

1 (14) Agree and comply with any conditions attached to federal financial
2 assistance.

3 (15) To lease real or personal property and to accept federal funds for and
4 participate in such federal housing programs as are enacted on May 4, 1976 or at any
5 future time, except that the authority may not accept without the consent of the
6 governor federal funds under federal housing programs enacted after May 8, 1982
7 if issuance of the authority's bonds or notes is not required to participate in the
8 programs.

9 (16) To establish and maintain a corporation organized under ch. 180 or 181.

CR; 235.03 (3) (ad), (ah), (ap), (at)

10 235.03 (3) (ad) That each recipient of a grant or loan under the program of at
11 least \$500,000 shall engage an independent certified public accountant to perform
12 procedures, approved by the corporation and consistent with applicable professional
13 standards of the American Institute of Certified Public Accountants, to determine
14 whether the grant or loan funds and any matching cash or in-kind match were
15 expended in accordance with the grant or loan contract.

16 (ah) That each recipient required to submit a schedule of expenditures make
17 available for inspection the documents supporting such schedule of expenditures.

18 (ap) That the contract with grant or loan recipients shall include the
19 requirements under pars. (a) to (ah).

20 (at) The requirements of pars. (a) to (ap) do not apply to a department, as
21 defined in s. 15.01 (5), an independent agency, as defined in s. 15.01 (9), an authority
22 created under subch. II of ch. 114 or under ch. 231, 233, 235, 237, or 279, or the
23 University of Wisconsin System.

24 **235.013 Duties of the board; mission.**

Please sort

1 235.013 The board shall develop and implement economic development
2 programs, loan guarantee programs, and housing programs and projects to provide
3 business, housing, and other support and expertise and financial assistance to
4 companies that are investing and creating jobs in Wisconsin and to Wisconsin
5 residents to support new business start-ups, business expansion and growth, and
6 home ownership in Wisconsin. The board may also develop and implement any other
7 programs and projects related to economic development or housing in Wisconsin.

8 SECTION 454. Subchapter II (title) of chapter 235 [precedes 235.03] of the
9 statutes is created to read:

10 (B) → [CHAPTER 235 [
 SUBCHAPTER II ✓

STET

11 # CR; 235.609 ECONOMIC DEVELOPMENT

12 235.609 Bonds for certain mortgages and securities and for the
13 housing development fund. The authority may issue its negotiable notes and
14 bonds to do any of the following:

15 (1) Purchase certain mortgages and securities and make secured loans for low-
16 and moderate-income housing for the rehabilitation of existing structures, and for
17 the construction of facilities appurtenant to existing structures consistent with the
18 provisions and purposes of this chapter.

19 (2) Make secured loans to assist eligible elderly homeowners in paying
20 property taxes and special assessments.

21 (3) Provide moneys for the housing development fund in order to make
22 temporary loans to sponsors of housing projects as provided in this chapter.

subchapter

23 SECTION 455. Chapter 238 (title) of the statutes is repealed.

24 SECTION 456. Subchapter I (title) of chapter 238 [precedes 238.01] of the
25 statutes is repealed.

for persons and families of low and moderate income

(intro.) and (are)

1

SECTION 457. 238.01 (1) of the statutes is repealed.

2

SECTION 458. 238.01 (2) of the statutes is repealed.

3

SECTION 459. 238.01 (3) of the statutes is renumbered 235.01 (3).

4

SECTION 460. 238.02 of the statutes is repealed.

5

SECTION 461. 238.03 (title) of the statutes is renumbered 235.03 (title) and amended to read:

7

235.03 (title) Duties of board the authority concerning economic development.

9

SECTION 462. 238.03 (1) of the statutes is repealed.

10

SECTION 463. 238.03 (2) of the statutes is renumbered 235.03 (2), and 235.03 (2) (intro.) and (c), as renumbered, are amended to read:

12

235.03 (2) (intro.) For each program developed and implemented by the board authority under this subchapter, the board authority shall do all of the following:

14

(c) Require that each recipient of a grant or loan under the program submit a report to the corporation authority. Each contract with a recipient of a grant or loan under the program must specify the frequency and format of the report to be submitted to the corporation authority and the performance measures to be included in the report.

19

SECTION 464. 238.03 (3) of the statutes is renumbered 235.03 (3), and 235.03 (3) (intro.), (a) and (b) (intro.), as renumbered, are amended to read:

21

235.03 (3) (intro.) The board authority shall require for each economic development program developed and implemented by the board authority all of the following:

24

(a) That each recipient of a grant or loan under the program of at least \$100,000 submit to the corporation authority, within 120 days after the end of the recipient's

25

1 fiscal year in which any grant or loan funds were expended, or at a different time as
2 provided in policies and procedures approved by the board, a schedule of
3 expenditures of the grant or loan funds, including expenditures of any matching cash
4 or in-kind match, signed by the director or principal officer of the recipient to attest
5 to the accuracy of the schedule of expenditures. ~~The recipient shall engage an~~
6 ~~independent certified public accountant to perform procedures, approved by the~~
7 ~~corporation and consistent with applicable professional standards of the American~~
8 ~~Institute of Certified Public Accountants, to determine whether the grant or loan~~
9 ~~funds and any matching cash or in-kind match were expended in accordance with~~
10 ~~the grant or loan contract. The board shall also require the recipient of such a grant~~
11 ~~or loan to make available for inspection the documents supporting the schedule of~~
12 ~~expenditures. The board shall include the requirements under this paragraph in the~~
13 ~~contract with grant or loan recipients.~~

14 (b) (intro.) That the board authority, if a recipient of a grant or loan under the
15 program submits false or misleading information to the ~~corporation~~ authority or fails
16 to comply with the terms of a contract entered into with the ~~corporation~~ authority,
17 without providing satisfactory explanation for the noncompliance, do all of the
18 following:

19 **SECTION 465.** 238.04 of the statutes is repealed.

20 **SECTION 466.** 238.045 of the statutes is repealed.

21 **SECTION 467.** 238.046 of the statutes is renumbered 235.014, and 235.014 (1)
22 and (2), as renumbered, are amended to read:

23 235.014 (1) A member of the board or an employee of the ~~corporation~~ authority
24 to whom the board delegates its authority to contract shall notify the ~~corporation's~~
25 authority's legal counsel or, if the ~~corporation's~~ legal counsel is unavailable, the chief

1 executive officer of the ~~corporation~~ authority if the member or employee has a direct
2 or indirect, private, pecuniary interest in a contract that is being negotiated, bid for,
3 or entered into with the ~~corporation~~ authority. If the ~~corporation's~~ authority's legal
4 counsel or chief executive officer is notified under this section, he or she shall report
5 the name of the individual from whom he or she received the notification and the
6 contract in which the individual has a private, pecuniary interest to the board. A
7 member or employee who notifies the ~~corporation's~~ authority's legal counsel or chief
8 executive officer under this section is not authorized to participate in the member's
9 or employee's capacity as a member of the board or an employee of the ~~corporation~~
10 authority in the making of the contract or to perform in regard to the contract some
11 official function requiring the exercise of discretion on the member's or employee's
12 part.

13 (2) An employee of the ~~corporation~~ authority shall notify the ~~corporation's~~
14 authority's legal counsel or, if the ~~corporation's~~ legal counsel is unavailable, the chief
15 executive officer of the ~~corporation~~ authority if the employee has a controlling
16 interest in an entity that is negotiating, bidding for, or entering into a contract with
17 the ~~corporation~~ authority. If the ~~corporation's~~ authority's legal counsel or chief
18 executive officer is notified under this section, he or she shall report the name of the
19 individual from whom he or she received the notification and the contract at issue
20 to the board. The board shall prohibit the ~~corporation~~ authority from entering into
21 any contract with an entity in which an employee of the ~~corporation~~ authority has
22 a controlling interest.

23 **SECTION 468.** 238.05 of the statutes is repealed.

24 **SECTION 469.** 238.06 of the statutes is renumbered 235.015 and amended to
25 read:

1 **235.015 Liability limited.** Neither the state nor any political subdivision of
2 the state, nor any officer, employee, or agent of the state or a political subdivision of
3 the state who is acting within the scope of employment or agency, is liable for any
4 debt, obligation, act, or omission of the ~~corporation~~ authority.

5 **SECTION 470.** 238.07 of the statutes is renumbered 235.016, and 235.016 (1),
6 (2) (intro.), (3) and (4), as renumbered, are amended to read:

7 235.016 (1) Annually, by ~~January~~ October 1, the ~~board~~ authority shall submit
8 to the chief clerk of each house of the legislature, for distribution to the legislature
9 under s. 13.172 (2), a report identifying the economic development, loan guarantee,
10 and housing programs and projects that the ~~board~~ authority intends to develop and
11 implement during the current ~~calendar~~ fiscal year.

12 (2) (intro.) Annually, no later than October 1, the ~~board~~ authority shall submit
13 to the joint legislative audit committee and the chief clerk of each house of the
14 legislature, for distribution to the legislature under s. 13.172 (2), a report for the
15 previous fiscal year on each of the economic development programs and loan
16 guarantee and housing programs and projects of the ~~corporation~~ authority that
17 contains all of the following:

18 (3) The ~~board~~ authority shall make readily accessible to the public on an
19 Internet-based system the information required under sub. (2).

20 (4) Annually, beginning in ~~2014~~ 2016, the board shall have an independent
21 audit conducted of the ~~corporation's~~ authority's financial statements for the previous
22 fiscal year and submit the audit report to the joint legislative audit committee and
23 the chief clerk of each house of the legislature, for distribution to the legislature
24 under s. 13.172 (2).

25 **SECTION 471.** 238.08 of the statutes is repealed.

1 **SECTION 472.** 238.09 of the statutes is renumbered 235.017, and 235.017 (1),
2 (2) and (3), as renumbered, are amended to read:

3 235.017 (1) When the ~~corporation~~ authority is required to publicly solicit
4 proposals from multiple vendors of goods or services.

5 (2) How the ~~corporation~~ authority is to evaluate proposals from multiple
6 vendors.

7 (3) How the ~~corporation~~ authority is to assess any conflict of interest a vendor
8 may have if the vendor sells goods or services to the ~~corporation~~ authority.

9 **SECTION 473.** 238.10 of the statutes is renumbered 235.018, and 235.018 (1) to
10 (4), as renumbered, are amended to read:

11 235.018 (1) ALLOCATION. The ~~corporation~~ authority shall establish under 26
12 USC 146 and administer a system for the allocation of the volume cap on the issuance
13 of private activity bonds, as defined under 26 USC 141 (a), among all municipalities,
14 as defined in s. 67.01 (5), and any corporation formed on behalf of those
15 municipalities, and among this state, the Wisconsin Health and Educational
16 Facilities Authority, the Wisconsin Aerospace Authority, and the Wisconsin Housing
17 and Economic Development Authority authority.

18 (2) AMENDMENT TO ALLOCATION. At any time prior to December 31 in any year,
19 the ~~corporation~~ authority may adopt rules policies and procedures to revise the
20 allocation system established for that year under sub. (1), except that any revision
21 under this subsection does not apply to any allocation under which the recipient of
22 that allocation has adopted a resolution authorizing the issuance of a private activity
23 bond, as defined in 26 USC 141 (a).

24 (3) CONDITIONS. The ~~corporation~~ authority may establish any procedure for,
25 and place any condition upon, the granting of an allocation under this section which

1 the ~~corporation~~ authority deems to be in the best interest of the state including a
2 requirement that a cash deposit, at a rate established by the ~~corporation~~ authority,
3 be a condition for an allocation.

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

7 SECTION 474. 238.11 of the statutes is renumbered 235.11 and amended to
8 read: ^{no 13}

9 **235.11 Employment impact estimates.** (1) The ~~corporation~~ authority shall
10 prescribe the notice forms to be used under s. 66.1103 (4m) (a) 1. The ~~corporation~~
11 authority shall include on the forms a requirement for information on the number
12 of jobs the person submitting the notice expects to be eliminated, created, or
13 maintained on the project site and elsewhere in this state by the project which is the
14 subject of the notice. The ~~corporation~~ authority shall prescribe the forms to be used
15 under s. 66.1103 (4m) (b).

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

21 (5) The ~~corporation~~ authority shall issue an estimate made under sub. (2) to
22 the city, village, town, or county which will issue the bonds to finance the project
23 which is the subject of the estimate.

24 SECTION 475. 238.12 of the statutes is renumbered 235.12, and 235.12 (2), as
25 renumbered, is amended to read:

and 235.11 (1) and (2) and (5), as renumbered are

1 235.12 (2) The ~~corporation~~ authority may not award a grant or loan under this
2 chapter to a person or certify a person to receive tax benefits unless the ~~corporation~~
3 authority enters into an agreement with the person that requires the person to repay
4 the grant, loan, or tax benefits if, within 5 years after receiving the grant or loan or
5 being certified to receive tax benefits, the person ceases to conduct in this state the
6 economic activity for which the person received the grant or loan or for which the
7 person was certified to receive tax benefits and commences substantially the same
8 economic activity outside this state.

9 **SECTION 476.** 238.125 of the statutes is repealed.

10 **SECTION 477.** 238.127 of the statutes is renumbered 235.127, and 235.127 (2)
11 (intro.), (c) (intro.), (e), (h) and (j), as renumbered, are amended to read:

12 235.127 (2) (intro.) The ~~corporation~~ authority shall establish and administer
13 a state main street program to coordinate state and local participation in programs
14 offered by the national main street center, created by the national trust for historic
15 preservation, to assist municipalities in planning, managing and implementing
16 programs for the revitalization of business areas. The ~~corporation~~ authority shall
17 do all of the following:

18 (c) (intro.) With help from interested individuals and organizations, develop a
19 plan describing the objectives of the state main street program and the methods by
20 which the ~~corporation~~ authority shall:

21 (e) Annually select, upon application, up to 5 municipalities to participate in
22 the state main street program. The program for each municipality shall conclude
23 after 3 years, except that the program for each municipality selected after July 29,
24 1995, shall conclude after 5 years. The ~~corporation~~ authority shall select program
25 participants representing various geographical regions and populations. A

1 municipality may apply to participate, and the ~~corporation~~ authority may select a
 2 municipality for participation, more than one time. In selecting a municipality,
 3 however, the ~~corporation~~ authority may give priority to those municipalities that
 4 have not previously participated.

5 (h) Provide training, technical assistance and information on the revitalization
 6 of business areas to municipalities which do not participate in the state main street
 7 program. The ~~corporation~~ authority may charge reasonable fees for the services and
 8 information provided under this paragraph.

9 (j) The ~~corporation~~ authority shall expend at least \$250,000 annually on the
 10 state main street program.

11 **SECTION 478.** 238.13 of the statutes is renumbered 235.13, and 235.13 (2) (a)
 12 (intro.), (3) (intro.) and (f) and (5), as renumbered, are amended to read:

13 235.13 (2) (a) (intro.) The ~~corporation~~ authority may make a grant to a person
 14 if all of the following apply:

15 (3) (intro.) The ~~corporation~~ authority may consider the following criteria in
 16 making awards under this section:

17 (f) Any other factors ~~considered by the corporation to be~~ authority considers
 18 relevant relevant to assessing the viability and feasibility of the project.

19 (5) Before the ~~corporation~~ authority awards a grant under this section, the
 20 ~~corporation~~ authority shall consider the recommendations of the department of
 21 administration and the department of natural resources.

22 **SECTION 479.** 238.133 of the statutes is renumbered 235.133, and 235.133 (2)
 23 (title), (a), (b), (c) and (d), (3) (intro.), (4), (5) (intro.) and (c), (6) and (7), as
 24 renumbered, are amended to read:

25 235.133 (2) (title) DUTIES OF THE CORPORATION AUTHORITY.

1 (a) The ~~corporation~~ authority shall administer a program to award brownfield
2 site assessment grants from the appropriation under s. ~~20.192 (1)~~ 20.885 (3) (s) to
3 local governmental units for the purposes of conducting any of the eligible activities
4 under sub. (3).

5 (b) The ~~corporation~~ authority may not award a grant to a local governmental
6 unit under this section if that local governmental unit caused the environmental
7 contamination that is the basis for the grant request.

8 (c) The ~~corporation~~ authority may only award grants under this section if the
9 person that caused the environmental contamination that is the basis for the grant
10 request is unknown, cannot be located or is financially unable to pay the cost of the
11 eligible activities.

12 (d) The ~~corporation~~ authority shall establish criteria as necessary to
13 administer the program. The ~~corporation~~ authority may limit the total amount of
14 funds that may be used to cover the costs of each category of eligible activity
15 described in sub. (3).

16 (3) ELIGIBLE ACTIVITIES. (intro.) The ~~corporation~~ authority may award grants
17 to local governmental units to cover the costs of the following activities:

18 (4) APPLICATION FOR GRANT. The applicant shall submit an application on a form
19 prescribed by the ~~corporation~~ authority and shall include any information that the
20 ~~corporation~~ authority finds necessary to calculate the amount of a grant.

21 (5) GRANT CRITERIA. (intro.) The ~~corporation~~ authority shall consider the
22 following criteria when determining whether to award a grant:

23 (5)(c) Other criteria that the ~~corporation~~ authority finds necessary to calculate
24 the amount of a grant.

1 **(6) LIMITATION OF GRANT.** The total amount of all grants awarded to a local
 2 governmental unit in a fiscal year under this section shall be limited to an amount
 3 equal to ^{plain} ~~15%~~ 15 percent of the available funds appropriated under s. ~~20.192~~ (1)
 4 20.885 (3) (s) for the fiscal year.

5 **(7) MATCHING FUNDS.** The ~~corporation~~ [✓] authority may not distribute a grant
 6 unless the applicant contributes matching funds equal to ^{plain} ~~20%~~ 20 percent of the
 7 grant. Matching funds may be in the form of cash or in-kind contribution or both.

8 **SECTION 480.** 238.135 of the statutes is renumbered 235.135 and amended to
 9 read:

10 **235.135 Grants to regional economic development organizations.** The
 11 ~~corporation~~ [✓] authority shall award annual grants to regional economic development
 12 organizations to fund marketing activities. The amount of each grant may not exceed
 13 \$100,000 or the amount of matching funds the organization obtains from sources
 14 other than the ~~corporation~~ [✓] authority or the state, whichever is less.

15 **SECTION 481.** 238.15 of the statutes is renumbered 235.15, and 235.15 (1)
 16 (intro.), (m) 1. (intro.) and c., (2), (3) (a), (b), (d) (intro.), 1. and 2. a. and b. and (e), as
 17 renumbered, are amended to read:

18 **235.15 (1) ANGEL INVESTMENT TAX CREDITS.** (intro.) The ~~corporation~~ [✓] authority
 19 shall implement a program to certify businesses for purposes of s. 71.07 (5d). A
 20 business desiring certification shall submit an application to the ~~corporation~~
 21 authority in each taxable year for which the business desires certification. The
 22 business shall specify in its application the investment amount it wishes to raise and
 23 the ~~corporation~~ [✓] authority may certify the business and determine the amount that
 24 qualifies for purposes of s. 71.07 (5d). The ~~corporation~~ [✓] authority may certify or

1 recertify a business for purposes of s. 71.07 (5d) only if the business satisfies all of
2 the following conditions:

3 (m) 1. (intro.) It agrees that it will not relocate outside of this state during the
4 3 years after it receives an investment for which a person may claim a tax credit
5 under s. 71.07 (5d) and agrees to pay the ~~corporation~~ authority a penalty, in an
6 amount determined under subd. 2., if the business relocates outside of this state
7 during that 3-year period. For the purposes of this paragraph, a business relocates
8 outside of this state when the business locates more than 51 percent of any of the
9 following outside of this state:

10 c. The activities of the business's headquarters, as determined by the
11 ~~corporation~~ authority.

12 (2) EARLY STAGE SEED INVESTMENT TAX CREDITS. The ~~corporation~~ authority shall
13 implement a program to certify investment fund managers for purposes of ss. 71.07
14 (5b), 71.28 (5b), 71.47 (5b), and 76.638. An investment fund manager desiring
15 certification shall submit an application to the ~~corporation~~ authority. The
16 investment fund manager shall specify in the application the investment amount
17 that the manager wishes to raise and the ~~corporation~~ authority may certify the
18 manager and determine the amount that qualifies for purposes of ss. 71.07 (5b),
19 71.28 (5b), 71.47 (5b), and 76.638. In determining whether to certify an investment
20 fund manager, the ~~corporation~~ authority shall consider the investment fund
21 manager's experience in managing venture capital funds, the past performance of
22 investment funds managed by the applicant, the expected level of investment in the
23 investment fund to be managed by the applicant, and any other relevant factors. The
24 ~~corporation~~ authority may certify only investment fund managers that commit to
25 consider placing investments in businesses certified under sub. (1).

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

5 (b) *Notification of department of revenue.* The ~~corporation authority~~ shall
6 notify the department of revenue of every certification issued under subs. (1) and (2)
7 and the date on which any such certification is revoked or expires.

8 (d) *Rules Administration.* (intro.) The ~~corporation authority~~, in consultation
9 with the department of revenue, shall ~~adopt rules~~ establish policies and procedures
10 to administer this section. ~~The rules and~~ shall further define “bona fide angel
11 investment” for purposes of s. 71.07 (5d) (a) 1. The rules shall limit the aggregate
12 amount of tax credits under s. 71.07 (5d) that may be claimed for investments in
13 businesses certified under sub. (1) at \$3,000,000 per calendar year for calendar years
14 beginning after December 31, 2004, and before January 1, 2008, \$5,500,000 per
15 calendar year for calendar years beginning after December 31, 2007, and before
16 January 1, 2010, \$6,500,000 for calendar year 2010, and is \$20,000,000 per calendar
17 year for calendar years beginning after December 31, 2010, plus, for taxable years
18 beginning after December 31, 2010, an additional \$250,000 for tax credits that may
19 be claimed for investments in nanotechnology businesses certified under sub. (1).
20 The rules shall also limit the aggregate amount of the tax credits under ss. 71.07 (5b),
21 71.28 (5b), 71.47 (5b), and 76.638 that may be claimed for investments paid to fund
22 managers certified under sub. (2) at \$3,500,000 per calendar year for calendar years
23 beginning after December 31, 2004, and before January 1, 2008, \$6,000,000 per
24 calendar year for calendar years beginning after December 31, 2007, and before
25 January 1, 2010, \$8,000,000 for calendar year 2010, and is \$20,500,000 per calendar

1 year for calendar years beginning after December 31, 2010, plus, for taxable years
2 beginning after December 31, 2010, an additional \$250,000 for tax credits that may
3 be claimed for investments in nanotechnology businesses certified under sub. (1).
4 The ~~rules~~ policies and procedures shall also provide that, ~~for calendar years~~
5 ~~beginning after December 31, 2007~~, a person who receives a credit under ~~ss. s. 71.07~~
6 (5b) ~~and or~~ (5d), 71.28 (5b), 71.47 (5b), or 76.638 must keep the investment in a
7 certified business, or with a certified fund manager, for no less than 3 years, unless
8 the person's investment becomes worthless, as determined by the ~~corporation~~
9 authority, during the 3-year period or the person has kept the investment for no less
10 than 12 months and a bona fide liquidity event, as determined by the ~~corporation~~
11 authority, occurs during the 3-year period. The ~~rules~~ policies and procedures shall
12 permit the ~~corporation~~ authority to reallocate credits under this section that are
13 unused in any calendar year to a person eligible for tax benefits, as defined under s.
14 ~~238.16~~ 235.16 (1) (d), if all of the following apply:

15 (d) 1. The ~~corporation~~ authority notifies the joint committee on finance in
16 writing of its proposed reallocation.

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

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

23 (3)(e) *Transfer*. A person who is eligible to claim a credit under s. 71.07 (5b),
24 71.28 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit to another
25 person who is subject to the taxes or fees imposed under s. 71.02, 71.23, 71.47, or

1 subch. III of ch. 76, if the person receives prior authorization from the investment
2 fund manager and the manager then notifies the ~~corporation~~ authority and the
3 department of revenue of the transfer and submits with the notification a copy of the
4 transfer documents. No person may sell or otherwise transfer a credit as provided
5 in this paragraph more than once in a 12-month period. The ~~corporation~~ authority
6 may charge any person selling or otherwise transferring a credit under this
7 paragraph a fee equal to 1 percent of the credit amount sold or transferred.

8 **SECTION 482.** 238.16 of the statutes is renumbered 235.16, and 235.16 (1) (c)
9 2. (intro.), (2) (intro.) and (b), (3) ^(intro.), (4) (b) 1. (intro.) and 2. and (c) and (5) (title), (a),
10 (b), (c), (d), (e) and (f) (intro.) and 1. (intro.), as renumbered, are amended to read:

11 235.16 (1) (c) 2. (intro.) The ~~corporation~~ authority may grant exceptions to the
12 requirement under subd. 1. that a full-time job means a position in which an
13 individual, as a condition of employment, is required to work at least 2,080 hours per
14 year if all of the following apply:

15 (2) (intro.) The ~~corporation~~ authority may certify a person to receive tax
16 benefits under this section if all of the following apply:

17 (b) The person applies under this section and enters into a contract with the
18 ~~corporation~~ authority.

19 (3) **ELIGIBILITY FOR TAX BENEFITS.** (intro.) A person certified under sub. (2) may
20 receive tax benefits under this section if, in each year for which the person claims tax
21 benefits under this section, the person increases net employment in this state in the
22 person's business above the net employment in this state in the person's business
23 during the year before the person was certified under sub. (2), as determined by the
24 ~~corporation~~ authority under its policies and procedures, and one of the following
25 applies:

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

6 2. The ~~corporation~~ authority may award to a person certified under sub. (2) tax
7 benefits in an amount to be determined by the ~~corporation~~ authority for costs
8 incurred by the person to undertake the training activities described in sub. (3) (c).

9 (c) Subject to a reallocation by the ~~corporation~~ authority pursuant to rules
10 policies and procedures adopted under s. ~~238.15~~ 235.15 (3) (d), the ~~corporation~~
11 authority may allocate up to \$5,000,000 in tax benefits under this section in any
12 calendar year, except that beginning on July 1, 2011, the ~~corporation~~ may allocate
13 up to \$10,000,000 in tax benefits under this section in any calendar year.

14 (5) (title) DUTIES OF THE ~~CORPORATION~~ AUTHORITY.

15 (a) The ~~corporation~~ authority shall notify the department of revenue when the
16 ~~corporation~~ authority certifies a person to receive tax benefits.

17 (b) The ~~corporation~~ authority shall notify the department of revenue within 30
18 days of revoking a certification made under sub. (2).

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

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

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

4 (f) (intro.) The ~~corporation~~ authority shall adopt policies and procedures for the
5 implementation and operation of this section, including policies and procedures
6 relating to the following:

7 1. (intro.) The definitions of a tier I county or municipality and a tier II county
8 or municipality. The ~~corporation~~ authority may consider all of the following
9 information when establishing the definitions required under this subdivision:

10 **SECTION 483.** 238.17 of the statutes is renumbered 235.17 and amended to
11 read:

12 **235.17 Historic rehabilitation tax credit.** For taxable years beginning
13 after December 31, 2013, the ~~corporation~~ authority may certify a person to claim a
14 tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6), if the ~~corporation~~ authority
15 determines that the person is conducting an eligible activity under s. 71.07 (9m),
16 71.28 (6), or 71.47 (6). No person may claim a tax credit under s. 71.07 (9m), 71.28
17 (6), or 71.47 (6) without first being certified under this section. The ~~corporation~~
18 authority shall notify the department of revenue no later than January 15 of each
19 year of the amount of the credits certified under this section and the name, address,
20 and tax identification number of each person certified to claim the credit. The
21 ~~corporation~~ authority shall notify the department of revenue of any revoked
22 certification no later than 2 months after the revocation date.

23 **SECTION 484.** 238.23 of the statutes is renumbered 235.23, and 235.23 (2) (a)
24 and (b), (3) (a) (intro.), (b) (intro.), (c) and (d), (4) (a) (intro.) and (b) and (5) (intro.),
25 (e) and (g), as renumbered, are amended to read:

1 235.23 (2) (a) Except as provided in par. (c), the ~~corporation~~ authority may
2 designate up to 8 areas in the state as technology zones. A business that is located
3 in a technology zone and that is certified by the ~~corporation~~ authority under sub. (3)
4 is eligible for a tax credit as provided in sub. (3).

5 (b) The designation of an area as a technology zone shall be in effect for 10 years
6 from the time that the ~~corporation~~ authority first designates the area. Not more than
7 \$5,000,000 in tax credits may be claimed in a technology zone, except that the
8 ~~corporation~~ authority may allocate the amount of unallocated airport development
9 zone tax credits, as provided under s. ~~238.3995~~ 235.3995 (3) (b), to technology zones
10 for which the \$5,000,000 maximum allocation is insufficient. The ~~corporation~~
11 authority may change the boundaries of a technology zone during the time that its
12 designation is in effect. A change in the boundaries of a technology zone does not
13 affect the duration of the designation of the area or the maximum tax credit amount
14 that may be claimed in the technology zone.

15 (3) (a) (intro.) Except as provided in par. (e), the ~~corporation~~ authority may
16 certify for tax credits in a technology zone a business that satisfies all of the following
17 requirements:

18 (b) (intro.) In determining whether to certify a business under this subsection,
19 the ~~corporation~~ authority shall consider all of the following:

20 (c) When the ~~corporation~~ authority certifies a business under this subsection,
21 the ~~corporation~~ authority shall establish a limit on the amount of tax credits that the
22 business may claim. Unless its certification is revoked, and subject to the limit on
23 the tax credit amount established by the ~~corporation~~ authority under this
24 paragraph, a business that is certified may claim a tax credit for 3 years, except that
25 a business that experiences growth, as determined for that business by the

1 ~~corporation~~ authority under par. (d) and sub. (5) (e), may claim a tax credit for up to
2 5 years.

3 (d) The ~~corporation~~ authority shall enter into an agreement with a business
4 that is certified under this subsection. The agreement shall specify the limit on the
5 amount of tax credits that the business may claim, the extent and type of growth,
6 which shall be specific to the business, that the business must experience to extend
7 its eligibility for a tax credit, the business' baseline against which that growth will
8 be measured, any other conditions that the business must satisfy to extend its
9 eligibility for a tax credit, and reporting requirements with which the business must
10 comply.

11 (4) (a) (intro.) The ~~corporation~~ authority shall notify the department of revenue
12 of all the following:

13 (b) The ~~corporation~~ authority shall annually verify information submitted to
14 ~~the corporation~~ it under ss. 71.07 (2di), (2dm), (2dx), and (3g), 71.28 (1di), (1dm),
15 (1dx), and (3g), and 71.47 (1di), (1dm), (1dx), and (3g).

16 (5) (intro.) The ~~corporation~~ authority shall adopt ~~rules policies and procedures~~
17 for the operation of this section, including ~~rules policies and procedures~~ related to all
18 ^{of} the following:

19 (e) Standards for extending a business's certification, including what
20 measures, in addition to job creation, the ~~corporation~~ authority will use to determine
21 the growth of a specific business and how the ~~corporation~~ authority will establish
22 baselines against which to measure growth.

23 (g) The exchange of information between the ~~corporation~~ authority and the
24 department of revenue.

1 **SECTION 485.** 238.25 of the statutes is renumbered 235.25 and amended to
2 read:

3 **235.25 Assistance to loan recipients.** The ~~corporation~~ authority shall assist
4 new businesses and small businesses receiving the authority's assistance of the
5 ~~Wisconsin Housing and Economic Development Authority~~ in locating sources of
6 venture capital and in obtaining the state and federal licenses and permits necessary
7 for business operations.

8 **SECTION 486.** 238.26 of the statutes is repealed.

9 **SECTION 487.** Subchapter II (title) of chapter 238 [precedes 238.30] of the
10 statutes is renumbered subchapter ~~IV~~ ^{III} (title) of chapter 235 [precedes 235.30].

11 **SECTION 488.** 238.30 of the statutes is renumbered 235.30, and 235.30 (intro.),
12 (2g), (2m) (b) (intro.) and (7) (b) 1. and 2., (c) and (d), as renumbered, are amended
13 to read:

14 **235.30 Definitions.** (intro.) In this section and ss. ~~238.301~~ ^{to} ~~238.395~~ ^{235.301}
15 ~~235.395~~ ^{to} and ~~238.398~~ ^{235.398}:

16 **(2g)** "Eligible activity" means an activity described under s. ~~238.302~~ ^{235.302}.

17 **(2m)** (b) (intro.) The ~~corporation~~ authority may grant exceptions to the
18 requirement under par. (a) that a full-time job means a position in which an
19 individual, as a condition of employment, is required to work at least 2,080 hours per
20 year if all of the following apply:

21 **(7)** (b) 1. Except as provided in subd. 2., in s. ~~238.395~~ ^{235.395}, "tax benefits"
22 means the development zones investment credit under ss. 71.07 (2di), 71.28 (1di),
23 and 71.47 (1di) and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx),
24 71.47 (1dx), and 76.636. With respect to the development opportunity zones under

1 s. ~~238.395~~ 235.395 (1) (e) and (f), “tax benefits” also means the development zones
2 capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

3 2. With respect to the development opportunity zones under s. ~~238.395~~ 235.395
4 (1) (g), (h), and (i), “tax benefits” means the development zone credits under ss. 71.07
5 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636 and the development zones capital
6 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

7 (c) In s. ~~238.398~~ 235.398, “tax benefits” means the development zones capital
8 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm) and the
9 development zones credits under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636.

10 (d) In ss. ~~238.301 to 238.306~~ 235.301 to 235.306, “tax benefits” means the
11 economic development tax credit under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and
12 76.637.

13 **SECTION 489.** 238.301 of the statutes is renumbered 235.301, and 235.301 (1)
14 (intro.) and (e), (2) (a) and (b) and (3) (intro.), (b), (c), (d) and (f), as renumbered, are
15 amended to read:

16 235.301 (1) APPLICATION. (intro.) Any person may apply to the corporation
17 authority on a form prepared by the ~~corporation~~ authority for certification under this
18 section. The application shall include all of the following: ✓

19 (e) Other information required by the ~~corporation~~ authority or the department
20 of revenue.

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

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

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

6 (b) Whether any of the eligible activities will occur in an economically
7 distressed area, as designated by the ~~corporation~~ authority under s. ~~238.304~~ 235.304
8 (1).

9 (c) Whether any of the eligible activities will benefit members of a targeted
10 group, as determined by the ~~corporation~~ authority under s. ~~238.304~~ 235.304 (2).

11 (d) A compliance schedule that includes a sequence of anticipated actions to be
12 taken or goals to be achieved by the person before the person may receive tax benefits
13 under s. ~~238.303~~ 235.303.

14 (f) If feasible, a determination of the tax benefits the person will be authorized
15 to claim under s. ~~238.303~~ 235.303 (2) if the person fulfills the terms of the contract.

16 **SECTION 490.** 238.302 of the statutes is renumbered 235.302, and 235.302
17 (intro.), (1), (2) and (3), as renumbered, are amended to read:

18 **235.302 Eligible activities.** (intro.) A person who conducts or proposes to
19 conduct any of the following may be certified under s. ~~238.301~~ 235.301 (2):

20 (1) A project that creates and maintains for a period of time established by the
21 ~~corporation-by-rule~~ authority full-time jobs in addition to any existing full-time jobs
22 provided by the person.

23 (2) A project that involves a significant investment of capital, as defined by the
24 ~~corporation-by-rule~~ authority under s. ~~238.306~~ 235.306 (2) (b), by the person in new
25 equipment, machinery, real property, or depreciable personal property.

1 (3) A project that involves significant investments in the training or
2 reeducation of employees, as defined by the ~~corporation by rule~~ authority under s.
3 ~~238.306~~ 235.306 (2) (c), by the person for the purpose of improving the productivity
4 or competitiveness of the business of the person.

5 **SECTION 491.** 238.303 of the statutes is renumbered 235.303, and 235.303 (1)
6 (a), (am) and (b), (2) and (3), as renumbered, are amended to read:

7 235.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a
8 reallocation by the ~~corporation pursuant to rules adopted~~ authority under s. ~~238.15~~
9 235.15 (3) (d), the total tax benefits available to be allocated by the ~~corporation~~
10 authority under ss. ~~238.301 to 238.306~~ 235.301 to 235.306 may not exceed the sum
11 of the tax benefits remaining to be allocated under s. 560.71 to 560.785, 2009 stats.,
12 s. 560.797, 2009 stats., s. 560.798, 2009 stats., s. 560.7995, 2009 stats., and s. 560.96,
13 2009 stats., on March 6, 2009, plus \$100,000,000.

14 (am) The ~~corporation~~ authority may initially allocate only \$61,000,000 of the
15 additional \$100,000,000 in tax benefits specified in par. (a). Before the ~~corporation~~
16 authority allocates the remaining \$39,000,000 in tax benefits specified in par. (a), the
17 ~~corporation~~ authority shall submit its plan for such allocation, including a report
18 that describes the intended use of the tax benefits, to the joint committee on finance.
19 If the cochairpersons of the committee do not notify the ~~corporation~~ authority within
20 14 working days after the date of the ~~corporation's~~ authority's submittal that the
21 committee has scheduled a meeting for the purpose of reviewing the plan, the plan
22 may be implemented and the remaining amount may be allocated as proposed by the
23 ~~corporation~~ authority. If, within 14 working days after the date of the ~~corporation's~~
24 authority's submittal, the cochairpersons of the committee notify the ~~corporation~~
25 authority that the committee has scheduled a meeting for the purpose of reviewing

1 the proposed plan, the plan may be implemented and the remaining amount
2 allocated only upon approval of the committee.

3 (b) The ~~corporation~~ authority may submit to the joint committee on finance a
4 request in writing to exceed the total tax benefits specified in par. (a). The
5 ~~corporation~~ authority shall submit with its request a justification for seeking an
6 increase under this paragraph. The joint committee on finance, following its review,
7 may approve or disapprove an increase in the total tax benefits available to be
8 allocated under ss. ~~238.301 to 238.306~~ 235.301 to 235.306.

9 (2) AUTHORITY TO CLAIM TAX BENEFITS. The ~~corporation~~ authority may authorize
10 a person certified under s. ~~238.301~~ 235.301 (2) to claim tax benefits only after the
11 person has submitted a report to the ~~corporation~~ authority that documents to the
12 satisfaction of the ~~corporation~~ authority that the person has complied with the terms
13 of the contract under s. ~~238.301~~ 235.301 (3) and the requirements of any applicable
14 rules policies and procedures adopted under s. ~~238.306~~ 235.306 (2).

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

18 **SECTION 492.** 238.304 of the statutes is renumbered 235.304, and 235.304
19 (intro.) and (1), as renumbered, are amended to read:

20 **235.304 Eligible activities in economically distressed areas and**
21 **benefiting members of targeted groups.** (intro.) The ~~corporation~~ authority may
22 authorize a person certified under s. ~~238.301~~ 235.301 (2) to claim additional tax
23 benefits under s. ~~238.303~~ 235.303 if, after conducting an investigation, the
24 ~~corporation~~ authority determines any of the following:

authority

1 (1) The person conducts at least one eligible activity in an area designated by
 2 the ~~corporation~~ authority as economically distressed. In designating an area as
 3 economically distressed under this subsection, the ~~corporation~~ shall follow the
 4 methodology established by rule under s. ~~238.306~~ 235.306(2) (e).

5 SECTION 493. 238.3045 of the statutes is renumbered 235.3045, and 235.3045
 6 (1) (title), (a), (b) (intro.) and 4. and (c) 1., (2) (a) and (b), (3) and (4) (a) and (b), as
 7 renumbered, are amended to read:

8 235.3045 (1) (title) APPLICATION AND CORPORATION APPROVAL.

9 ~~NO~~ (a) An applicant for certification for tax benefits under s. ~~238.301~~ 235.301 may
 10 submit with its application under s. ~~238.301~~ 235.301(1) an application to the
 11 ~~corporation~~ authority on a form prescribed by the ~~corporation~~ authority to transfer
 12 those tax benefits to another person under this section. The application shall include
 13 the name, address, and tax identification number of the person to whom the
 14 applicant intends to transfer the tax benefits and any other information the
 15 ~~corporation~~ authority requires. The ~~corporation~~ authority shall notify the applicant
 16 of the ~~corporation's~~ authority's determination concerning the transfer of tax benefits
 17 when the ~~corporation~~ authority notifies the applicant of the ~~corporation's~~ authority's
 18 certification determination under s. ~~238.301~~ 235.301.

19 (b) (intro.) The ~~corporation~~ authority may approve the transfer of tax benefits
 20 under this section if the ~~corporation~~ authority certifies the applicant under par. (a)
 21 for tax benefits under s. ~~238.301~~ 235.301 and finds that the applicant meets at least
 22 one of the following conditions:

23 4. Intends to expand its operations in this state, and that expansion will result
 24 in the applicant making a significant capital investment in property located in this
 25 state, as determined by the ~~corporation~~ authority.

1 (c) 1. Subject to subd. 2., a person that receives an approval under par. (b) shall
2 transfer tax benefits in accordance with the terms of the application under par. (a)
3 after the ~~corporation~~ [✓] authority authorizes the person to claim tax benefits under s.
4 ~~238.303~~ [✓] 235.303 (2) and provides the notice of eligibility under s. ~~238.303~~ [✓] 235.303 (3).
5 The notice of eligibility shall contain all relevant information concerning a transfer
6 of tax benefits under this section. The person to whom tax benefits are transferred
7 may carry forward, beginning on the date of the notice of eligibility, any unused
8 amount of the value of those tax benefits as provided under the appropriate provision
9 in ch. 71 or in s. 76.636.

10 (2) (a) If the ~~corporation~~ [✓] authority revokes a person's certification for tax
11 ⁵ benefits under s. ~~238.305~~ 235.303, and, at the time of revocation, that person has
12 transferred those tax benefits under this section, that person shall be liable for the
13 full value of the tax benefits, and the person to whom the tax benefits were
14 transferred may not claim any tax benefits that were not claimed prior to revocation.

15 (b) The ~~corporation~~ [✓] authority shall notify the department of revenue of a
16 revocation of tax benefits subject to par. (a), including the value of the tax benefits
17 for which the person is liable.

18 (3) ANNUAL REPORT. Annually, the ~~corporation~~ [✓] authority shall submit a report
19 to the joint committee on finance that provides a detailed assessment of the progress
20 to date of the program under this section.

21 (4) (a) Except as provided in par. (b), the ~~corporation~~ [✓] authority may not
22 authorize the transfer of tax benefits under this section that total more than
23 \$15,000,000, and the ~~corporation~~ [✓] authority may not authorize the transfer of tax
24 benefits after 36 months after April 4, 2014.

1 (b) Upon expiration of the 36-month period under par. (a), the ~~corporation~~
2 authority may continue to authorize the transfer of tax benefits under this section
3 for up to an additional 36 months, and the ~~corporation~~ authority may authorize the
4 transfer of up to an additional \$15,000,000 in tax benefits, if the ~~corporation~~
5 authority determines that a continuation of the program under this section will
6 promote significant economic development in this state. Before the ~~corporation~~
7 authority authorizes the transfer of tax benefits under this paragraph, the chief
8 executive officer of the ~~corporation~~ authority shall notify the joint committee on
9 finance in writing that the ~~corporation~~ authority intends to continue authorizing the
10 transfer of tax benefits under this section. That notice shall state the reasons
11 supporting the ~~corporation's~~ authority's determination that the transfer of
12 additional tax benefits will promote significant economic development in this state.
13 If, within 14 working days after the date of that notice, the cochairpersons of the
14 committee do not notify the ~~corporation~~ authority that the committee has scheduled
15 a meeting to review the ~~corporation's~~ authority's proposed continuation of the
16 program, the ~~corporation~~ authority may proceed to authorize the transfer of
17 additional tax benefits under this section. If, within 14 working days after the date
18 of that notice, the cochairpersons of the committee notify the ~~corporation~~ authority
19 that the committee has scheduled a meeting to review the proposed continuation of
20 the program, the ~~corporation~~ authority may proceed to authorize the transfer of
21 additional tax benefits only upon approval of the committee.

22 **SECTION 494.** 238.305 of the statutes is renumbered 235.305, and 235.305
23 (intro.), (1) and (2), as renumbered, are amended to read:

24 **235.305 Revocation of certification.** (intro.) The ~~corporation~~ authority
25 shall revoke the certification of a person who does any of the following:

1 (1) Supplies false or misleading information to obtain certification under s.
2 ~~238.301~~ 235.301 (2).

3 (2) Supplies false or misleading information to obtain tax benefits under s.
4 ~~238.303~~ 235.303.

5 SECTION 495. 238.306 of the statutes is renumbered 235.306, and 235.306
6 (intro.), (1) (a) and (b), (2) (intro.), (a), (b), (c), (d), (e) (intro.), (f), (g), (h), (i) and (k)
7 and (3), as renumbered, are amended to read:

8 **235.306 Responsibilities of the corporation authority.** (intro.) The
9 corporation authority shall do all of the following:

10 235.306 (1) (a) Annually verify information submitted to the department of
11 revenue under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and 76.637 by persons
12 certified under s. ~~238.301~~ 235.301 (2) and eligible to receive tax benefits under s.
13 ~~238.303~~ 235.303.

14 (b) Notify and obtain written approval from the chief executive officer of the
15 corporation authority for any certification under sub. (2) (j).

16 (2) RULES POLICIES AND PROCEDURES. (intro.) Establish by rule policies and
17 procedures all of the following:

18 (a) A schedule of hourly wage ranges to be paid, and health insurance benefits
19 to be provided, to an employee by a person certified under s. ~~238.301~~ 235.301 (2) and
20 the corresponding per employee tax benefit for which a person certified under s.
21 ~~238.301~~ 235.301 (2) may be eligible.

22 (b) A definition of "significant investment of capital" for purposes of s. ~~238.302~~
23 235.302 (2), together with a corresponding schedule of tax benefits for which a person
24 who is certified under s. ~~238.301~~ 235.301 (2) and who conducts a project described
25 in s. ~~238.302~~ 235.302 (2) may be eligible. The corporation authority shall include in

1 the definition required under this paragraph a schedule of investments that takes
2 into consideration the size or nature of the business.

3 (c) A definition of “significant investments in the training or reeducation of
4 employees” for purposes of s. ~~238.302~~ 235.302 (3), together with a corresponding
5 schedule of tax benefits for which a person who is certified under s. ~~238.301~~ 235.301
6 (2) and who conducts a project under s. ~~238.302~~ 235.302 (3) may be eligible.

7 (d) A schedule of tax benefits for which a person who is certified under s.
8 ~~238.301~~ 235.301 (2) and who conducts a project that will result in the location or
9 retention of a person’s corporate headquarters in Wisconsin may be eligible.

10 (e) (intro.) The methodology for designating an area as economically distressed
11 under s. ~~238.304~~ 235.304 (1). The methodology under this paragraph shall require
12 the ~~corporation~~ authority to consider the most current data available for the area and
13 for the state on the following indicators:

14 (f) A schedule of additional tax benefits for which a person who is certified
15 under s. ~~238.301~~ 235.301 (2) and who conducts an eligible activity described under
16 s. ~~238.304~~ 235.304 may be eligible.

17 (g) Reporting requirements, minimum benchmarks, and outcomes expected of
18 a person certified under s. ~~238.301~~ 235.301 (2) before that person may receive tax
19 benefits under s. ~~238.303~~ 235.303.

20 (h) Policies, criteria, and methodology for allocating a portion of the tax benefits
21 available under s. ~~238.303~~ 235.303 to rural areas.

22 (i) Policies, criteria, and methodology for allocating a portion of the tax benefits
23 available under s. ~~238.303~~ 235.303 to small businesses.

24 (k) Procedures for implementing ss. ~~238.301 to 238.306~~ 235.301 to 235.306.

1 **(3) REPORTING.** Annually, 6 months after the report has been submitted under
2 s. ~~238.07~~ 235.016 (2), submit to the joint legislative audit committee and to the
3 appropriate standing committees of the legislature under s. 13.172 (3) a
4 comprehensive report assessing the program under ss. ~~238.301~~ to ~~238.306~~ 235.301
5 to 235.306. The report under this subsection shall update the applicable information
6 provided in the report under s. ~~238.07~~ 235.016 (2).

7 **SECTION 496.** 238.31 of the statutes is renumbered 235.31, and 235.31 (1)
8 (intro.), (ac), (am), (b), (d) and (e) (intro.), 4. a. and d., (1m) (intro.) and (h), (2) and
9 (3) (intro.), as renumbered, are amended to read:

10 235.31 (1) (intro.) The ~~corporation~~ authority may designate an area as a
11 development zone if all of the following apply:

12 (ac) The ~~corporation~~ authority has invited a local governing body to nominate
13 the area under s. ~~238.315~~ 235.315.

14 (am) A local governing body nominates the area as described in s. ~~238.32~~
15 235.32.

16 (b) The ~~corporation~~ authority has evaluated the local governing body's
17 application as described in s. ~~238.325~~ 235.325.

18 (d) The area meets the applicable requirements under s. ~~238.335~~ 235.335.

19 (e) (intro.) The ~~corporation~~ authority determines all of the following:

20 4. a. The unemployment rate in the area is higher than the state average for
21 the 18 months immediately preceding the date on which the application under s.
22 ~~238.32~~ 235.32 (2) or (3) was submitted to the ~~corporation~~ authority.

23 d. In the 36 months immediately preceding the date on which the application
24 under s. ~~238.32~~ 235.32 (2) or (3) was submitted to the ~~corporation~~ authority, a number

1 of workers in the area were permanently laid off by their employer or became
2 unemployed as a result of a business action subject to s. 109.07 (1m).

3 (1m) (intro.) In making a determination under sub. (1) (e), the ~~corporation~~
4 authority shall consider all of the following:

5 (h) Any other factors that the ~~corporation~~ authority considers relevant.

6 (2) In determining whether an area meets the requirements under sub. (1) (e)
7 or s. ~~238.335~~ 235.335, the ~~corporation~~ authority may rely on any data provided by the
8 local governing body that the ~~corporation~~ authority determines is relevant.

9 (3) (intro.) The ~~corporation~~ authority shall do all of the following:

10 SECTION 497. 238.315 of the statutes is renumbered 235.315 and amended to
11 read:

12 **235.315 Invitation to nominate area.** If the ~~corporation~~ authority
13 determines that an area has experienced or is about to experience economic distress,
14 the ~~corporation~~ authority may invite local governing bodies in the area to nominate
15 the area as a development zone.

16 SECTION 498. 238.32 of the statutes is renumbered 235.32, and 235.32 (1)
17 (intro.), (2) (intro.), (c), (d) and (i), (3) and (5), as renumbered, are amended to read:

18 235.32 (1) (intro.) A local governing body may nominate an area as a
19 development zone, if the ~~corporation~~ authority has invited the governing body to
20 nominate the area under s. ~~238.315~~ 235.315 and if the governing body does all of the
21 following:

22 (2) (intro.) A local governing body may nominate the area as a development
23 zone by submitting an application to the ~~corporation~~ authority in a form prescribed
24 by the ~~corporation~~ authority. The application shall include all of the following:

1 (c) Evidence that the area meets at least 3 of the criteria under s. ~~238.31~~ 235.31 ✓

2 (1) (e) 4.

3 (d) Evidence that the area meets the applicable requirements of s. ~~238.335~~ ✓
4 235.335 ✓

5 (i) Any other information required by the ~~corporation~~ authority ✓

6 (3) Two or more local governing bodies may submit a joint application
7 nominating an area as a development zone, subject to s. ~~238.335~~ 235.335 ✓ (2), if each
8 local governing body complies with subs. (1) and (2).

9 (5) The ~~corporation~~ authority ✓ may permit a local governing body to revise an
10 application that the ~~corporation~~ authority ✓ determines is inadequate or incomplete.

11 SECTION 499. 238.325 of the statutes is renumbered 235.325 ✓ and 235.325 ✓

12 (title), (1), (2) and (3), as renumbered, are amended to read:

13 **235.325 (title) Evaluation by ~~corporation~~ authority.** NO ✓

14 NO ✓ (1) The ~~corporation~~ authority ✓ shall evaluate applications received under s.
15 ~~238.32~~ 235.32 ✓ (2) and (3).

16 (2) Subject to s. ~~238.335~~ 235.335 ✓ (5), the ~~corporation~~ authority ✓ may reduce the
17 size of an area nominated as a development zone, if the ~~corporation~~ authority ✓
18 determines the boundaries as proposed by the local governing body in an application
19 under s. ~~238.32~~ 235.32 ✓ (2) or (3) are inconsistent with the purpose of the development
20 zone program. Any nominated area which is reduced under this subsection need not
21 comply with s. ~~238.335~~ 235.335 ✓ (1) and (4).

22 (3) After evaluating an application submitted under s. ~~238.32~~ 235.32 ✓ (2) or (3),
23 the ~~corporation~~ authority ✓ may approve the application, subject to any reduction in
24 the size of the nominated area under sub. (2). If the ~~corporation~~ authority ✓ approves

1 the application, the ~~corporation~~ authority shall designate the area as a development
2 zone, subject to s. ~~238.31~~ 235.31, and notify the local governing body.

3 **SECTION 500.** 238.335 of the statutes is renumbered 235.335 and 235.335 (6)
4 (a) 2. and (c) and (7), as renumbered, are amended to read:

5 235.335 (6) (a) 2. Each area meets at least 3 of the criteria listed in s. ~~238.31~~
6 235.31 (1) (e) 4.

7 (c) If an application is submitted by the governing body of a county under s.
8 ~~238.32~~ 235.32 (2) or (3), up to 4 separate areas may be nominated or designated as
9 one development zone, if par. (a) 1. to 3. applies.

10 (7) The ~~corporation~~ authority may waive the requirements of this section in a
11 particular case, if the ~~corporation~~ authority determines that application of the
12 requirement is impractical with respect to a particular development zone.

13 **SECTION 501.** 238.34 of the statutes is renumbered 235.34, and 235.34 (1), (2),
14 (3) (intro.) and (a), (4), (5) and (6), as renumbered, are amended to read:

15 235.34 (1) Except as provided under sub. (6), at any time after a development
16 zone is designated by the ~~corporation~~ authority, a local governing body may submit
17 an application to change the boundaries of the development zone. If the boundary
18 change reduces the size of a development zone, the local governing body shall explain
19 why the area excluded should no longer be in a development zone. The ~~corporation~~
20 authority may require the local governing body to submit additional information.

21 (2) The ~~corporation~~ authority may approve an application for a boundary
22 change if the development zone, as affected by the boundary changes, meets the
23 applicable requirements of s. ~~238.335~~ 235.335 and 3 of the criteria under s. ~~238.31~~
24 235.31 (1) (e) 4.

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

3 (a) Redetermine the limit on the tax benefits for the development zone
4 established under s. ~~238.345~~ 235.345 (2) (a).

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

8 (5) No change in the boundaries of a development zone may affect the duration
9 of an area as a development zone under s. ~~238.345~~ 235.345 (1) (a). The ~~corporation~~
10 authority may consider a change in the boundary of a development zone when
11 evaluating an application for an extension of the designation of an area as a
12 development zone under s. ~~238.345~~ 235.345 (1) (b).

13 (6) The ~~corporation~~ authority may not accept any applications under sub. (1)
14 to change the boundaries of a development zone designated under s. ~~238.31~~ 235.31
15 on or after March 6, 2009.

16 **SECTION 502.** 238.345 of the statutes is renumbered 235.345, and 235.345 (1)
17 (a) and (b), (2) (a), (am), (b), (c) 1. and 2. and (d) and (3) (intro.), (a) and (b), as
18 renumbered, are amended to read:

19 235.345 (1) (a) The designation of an area as a development zone shall be
20 effective for 240 months, beginning on the day the ~~corporation~~ authority notifies the
21 local governing body under s. ~~238.325~~ 235.325 (3) of the designation.

22 (b) The local governing body may apply to the ~~corporation~~ authority for one
23 60-month extension of the designation. The ~~corporation~~ authority shall adopt rules
24 policies and procedures establishing criteria for approving an extension of a
25 designation of an area as a development zone under this subsection. No applications

1 may be accepted by the ~~corporation~~ authority under this paragraph on or after March
2 6, 2009.

3 (2) (a) When the ~~corporation~~ authority designates a development zone under
4 s. ~~238.31~~ 235.31, it shall establish a limit for tax benefits for the development zone
5 determined by allocating to the development zone a portion of \$38,155,000.

6 (am) Notwithstanding par. (a), the ~~corporation~~ authority may increase the
7 established limit for tax benefits for a development zone. The ~~corporation~~ authority
8 may not increase the limit for tax benefits established for any development zone
9 designated under s. ~~238.31~~ 235.31 on or after March 6, 2009.

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

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

15 2. The day that the ~~corporation~~ authority withdraws its designation of an area
16 as a development zone under sub. (3).

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

19 (3) (intro.) The ~~corporation~~ authority may withdraw the designation of an area
20 as a development zone if any of the following applies:

21 (a) No person is certified as eligible to receive tax benefits under s. ~~238.365~~
22 235.365 (3) during the 12-month period beginning on the day the area is designated
23 as a development zone and the ~~corporation~~ authority determines that the local
24 governing body that nominated the zone is not in compliance with s. ~~238.363~~ 235.363.

1 (b) No person is certified as eligible to receive tax benefits under s. ~~238.365~~
2 235.365[✓](3) during the 24-month period beginning on the day the area is designated
3 a development zone.

4 **SECTION 503.** 238.35 of the statutes is renumbered 235.35, and 235.35 (intro.),
5 (6), (7), (8) and (10), as renumbered, are amended to read:

6 **235.35 Additional duties of the ~~corporation~~ authority.** (intro.) The
7 ~~corporation~~ authority[✓] shall do all of the following:

8 (6) Notify University of Wisconsin small business development centers, the
9 Wisconsin housing and development centers, the central administration of all
10 University of Wisconsin campuses and regional planning commissions about the
11 development zone program and encourage those entities to provide advice to the
12 ~~corporation~~ authority[✓] or local governing bodies on ways to improve the development
13 zone program.

14 (7) Prepare forms for the certification described under s. ~~238.365~~ 235.365[✓](5).

15 (8) Annually verify information submitted to the ~~corporation~~ authority[✓] under
16 s. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), or 76.636.

17 (10) Enter into an agreement with the local governing body of a 1st class city
18 where a development zone is designated under s. ~~238.31~~ 235.31[✓](3) (c) 1. to provide
19 efficient administration of the development zone program within the development
20 zone.

21 **SECTION 504.** 238.363 of the statutes is renumbered 235.363, and 235.363 (1)
22 (intro.) and (c) and (4), as renumbered, are amended to read:

23 235.363 (1) (intro.) If an area nominated by a local governing body is designated
24 as a development zone under s. ~~238.31~~ 235.31[✓], the local governing body shall do all
25 of the following:

1 (c) Assist the ~~corporation~~ [✓] authority in the administration of the development
2 zone program.

3 (4) The local governing body of a 1st class city where a development zone is
4 designated under s. ~~238.31~~ [✓] 235.31 [✓] (3) (c) 1. shall enter into an agreement with the
5 ~~corporation~~ [✓] authority to provide efficient administration of the development zone
6 program within the development zone.

7 **SECTION 505.** 238.365 of the statutes is renumbered 235.365, and 235.365
8 (intro.), (2), (3) (intro.), (b) and (j) and (5) (g) and (h), as renumbered, are amended
9 to read:

10 **235.365 Certification for tax benefits.** (intro.) The ~~corporation~~ [✓] authority
11 shall do all of the following:

12 (2) Determine whether a person applying for tax benefits engages or will
13 engage in economic activity that violates s. ~~238.38~~ [✓] 235.38 [✓] (1).

14 (3) (intro.) Subject to s. ~~238.38~~ [✓] 235.38 [✓], certify persons who are eligible to claim
15 tax benefits while an area is designated as a development zone, according to the
16 following criteria:

17 (b) The person's commitment not to engage in economic activity that violates
18 s. ~~238.38~~ [✓] 235.38 [✓] (1).

19 (j) Any other criteria established under rules policies and procedures adopted
20 by the ~~corporation~~ [✓] authority.

21 (5) (g) The limit under s. ~~238.368~~ [✓] 235.368 [✓] on tax benefits the person may claim
22 while an area is designated as a development zone.

23 (h) Other information required by the ~~corporation~~ [✓] authority or the department
24 of revenue.

1 **SECTION 506.** 238.368 of the statutes is renumbered 235.368, and 235.368 (1)
2 (a), (b) (intro.), 1. and 2., (2) (intro.) and (b) and (3) (a) (intro.) and 1. and (b), as
3 renumbered, are amended to read:

4 235.368 (1) (a) The ~~corporation~~ authority shall establish a limit on the
5 maximum amount of tax benefits a person certified under s. ~~238.365~~ 235.365 (3) may
6 claim while an area is designated as a development zone.

7 (b) (intro.) When establishing a limit on tax benefits under par. (a), the
8 ~~corporation~~ authority shall do all of the following:

9 1. Consider all of the criteria described in s. ~~238.365~~ 235.365 (3) (a) to (e).

10 2. Establish a limit which does not greatly exceed a recommended limit,
11 established under ~~rules policies and procedures~~ adopted by the ~~corporation~~ authority
12 based on the cost, number and types of full-time jobs that will be created, retained,
13 or upgraded, including full-time jobs available to members of the targeted
14 population, as a result of the economic activity of the person certified under s.
15 ~~238.365~~ 235.365 (3).

16 (2) (intro.) The ~~corporation~~ authority may, upon request, increase a limit on tax
17 benefits established under sub. (1) if the ~~corporation~~ authority does all of the
18 following:

19 (b) Revises the certification required under s. ~~238.365~~ 235.365 (5) and provides
20 a copy of the revised form to the department of revenue and the person whose limit
21 is increased under this subsection.

22 (3) (a) (intro.) The ~~corporation~~ authority may reduce a limit established under
23 sub. (1) or (2) if the ~~corporation~~ authority determines that any of the following
24 applies:

1 1. The limit is not consistent with the criteria listed under s. ~~238.365~~ 235.365 ✓
2 (3) (a) to (e).

3 (b) The ~~corporation~~ authority ✓ shall notify the department of revenue and the
4 person whose limit on tax benefits is reduced under par. (a) and provide a written
5 explanation to the person of the reasons for reducing the limit.

6 **SECTION 507.** 238.37 of the statutes is renumbered 235.37, and 235.37 (1)
7 (intro.) and (b) and (2), as renumbered, are amended to read:

8 235.37 (1) (intro.) The ~~corporation~~ authority ✓ shall revoke the certification of a
9 person certified under s. ~~238.365~~ 235.365 ✓ (3) if the person does any of the following:

10 (b) Becomes subject to revocation under s. ~~238.38~~ 235.38 ✓ (1).

11 (2) The ~~corporation~~ authority ✓ shall notify the department of revenue within 30
12 days of revoking a certification under sub. (1).

13 **SECTION 508.** 238.38 of the statutes is renumbered 235.38, and 235.38 (1)
14 (intro.), (1m), (2) (intro.) and (a) and (3) (a) and (b), as renumbered, are amended to
15 read:

16 235.38 (1) (intro.) Except as provided in subs. (2) and (3), no person may be
17 certified under s. ~~238.365~~ 235.365 ✓ (3), or a person's certification may be revoked
18 under s. ~~238.37~~ 235.37 ✓, if the proposed new business, expansion of an existing
19 business, or other proposed economic activity in a development zone would do or does
20 any of the following:

21 (1m) No person may be certified under s. ~~238.365~~ 235.365 ✓ (3) on or after March
22 6, 2009.

23 (2) (intro.) Subsection (1) does not apply if, after a hearing, the ~~corporation~~
24 authority ✓, or the local governing body under sub. (3) (a), determines that any of the
25 following applies:

1 (a) The total number of full-time jobs provided by the person in this state would
2 be reduced if the person were not certified under s. ~~238.365~~[✓] 235.365[✓] (3) or if the
3 person's certification were revoked.

4 (3) (a) Except as provided in pars. (b) and (c), if the economic activity for which
5 a person is seeking certification under s. ~~238.365~~[✓] 235.365[✓] (3) is the relocation of a
6 business into a development zone from a location that is outside the development
7 zone but within the limits of a city, village, town, or federally recognized American
8 Indian reservation in which that development zone is located, the local governing
9 body that nominated that area as a development zone under s. ~~238.32~~[✓] 235.32[✓] shall
10 determine whether sub. (2) (a) or (b) applies.

11 (b) Only the ~~corporation~~[✓] authority may determine whether sub. (2) (a) or (b)
12 applies to a business relocation described in par. (a) if the business relocation would
13 likely result in the loss of full-time jobs at or transfer of employees from a business
14 location that is in this state but outside the limits of any city, village, town, or
15 federally recognized American Indian reservation in which the development zone is
16 located.

17 **SECTION 509.** 238.385 of the statutes is renumbered 235.385, and 235.385 (1)
18 (intro.) and (bm) and (2) (intro.), (b) and (c), as renumbered, are amended to read:

19 235.385 (1) (intro.) For the development zone program under ss. ~~238.30~~[✓] 235.30
20 and ~~238.31 to 238.38~~[✓] 235.31[✓] to 235.38[✓], the development opportunity zone program
21 under s. ~~238.395~~[✓] 235.395[✓], and the enterprise development zone program under s.
22 ~~238.397~~[✓] 235.397[✓], the ~~corporation~~[✓] authority shall adopt rules policies and procedures
23 that further define a person's eligibility for tax benefits. The rules policies and
24 procedures shall do at least all of the following:

1 (bm) Allow a person to claim up to \$8,000 in tax benefits during the time that
2 an area is designated as an enterprise development zone for retaining a full-time job
3 if the ~~corporation~~ authority determines that the person made a significant capital
4 investment to retain the full-time job.

5 (2) (intro.) The ~~corporation~~ authority may by rule specify circumstances under
6 which the ~~corporation~~ authority may grant exceptions to any of the following:

7 (b) The requirement under ss. ~~238.30~~ 235.30 (2m) and ~~238.397~~ 235.397 (1) (am)
8 that an individual's pay must equal at least 150% of the federal minimum wage.

9 (c) The requirement under ss. ~~238.30~~ 235.30 (2m) and ~~238.397~~ 235.397 (1) (am)
10 that an individual's position must be regular, nonseasonal, and full-time and that
11 the individual must be required to work at least 2,080 hours per year, including paid
12 leave and holidays.

13 **SECTION 510.** 238.395 of the statutes is renumbered 235.395, and 235.395 (1)
14 (a), (b), (c), (d), (e), (f), (g), (h) and (i), (2) (c), (d) 1. and 2., (e) 1., 2. and 3., (3) (a) 1.,
15 2., 3. and 4., (b) 9., (c) and (d), (4) (a) (intro.) and (b) and (5) (a) (intro.), 2. and 3., (b),
16 (c), (d), (e) (intro.) and 3. and (f), as renumbered, are amended to read:

17 235.395 (1) (a) An area in the city of Beloit, the legal description of which is
18 provided to the ~~corporation~~ authority by the local governing body of the city of Beloit.

19 (b) An area in the city of West Allis, the legal description of which is provided
20 to the ~~corporation~~ authority by the local governing body of the city of West Allis.

21 (c) An area in the city of Eau Claire, the legal description of which is provided
22 to the ~~corporation~~ authority by the local governing body of the city of Eau Claire.

23 (d) An area in the city of Kenosha, the legal description of which is provided to
24 the ~~corporation~~ authority by the local governing body of the city of Kenosha.

1 (e) An area in the city of Milwaukee, the legal description of which is provided
2 to the ~~corporation~~ authority by the local governing body of the city of Milwaukee.

3 (f) For the Gateway Project, an area in the city of Beloit, the legal description
4 of which is provided to the ~~corporation~~ authority by the local governing body of the
5 city of Beloit.

6 (g) An area in the city of Janesville, the legal description of which is provided
7 to the ~~corporation~~ authority by the local governing body of the city of Janesville.

8 (h) An area in the city of Kenosha, the legal description of which is provided to
9 the ~~corporation~~ authority by the local governing body of the city of Kenosha.

10 (i) An area in the city of Beloit, the legal description of which is provided to the
11 ~~corporation~~ authority by the local governing body of the city of Beloit.

12 (2) (c) Annually, the ~~corporation~~ authority shall estimate the amount of forgone
13 state revenue because of tax benefits claimed by persons in each development
14 opportunity zone.

15 (d) 1. Notwithstanding pars. (a) and (e), the designation of an area as a
16 development opportunity zone shall expire 90 days after the day on which the
17 ~~corporation~~ authority determines that the forgone tax revenues under par. (c) will
18 equal or exceed the limit for the development opportunity zone.

19 2. The ~~corporation~~ authority shall immediately notify the local governing body
20 of the city in which the development opportunity zone is located of a change in the
21 expiration date of the development opportunity zone under this paragraph.

22 (e) 1. The ~~corporation~~ authority may extend the designation of an area under
23 sub. (1) (g) as a development opportunity zone for an additional 60 months if the
24 ~~corporation~~ authority determines that an extension under this subdivision would
25 support economic development within the city. If the ~~corporation~~ authority extends

1 the designation of the area as a development opportunity zone, the limit for tax
2 benefits for the development opportunity zone under sub. (1) (g) is increased by
3 \$5,000,000.

4 2. The ~~corporation~~ authority may extend the designation of an area under sub.
5 (1) (h) as a development opportunity zone for an additional 60 months if the
6 ~~corporation~~ authority determines that an extension under this subdivision would
7 support economic development within the city. If the ~~corporation~~ authority extends
8 the designation of the area as a development opportunity zone, the limit for tax
9 benefits for the development opportunity zone under sub. (1) (h) is increased by
10 \$5,000,000.

11 3. The ~~corporation~~ authority may extend the designation of an area under sub.
12 (1) (i) as a development opportunity zone for an additional 60 months if the
13 ~~corporation~~ authority determines that an extension will support economic
14 development within the city. If the ~~corporation~~ authority grants an extension under
15 this subdivision, the limit for tax benefits for the development opportunity zone
16 under sub. (1) (i) is increased by \$5,000,000.

17 (3) (a) 1. Any person that is conducting or that intends to conduct economic
18 activity in a development opportunity zone under sub. (1) (a) or (b) and that, in
19 conjunction with the local governing body of the city in which the development
20 opportunity zone is located, submits a project plan as described in par. (b) to the
21 ~~corporation~~ authority no later than 6 months after April 23, 1994, shall be entitled
22 to claim tax benefits while the area is designated as a development opportunity zone.

23 2. Any person that is conducting or that intends to conduct economic activity
24 in a development opportunity zone under sub. (1) (c) and that, in conjunction with
25 the local governing body of the city in which the development opportunity zone is

1 located, submits a project plan as described in par. (b) to the ~~corporation~~ authority ✓
2 no later than 6 months after April 28, 1995, shall be entitled to claim tax benefits
3 while the area is designated as a development opportunity zone.

4 3. Any person that is conducting or that intends to conduct economic activity
5 in a development opportunity zone under sub. (1) (d) and that, in conjunction with
6 the local governing body of the city in which the development opportunity zone is
7 located, submits a project plan as described in par. (b) to the ~~corporation~~ authority ✓
8 no later than July 1, 2000, shall be entitled to claim tax benefits while the area is
9 designated as a development opportunity zone.

10 4. Any person that is conducting or that intends to conduct economic activity
11 in a development opportunity zone under sub. (1) (e), (f), (g), (h), or (i) and that, in
12 conjunction with the local governing body of the city in which the development
13 opportunity zone is located, submits a project plan as described in par. (b) to the
14 ~~corporation~~ authority ✓ shall be entitled to claim tax benefits while the area is
15 designated as a development opportunity zone.

16 (b) 9. Other information required by the ~~corporation~~ authority ✓ or the
17 department of revenue.

18 (c) The ~~corporation~~ authority ✓ shall notify the department of revenue of all
19 persons entitled to claim tax benefits under this subsection.

20 (d) The ~~corporation~~ authority ✓ annually shall verify information submitted to
21 the ~~corporation~~ authority ✓ under s. 71.07 (2di), (2dm), or (2dx), 71.28 (1di), (1dm), or
22 (1dx), 71.47 (1di), (1dm), or (1dx), or 76.636. ✓

23 (4) (a) (intro.) The ~~corporation~~ authority ✓ shall revoke the entitlement of a
24 person to claim tax benefits under sub. (3) if the person does any of the following:

1 (b) The ~~corporation~~ authority shall notify the department of revenue within 30
2 days after revoking an entitlement under par. (a).

3 (5) (a) (intro.) The ~~corporation~~ authority may certify for tax benefits a person
4 that is conducting economic activity in the development opportunity zone under sub.
5 (1) (e) or (f) and that is not otherwise entitled to claim tax benefits if all of the
6 following apply:

7 2. The ~~corporation~~ authority determines that the economic activity of the other
8 person under subd. 1. would not have occurred but for the involvement of the person
9 to be certified for tax benefits under this subsection.

10 3. The person to be certified for tax benefits under this subsection will pass the
11 benefits through to the other person conducting the economic activity under subd.
12 1., as determined by the ~~corporation~~ authority.

13 (b) A person intending to claim tax benefits under this subsection shall submit
14 to the ~~corporation~~ authority an application, in the form required by the ~~corporation~~
15 authority, containing information required by the ~~corporation~~ authority and by the
16 department of revenue.

17 (c) The ~~corporation~~ authority shall notify the department of revenue of all
18 persons certified to claim tax benefits under this subsection.

19 (d) The ~~corporation~~ authority annually shall verify information submitted to
20 the ~~corporation~~ authority under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), 71.47
21 (1dm) or (1dx), or 76.636.

22 (e) (intro.) The ~~corporation~~ authority shall revoke the entitlement of a person
23 to claim tax benefits under this subsection if the person does any of the following:

24 3. Does not pass the benefits through to the other person conducting the
25 economic activity under par. (a) 1., as determined by the ~~corporation~~ authority.

1 (f) The ~~corporation~~ authority shall notify the department of revenue within 30
2 days after revoking an entitlement under par. (e).

3 **SECTION 511.** 238.397 of the statutes is renumbered 235.397, and 235.397 (1)
4 (am), (c) and (d), (2) (a) (intro.) and 4. a. and d., (b) (intro.) and 8., (bg) (intro.), (br)
5 (intro.), (c), (d) and (e), (3) (a), (b) 11. and (c), (4) (a), (c), (d) and (g), (5) (a), (b) and (d)
6 1. and 2. and (6) (a) (intro.) and (b), as renumbered, are amended to read:

7 235.397 (1) (am) "Full-time job" has the meaning given in s. 238.30 235.30
8 (2m).

9 (c) "Target population" has the meaning given in s. 238.30 235.30 (6).

10 (d) "Tax benefits" has the meaning given in s. 238.30 235.30 (7).

11 (2) (a) (intro.) Subject to pars. (c), (d), and (e), the ~~corporation~~ authority may
12 designate an area as an enterprise development zone for a project if the ~~corporation~~
13 authority determines all of the following:

14 4. a. The unemployment rate in the area is higher than the state average for
15 the 18 months immediately preceding the date on which the application under sub.
16 (3) was submitted to the ~~corporation~~ authority.

17 d. In the 36 months immediately preceding the date on which the application
18 under sub. (3) was submitted to the ~~corporation~~ authority, a number of workers in
19 the area were permanently laid off by their employer or became unemployed as a
20 result of a business action subject to s. 109.07 (1m).

21 (b) (intro.) In making a determination under par. (a), the ~~corporation~~ authority
22 shall consider all of the following:

23 8. Any other factors that the ~~corporation~~ authority considers relevant.

1 (bg) (intro.) Notwithstanding par. (a) and subject to pars. (c), (d), and (e), the
2 ~~corporation~~ authority may designate an area as an enterprise development zone for
3 a project if the ~~corporation~~ authority determines all of the following:

4 (br) (intro.) In making a determination under par. (bg), the ~~corporation~~
5 authority shall consider all of the following:

6 (c) The ~~corporation~~ authority may not designate as an enterprise development
7 zone, or as any part of an enterprise development zone, an area that is located within
8 the boundaries of an area that is designated as a development opportunity zone
9 under s. ~~238.395~~ 235.395, the designation of which is in effect.

10 (d) The ~~corporation~~ authority may not designate more than 98 enterprise
11 development zones unless the ~~corporation~~ authority obtains the approval of the joint
12 committee on finance to do so. Of the enterprise development zones that the
13 ~~corporation~~ authority designates, at least 10 shall be designated under par. (bg).

14 (e) The ~~corporation~~ authority may not designate any area as an enterprise
15 development zone on or after March 6, 2009.

16 (3) (a) A person that conducts or that intends to conduct a project and that
17 desires to have the area in which the project is or is to be conducted designated as
18 an enterprise development zone for the purpose of claiming tax benefits may submit
19 to the ~~corporation~~ authority an application and a project plan.

20 (b) 11. Any other information required by the ~~corporation~~ authority or the
21 department of revenue.

22 (c) The ~~corporation~~ authority may not accept or approve any applications or
23 project plans submitted under par. (a) on or after March 6, 2009.

24 (4) (a) Except as provided in par. (h), if the ~~corporation~~ authority approves a
25 project plan under sub. (3) and designates the area in which the person submitting

1 the project plan conducts or intends to conduct the project as an enterprise
2 development zone under the criteria under sub. (2), the ~~corporation~~ authority shall
3 certify the person as eligible for tax benefits.

4 (c) When the ~~corporation~~ authority designates an area as an enterprise
5 development zone for a project, the ~~corporation~~ authority shall notify the governing
6 body of any city, village, town, or federally recognized American Indian tribe or band
7 in which the area is located of the area's designation.

8 (d) The ~~corporation~~ authority shall notify the department of revenue of all
9 persons entitled to claim tax benefits under this section, except that the ~~corporation~~
10 authority shall notify the office of the commissioner of insurance of all persons
11 entitled to claim the credit under s. 76.636.

12 (g) The ~~corporation~~ authority annually shall verify information submitted to
13 the ~~corporation~~ authority under s. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), or 76.636.

14 (5) (a) When the ~~corporation~~ authority designates an area as an enterprise
15 development zone under this section, the ~~corporation~~ authority shall specify the
16 length of time, not to exceed 84 months, that the designation is effective, subject to
17 par. (d) and sub. (6).

18 (b) When the ~~corporation~~ authority designates an area as an enterprise
19 development zone under this section, the ~~corporation~~ authority shall establish a
20 limit, not to exceed \$3,000,000, for tax benefits for the enterprise development zone.

21 (d) 1. Notwithstanding the length of time specified by the ~~corporation~~ authority
22 under par. (a), the designation of an area as an enterprise development zone shall
23 expire 90 days after the day on which the ~~corporation~~ authority determines that the
24 forgone tax revenues under par. (c) will equal or exceed the limit established for the
25 enterprise development zone.

1 2. The ~~corporation~~ authority shall immediately notify the department of
2 revenue and the governing body of any city, village, town, or federally recognized
3 American Indian tribe or band in which the enterprise development zone is located
4 of a change in the expiration date of the enterprise development zone under this
5 paragraph.

6 (6) (a) (intro.) The ~~corporation~~ authority shall revoke the entitlement of a
7 person to claim tax benefits under this section, and the designation of the area as an
8 enterprise development zone shall expire, if the person does any of the following:

9 (b) The ~~corporation~~ authority shall notify the department of revenue within 30
10 days after revoking an entitlement under par. (a).

11 **SECTION 512.** 238.398 of the statutes is renumbered 235.398, and 235.398 (2)
12 (a) and (b), (3) (a) and (b), (4) (a) (intro.) and (b) and (5) (intro.) and (e), as renumbered,
13 are amended to read:

14 235.398 (2) (a) Except as provided under par. (c), the ~~corporation~~ authority may
15 designate one area in the state as an agricultural development zone. The area must
16 be located in a rural municipality. An agricultural business that is located in an
17 agricultural development zone and that is certified by the ~~corporation~~ authority
18 under sub. (3) is eligible for tax benefits as provided in sub. (3).

19 (b) The designation of an area as an agricultural development zone shall be in
20 effect for 10 years from the time that the ~~corporation~~ authority first designates the
21 area. Not more than \$5,000,000 in tax benefits may be claimed in an agricultural
22 development zone, except that the ~~corporation~~ authority may allocate the amount of
23 unallocated airport development zone tax credits, as provided under s. ~~238.3995~~
24 235.3995 (3) (b), to agricultural development zones for which the \$5,000,000
25 maximum allocation is insufficient. The ~~corporation~~ authority may change the