

1 (2) ELIGIBLE LOANS. (intro.) An emergency heating assistance loan made by a
2 participating lender is eligible for guarantee of collection under sub. (5) from the
3 Wisconsin development reserve fund under s. ~~234.93~~ 235.93 if all of the following
4 apply:

5 (6) INTEREST REDUCTION. The authority shall pay, from the moneys in the
6 Wisconsin development reserve fund under s. ~~234.93~~ 235.93, to each participating
7 lender an amount equal to 3.5 percent of the principal amount of any guaranteed loan
8 to reduce interest payments on the guaranteed loan paid by an individual.

9 *~~1215/P3.450~~*SECTION 3923. 234.90 of the statutes is renumbered 235.90,
10 and 235.90 (1) (d) and (2) (intro.), as renumbered, are amended to read:

11 235.90 (1) (d) "Participating lender" means a bank, production credit
12 association, credit union, savings bank, savings and loan association or other person
13 who makes agricultural production loans and who has entered into an agreement
14 with the authority under s. ~~234.93~~ 235.93 (2) (a).

15 (2) ELIGIBLE LOANS. (intro.) Except as provided in sub. (3j), an agricultural
16 production loan made by a participating lender is eligible for guarantee of collection
17 from the Wisconsin development reserve fund under s. ~~234.93~~ 235.93 if all of the
18 following apply:

19 *~~1215/P3.451~~*SECTION 3924. 234.905 of the statutes is renumbered 235.905,
20 and 235.905 (1) (f), (2) (intro.) and (4) (b), as renumbered, are amended to read:

21 235.905 (1) (f) "Participating lender" means a bank, production credit
22 association, credit union, savings bank, savings and loan association or other person
23 who makes agricultural production drought assistance loans and who has entered
24 into an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a).

1 (2) ELIGIBLE LOANS. (intro.) An agricultural production drought assistance loan
2 made by a participating lender is eligible for guarantee of collection from the
3 Wisconsin development reserve fund under s. ~~234.93~~ 235.93 if all of the following
4 apply:

5 (4) (b) Except as provided in s. ~~234.93~~ 235.93 (3), the total principal amounts
6 of all agricultural production drought assistance loans which the authority may
7 guarantee under par. (a) may not exceed \$30,000,000.

8 *~~1215/P3.452~~*SECTION 3925. 234.907 of the statutes is renumbered 235.907,
9 and 235.907 (1) (e), (2) (intro.) and (3), as renumbered, are amended to read:

10 235.907 (1) (e) "Participating lender" means a bank, credit union, savings
11 bank, savings and loan association or other person, who makes loans for working
12 capital or to finance physical plant needs, equipment or machinery and who has
13 entered into an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a).

14 (2) ELIGIBLE LOANS. (intro.) A loan made by a participating lender is eligible
15 for guarantee of collection from the Wisconsin development reserve fund under s.
16 ~~234.93~~ 235.93 if all of the following apply:

17 (3) GUARANTEE OF COLLECTION. The authority shall guarantee collection of a
18 percentage, not exceeding 90%, of the principal of any loan eligible for a guarantee
19 under sub. (2). The authority shall establish the percentage of the unpaid principal
20 of an eligible loan that will be guaranteed, using the procedures described in the
21 guarantee agreement under s. ~~234.93~~ 235.93 (2) (a). The authority may establish a
22 single percentage for all guaranteed loans or establish different percentages for
23 eligible loans on an individual basis.

24 *~~1215/P3.453~~*SECTION 3926. 234.91 of the statutes is renumbered 235.91,
25 and 235.91 (1) (e) and (2) (intro.), as renumbered, are amended to read:

1 235.91 (1) (e) “Participating lender” means a bank, farm credit service, credit
2 union, savings bank, savings and loan association or other person who makes loans
3 for the acquisition or improvement of agricultural assets and who has entered into
4 an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a). The term does not
5 include a seller under a land contract.

6 (2) ELIGIBLE LOANS. (intro.) A loan made by a participating lender is eligible
7 for guarantee of collection from the Wisconsin development reserve fund under s.
8 ~~234.93~~ 235.93 if all of the following apply:

9 *~~1215/P3.454~~*SECTION 3927. 234.92 of the statutes is renumbered 235.92.

10 *~~1215/P3.455~~*SECTION 3928. 234.93 of the statutes is renumbered 235.93,
11 and 235.93 (1) (a), (b), (cm) and (d) and (4) (a) 2. and 3. and (b) (intro.), as renumbered,
12 are amended to read:

13 235.93 (1) (a) Moneys appropriated to the authority under s. ~~20.490 (5) (a), (q)~~
14 20.885 (2) (qm), (r), and (s) or (3) (ap) or received by the authority for the Wisconsin
15 development reserve fund from any other source.

16 (b) Any income from investment of money in the Wisconsin development
17 reserve fund by the authority ~~under s. 234.03 (18)~~.

18 (cm) Any moneys transferred under 1999 Wisconsin Act 9, section 9125 (1), or
19 under s. ~~234.75~~ 235.75 (5) (c), from the housing rehabilitation loan program
20 administration fund.

21 (d) To be used for guaranteeing loans under s. ~~234.91~~ 235.91, fees collected
22 under s. ~~234.91~~ 235.91 (4).

23 (4) (a) 2. To fund guarantees under all of the programs guaranteed by funds
24 from the Wisconsin development reserve fund, except for the program under s.
25 234.935, 1997 stats., and the program under s. ~~234.75~~ 235.75, at a ratio of \$1 of

1 reserve funding to \$4.50 of total outstanding principal and outstanding guaranteed
2 principal that the authority may guarantee under all of those programs.

3 3. To fund guarantees under the program under s. 234.935, 1997 stats., and the
4 program under s. ~~234.75~~ 235.75 at a ratio of \$1 of reserve funding to \$4 of total
5 principal and outstanding guaranteed principal that the authority may guarantee
6 under that program.

7 (b) (intro.) Annually on August 31, the ~~executive director of the~~ authority shall
8 provide to the secretary of administration and to the joint committee on finance a
9 signed statement that includes all of the following:

10 *~~1215/P3.456~~*SECTION 3929. 234.932 of the statutes is renumbered 235.932,
11 and 235.932 (2) (intro.) and (b), as renumbered, are amended to read:

12 235.932 (2) ESTABLISHMENT OF FUND. (intro.) There is established under the
13 jurisdiction and control of the authority, for the purpose of providing funds for
14 guaranteeing loans under s. ~~234.84~~ 235.84, a Wisconsin job training reserve fund,
15 consisting of all of the following:

16 (b) Any income from investment of money in the Wisconsin job training reserve
17 fund by the authority under s. ~~234.03 (18)~~.

18 *~~1215/P3.457~~*SECTION 3930. 234.933 of the statutes is renumbered 235.933,
19 and 235.933 (1), (2) (intro.) and (b), as renumbered, are amended to read:

20 235.933 (1) DEFINITION. In this section, "drinking water loan guarantee
21 program" means the program under s. ~~234.86~~ 235.86.

22 (2) ESTABLISHMENT OF FUND. (intro.) There is established under the jurisdiction
23 and control of the authority, for the purpose of providing funds for guaranteeing loans
24 under s. ~~234.86~~ 235.86, a Wisconsin drinking water reserve fund, consisting of all of
25 the following:

1 (b) Any income from investment of money in the Wisconsin drinking water
2 reserve fund by the authority ~~under s. 234.03 (18)~~.

3 ~~*-1215/P3.458~~**SECTION 3931.** Subchapter III (title) of chapter 234 [precedes
4 234.94] of the statutes is renumbered subchapter VI (title) of chapter 235 [precedes
5 235.94].

6 ~~*-1215/P3.459~~**SECTION 3932.** 234.94 of the statutes is renumbered 235.94,
7 and 235.94 (2) (b) 5. and (3), as renumbered, are amended to read:

8 235.94 (2) (b) 5. The corporation's purpose is to promote the employment of
9 members of a target group through projects that meet the conditions specified in s.
10 ~~234.96~~ 235.96 (1) (a) to (d).

11 (3) "Community development finance company" means a corporation or a
12 limited partnership organized for profit under s. ~~234.95~~ 235.95.

13 ~~*-1215/P3.460~~**SECTION 3933.** 234.95 of the statutes is renumbered 235.95,
14 and 235.95 (2), as renumbered, is amended to read:

15 235.95 (2) The community development finance company shall issue stock or
16 partnership interests. The community development finance company shall invest
17 funds it receives from the sale of stock or partnership interests by purchasing capital
18 participation instruments under s. ~~234.96~~ 235.96.

19 ~~*-1215/P3.461~~**SECTION 3934.** 234.96 of the statutes is renumbered 235.96.

20 ~~*-1215/P3.462~~**SECTION 3935.** 234.97 of the statutes is renumbered 235.97,
21 and 235.97 (intro.) and (2), as renumbered, are amended to read:

22 **235.97 Sale or purchase of stock or interest.** (intro.) Subject to s. ~~234.96~~
23 235.96 (1) (h), the authority shall do all of the following:

1 **(2)** Use funds received from contributions, gifts, or grants ~~under s. 234.03 (32)~~
2 to purchase community development finance company stock or partnership interests
3 or make grants or loans to community development corporations.

4 ***-1215/P3.463*****SECTION 3936.** 234.98 of the statutes is renumbered 235.98.

5 ***-1215/P3.464*****SECTION 3937.** Chapter 235 of the statutes is created to read:

6 **CHAPTER 235**

7 **FORWARD WISCONSIN**

8 **DEVELOPMENT AUTHORITY**

9 **SUBCHAPTER I**

10 **GENERAL PROVISIONS**

11 **235.01 Definitions.** In this chapter:

12 **(1)** “Authority” means the Forward Wisconsin Development Authority.

13 **(2)** “Board” means the board of directors of the authority.

14 **235.011 Creation and organization.** **(1)** There is created a public body
15 corporate and politic, to be known as the “Forward Wisconsin Development
16 Authority.” The members of the board shall consist of 12 public members nominated
17 by the governor, and with the advice and consent of the senate appointed, to serve
18 4-year terms. All members shall be employed in the private sector.

19 **(2)** Seven members of the board constitutes a quorum for the purpose of
20 conducting its business and exercising its powers and for all other purposes. Action
21 may be taken by the board upon a vote of a majority of a quorum. The board shall
22 elect a chairperson.

23 **(3)** A vacancy on the board shall be filled in the same manner as the original
24 appointment to the board for the remainder of the unexpired term.

1 (4) (a) A chief executive officer shall be nominated by the governor, approved
2 by the board, and with the advice and consent of the senate appointed, to serve at the
3 pleasure of the governor.

4 (b) A chief operating officer shall be nominated by the governor, and with the
5 approval of the board appointed, to serve at the pleasure of the governor.

6 (c) The board may delegate to the chief executive officer and chief operating
7 officer any powers and duties the board considers proper. The chief executive officer
8 and chief operating officer shall receive such compensation as may be determined by
9 the board.

10 (d) The governor shall coordinate with the chief executive officer as if the chief
11 executive officer were the secretary of a department in the executive branch of state
12 government who is appointed by the governor.

13 (5) All powers and duties assigned to the authority under this chapter shall be
14 exercised or carried out by the board, unless the board delegates the power or duty
15 to an employee of the authority or a committee established by the board.

16 **235.012 Powers of the board.** The board shall have all the powers necessary
17 or convenient to carry out the purposes and provisions of this chapter. In addition
18 to all other powers granted the board by law, the board may:

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

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

22 (3) Maintain offices.

23 (4) Sue and be sued.

24 (5) Accept gifts, grants, loans, or other contributions from private or public
25 sources.

1 (6) Establish the authority's annual budget and monitor the fiscal
2 management of the authority.

3 (7) Make equity investments and execute contracts, securities, mortgages, and
4 other instruments required for the operation of the authority.

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

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

8 (10) Make loans and provide grants.

9 (11) Incur debt.

10 (12) Procure liability insurance.

11 (13) Enter into agreements regarding compensation, space, and other
12 administrative matters as are necessary to operate offices in other states and foreign
13 countries. Such agreements shall be subject to the approval of the secretary of
14 administration.

15 (14) Agree and comply with any conditions attached to federal financial
16 assistance.

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

23 (16) Establish and maintain a corporation organized under ch. 180 or 181.

24 **235.013 Duties of the board; mission.** The board shall develop and
25 implement economic development programs, and housing programs and projects to

Persons

with

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

8 ***-1215/P3.465***SECTION 3938. 235.0279 (3) of the statutes is created to read:
 9 235.0279 (3) Records consisting of information on the In Force Network or
 10 other similar customer relationship management system maintained by the
 11 authority, unless the information was published to the In Force Network or other
 12 system by the authority or another economic development organization.

13 ***-1215/P3.466***SECTION 3939. Subchapter II (title) of chapter 235 [precedes
 14 235.03] of the statutes is created to read:

15 **CHAPTER 235**
 16 **SUBCHAPTER II**

17 **ECONOMIC DEVELOPMENT**

18 ***-1215/P3.467***SECTION 3940. 235.03 (3) (ad), (ah), (ap) and (at) of the statutes
 19 are created to read:

20 235.03 (3) (ad) That each recipient of a grant or loan under the program of at
 21 least \$500,000 shall engage an independent certified public accountant to perform
 22 procedures, approved by the authority and consistent with applicable professional
 23 standards of the American Institute of Certified Public Accountants, to determine
 24 whether the grant or loan funds and any matching cash or in-kind match were
 25 expended in accordance with the grant or loan contract.

1 (ah) That each recipient make available for inspection the documents
2 supporting the attestation submitted under par. (a).

3 (ap) That the contract with each grant or loan recipient shall include the
4 requirements under pars. (a) to (ah).

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

9 *-1359/P2.1*SECTION 3941. 235.137 of the statutes is created to read:

10 **235.137 Regional revolving loan fund grant program.** From the
11 appropriation under s. 20.885 (3) (am), and from moneys transferred by the authority
12 from existing programs, the authority shall establish a regional revolving loan fund
13 grant program. The authority shall establish policies and procedures relating to the
14 program, including all of the following:

15 (1) Grants shall be awarded to multicounty regions in proportionate amounts
16 based upon the percentage of the state population residing within each region.

17 (2) Grants shall be awarded only to regional organizations having sufficient
18 private sector involvement, as determined by the authority.

19 (3) The authority shall approve the structure, regional investment strategy,
20 and administrative guidelines of regional loan funds.

21 (4) Each regional organization awarded a grant shall, at a time determined by
22 the authority, make a report to the authority containing information required by the
23 authority.

1 (5) For each regional organization awarded a grant, the authority may
2 annually assess a fee as a percentage of the moneys managed to the extent necessary
3 to reimburse the authority for costs incurred for oversight and management.

****NOTE: Do you want to define the term “regional organization”?

4 ***-0997/P4.20*SECTION 3942.** 235.16 (6) of the statutes is created to read:
5 235.16 (6) SUNSET. The authority may not award any tax benefits under this
6 section after June 30, 2015.

7 ***-0935/P5.4*SECTION 3943.** 235.17 (1) (b) of the statutes is created to read:
8 235.17 (1) (b) The authority may not certify a person for a tax credit under this
9 subsection if the person is not subject to the taxes imposed under s. 71.02, 71.08,
10 71.23, or 71.43, except that the authority may certify a nonprofit entity described
11 under section 501 (c) (3) of the Internal Revenue Code for a tax credit under this
12 subsection if the entity intends to sell or otherwise transfer the credit, as provided
13 under s. 71.07 (9m) (h), 71.28 (6) (h), or 71.47 (6) (h).

****NOTE: This is reconciled s. 235.17 (1) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0935/P4 and -1215/P2.

14 ***-0935/P5.5*SECTION 3944.** 235.17 (2) of the statutes is created to read:
15 235.17 (2) The authority may certify up to \$10,000,000 in tax credits under sub.
16 (1) in any calendar year.

****NOTE: This is reconciled s. 235.17 (2). This SECTION has been affected by drafts
with the following LRB numbers: -0935/P4 and -1215/P2.

17 ***-0935/P5.6*SECTION 3945.** 235.17 (3) of the statutes is created to read:
18 235.17 (3) In determining whether to certify a person for a tax credit under sub.
19 (1), the authority shall consider all of the following with respect to the activity for
20 which the tax credit is claimed:

21 (a) The number of full-time jobs that may be created.

1 (b) The anticipated benefit to the state of the activity relative to the cost to the
2 state of the tax credit.

3 (c) The projected impact of the activity on the local economy.

4 (d) Whether the activity or investments associated with the activity would
5 occur without the tax credit.

6 (e) The number of tax credits that have been certified under sub. (1) in the same
7 county or municipality in prior years.

****NOTE: This is reconciled s. 235.17 (3). This SECTION has been affected by drafts
with the following LRB numbers: -0935/P4 and -1215/P2.

8 ***-0935/P5.5*SECTION 5.** 235.17 (4) of the statutes is created to read:

9 235.17 (4) For 4 years following receipt of a tax credit under sub. (1), the
10 original claimant shall report to the authority the total number of full-time jobs
11 created by the activity for which the credit was claimed. The authority shall report
12 to the department of revenue, at least once each calendar quarter, any claimant
13 whose activity created fewer full-time jobs than projected under sub. (3) (a). The
14 authority shall report to the department of revenue the name, address, and tax
15 identification number of the claimant, and the number of full-time jobs projected
16 and created.

****NOTE: This is reconciled s. 235.17 (4). This SECTION has been affected by drafts
with the following LRB numbers: -0935/P4 and -1215/P2.

17 ***-0935/P5.7*SECTION 3946.** 235.17 (5) of the statutes is created to read:

18 235.17 (5) The authority shall adopt policies and procedures for the
19 administration of this section, including all of the following:

20 (a) Process by which applicants may apply for certification under sub. (1).

21 (b) Certification of the tax credit, in accordance with sub. (3).

22 (c) Reporting requirements for certified claimants.

1 (d) Process and criteria for revocation of certification.

****NOTE: This is reconciled s. 235.17 (5). This SECTION has been affected by drafts with the following LRB numbers: -0935/P4 and -1215/P2.

2 *-0997/P4.21*SECTION 3947. 235.30 (7) (e) of the statutes is created to read:
3 235.30 (7) (e) In s. 235.308, "tax benefits" means the business development tax
4 credit under ss. 71.07 (3y), 71.28 (3y), and 71.47 (3y).

5 *-0997/P4.22*SECTION 3948. 235.303 (4) of the statutes is created to read:
6 235.303 (4) SUNSET. The corporation may not award any tax benefits under ss.
7 238.301 to 238.306 after June 30, 2015.

8 *-0997/P4.23*SECTION 3949. 235.308 of the statutes is created to read:
9 **235.308 Business development tax credit.** (1) DEFINITION. In this section,
10 "eligible position" means a full-time job offered by a person certified under sub. (2).
11 (2) CERTIFICATION. (a) The authority may certify a person to receive tax benefits
12 under this section if all of the following apply:

- 13 1. The person is operating or intends to operate a business in this state.
- 14 2. The person applies under this section and enters into a contract with the

15 corporation authority ✓

16 (b) The certification of a person under par. (a) may remain in effect for no more
17 than 10 cumulative years.

18 (3) ELIGIBILITY FOR TAX BENEFITS. A person is eligible to receive tax benefits if,
19 in each year for which the person claims tax benefits under this section, the person
20 increases net employment in this state in the person's business above the net
21 employment in this state in the person's business during the year before the person
22 was certified under sub. (2), as determined by the authority under its policies and
23 procedures.

1 (4) AWARDS, LIMITS, EXPIRATION. (a) The authority may award all of the following
2 tax benefits to a person certified under sub. (2):

3 1. An amount equal to up to 10 percent of the amount of wages that the person
4 paid to an employee in an eligible position in the taxable year.

5 2. An amount equal to up to 5 percent of the amount of wages that the person
6 paid to an employee in an eligible position in the taxable year, if the eligible position
7 is offered at the claimant's business in an economically distressed area, as
8 determined by the authority.

9 3. An amount equal to up to 50 percent of the person's training costs incurred
10 to undertake activities to enhance an employee's general knowledge, employability,
11 and flexibility in the workplace; to develop skills unique to the person's workplace
12 or equipment; or to develop skills that will increase the quality of the person's
13 product.

14 4. An amount equal to up to 3 percent of the person's personal property
15 investment and 5 percent of the person's real property investment in a capital
16 investment project, if the project involves a total capital investment of at least
17 \$1,000,000 or, if less than \$1,000,000, the project involves a capital investment that
18 is equal to at least \$10,000 per employee employed on the project.

19 5. An amount, as determined by the ~~corporation~~, equal to a percentage of the
20 amount of wages that the person paid to an employee in an eligible position in the
21 taxable year, if the eligible position was created or retained in connection with the
22 person's location or retention of the person's corporate headquarters in Wisconsin
23 and the job duties associated with the eligible position involve the performance of
24 corporate headquarters functions.

1 (b) Subject to a reallocation by the authority under s. 235.15 (3) (d), the
2 authority may allocate up to \$10,000,000 in tax benefits under this section in any
3 calendar year. Any unused allocation may be carried forward.

4 (5) DUTIES. (a) The authority shall notify the department of revenue, on at least
5 a quarterly basis, when the corporation certifies a person to receive tax benefits. Authority

6 (b) The authority shall notify the department of revenue within 30 days of
7 revoking a certification made under sub. (2).

8 (c) The authority may require a person to repay any tax benefits the person
9 claims for a year in which the person failed to maintain an eligible position required
10 by an agreement under sub. (2) (b).

11 (d) The authority shall determine the maximum amount of the tax credits
12 under ss. 71.07 (3y), 71.28 (3y), and 71.47 (3y) that a certified business may claim and
13 shall notify the department of revenue of this amount on at least a quarterly basis. 317

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

17 (f) The authority shall adopt policies and procedures for the implementation
18 and operation of this section.

19 *-1215/P3.468*SECTION 3950. 235.609 of the statutes is created to read:

20 **235.609 Bonds for certain mortgages and securities and for the**
21 **housing development fund.** The authority may issue its negotiable notes and
22 bonds to do any of the following:

23 (1) Purchase certain mortgages and securities and make secured loans for
24 housing for persons and families of low and moderate income, for the rehabilitation

1 of existing structures, and for the construction of facilities appurtenant to existing
2 structures consistent with the provisions and purposes of this chapter.

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

5 (3) Provide moneys for the housing development fund in order to make
6 temporary loans to sponsors of housing projects as provided in this subchapter.

7 ~~*-0807/P6.382*~~SECTION 3951. 236.13 (2m) of the statutes is amended to read:

8 236.13 (2m) As a further condition of approval when lands included in the plat
9 lie within 500 feet of the ordinary high-water mark of any lake, any navigable
10 stream, or any other body of navigable water or if land in the proposed plat involves
11 lake or navigable stream shorelands referred to in s. 236.16, the department of
12 natural resources, to prevent pollution of navigable waters, ~~or the department of~~
13 ~~safety and professional services, and~~ to protect the public health and safety, may
14 require assurance of adequate drainage areas for private on-site wastewater
15 treatment systems and building setback restrictions, or provisions by the owner for
16 public sewage disposal facilities for waters of the state, as defined in s. 281.01 (18),
17 industrial wastes, as defined in s. 281.01 (5), and other wastes, as defined in s. 281.01
18 (7). The public sewage disposal facilities may consist of one or more systems as the
19 department of natural resources ~~or the department of safety and professional~~
20 ~~services~~ determines on the basis of need for prevention of pollution of the waters of
21 the state or protection of public health and safety.

22 ~~*-0801/P2.28*~~SECTION 3952. 237.07 (3) (a) of the statutes is amended to read:

23 237.07 (3) (a) For each fiscal year, the authority shall submit to the department
24 of administration an audited financial statement of the funding received by the
25 authority ~~from the department of natural resources under s. 237.08 (2) and by the~~

1 authority from contributions and other funding accepted by the authority under s.
2 237.08 (3).

3 ***-0801/P2.29*SECTION 3953.** 237.08 (2) of the statutes is repealed.

4 ***-1215/P3.469*SECTION 3954.** Chapter 238 (title) of the statutes is repealed.

5 ***-1215/P3.470*SECTION 3955.** Subchapter I (title) of chapter 238 [precedes
6 238.01] of the statutes is repealed.

7 ***-1215/P3.471*SECTION 3956.** 238.01 (intro.) and (1) of the statutes are
8 repealed.

9 ***-1215/P3.472*SECTION 3957.** 238.01 (2) of the statutes is repealed.

10 ***-1215/P3.473*SECTION 3958.** 238.01 (3) of the statutes is renumbered 235.01
11 (3).

12 ***-1215/P3.474*SECTION 3959.** 238.02 of the statutes is repealed.

13 ***-1215/P3.475*SECTION 3960.** 238.03 (title) of the statutes is renumbered
14 235.03 (title) and amended to read:

15 **235.03 (title) Duties of board the authority concerning economic**
16 **development.**

17 ***-1215/P3.476*SECTION 3961.** 238.03 (1) of the statutes is repealed.

18 ***-1215/P3.477*SECTION 3962.** 238.03 (2) of the statutes is renumbered 235.03
19 (2), and 235.03 (2) (intro.) and (c), as renumbered, are amended to read:

20 235.03 (2) (intro.) For each program developed and implemented by the board
21 authority under this subchapter, the board authority shall do all of the following:

22 (c) Require that each recipient of a grant or loan under the program submit a
23 report to the corporation authority. Each contract with a recipient of a grant or loan
24 under the program must specify the frequency and format of the report to be

1 submitted to the ~~corporation~~ authority and the performance measures to be included
2 in the report.

3 *~~1215/P3.478~~*SECTION 3963. 238.03 (3) of the statutes is renumbered 235.03
4 (3), and 235.03 (3) (intro.), (a) and (b) (intro.), as renumbered, are amended to read:

5 235.03 (3) (intro.) The ~~board~~ authority shall require for each economic
6 development program developed and implemented by the ~~board~~ authority all of the
7 following:

8 (a) That each recipient of a grant or loan under the program ~~of at least \$100,000~~
9 submit to the ~~corporation~~ authority, within 120 days after the end of the recipient's
10 fiscal year in which any grant or loan funds were expended, ~~a schedule of~~
11 ~~expenditures of the grant or loan funds, including expenditures of any matching cash~~
12 ~~or in-kind match~~ or at a different time as provided in policies and procedures
13 approved by the board an attestation, signed by the director or principal officer of the
14 recipient ~~to attest to the accuracy of the schedule of expenditures. The recipient shall~~
15 ~~engage an independent certified public accountant to perform procedures, approved~~
16 ~~by the corporation and consistent with applicable professional standards of the~~
17 ~~American Institute of Certified Public Accountants, to determine whether the grant~~
18 ~~or loan funds and any matching cash or in-kind match were expended in accordance~~
19 ~~with the grant or loan contract. The board shall also require the recipient of such a~~
20 ~~grant or loan to make available for inspection the documents supporting the schedule~~
21 ~~of expenditures. The board shall include the requirements under this paragraph in~~
22 ~~the contract with grant or loan recipients. The attestation shall verify that the grant~~
23 ~~or loan funds and any matching cash or in-kind match were expended in accordance~~
24 with the grant or loan contract.

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

6 *~~1215/P3.479~~*SECTION 3964. 238.04 of the statutes is repealed.

7 *~~1215/P3.480~~*SECTION 3965. 238.045 of the statutes is repealed.

8 *~~1215/P3.481~~*SECTION 3966. 238.046 of the statutes is renumbered 235.014,
9 and 235.014 (1) and (2), as renumbered, are amended to read:

10 235.014 (1) A member of the board or an employee of the ~~corporation~~ authority
11 to whom the board delegates its authority to contract shall notify the ~~corporation's~~
12 authority's legal counsel or, if the ~~corporation's~~ legal counsel is unavailable, the chief
13 executive officer of the ~~corporation~~ authority if the member or employee has a direct
14 or indirect, private, pecuniary interest in a contract that is being negotiated, bid for,
15 or entered into with the ~~corporation~~ authority. If the ~~corporation's~~ authority's legal
16 counsel or chief executive officer is notified under this section, he or she shall report
17 the name of the individual from whom he or she received the notification and the
18 contract in which the individual has a private, pecuniary interest to the board. A
19 member or employee who notifies the ~~corporation's~~ authority's legal counsel or chief
20 executive officer under this section is not authorized to participate in the member's
21 or employee's capacity as a member of the board or an employee of the ~~corporation~~
22 authority in the making of the contract or to perform in regard to the contract some
23 official function requiring the exercise of discretion on the member's or employee's
24 part.

SECTION 3966

1 (2) An employee of the ~~corporation~~ authority shall notify the ~~corporation's~~
2 authority's legal counsel or, if the ~~corporation's~~ legal counsel is unavailable, the chief
3 executive officer of the ~~corporation~~ authority if the employee has a controlling
4 interest in an entity that is negotiating, bidding for, or entering into a contract with
5 the ~~corporation~~ authority. If the ~~corporation's~~ authority's legal counsel or chief
6 executive officer is notified under this section, he or she shall report the name of the
7 individual from whom he or she received the notification and the contract at issue
8 to the board. The board shall prohibit the ~~corporation~~ authority from entering into
9 any contract with an entity in which an employee of the ~~corporation~~ authority has
10 a controlling interest.

11 *~~1215/P3.482~~*SECTION 3967. 238.05 of the statutes is repealed.

12 *~~1215/P3.483~~*SECTION 3968. 238.06 of the statutes is renumbered 235.015
13 and amended to read:

14 **235.015 Liability limited.** Neither the state nor any political subdivision of
15 the state, nor any officer, employee, or agent of the state or a political subdivision of
16 the state who is acting within the scope of employment or agency, is liable for any
17 debt, obligation, act, or omission of the ~~corporation~~ authority.

18 *~~1215/P3.484~~*SECTION 3969. 238.07 of the statutes is renumbered 235.016,
19 and 235.016 (1), (2) (intro.), (3) and (4), as renumbered, are amended to read:

20 235.016 (1) Annually, by January October 1, the ~~board~~ authority shall submit
21 to the chief clerk of each house of the legislature, for distribution to the legislature
22 under s. 13.172 (2), a report identifying the economic development and housing
23 programs and projects that the ~~board~~ authority intends to develop and implement
24 during the current calendar fiscal year.

1 (2) (intro.) Annually, no later than October 1, the ~~board~~ authority shall submit
2 to the joint legislative audit committee and the chief clerk of each house of the
3 legislature, for distribution to the legislature under s. 13.172 (2), a report for the
4 previous fiscal year on each of the economic development programs of the ~~corporation~~
5 authority that contains all of the following:

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

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

13 *~~1215/P3.485~~*SECTION 3970. 238.08 of the statutes is repealed.

14 *~~1215/P3.486~~*SECTION 3971. 238.09 of the statutes is renumbered 235.017,
15 and 235.017 (1), (2) and (3), as renumbered, are amended to read:

16 235.017 (1) When the ~~corporation~~ authority is required to publicly solicit
17 proposals from multiple vendors of goods or services.

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

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

22 *~~1215/P3.487~~*SECTION 3972. 238.10 of the statutes is renumbered 235.018,
23 and 235.018 (1) to (4), as renumbered, are amended to read:

24 235.018 (1) ALLOCATION. The ~~corporation~~ authority shall establish under 26
25 USC 146 and administer a system for the allocation of the volume cap on the issuance

1 of private activity bonds, as defined under 26 USC 141 (a), among all municipalities,
2 as defined in s. 67.01 (5), and any corporation formed on behalf of those
3 municipalities, and among this state, the Wisconsin Health and Educational
4 Facilities Authority, the Wisconsin Aerospace Authority, and the ~~Wisconsin Housing~~
5 ~~and Economic Development Authority~~ authority.

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

12 (3) CONDITIONS. The ~~corporation~~ authority may establish any procedure for,
13 and place any condition upon, the granting of an allocation under this section which
14 the ~~corporation~~ authority deems to be in the best interest of the state including a
15 requirement that a cash deposit, at a rate established by the ~~corporation~~ authority,
16 be a condition for an allocation.

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

20 *~~-1215/P3.488~~*SECTION 3973. 238.11 of the statutes is renumbered 235.11,
21 and 235.11 (1), (2) and (5), as renumbered, are amended to read:

22 235.11 (1) The ~~corporation~~ authority shall prescribe the notice forms to be used
23 under s. 66.1103 (4m) (a) 1. The ~~corporation~~ authority shall include on the forms a
24 requirement for information on the number of jobs the person submitting the notice
25 expects to be eliminated, created, or maintained on the project site and elsewhere in

1 this state by the project which is the subject of the notice. The ~~corporation~~ authority
2 shall prescribe the forms to be used under s. 66.1103 (4m) (b).

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

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

11 *~~1215/P3.489~~SECTION 3974. 238.12 of the statutes is renumbered 235.12
12 and amended to read:

13 **235.12 Repayment of grants, loans, and tax benefits.** (1) In this section,
14 “tax benefits” means the credits under ss. 71.07 (~~2dd~~), (~~2de~~), (~~2di~~), (~~2dj~~), (~~2dL~~), (2dm),
15 (~~2dr~~), (~~2ds~~), (2dx), (3g), and (3t), 71.28 (~~1dd~~), (~~1de~~), (~~1di~~), (~~1dj~~), (~~1dL~~), (1dm), (~~1ds~~),
16 (1dx), (3g), and (3t), 71.47 (~~1dd~~), (~~1de~~), (~~1di~~), (~~1dj~~), (~~1dL~~), (1dm), (~~1ds~~), (1dx), (3g), and
17 (3t), and 76.636.

****NOTE: This is reconciled s. 235.12 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1018/P1 and -1215/P2.

18 (2) The ~~corporation~~ authority may not award a grant or loan under this chapter
19 to a person or certify a person to receive tax benefits unless the ~~corporation~~ authority
20 enters into an agreement with the person that requires the person to repay the grant,
21 loan, or tax benefits if, within 5 years after receiving the grant or loan or being
22 certified to receive tax benefits, the person ceases to conduct in this state the
23 economic activity for which the person received the grant or loan or for which the

1 person was certified to receive tax benefits and commences substantially the same
2 economic activity outside this state.

3 ***-1215/P3.490*SECTION 3975.** 238.125 of the statutes is repealed.

4 ***-1215/P3.491*SECTION 3976.** 238.127 of the statutes is renumbered 235.127,
5 and 235.127 (2) (intro.), (c) (intro.), (e), (h) and (j), as renumbered, are amended to
6 read:

7 235.127 (2) (intro.) The ~~corporation~~ authority shall establish and administer
8 a state main street program to coordinate state and local participation in programs
9 offered by the national main street center, created by the national trust for historic
10 preservation, to assist municipalities in planning, managing and implementing
11 programs for the revitalization of business areas. The ~~corporation~~ authority shall
12 do all of the following:

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

16 (e) Annually select, upon application, up to 5 municipalities to participate in
17 the state main street program. The program for each municipality shall conclude
18 after 3 years, except that the program for each municipality selected after July 29,
19 1995, shall conclude after 5 years. The ~~corporation~~ authority shall select program
20 participants representing various geographical regions and populations. A
21 municipality may apply to participate, and the ~~corporation~~ authority may select a
22 municipality for participation, more than one time. In selecting a municipality,
23 however, the ~~corporation~~ authority may give priority to those municipalities that
24 have not previously participated.

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

5 (j) The ~~corporation~~ authority shall expend at least \$250,000 annually on the
6 state main street program. *as affected by 2015 Wisconsin Act*
... (this act) ✓

Auto
ref
MPJA

7 ~~*-1215/P3.492*~~ **SECTION 3977**. 238.13 of the statutes is renumbered 235.13,
8 and 235.13 (2) (a) (intro.), (3) (intro.) and (f) and (5), as renumbered, are amended to
9 read:

10 235.13 (2) (a) (intro.) The ~~corporation~~ authority may make a grant to a person
11 if all of the following apply:

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

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

16 (5) Before the ~~corporation~~ authority awards a grant under this section, the
17 ~~corporation~~ authority shall consider the recommendations of the department of
18 administration and the department of natural resources. *Plain*

****NOTE: This is reconciled s. 238.13 (5). This SECTION has been affected by drafts with the following LRB numbers:-0363/P1 and -1215/P2.

19 ~~*-0362/P1.1*~~ **SECTION 3978**. 238.13 (2) (b) 2. of the statutes is repealed.

20 ~~*-0362/P1.2*~~ **SECTION 3979**. 238.13 (2) (b) 3. of the statutes is created to read:

21 238.13 (2) (b) 3. The recipient of a grant under this section shall contribute to
22 the project an amount that is equal to at least 50 percent of the amount of the grant.

23 ~~*-0363/P1.1*~~ **SECTION 3980**. 238.13 (5) of the statutes is amended to read:

1 238.13 (5) Before the corporation awards a grant under this section, the
2 corporation shall consider the recommendations of ~~the department of administration~~
3 ~~and the department of natural resources.~~

4 *~~1215/P3.493~~*SECTION 3981. 238.133 of the statutes is renumbered 235.133,
5 and 235.133 (2) (title), (a), (b), (c) and (d), (3) (intro.), (4), (5) (intro.) and (c), (6) and
6 (7), as renumbered, are amended to read:

7 235.133 (2) (title) DUTIES OF THE CORPORATION AUTHORITY.

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

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

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

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

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

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

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

6 (c) Other criteria that the ~~corporation~~ authority finds necessary to calculate the
7 amount of a grant.

8 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a local
9 governmental unit in a fiscal year under this section shall be limited to an amount
10 equal to 15% of the available funds appropriated under s. 20.192 (1) 20.885 (3) (s) for
11 the fiscal year.

12 (7) MATCHING FUNDS. The ~~corporation~~ authority may not distribute a grant
13 unless the applicant contributes matching funds equal to 20% of the grant. Matching
14 funds may be in the form of cash or in-kind contribution or both.

15 *-1215/P3.494*SECTION 3982. 238.135 of the statutes is renumbered 235.135
16 and amended to read:

17 **235.135 Grants to regional economic development organizations.** The
18 ~~corporation~~ authority shall award annual grants to regional economic development
19 organizations to fund marketing activities. The amount of each grant may not exceed
20 \$100,000 or the amount of matching funds the organization obtains from sources
21 other than the ~~corporation~~ authority or the state, whichever is less.

22 *-1215/P3.495*SECTION 3983. 238.15 of the statutes, as affected by 2015
23 Wisconsin Act (this act), is renumbered 235.15, and 235.15 (1) (intro.) and (m) 1.
24 (intro.) and c., (2) and (3) (a), (b), (d) (intro.), 1. and 2. a. and b., (dm) and (e), as
25 renumbered, are amended to read:

1 235.15 (1) ANGEL INVESTMENT TAX CREDITS. (intro.) The ~~corporation~~ authority
2 shall implement a program to certify businesses for purposes of s. 71.07 (5d). A
3 business desiring certification shall submit an application to the ~~corporation~~
4 authority in each taxable year for which the business desires certification. The
5 business shall specify in its application the investment amount it wishes to raise and
6 the ~~corporation~~ authority may certify the business and determine the amount that
7 qualifies for purposes of s. 71.07 (5d). Except as provided in policies and procedures
8 under sub. (3) (dm), the ~~corporation~~ authority may certify or recertify a business for
9 purposes of s. 71.07 (5d) only if the business satisfies all of the following conditions:

 ****NOTE: This is reconciled s. 238.15 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers:-0365/P1, -0996/P2 and -1215/P2.

10 (m) 1. (intro.) It agrees that it will not relocate outside of this state during the
11 3 years after it receives an investment for which a person may claim a tax credit
12 under s. 71.07 (5d) and agrees to pay the ~~corporation~~ authority a penalty, in an
13 amount determined under subd. 2., if the business relocates outside of this state
14 during that 3-year period. For the purposes of this paragraph, except as provided
15 in policies and procedures under sub. (3) (dm), a business relocates outside of this
16 state when the business locates more than 51 percent of any of the following outside
17 of this state:

 ****NOTE: This is reconciled s. 238.15 (1) (m) 1. (intro.). This SECTION has been
affected by drafts with the following LRB numbers:-0365/P1 and -1215/P2.

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

20 (2) EARLY STAGE SEED INVESTMENT TAX CREDITS. The ~~corporation~~ authority shall
21 implement a program to certify investment fund managers for purposes of ss. 71.07
22 (5b), 71.28 (5b), 71.47 (5b), and 76.638. An investment fund manager desiring

1 certification shall submit an application to the ~~corporation~~ authority. The
2 investment fund manager shall specify in the application the investment amount
3 that the manager wishes to raise and the ~~corporation~~ authority may certify the
4 manager and determine the amount that qualifies for purposes of ss. 71.07 (5b),
5 71.28 (5b), 71.47 (5b), and 76.638. In determining whether to certify an investment
6 fund manager, the ~~corporation~~ authority shall consider the investment fund
7 manager's experience in managing venture capital funds, the past performance of
8 investment funds managed by the applicant, the expected level of investment in the
9 investment fund to be managed by the applicant, and any other relevant factors. The
10 ~~corporation~~ authority may certify only investment fund managers that commit to
11 consider placing investments in businesses certified under sub. (1).

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

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

19 (d) *Rules Administration.* (intro.) The ~~corporation~~ authority, in consultation
20 with the department of revenue, shall ~~adopt rules~~ establish policies and procedures
21 to administer this section.—~~The rules~~ and shall further define “bona fide angel
22 investment” for purposes of s. 71.07 (5d) (a) 1. ~~The rules shall limit the aggregate~~
23 amount of tax credits under s. 71.07 (5d) that may be claimed for investments in
24 businesses certified under sub. (1) ~~at \$3,000,000 per calendar year for calendar years~~
25 ~~beginning after December 31, 2004, and before January 1, 2008, \$5,500,000 per~~

SECTION 3983

1 ~~calendar year for calendar years beginning after December 31, 2007, and before~~
2 ~~January 1, 2010, \$6,500,000 for calendar year 2010, and \$20,000,000 per calendar~~
3 ~~year for calendar years beginning after December 31, 2010, plus, for taxable years~~
4 ~~beginning after December 31, 2010, an additional \$250,000 for tax credits that may~~
5 ~~be claimed for investments in nanotechnology businesses certified under sub. (1).~~
6 ~~The rules shall also limit the aggregate amount and of the tax credits under ss. 71.07~~
7 ~~(5b), 71.28 (5b), 71.47 (5b), and 76.638 that may be claimed for investments paid to~~
8 ~~fund managers certified under sub. (2) at \$3,500,000 per calendar year for calendar~~
9 ~~years beginning after December 31, 2004, and before January 1, 2008, \$6,000,000 per~~
10 ~~calendar year for calendar years beginning after December 31, 2007, and before~~
11 ~~January 1, 2010, \$8,000,000 for calendar year 2010, and \$20,500,000 is \$30,000,000~~
12 ~~per calendar year for calendar years beginning after December 31, 2010, plus, for~~
13 ~~taxable years beginning after December 31, 2010, an additional \$250,000 for tax~~
14 ~~credits that may be claimed for investments in nanotechnology businesses certified~~
15 ~~under sub. (1). The rules policies and procedures shall also provide that, for calendar~~
16 ~~years beginning after December 31, 2007, a person who receives a credit under ss.~~
17 ~~s. 71.07 (5b) and or (5d), 71.28 (5b), 71.47 (5b), or 76.638 must keep the investment~~
18 ~~in a certified business, or with a certified fund manager, for no less than 3 years,~~
19 ~~unless the person's investment becomes worthless, as determined by the corporation~~
20 ~~authority, during the 3-year period or the person has kept the investment for no less~~
21 ~~than 12 months and a bona fide liquidity event, as determined by the corporation~~
22 ~~authority, occurs during the 3-year period. The rules policies and procedures shall~~
23 ~~permit the corporation authority to reallocate credits under this section that are~~
24 ~~unused in any calendar year to a person eligible for tax benefits, as defined under s.~~
25 ~~238.16 235.16 (1) (d), if all of the following apply:~~

****NOTE: This is reconciled s. 238.15 (3) (d) (intro.). This SECTION has been affected by drafts with the following LRB numbers:-0365/P1, -0996/P2 and -1215/P2.

1 1. The ~~corporation~~ authority notifies the joint committee on finance in writing
2 of its proposed reallocation.

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

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

9 (dm) The ~~corporation's~~ authority's policies and procedures under this
10 subsection shall permit the ~~corporation~~ authority to waive one or more of the
11 requirements under sub. (1) (a), (b), (h), and (m) 1. based on standards the
12 ~~corporation~~ authority establishes in the policies and procedures. The ~~corporation~~
13 authority may not waive a requirement under sub. (1) (a), (b), (h), or (m) 1. unless
14 the board approves the standards in the policies and procedures and the waiver
15 complies with those standards.

16 ✓ (e) *Transfer*. A person who is eligible to claim a credit under s. 71.07 (5b), 71.28
17 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit to another person
18 who is subject to the taxes or fees imposed under s. 71.02, 71.23, 71.47, or subch. III
19 of ch. 76, if the person receives prior authorization from the investment fund
20 manager and the manager then notifies the ~~corporation~~ authority and the
21 department of revenue of the transfer and submits with the notification a copy of the
22 transfer documents. No person may sell or otherwise transfer a credit as provided
23 in this paragraph more than once in a 12-month period. The ~~corporation~~ authority

(e) Insert 1281-15 ✓

1 may charge any person selling or otherwise transferring a credit under this
2 paragraph a fee equal to 1 percent of the credit amount sold or transferred.

3 ***-0365/P2.1*SECTION 3984.** 238.15 (1) (intro.) of the statutes is amended to
4 read:

5 238.15 (1) ANGEL INVESTMENT TAX CREDITS. (intro.) The corporation shall
6 implement a program to certify businesses for purposes of s. 71.07 (5d). A business
7 desiring certification shall submit an application to the corporation in each taxable
8 year for which the business desires certification. The business shall specify in its
9 application the investment amount it wishes to raise and the corporation may certify
10 the business and determine the amount that qualifies for purposes of s. 71.07 (5d).
11 The Except as provided in policies and procedures under sub. (3) (dm), the
12 corporation may certify or recertify a business for purposes of s. 71.07 (5d) only if the
13 business satisfies all of the following conditions:

****NOTE: This is reconciled s. 238.15 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers:-0365/P1 and -0996/P2.

14 ***-0996/P3.2*SECTION 3985.** 238.15 (1) (f) 1. b. of the statutes is amended to
15 read:

16 238.15 (1) (f) 1. b. Processing or assembling products, including medical
17 devices, pharmaceuticals, computer software, computer hardware, semiconductors,
18 any other innovative technology products, or other products that are produced using
19 manufacturing methods that are enabled by applying proprietary differentiating
20 technology.

21 ***-0996/P3.3*SECTION 3986.** 238.15 (1) (f) 1. c. of the statutes is amended to
22 read:

1 238.15 (1) (f) 1. c. Services that are enabled by applying ~~proprietary~~
2 differentiating technology.

3 *~~0996/P3.4~~**SECTION 3987.** 238.15 (1) (f) 2. of the statutes is amended to read:

4 238.15 (1) (f) 2. It is undertaking pre-commercialization activity related to
5 ~~proprietary~~ differentiating technology that includes conducting research,
6 developing a new product or business process, or developing a service that is
7 principally reliant on applying ~~proprietary~~ differentiating technology.

8 *~~0996/P3.5~~**SECTION 3988.** 238.15 (1) (f) 3. of the statutes is created to read:

9 238.15 (1) (f) 3. It is a technology-based physician and health care consulting
10 business.

11 *~~0996/P3.6~~**SECTION 3989.** 238.15 (1) (f) 4. of the statutes is created to read:

12 238.15 (1) (f) 4. It is a retailer for whom at least 51 percent of its annual sales
13 originate on the Internet.

14 *~~0996/P3.7~~**SECTION 3990.** 238.15 (1) (g) of the statutes is amended to read:

15 238.15 (1) (g) It is not primarily engaged in real estate development;
16 insurance; banking; lending; lobbying; political consulting; professional services
17 provided by attorneys, accountants, business consultants, physicians, or health care
18 consultants, except technology-based physician or health care consultants;
19 wholesale or retail trade, except retailers for whom at least 51 percent of annual
20 income originates on the Internet; leisure; hospitality; transportation; or
21 construction, except construction of power production plants that derive energy from
22 a renewable resource, as defined in s. 196.378 (1) (h).

23 *~~0996/P3.8~~**SECTION 3991.** 238.15 (1) (L) of the statutes is amended to read:

24 238.15 (1) (L) For taxable years beginning after December 31, 2010 and before
25 January 1, 2015, it has not received more than \$8,000,000 in investments that have

1 qualified for tax credits under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and
2 76.638.

3 ***-0996/P3.9*SECTION 3992.** 238.15 (1) (Lg) of the statutes is created to read:

4 238.15 (1) (Lg) For taxable years beginning after December 31, 2014, it has not
5 received more than \$12,000,000 in investments that have qualified for tax credits
6 under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and 76.638.

7 ***-0365/P2.2*SECTION 3993.** 238.15 (1) (m) 1. (intro.) of the statutes is amended
8 to read:

9 238.15 (1) (m) 1. (intro.) It agrees that it will not relocate outside of this state
10 during the 3 years after it receives an investment for which a person may claim a tax
11 credit under s. 71.07 (5d) and agrees to pay the corporation a penalty, in an amount
12 determined under subd. 2., if the business relocates outside of this state during that
13 3-year period. For the purposes of this paragraph, except as provided in policies and
14 procedures under sub. (3) (dm), a business relocates outside of this state when the
15 business locates more than 51 percent of any of the following outside of this state:

****NOTE: This is reconciled s. 238.15 (1) (m) 1. (intro.). This SECTION has been
affected by drafts with the following LRB numbers:-0365/P1 and -0996/P2.

16 ***-0365/P2.3*SECTION 3994.** 238.15 (1) (m) 3. of the statutes is created to read:

17 238.15 (1) (m) 3. Subdivision 1. does not apply to a business that the
18 corporation certified for purposes of s. 71.07 (5d) before April 20, 2012, and that, in
19 reliance on that certification, executed a note or bond that is convertible to an equity
20 interest.

21 ***-0365/P2.4*SECTION 3995.** 238.15 (3) (dm) of the statutes is created to read:

22 238.15 (3) (dm) The corporation's policies and procedures under this subsection
23 shall permit the corporation to waive one or more of the requirements under sub. (1)

1 (a), (b), (h), and (m) 1. based on standards the corporation establishes in the policies
2 and procedures. The corporation may not waive a requirement under sub. (1) (a), (b),
3 (h), or (m) 1. unless the board approves the standards in the policies and procedures
4 and the waiver complies with those standards.

5 *~~0996/P3.10~~*SECTION 3996. 238.15 (3) (e) of the statutes is amended to read:

6 238.15 (3) (e) *Transfer*. A person who is eligible to claim a credit under s. 71.07
7 (5b) or (5d), 71.28 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit
8 to another person who is subject to the taxes or fees imposed under s. 71.02, 71.23,
9 71.47, or subch. III of ch. 76, if the person was certified to claim the credit after
10 December 31, 2014 and if the person receives prior authorization from the
11 investment fund manager, for a credit under s. 71.07 (5b), 71.28 (5b), 71.47 (5b), or
12 76.638, and the investment fund manager then, or the claimant under s. 71.07 (5d)
13 for the sale or other transfer of a credit under s. 71.07 (5d), notifies the corporation
14 and the department of revenue of the transfer and submits with the notification a
15 copy of the transfer documents. No person may sell or otherwise transfer a credit as
16 provided in this paragraph more than once in a 12-month period. The corporation
17 may charge any person selling or otherwise transferring a credit under this
18 paragraph a fee equal to ~~1~~ 5 percent of the credit amount sold or transferred.

19 *~~1215/P3.496~~*SECTION 3997. 238.16 of the statutes is renumbered 235.16,
20 and 235.16 (1) (c) 2. (intro.), (2) (intro.) and (b), (3) (intro.), (4) (b) 1. (intro.) and 2. and
21 (c) and (5) (title), (a), (b), (c), (d), (e) and (f) (intro.) and 1. (intro.), as renumbered, are
22 amended to read:

23 235.16 (1) (c) 2. (intro.) The corporation authority may grant exceptions to the
24 requirement under subd. 1. that a full-time job means a position in which an

as affected by 2015 Wisconsin Act ... (this act) ✓

1 individual, as a condition of employment, is required to work at least 2,080 hours per
2 year if all of the following apply:

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

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

7 (3) ELIGIBILITY FOR TAX BENEFITS. (intro.) A person certified under sub. (2) may
8 receive tax benefits under this section if, in each year for which the person claims tax
9 benefits under this section, the person increases net employment in this state in the
10 person's business above the net employment in this state in the person's business
11 during the year before the person was certified under sub. (2), as determined by the
12 ~~corporation~~ authority under its policies and procedures, and one of the following
13 applies:

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

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

22 (c) Subject to a reallocation by the ~~corporation~~ authority pursuant to ~~rules~~
23 ~~policies and procedures~~ adopted under s. ~~238.15~~ 235.15 (3) (d), the ~~corporation~~
24 ~~authority may allocate up to \$5,000,000 in tax benefits under this section in any~~

Insert 1286-18

1 ~~calendar year, except that beginning on July 1, 2011, the corporation may allocate~~
2 ~~up to \$10,000,000 in tax benefits under this section in any calendar year.~~

3 (5) (title) DUTIES OF THE CORPORATION AUTHORITY.

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

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

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

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

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

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

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

23 ***-0996/P3.11*SECTION 3998.** 238.16 (4) (c) of the statutes is amended to read:

24 238.16 (4) (c) Subject to a reallocation by the corporation pursuant to rules
25 policies and procedures adopted under s. 238.15 (3) (d), the corporation may allocate

Insert 1288-3

1 up to \$5,000,000 in tax benefits under this section in any calendar year, except that
2 beginning on July 1, 2011, the corporation may allocate up to \$10,000,000 in tax
3 benefits under this section in any calendar year.

4 *~~1215/P3.497~~*SECTION 3999. 238.17 of the statutes is renumbered 235.17 (1)
5 (a) and amended to read:

6 235.17 (1) (a) For taxable years beginning after December 31, 2013, the
7 corporation authority may certify a person to claim a tax credit under s. 71.07 (9m),
8 71.28 (6), or 71.47 (6), if the corporation authority determines that the person is
9 conducting an eligible activity under s. 71.07 (9m), 71.28 (6), or 71.47 (6) preservation
10 or rehabilitation project. No person may claim a tax credit under s. 71.07 (9m), 71.28
11 (6), or 71.47 (6) without first being certified under this section subsection. The
12 corporation authority shall notify the department of revenue no later than January
13 15 of each year of the amount of the credits certified under this section subsection
14 and the name, address, and tax identification number of each person certified to
15 claim the credit. The corporation authority shall notify the department of revenue
16 of any revoked certification no later than 2 months after the revocation date.

****NOTE: This is reconciled s. 235.17 (1) (a). This SECTION has been affected by
drafts with the following LRB numbers:-1215/P2 and -0935/P4.

17 *~~1215/P3.498~~*SECTION 4000. 238.23 of the statutes is renumbered 235.23,
18 and 235.23 (1), (2) (a) and (b), (3) (a) (intro.), (b) (intro.), (c) and (d), (4) (a) (intro.) and
19 (b) and (5) (intro.), (e) and (g), as renumbered, are amended to read:

20 235.23 (1) In this section, "tax credit" means a credit under s. 71.07 (~~2di~~), (2dm),
21 (2dx), or (3g), 71.28 (~~1di~~), (1dm), (1dx), or (3g), or 71.47 (~~1di~~), (1dm), (1dx), or (3g).

****NOTE: This is reconciled s. 235.23 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1018/P1 and -1215/P2.

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

****NOTE: This is reconciled s. 235.23 (4) (b). This SECTION has been affected by
drafts with the following LRB numbers: -1018/P1 and -1215/P2.

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.

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

3 *~~1215/P3.499~~*SECTION 4001. 238.26 of the statutes is repealed.

4 *~~1215/P3.500~~*SECTION 4002. Subchapter II (title) of chapter 238 [precedes
5 238.30] of the statutes is renumbered subchapter III (title) of chapter 235 [precedes
6 235.30].

7 *~~1215/P3.501~~*SECTION 4003. 238.30 of the statutes is renumbered 235.30,
8 and 235.30 (intro.), (2g), (2m) (b) (intro.) and (7) (b) 1. and 2., (c) and (d), as
9 renumbered, are amended to read:

10 **235.30 Definitions.** (intro.) In this section and ss. ~~238.301 to 238.395~~ 235.301
11 to 235.395 and ~~238.398~~ 235.398:

12 (2g) “Eligible activity” means an activity described under s. ~~238.302~~ 235.302.

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

17 (7) (b) 1. Except as provided in subd. 2., in s. ~~238.395~~ 235.395, “tax benefits”
18 means ~~the development zones investment credit under ss. 71.07 (2di), 71.28 (1di),~~
19 ~~and 71.47 (1di) and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx),~~
20 ~~71.47 (1dx), and 76.636.~~ With respect to the development opportunity zones under
21 s. ~~238.395~~ 235.395 (1) (e) and (f), “tax benefits” also means the development zones
22 capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

****NOTE: This is reconciled s. 235.30 (7) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: -1018/P1 and -1215/P2.

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

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

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

11 *~~1215/P3.502~~*SECTION 4004. 238.301 of the statutes is renumbered 235.301,
12 and 235.301 (1) (intro.) and (e), (2) (a) and (b) and (3) (intro.), (b), (c), (d) and (f), as
13 renumbered, are amended to read:

14 235.301 (1) APPLICATION. (intro.) Any person may apply to the ~~corporation~~
15 authority on a form prepared by the ~~corporation~~ authority for certification under this
16 section. The application shall include all of the following:

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

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

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

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

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

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

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

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

14 *~~-1215/P3.503~~***SECTION 4005.** 238.302 of the statutes is renumbered 235.302,
15 and 235.302 (intro.), (1), (2) and (3), as renumbered, are amended to read:

16 **235.302 Eligible activities.** (intro.) A person who conducts or proposes to
17 conduct any of the following may be certified under s. ~~238.301~~ 235.301 (2):

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

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

24 (3) A project that involves significant investments in the training or
25 reeducation of employees, as defined by the ~~corporation by rule~~ authority under s.

1 ~~238.306~~ 235.306 (2) (c), by the person for the purpose of improving the productivity
2 or competitiveness of the business of the person.

3 *~~1215/P3.504~~*SECTION 4006. 238.303 of the statutes is renumbered 235.303,
4 and 235.303 (1) (a), (am) and (b), (2) and (3), as renumbered, are amended to read:

5 235.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a
6 reallocation by the ~~corporation pursuant to rules adopted~~ authority under s. ~~238.15~~
7 235.15 (3) (d), the total tax benefits available to be allocated by the ~~corporation~~
8 authority under ss. ~~238.301 to 238.306~~ 235.301 to 235.306 may not exceed the sum
9 of the tax benefits remaining to be allocated under s. 560.71 to 560.785, 2009 stats.,
10 s. 560.797, 2009 stats., s. 560.798, 2009 stats., s. 560.7995, 2009 stats., and s. 560.96,
11 2009 stats., on March 6, 2009, plus \$100,000,000.

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

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

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

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

16 *-0996/P3.12*SECTION 4007. 238.303 (1) (a) of the statutes is amended to read:

17 238.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a
18 reallocation by the corporation ~~pursuant to rules adopted~~ under s. 238.15 (3) (d), the
19 total tax benefits available to be allocated by the corporation under ss. 238.301 to
20 238.306 may not exceed the sum of the tax benefits remaining to be allocated under
21 s. 560.71 to 560.785, 2009 stats., s. 560.797, 2009 stats., s. 560.798, 2009 stats., s.
22 560.7995, 2009 stats., and s. 560.96, 2009 stats., on March 6, 2009, plus
23 \$100,000,000.

24 *-1215/P3.505*SECTION 4008. 238.304 of the statutes is renumbered 235.304,
25 and 235.304 (intro.) and (1), as renumbered, are amended to read:

INJECT
1295-23
→

1 **235.304 Eligible activities in economically distressed areas and**
2 **benefiting members of targeted groups.** (intro.) The ~~corporation~~ authority may
3 authorize a person certified under s. ~~238.301~~ 235.301 (2) to claim additional tax
4 benefits under s. ~~238.303~~ 235.303 if, after conducting an investigation, the
5 ~~corporation~~ authority determines any of the following:

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

10 *~~-1215/P3.506~~***SECTION 4009.** 238.3045 of the statutes is renumbered
11 235.3045, and 235.3045 (1) (title), (a), (b) (intro.) and 4. and (c) 1., (2) (a) and (b), (3)
12 and (4) (a) and (b), as renumbered, are amended to read:

13 235.3045 (1) (title) APPLICATION AND ~~CORPORATION~~ APPROVAL. (a) An applicant
14 for certification for tax benefits under s. ~~238.301~~ 235.301 may submit with its
15 application under s. ~~238.301~~ 235.301 (1) an application to the ~~corporation~~ authority
16 on a form prescribed by the ~~corporation~~ authority to transfer those tax benefits to
17 another person under this section. The application shall include the name, address,
18 and tax identification number of the person to whom the applicant intends to
19 transfer the tax benefits and any other information the ~~corporation~~ authority
20 requires. The ~~corporation~~ authority shall notify the applicant of the ~~corporation's~~
21 authority's determination concerning the transfer of tax benefits when the
22 ~~corporation~~ authority notifies the applicant of the ~~corporation's~~ authority's
23 certification determination under s. ~~238.301~~ 235.301.

24 (b) (intro.) The ~~corporation~~ authority may approve the transfer of tax benefits
25 under this section if the ~~corporation~~ authority certifies the applicant under par. (a)

1 for tax benefits under s. ~~238.301~~ 235.301 and finds that the applicant meets at least
2 one of the following conditions:

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

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

15 (2) (a) If the ~~corporation~~ authority revokes a person's certification for tax
16 benefits under s. ~~238.305~~ 235.305, and, at the time of revocation, that person has
17 transferred those tax benefits under this section, that person shall be liable for the
18 full value of the tax benefits, and the person to whom the tax benefits were
19 transferred may not claim any tax benefits that were not claimed prior to revocation.

20 (b) The ~~corporation~~ authority shall notify the department of revenue of a
21 revocation of tax benefits subject to par. (a), including the value of the tax benefits
22 for which the person is liable.

23 (3) ANNUAL REPORT. Annually, the ~~corporation~~ authority shall submit a report
24 to the joint committee on finance that provides a detailed assessment of the progress
25 to date of the program under this section.

1 (4) (a) Except as provided in par. (b), the ~~corporation~~ authority may not
2 authorize the transfer of tax benefits under this section that total more than
3 \$15,000,000, and the ~~corporation~~ authority may not authorize the transfer of tax
4 benefits after 36 months after April 4, 2014.

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

1 *~~1215/P3.507~~*SECTION 4010. 238.305 of the statutes is renumbered 235.305,
2 and 235.305 (intro.), (1) and (2), as renumbered, are amended to read:

3 **235.305 Revocation of certification.** (intro.) The ~~corporation~~ authority
4 shall revoke the certification of a person who does any of the following:

5 (1) Supplies false or misleading information to obtain certification under s.
6 ~~238.301~~ 235.301 (2).

7 (2) Supplies false or misleading information to obtain tax benefits under s.
8 ~~238.303~~ 235.303.

9 *~~1215/P3.508~~*SECTION 4011. 238.306 of the statutes is renumbered 235.306,
10 and 235.306 (intro.), (1) (a) and (b), (2) (intro.), (a), (b), (c), (d), (e) (intro.), (f), (g), (h),
11 (i) and (k) and (3), as renumbered, are amended to read:

12 **235.306 Responsibilities of the ~~corporation~~ authority.** (intro.) The
13 ~~corporation~~ authority shall do all of the following:

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

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

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

21 (a) A schedule of hourly wage ranges to be paid, and health insurance benefits
22 to be provided, to an employee by a person certified under s. ~~238.301~~ 235.301 (2) and
23 the corresponding per employee tax benefit for which a person certified under s.
24 ~~238.301~~ 235.301 (2) may be eligible.

1 (b) A definition of “significant investment of capital” for purposes of s. ~~238.302~~
2 235.302 (2), together with a corresponding schedule of tax benefits for which a person
3 who is certified under s. ~~238.301~~ 235.301 (2) and who conducts a project described
4 in s. ~~238.302~~ 235.302 (2) may be eligible. The ~~corporation~~ authority shall include in
5 the definition required under this paragraph a schedule of investments that takes
6 into consideration the size or nature of the business.

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

11 (d) A schedule of tax benefits for which a person who is certified under s.
12 ~~238.301~~ 235.301 (2) and who conducts a project that will result in the location or
13 retention of a person’s corporate headquarters in Wisconsin may be eligible.

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

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

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

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