the bill, the transition council is required to draft and file articles of incorporation creating the Badger Innovation Corporation as a private nonstock, nonprofit corporation and draft bylaws for adoption by the board of directors of the corporation. The composition of the board of directors for the Badger Innovation Corporation is as follows:

- ✓ 1. The secretary of DEO, who acts as chairperson.
- ✓ 2. One representative to the assembly appointed by the speaker of the assembly.
- ✓ 3. One representative to the assembly appointed by the minority leader of the assembly.
- ✓ 4. One senator appointed by the majority leader of the senate.
- ✓ 5. One senator appointed by the minority leader of the senate.
- ✓ 6. Nine members nominated by the governor and appointed with senate confirmation for staggered three-year terms. The members so appointed must represent regional and local economic development agencies, private business, and other related stakeholder groups.
- ✓ 7. The secretaries of administration, revenue, and workforce development, who shall serve as nonvoting members.

The bill contains a number of requirements imposed on the Badger Innovation Corporation as a condition for the corporation to receive aid under a state appropriation. Among other things, the Badger Innovation Corporation must do the following:

- ✓ 1. 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.

✓ 2. Conduct foreign trade missions, business siting promotion, international business development, and marketing.

✓ 3. Create industry cluster development strategies.

✓ 4. Adopt the bylaws for the corporation drafted by the transition council and maintain the required composition and method of selection of the corporation's board of directors.

✓ 5. Provide public access to its records consistent with the state public records law.

✓ 6. Provide public access to its meetings consistent with the state open meetings law.

✓ 7. Fully cooperate with the Legislative Audit Bureau for purposes of a biennial financial audit and program evaluation audit of the corporation.

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

space

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

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

2 ×1.12 (1) (b) "State agency" means an office, department, agency, institution of
3 higher education, the legislature, a legislative service agency, the courts, a judicial
4 branch agency, an association, society, or other body in state government that is
5 created or authorized to be created by the constitution or by law, for which
6 appropriations are made by law, ~~excluding the Wisconsin Economic Development~~
7 ~~Corporation.~~

History: 1977 c. 29; 1993 a. 414; 2003 a. 89; 2005 a. 74; 2011 a. 7; 2013 a. 20.

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

9 ×13.172 (1) In this section, "agency" means an office, department, agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, and any authority created in subch. II of ch. 114 or in ch. 231, 233, 234, 238,
2 or 279.

3 **History:** 1983 a. 524; 1987 a. 399; 1995 a. 27; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20.

3 **SECTION 3.** 13.48 (10) (b) 6. of the statutes is repealed.

4 **SECTION 4.** 13.48 (12) (b) 5. of the statutes is repealed.

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

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

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 63 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32; 2013 a. 20; 2015 a. 55; s. 35.17 correction in (39) (c).

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

19 **SECTION 6.** 13.62 (2) “Agency” means any board, commission, department, office, society,
20 institution of higher education, council, or committee in the state government, or any
21 authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279,
22 except that the term does not include a council or committee of the legislature.

History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2005 a. 74, 335, 463; 2007 a. 1, 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20.

1 **SECTION 7.** 13.625 (9) of the statutes is amended to read:

2 × 13.625 (9) This section does not apply to the solicitation, acceptance, or
3 furnishing of anything of pecuniary value by the ~~Wisconsin Economic Development~~
4 ~~Corporation~~ department of economic opportunity, or to a principal furnishing
5 anything of pecuniary value to the ~~Wisconsin Economic Development Corporation~~
6 department of economic opportunity, under s. 19.56 (3) (e) or (f) for the activities
7 specified in s. 19.56 (3) (e).

8 **History:** 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227; 2011 a. 32; 2013 a. 153.

8 **SECTION 8.** 13.94 (1) (dr) of the statutes is amended to read:

9 × 13.94 (1) (dr) Biennially, ~~beginning in 2013~~, conduct a financial audit of the
10 ~~Wisconsin Economic Development Corporation~~ department of economic opportunity
11 and a program evaluation audit of the economic development programs
12 administered by the ~~Wisconsin Economic Development Corporation~~ department of
13 economic opportunity under ch. 238 ~~555~~. The legislative audit bureau shall file a
14 copy of each audit report under this paragraph with the distributees specified in par.
15 (b).

16 **History:** 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981
c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16,
27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003
a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28; 2011 a. 7, 10, 32, 166; 2013 a. 8, 20, 166, 203, 332; 2015 a. 2, 55; s. 35.17
correction in (intro.).

16 **SECTION 9.** 13.94 (1) (ds) of the statutes is created to read:

17 × 13.94 (1) (ds) 1. In this paragraph and in sub. (1s) (c) 5m., “Badger Innovation
18 Corporation” means the corporation specified in s. 16.35 (3).

19 2. Each odd-numbered year, conduct a financial audit of the Badger Innovation
20 Corporation and a program evaluation audit of the economic development programs
21 conducted by the Badger Innovation Corporation under its contract with the
22 department of economic opportunity. The legislative audit bureau shall file a copy
23 of each audit report under this subdivision with the distributees specified in par. (b).

1 **SECTION 10.** 13.94 (1) (ms) of the statutes is amended to read:

2 × 13.94 (1) (ms) No later than July 1, 2014, prepare a financial and performance
3 evaluation audit of the economic development tax benefit program under ss. 238.301
4 555.301 to 238.306 555.306. The legislative audit bureau shall file a copy of the
5 report of the audit under this paragraph with the distributees specified in par. (b).

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28; 2011 a. 7, 10, 32, 166; 2013 a. 8, 20, 166, 203, 332; 2015 a. 2, 55; s. 35.17 correction in (intro.).

6 **SECTION 11.** 13.94 (1s) (c) 5. of the statutes is amended to read:

7 × 13.94 (1s) (c) 5. The ~~Wisconsin Economic Development Corporation~~
8 department of economic opportunity for the cost of the audit required to be
9 performed under sub. (1) (dr).

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28; 2011 a. 7, 10, 32, 166; 2013 a. 8, 20, 166, 203, 332; 2015 a. 2, 55; s. 35.17 correction in (intro.).

10 **SECTION 12.** 13.94 (1s) (c) 5m. of the statutes is created to read:

11 × 13.94 (1s) (c) 5m. The Badger Innovation Corporation for the cost of the audit
12 required to be performed under sub. (1) (ds).

13 **SECTION 13.** 13.94 (4) (a) 1. of the statutes is amended to read:

14 × 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
15 credentialing board, commission, independent agency, council or office in the
16 executive branch of state government; all bodies created by the legislature in the
17 legislative or judicial branch of state government; any public body corporate and
18 politic created by the legislature including specifically the Fox River Navigational
19 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
20 Aerospace Authority, the ~~Wisconsin Economic Development Corporation~~, a
21 professional baseball park district, a local professional football stadium district, a
22 local cultural arts district and a long-term care district under s. 46.2895; every

1 Wisconsin works agency under subch. III of ch. 49; every provider of medical
2 assistance under subch. IV of ch. 49; technical college district boards; every county
3 department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or
4 unincorporated cooperative association to which moneys are specifically
5 appropriated by state law; and every corporation, institution, association or other
6 organization which receives more than 50% of its annual budget from appropriations
7 made by state law, including subgrantee or subcontractor recipients of such funds.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28; 2011 a. 7, 10, 32, 166; 2013 a. 8, 20, 166, 203, 332; 2015 a. 2, 55; s. 35.17 correction in (intro.).

8 **SECTION 14. 13.95 (intro.)** of the statutes is amended to read:

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

History: 1971 c. 215; 1973 c. 333 and supp.; 1975 c. 39; 1977 c. 196 s. 131; 1977 c. 273, 418; 1979 c. 34; 1983 a. 27; 1991 a. 316; 1995 a. 27, 225; 1999 a. 185; 2001 a. 16; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10, 220; 2013 a. 20.

22 **SECTION 15. 15.107 (20)** of the statutes is created to read:

1 × 15.107 (20) ECONOMIC DEVELOPMENT TRANSITION COUNCIL. (a) There is created
2 an economic development transition council, attached to the department of
3 administration under s. 15.03.

4 (b) The council consists of 12 members as follows:

5 1. Five members appointed by the governor.

6 2. One member appointed jointly by the speaker of the assembly and the
7 minority leader of the assembly.

8 3. One member appointed jointly by the majority leader and the minority
9 leader of the senate.

10 4. The chief executive officer, chief operating officer, and chief financial officer
11 of the Wisconsin Economic Development Corporation.

12 5. The secretary of administration.

13 6. The secretary of revenue.

14 (c) The members appointed under par. (b) 1. to 3. shall be representatives of
15 local and regional economic development agencies.

16 (d) The Wisconsin Economic Development Corporation shall provide staffing
17 and facilities for the council.

18 (e) The council shall be dissolved on January 1, 2019.

19 SECTION 16. 15.107 (20) of the statutes is repealed. *as created by 2015 Wisconsin Act ... (this act),*

20 SECTION 17. 15.15 of the statutes is created to read:

21 **15.15 Department of economic opportunity; creation.** There is created
22 a department of economic opportunity under the direction and supervision of the
23 secretary of economic opportunity.

24 SECTION 18. 15.15 of the statutes is created to read:

1 **× 15.15** ⁵ **Same; attached boards and commissions.** (1) ECONOMIC
 2 DEVELOPMENT POLICY BOARD. (a) There is created an economic development policy
 3 board attached to the department of economic opportunity under s. 15.03 consisting
 4 of 12 members nominated by the governor, and with the advice and consent of the
 5 senate appointed, for staggered 3-year terms.

6 (b) The members appointed under par. (a) shall have expertise in banking,
 7 business financing, and public economic development administration, and shall
 8 represent private business and related stakeholder groups. At least 4 of those
 9 members shall have public economic development administration experience.

10 (c) The economic development policy board shall assist the department of
 11 economic opportunity in setting major economic development policy goals for the
 12 state.

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

14 **× 16.002 (2)** "Departments" means constitutional offices, departments, and
 15 independent agencies and includes all societies, associations, and other agencies of
 16 state government for which appropriations are made by law, but not including
 17 authorities created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279.

18 **History:** 1977 c. 196; 1983 a. 27, 189; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10, 229; 2013 a. 20, 165.

18 **SECTION 20.** 16.004 (4) of the statutes is amended to read:

19 **× 16.004 (4)** **FREEDOM OF ACCESS.** The secretary and such employees of the
 20 department as the secretary designates may enter into the offices of state agencies
 21 and authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237,
 22 238, and 279, and may examine their books and accounts and any other matter that

1 in the secretary's judgment should be examined and may interrogate the agency's
2 employees publicly or privately relative thereto.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 196 ss. 21, 130 (3); 1977 c. 272; 1979 c. 34, 221, 357; 1981 c. 20 ss. 3v, 55d, 55m; 1983 a. 27 ss. 58, 2202 (49) (a); 1983 a. 524; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27; 1989 a. 335; 1991 a. 39, 316; 1993 a. 496; 1995 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 ss. 140 to 141f, 9160; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20; 2015 a. 55, 60.

3 **SECTION 21. 16.004 (5) of the statutes is amended to read:**

4 × **16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
5 authorities created under subch. II of ch. 114 and under chs. 231, 233, 234, 237, 238,
6 and 279, and their officers and employees, shall cooperate with the secretary and
7 shall comply with every request of the secretary relating to his or her functions.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 196 ss. 21, 130 (3); 1977 c. 272; 1979 c. 34, 221, 357; 1981 c. 20 ss. 3v, 55d, 55m; 1983 a. 27 ss. 58, 2202 (49) (a); 1983 a. 524; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27; 1989 a. 335; 1991 a. 39, 316; 1993 a. 496; 1995 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 ss. 140 to 141f, 9160; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20; 2015 a. 55, 60.

8 **SECTION 22. 16.045 (1) (a) of the statutes is amended to read:**

9 × **16.045 (1) (a) “Agency”** means an office, department, independent agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 232,
14 233, 234, 237, 238, or 279.

History: 1993 a. 351; 1995 a. 27; 1997 a. 73; 2001 a. 16; 2003 a. 311; 2005 a. 74, 83, 335; 2007 a. 20, 97; 2009 a. 28, 401; 2011 a. 7, 10, 32, 229; 2013 a. 20, 165.

15 **SECTION 23. 16.295 of the statutes is renumbered 555.155.**

16 **SECTION 24. 16.309 of the statutes is renumbered 555.129.**

17 **SECTION 25. 16.35 of the statutes is created to read:**

18 × **16.35 Economic development transition council. (1) DEFINITIONS.** In this
19 section:

20 (a) “Badger Innovation Corporation” means the corporation specified in sub.

21 (3).

1 (b) “Department” means the department of economic opportunity, as created
2 in 2015 Wisconsin Act (this act).

3 (c) “Transition council” means the economic development transition council.

4 (d) “Transition plan” means the plan created under sub. (2) (a).

5 **(2) TRANSITION PLAN.** (a) The transition council shall develop a detailed plan
6 for the transfer of the Wisconsin Economic Development Corporation’s duties,
7 powers, and functions to the department and the Badger Innovation Corporation.
8 The plan shall include all of the following:

9 1. An organizational plan for the department and the Badger Innovation
10 Corporation.

11 2. A plan for the transfer of all assets and liabilities of the Wisconsin Economic
12 Development Corporation to the department and the Badger Innovation
13 Corporation

14 3. A plan for the transfer of employees of the Wisconsin Economic Development
15 Corporation to the department or the Badger Innovation Corporation.

16 4. A plan for the transfer of tangible personal property of the Wisconsin
17 Economic Development Corporation to the department or the Badger Innovation
18 Corporation.

19 5. A plan for the transfer of all matters pending with the Wisconsin Economic
20 Development Corporation to the department or the Badger Innovation Corporation.

21 The plan under this subdivision shall provide that all materials submitted to or
22 actions taken by the Wisconsin Economic Development Corporation with respect to
23 the pending matter are considered as having been submitted to or taken by the
24 department or the Badger Innovation Corporation, as appropriate.

1 6. A plan for the transfer of all contracts entered into by the Wisconsin
2 Economic Development Corporation, and all contracts entered into by the former
3 department of commerce and maintained by the Wisconsin Economic Development
4 Corporation, to the department or the Badger Innovation Corporation. The plan
5 under this subdivision shall provide that the contracts remain in effect and that the
6 department or the Badger Innovation Corporation, as appropriate, shall carry out
7 any obligations under such a contract until the contract is modified or rescinded by
8 the department or the Badger Innovation Corporation, as appropriate, to the extent
9 allowed under the contract.

10 7. A plan for the transfer of policies and procedures and orders of the Wisconsin
11 Economic Development Corporation to the department or the Badger Innovation
12 Corporation. The plan under this subdivision shall provide that the transferred
13 policies and procedures remain in effect until their specified expiration dates or until
14 amended or repealed by the department or the Badger Innovation Corporation, as
15 appropriate, and that all orders issued by the Wisconsin Economic Development
16 Corporation remain in effect until their specified expiration dates or until modified
17 or rescinded by the department or the Badger Innovation Corporation, as
18 appropriate.

19 (b) 1. The transition council shall submit the transition plan to the governor
20 within 12 months after the effective date of this subdivision [LRB inserts date].

21 2. The governor shall include the transition plan submitted by the transition
22 council under subd. 1. as a part of the governor's executive budget for the 2017–19
23 fiscal biennium.

24 3. If the transition plan or a version of it is enacted as a part of the 2017–19
25 biennial budget act, and unless a different effective date is provided in the 2017–19

1 biennial budget act, the transition plan as enacted shall take effect on the first day
2 of the 7th month beginning after publication of the 2017-19 biennial budget act. The
3 chairperson of the transition council shall send a notice to the legislative reference
4 bureau for publication in the Wisconsin Administrative Register that confirms
5 enactment of the transition plan and states the effective date of the transition plan
6 as enacted.

7 (3) BADGER INNOVATION CORPORATION; CREATION. The transition council shall do
8 all of the following:

9 (a) Draft and file articles of incorporation for a nonstock corporation under ch.
10 181 and take all actions necessary to exempt the corporation from federal taxation
11 under section 501 (c) (3) of the Internal Revenue Code.

12 (b) Draft bylaws for adoption by the initial board of directors of the Badger
13 Innovation Corporation under s. 181.0206 (2). The bylaws shall specify the method
14 of selection and composition of the board of directors required under s. 555.42.

15 SECTION 26. 16.35 of the statutes, as created by 2015 Wisconsin Act ... (this act), is repealed.

16 SECTION 27. 16.41 (4) of the statutes is amended to read:

17 × 16.41 (4) In this section, "authority" means a body created under subch. II of
18 ch. 114 or under ch. 231, 233, 234, 237, 238, or 279.

History: 1977 c. 196 s. 130 (3); 1977 c. 272, 273; 1983 a. 27; 1987 a. 399; 1995 a. 27; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20.

19 SECTION 28. 16.417 (1) (b) of the statutes is amended to read:

20 × 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or
21 ch. 231, 232, 233, 234, 237, 238, or 279.

History: 1987 a. 365 ss. 1, 4m; 1987 a. 399; 1989 a. 56 s. 259; 1993 a. 362; 1997 a. 27; 2001 a. 16; 2005 a. 74, 335; 2007 a. 20; 2009 a. 28; 2011 a. 7, 10, 32, 229; 2013 a. 20 ss. 65p, 2365m, 9448; 2013 a. 145.

22 SECTION 29. 16.52 (7) of the statutes is amended to read:

1 × 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
2 that is authorized to maintain a contingent fund under s. 20.920 may establish a
3 petty cash account from its contingent fund. The procedure for operation and
4 maintenance of petty cash accounts and the character of expenditures therefrom
5 shall be prescribed by the secretary. In this subsection, “agency” means an office,
6 department, independent agency, institution of higher education, association,
7 society, or other body in state government created or authorized to be created by the
8 constitution or any law, that is entitled to expend moneys appropriated by law,
9 including the legislature and the courts, but not including an authority created in
10 subch. II of ch. 114 or in ch. 231, 233, 234, 237, ~~238~~, or 279.

History: 1971 c. 125, 261; 1973 c. 243; 1975 c. 41 s. 52; 1977 c. 29; 1977 c. 196 s. 130 (3), (4); 1977 c. 272, 273, 418; 1979 c. 34 ss. 65 to 67, 2102 (43) (a); 1981 c. 14; 1983 a. 27 ss. 73, 74, 2202 (42); 1983 a. 368; 1985 a. 29; 1987 a. 399; 1989 a. 31, 336, 359; 1991 a. 39, 316; 1995 a. 27 ss. 296, 297, 9145 (1); 1997 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 25, 74, 335; 2007 a. 20, 97; 2009 a. 28, 276; 2011 a. 7, 10; 2013 a. 20.

11 **SECTION 30.** 16.528 (1) (a) of the statutes is amended to read:

12 × 16.528 (1) (a) “Agency” means an office, department, independent agency,
13 institution of higher education, association, society, or other body in state
14 government created or authorized to be created by the constitution or any law, that
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,
17 234, 237, ~~238~~, or 279.

History: 1985 a. 300; 1987 s. 312 s. 17; 1987 a. 399; 1989 a. 233; 1991 a. 39; 1995 a. 27, 241; 1999 a. 150 s. 672; 2001 a. 16; 2001 a. 30 s. 108; 2005 a. 74, 335; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20; 2015 a. 55.

18 **SECTION 31.** 16.53 (2) of the statutes is amended to read:

19 × 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
20 invoice, the agency shall notify the sender of the invoice within 10 working days after
21 it receives the invoice of the reason it is improperly completed. In this subsection,
22 “agency” means an office, department, independent agency, institution of higher
23 education, association, society, or other body in state government created or

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

History: 1971 c. 100 s. 23; 1971 c. 215, 261; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 39, 164, 198, 397, 422; 1977 c. 29, 196, 418; 1979 c. 34, 221; 1981 c. 1, 20; 1983 a. 3, 27, 192, 368; 1985 a. 29, 300; 1985 a. 332 ss. 15, 251 (1); 1987 a. 399; 1989 a. 31; 1989 a. 125 ss. 1, 10; 1991 a. 39, 316; 1993 a. 80, 399; 1995 a. 27 ss. 301, 302, 9126 (19), 9130 (4); 1997 a. 3; 2001 a. 16; 2003 a. 33, 117, 171; 2005 a. 74, 335; 2007 a. 20 ss. 90b, 91, 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 7, 10; 2013 a. 20.

5 **SECTION 32.** 16.54 (9) (a) 1. of the statutes is amended to read:

6 × 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
7 institution of higher education, association, society or other body in state
8 government created or authorized to be created by the constitution or any law, which
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, but not including an authority created in subch. II of ch. 114 or in ch. 231, 233,
11 234, 237, 238, or 279.

History: 1973 c. 333; 1975 c. 39 ss. 69, 732 (1); 1975 c. 224; 1977 c. 418; 1979 c. 34; 1981 c. 27; 1983 a. 27, 208, 470; 1985 a. 29; 1987 a. 4, 27, 186, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 303 to 307, 9126 (19); 1995 a. 132, 225; 1999 a. 9, 74; 2001 a. 16; 2003 a. 33; 2005 a. 25, 74, 335; 2007 a. 20 ss. 92b, 95, 98, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 332; 2011 a. 7, 10, 32; 2013 a. 20.

12 **SECTION 33.** 16.85 (2) of the statutes is amended to read:

13 × 16.85 (2) To furnish engineering, architectural, project management, and other
14 building construction services whenever requisitions therefor are presented to the
15 department by any agency. The department may deposit moneys received from the
16 provision of these services in the account under s. 20.505 (1) (kc) or in the general
17 fund as general purpose revenue — earned. In this subsection, “agency” means an
18 office, department, independent agency, institution of higher education, association,
19 society, or other body in state government created or authorized to be created by the
20 constitution or any law, which is entitled to expend moneys appropriated by law,

1 including the legislature and the courts, but not including an authority created in
2 subch. II of ch. 114 or in ch. 231, 233, 234, 237, ~~238~~, or 279.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221; 1983 a. 36 s. 96 (4); 1985 a. 29; 1987 a. 142, 399; 1989 a. 31, 336; 1991 a. 39, 269, 316; 1993 a. 263; 1995 a. 27 ss. 398 to 400, ~~916~~ (5), 9126 (19), 9130 (4); 1997 a. 27; 1999 a. 197; 2001 a. 16; 2005 a. 74, 149, 335; 2007 a. 20 ss. 115b, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 185; 2011 a. ~~7~~, 10, 32; 2013 a. 20, 166; 2015 a. 55.

3 **SECTION 34.** 16.865 (8) of the statutes is amended to read:

4 ~~×~~ 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
5 proportionate share of the estimated costs attributable to programs administered by
6 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
7 may charge premiums to agencies to finance costs under this subsection and pay the
8 costs from the appropriation on an actual basis. The department shall deposit all
9 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
10 Costs assessed under this subsection may include judgments, investigative and
11 adjustment fees, data processing and staff support costs, program administration
12 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
13 subsection, “agency” means an office, department, independent agency, institution
14 of higher education, association, society, or other body in state government created
15 or authorized to be created by the constitution or any law, that is entitled to expend
16 moneys appropriated by law, including the legislature and the courts, but not
17 including an authority created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237,
18 ~~238~~, or 279.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1985 a. 29; 1987 a. 399; 1989 a. 125; 1991 a. 39; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2005 a. 74, ~~335~~; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10, 183, 229; 2013 a. 20, 165.

19 **SECTION 35.** 19.42 (10) (sm) of the statutes is repealed.

20 **SECTION 36.** 19.42 (13) (om) of the statutes is repealed.

21 **SECTION 37.** 19.56 (2) (b) 6. of the statutes is amended to read:

1 × 19.56 (2) (b) 6. Is made available to the official by the ~~Wisconsin Economic~~
2 ~~Development Corporation~~ department of economic opportunity or the department of
3 tourism in accordance with sub. (3) (e), (em) or (f).

4 **History:** 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32.

4 **SECTION 38.** 19.56 (3) (e) (intro.) of the statutes is amended to read:

5 × 19.56 (3) (e) (intro.) A state public official who is an officer or employee of the
6 ~~Wisconsin Economic Development Corporation~~ department of economic opportunity
7 may solicit, receive and retain on behalf of the state anything of value for the purpose
8 of any of the following:

9 **SECTION 39.** 19.56 (3) (e) 1. of the statutes is amended to read:

10 × 19.56 (3) (e) 1. The sponsorship by the ~~Wisconsin Economic Development~~
11 ~~Corporation~~ department of economic opportunity of a trip to a foreign country
12 primarily to promote trade between that country and this state that the ~~Wisconsin~~
13 ~~Economic Development Corporation~~ department of economic opportunity can
14 demonstrate through clear and convincing evidence is primarily for the benefit of
15 this state.

16 **History:** 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32.

16 **SECTION 40.** 19.56 (3) (f) of the statutes is amended to read:

17 × 19.56 (3) (f) A state public official may receive and retain from the ~~Wisconsin~~
18 ~~Economic Development Corporation~~ department of economic opportunity anything
19 of value which the ~~Wisconsin Economic Development Corporation~~ department of
20 economic opportunity is authorized to provide under par. (e) and may receive and
21 retain from the department of tourism anything of value which the department of
22 tourism is authorized to provide under par. (em).

23 **History:** 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32.

23 **SECTION 41.** 19.57 of the statutes is amended to read:

1 × **19.57 Conferences, visits and economic development activities.** The
 2 ~~Wisconsin Economic Development Corporation~~ department of economic opportunity
 3 shall file a report with the board no later than April 30 annually, specifying the
 4 source and amount of anything of value received by the ~~Wisconsin Economic~~
 5 ~~Development Corporation~~ department of economic opportunity during the preceding
 6 calendar year for a purpose specified in s. 19.56 (3) (e), and the program or activity
 7 in connection with which the thing is received, together with the location and date
 8 of that program or activity.

History: 1991 a. 39; 1995 a. 27 s. 9116 (5); 2011 a. 32.

9 **SECTION 42.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 10 insert the following amounts for the purposes indicated:

| | 2015-16 | 2016-17 |
|--|---------|---------|
| 12 20.505 Administration, department of | | |

13 (1) SUPERVISION AND MANAGEMENT

14 (zr) Badger Innovation Corporation SEG C -0- -0-

15 **SECTION 43.** 20.143 (intro.) of the statutes is created to read:

16 × **20.143 Economic opportunity; department of.** ^(intro.) There is appropriated to
 17 the department of economic opportunity for the following programs:

18 **SECTION 44.** 20.143 (1) (g) of the statutes is created to read:

19 × 20.143 (1) (g) *Gifts, grants, and proceeds.* All moneys received from gifts,
 20 donations, grants, bequests, and devises and all proceeds from services, conferences,
 21 and sales of publications and promotional materials, to carry out the purposes for
 22 which made or collected. for use

23 **SECTION 45.** 20.143 (1) (gm) of the statutes is created to read:

RP; 20.192 (int'd)

1 * 20.143 (1) (gm) *Administration of grants, loans, and tax credits.* (gm) All
2 moneys received from loan origination fees or other fees charged by the department
3 of economic opportunity under a grant, loan, or tax credit program administered by
4 the department of economic opportunity under ch. 555, all moneys received from
5 repayment of grants and loans, and all moneys received under s. 555.12, for
6 administering the grant, loan, and tax credit programs under ch. 555.

7 SECTION 46. 20.192 (1) (title) of the statutes is renumbered 20.143 (1) (title).

8 SECTION 47. 20.192 (1) (a) of the statutes is renumbered 20.143 (1) (a) and
9 amended to read:

10 * 20.143 (1) (a) *Operations and programs.* As a continuing appropriation, the
11 amounts in the schedule for the operations of the ~~Wisconsin Economic Development~~
12 ~~Corporation~~ department of economic opportunity and for funding economic
13 development programs developed and implemented under s. ~~238.03~~ 555.03.

14 History: 2011 a. 7, 32; 2015 a. 55.
SECTION 48. 20.192 (1) (k) of the statutes is repealed.

15 SECTION 49. 20.192 (1) (m) of the statutes is renumbered 20.192²⁴³(1) (m) and
16 amended to read:

17 20.192²⁴³(1) (m) *Federal aid; programs.* All moneys received from the federal
18 government as authorized by the governor under s. 16.54 ~~and all moneys transferred~~
19 ~~under 2011 Wisconsin Act 32, section 9210 (3),~~ for the purposes of funding programs
20 administered by the ~~Wisconsin Economic Development Corporation~~ department of
21 economic opportunity.

22 History: 2011 a. 7, 32; 2015 a. 55.
SECTION 50. 20.192 (1) (r) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is renumbered 20.143 (1) (r) and amended to read:

1 × 20.143 (1) (r) *Economic development fund; operations and programs.* From the
2 economic development fund, as a continuing appropriation, the amounts in the
3 schedule for the operations of the ~~Wisconsin Economic Development Corporation~~
4 department of economic opportunity and for funding the economic development
5 programs it administers.

6 **History:** 2011 a. 7, 32; 2015 a. 55.

6 **SECTION 51.** 20.192 (1) (s) of the statutes is renumbered 20.143 (1) (s) and
7 amended to read:

8 × 20.143 (1) (s) *Brownfield site assessment grants.* Biennially, from the
9 environmental fund, the amounts in the schedule for brownfield site assessment
10 grants under s. ~~238.133~~ 555.133.

11 **History:** 2011 a. 7, 32; 2015 a. 55.

11 **SECTION 52.** 20.370 (2) (mr) of the statutes is amended to read:

12 × 20.370 (2) (mr) *General program operations — brownfields.* From the
13 environmental fund, the amounts in the schedule for administration of activities
14 related to brownfields, as defined in s. ~~238.13~~ 555.13 (1) (a).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (l); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55; s. 35.17 correction in (2) (g).

15 **SECTION 53.** 20.370 (2) (mr) of the statutes is amended to read:

16 ~~20.370 (2) (mr) *General program operations — brownfields.* From the
17 environmental fund, the amounts in the schedule for administration of activities
18 related to brownfields, as defined in s. ~~238.13~~ 238.13 (1) (a).~~

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (l); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55; s. 35.17 correction in (2) (g).