

1 *~~1215/P3.451~~*SECTION 3922. 234.905 of the statutes is renumbered 235.905,
2 and 235.905 (1) (f), (2) (intro.) and (4) (b), as renumbered, are amended to read:

3 235.905 (1) (f) “Participating lender” means a bank, production credit
4 association, credit union, savings bank, savings and loan association or other person
5 who makes agricultural production drought assistance loans and who has entered
6 into an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a).

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

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

14 *~~1215/P3.452~~*SECTION 3923. 234.907 of the statutes is renumbered 235.907,
15 and 235.907 (1) (e), (2) (intro.) and (3), as renumbered, are amended to read:

16 235.907 (1) (e) “Participating lender” means a bank, credit union, savings
17 bank, savings and loan association or other person, who makes loans for working
18 capital or to finance physical plant needs, equipment or machinery and who has
19 entered into an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a).

20 (2) ELIGIBLE LOANS. (intro.) A loan made by a participating lender is eligible
21 for guarantee of collection from the Wisconsin development reserve fund under s.
22 ~~234.93~~ 235.93 if all of the following apply:

23 (3) GUARANTEE OF COLLECTION. The authority shall guarantee collection of a
24 percentage, not exceeding 90%, of the principal of any loan eligible for a guarantee
25 under sub. (2). The authority shall establish the percentage of the unpaid principal

SECTION 3923

1 of an eligible loan that will be guaranteed, using the procedures described in the
2 guarantee agreement under s. ~~234.93~~ 235.93 (2) (a). The authority may establish a
3 single percentage for all guaranteed loans or establish different percentages for
4 eligible loans on an individual basis.

5 ***-1215/P3.453*SECTION 3924.** 234.91 of the statutes is renumbered 235.91,
6 and 235.91 (1) (e) and (2) (intro.), as renumbered, are amended to read:

7 235.91 (1) (e) "Participating lender" means a bank, farm credit service, credit
8 union, savings bank, savings and loan association or other person who makes loans
9 for the acquisition or improvement of agricultural assets and who has entered into
10 an agreement with the authority under s. ~~234.93~~ 235.93 (2) (a). The term does not
11 include a seller under a land contract.

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

15 ***-1215/P3.454*SECTION 3925.** 234.92 of the statutes is renumbered 235.92.

16 ***-1215/P3.455*SECTION 3926.** 234.93 of the statutes is renumbered 235.93,
17 and 235.93 (1) (a), (b), (cm) and (d) and (4) (a) 2. and 3. and (b) (intro.), as renumbered,
18 are amended to read:

19 235.93 (1) (a) Moneys appropriated to the authority under s. ~~20.490 (5) (a), (q)~~
20 20.885 (2) (qm), (r), and (s) or (3) (ap) or received by the authority for the Wisconsin
21 development reserve fund from any other source.

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

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

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

6 (4) (a) 2. To fund guarantees under all of the programs guaranteed by funds
7 from the Wisconsin development reserve fund, except for the program under s.
8 234.935, 1997 stats., and the program under s. ~~234.75~~ 235.75, at a ratio of \$1 of
9 reserve funding to \$4.50 of total outstanding principal and outstanding guaranteed
10 principal that the authority may guarantee under all of those programs.

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

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

18 *~~1215/P3.456~~*SECTION 3927. 234.932 of the statutes is renumbered 235.932,
19 and 235.932 (2) (intro.) and (b), as renumbered, are amended to read:

20 235.932 (2) ESTABLISHMENT OF FUND. (intro.) There is established under the
21 jurisdiction and control of the authority, for the purpose of providing funds for
22 guaranteeing loans under s. ~~234.84~~ 235.84, a Wisconsin job training reserve fund,
23 consisting of all of the following:

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

1 *~~1215/P3.457~~*SECTION 3928. 234.933 of the statutes is renumbered 235.933,
2 and 235.933 (1), (2) (intro.) and (b), as renumbered, are amended to read:

3 235.933 (1) DEFINITION. In this section, “drinking water loan guarantee
4 program” means the program under s. ~~234.86~~ 235.86.

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

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

11 *~~1215/P3.458~~*SECTION 3929. Subchapter III (title) of chapter 234 [precedes
12 234.94] of the statutes is renumbered subchapter VI (title) of chapter 235 [precedes
13 235.94].

14 *~~1215/P3.459~~*SECTION 3930. 234.94 of the statutes is renumbered 235.94,
15 and 235.94 (2) (b) 5. and (3), as renumbered, are amended to read:

16 235.94 (2) (b) 5. The corporation’s purpose is to promote the employment of
17 members of a target group through projects that meet the conditions specified in s.
18 ~~234.96~~ 235.96 (1) (a) to (d).

19 (3) “Community development finance company” means a corporation or a
20 limited partnership organized for profit under s. ~~234.95~~ 235.95.

21 *~~1215/P3.460~~*SECTION 3931. 234.95 of the statutes is renumbered 235.95,
22 and 235.95 (2), as renumbered, is amended to read:

23 235.95 (2) The community development finance company shall issue stock or
24 partnership interests. The community development finance company shall invest

1 funds it receives from the sale of stock or partnership interests by purchasing capital
2 participation instruments under s. ~~234.96~~ 235.96.

3 *~~1215/P3.461~~*SECTION 3932. 234.96 of the statutes is renumbered 235.96.

4 *~~1215/P3.462~~*SECTION 3933. 234.97 of the statutes is renumbered 235.97,
5 and 235.97 (intro.) and (2), as renumbered, are amended to read:

6 **235.97 Sale or purchase of stock or interest.** (intro.) Subject to s. ~~234.96~~
7 235.96 (1) (h), the authority shall do all of the following:

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

11 *~~1215/P3.463~~*SECTION 3934. 234.98 of the statutes is renumbered 235.98.

12 *~~1215/P3.464~~*SECTION 3935. Chapter 235 of the statutes is created to read:

13 **CHAPTER 235**

14 **FORWARD WISCONSIN**

15 **DEVELOPMENT AUTHORITY**

16 **SUBCHAPTER I**

17 **GENERAL PROVISIONS**

18 **235.01 Definitions.** In this chapter:

19 (1) "Authority" means the Forward Wisconsin Development Authority.

20 (2) "Board" means the board of directors of the authority.

21 **235.011 Creation and organization.** (1) There is created a public body
22 corporate and politic, to be known as the "Forward Wisconsin Development
23 Authority." The members of the board shall consist of 12 public members nominated
24 by the governor, and with the advice and consent of the senate appointed, to serve
25 4-year terms. All members shall be employed in the private sector.

SECTION 3935

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

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

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

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

12 (c) The board may delegate to the chief executive officer and chief operating
13 officer any powers and duties the board considers proper. The chief executive officer
14 and chief operating officer shall receive such compensation as may be determined by
15 the board.

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

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

22 **235.012 Powers of the board.** The board shall have all the powers necessary
23 or convenient to carry out the purposes and provisions of this chapter. In addition
24 to all other powers granted the board by law, the board may:

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

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

4 (3) Maintain offices.

5 (4) Sue and be sued.

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

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

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

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

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

15 (10) Make loans and provide grants.

16 (11) Incur debt.

17 (12) Procure liability insurance.

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

22 (14) Agree and comply with any conditions attached to federal financial
23 assistance.

24 (15) Lease real or personal property and to accept federal funds for and
25 participate in such federal housing programs as are enacted on May 4, 1976, or at

SECTION 3935

1 any future time, except that the authority may not accept without the consent of the
2 governor federal funds under federal housing programs enacted after May 8, 1982,
3 if issuance of the authority's bonds or notes is not required to participate in the
4 programs.

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

6 **235.013 Duties of the board; mission.** The board shall develop and
7 implement economic development programs, and housing programs and projects, to
8 provide business, housing, and other support and expertise and assistance to persons
9 that are investing or creating jobs in Wisconsin, to support new business start-ups,
10 business expansion and growth, and home ownership in Wisconsin, and to provide
11 single and multifamily housing to persons and families of low and moderate income
12 in Wisconsin. The board may also develop and implement any other programs and
13 projects related to economic development or housing in Wisconsin.

14 *-1215/P3.465*SECTION 3936. 235.0279 (3) of the statutes is created to read:

15 235.0279 (3) Records consisting of information on the In Force Network or
16 other similar customer relationship management system maintained by the
17 authority, unless the information was published to the In Force Network or other
18 system by the authority or another economic development organization.

19 *-1215/P3.466*SECTION 3937. Subchapter II (title) of chapter 235 [precedes
20 235.03] of the statutes is created to read:

21 **CHAPTER 235**

22 **SUBCHAPTER II**

23 **ECONOMIC DEVELOPMENT**

24 *-1215/P3.467*SECTION 3938. 235.03 (3) (ad), (ah), (ap) and (at) of the statutes
25 are created to read:

1 235.03 (3) (ad) That each recipient of a grant or loan under the program of at
2 least \$500,000 shall engage an independent certified public accountant to perform
3 procedures, approved by the authority and consistent with applicable professional
4 standards of the American Institute of Certified Public Accountants, to determine
5 whether the grant or loan funds and any matching cash or in-kind match were
6 expended in accordance with the grant or loan contract.

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

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

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

15 *-1359/P2.1*SECTION 3939. 235.137 of the statutes is created to read:

16 **235.137 Regional revolving loan fund grant program.** From the
17 appropriation under s. 20.885 (3) (am), and from moneys transferred by the authority
18 from existing programs, the authority shall establish a regional revolving loan fund
19 grant program. The authority shall establish policies and procedures relating to the
20 program, including all of the following:

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

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

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

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

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

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

9 ***-0997/P4.20*SECTION 3940.** 235.16 (6) of the statutes is created to read:

10 235.16 (6) SUNSET. The authority may not award any tax benefits under this
11 section after June 30, 2015.

12 ***-0935/P5.4*SECTION 3941.** 235.17 (1) (b) of the statutes is created to read:

13 235.17 (1) (b) The authority may not certify a person for a tax credit under this
14 subsection if the person is not subject to the taxes imposed under s. 71.02, 71.08,
15 71.23, or 71.43, except that the authority may certify a nonprofit entity described
16 under section 501 (c) (3) of the Internal Revenue Code for a tax credit under this
17 subsection if the entity intends to sell or otherwise transfer the credit, as provided
18 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.

19 ***-0935/P5.5*SECTION 3942.** 235.17 (2) of the statutes is created to read:

20 235.17 (2) The authority may certify up to \$10,000,000 in tax credits under sub.
21 (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.

22 ***-0935/P5.6*SECTION 3943.** 235.17 (3) of the statutes is created to read:

1 235.17 (3) In determining whether to certify a person for a tax credit under sub.
2 (1), the authority shall consider all of the following with respect to the activity for
3 which the tax credit is claimed:

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

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

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

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

10 (e) The number of tax credits that have been certified under sub. (1) in the same
11 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.

12 ***-0935/P5.5***SECTION 5. 235.17 (4) of the statutes is created to read:

13 235.17 (4) For 4 years following receipt of a tax credit under sub. (1), the
14 original claimant shall report to the authority the total number of full-time jobs
15 created by the activity for which the credit was claimed. The authority shall report
16 to the department of revenue, at least once each calendar quarter, any claimant
17 whose activity created fewer full-time jobs than projected under sub. (3) (a). The
18 authority shall report to the department of revenue the name, address, and tax
19 identification number of the claimant, and the number of full-time jobs projected
20 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.

21 ***-0935/P5.7***SECTION 3944. 235.17 (5) of the statutes is created to read:

SECTION 3944

1 235.17 (5) The authority shall adopt policies and procedures for the
2 administration of this section, including all of the following:

- 3 (a) Process by which applicants may apply for certification under sub. (1).
4 (b) Certification of the tax credit, in accordance with sub. (3).
5 (c) Reporting requirements for certified claimants.
6 (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.

7 ***-0997/P4.21***SECTION 3945. 235.30 (7) (e) of the statutes is created to read:

8 235.30 (7) (e) In s. 235.308, “tax benefits” means the business development tax
9 credit under ss. 71.07 (3y), 71.28 (3y), and 71.47 (3y).

10 ***-0997/P4.22***SECTION 3946. 235.303 (4) of the statutes is created to read:

11 235.303 (4) SUNSET. The corporation may not award any tax benefits under ss.
12 238.301 to 238.306 after June 30, 2015.

13 ***-0997/P4.23***SECTION 3947. 235.308 of the statutes is created to read:

14 **235.308 Business development tax credit. (1) DEFINITION.** In this section,
15 “eligible position” means a full-time job offered by a person certified under sub. (2).

16 **(2) CERTIFICATION.** (a) The authority may certify a person to receive tax benefits
17 under this section if all of the following apply:

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

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

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

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

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

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

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

20 4. An amount equal to up to 3 percent of the person's personal property
21 investment and 5 percent of the person's real property investment in a capital
22 investment project, if the project involves a total capital investment of at least
23 \$1,000,000 or, if less than \$1,000,000, the project involves a capital investment that
24 is equal to at least \$10,000 per employee employed on the project.

SECTION 3947

1 5. An amount, as determined by the authority, equal to a percentage of the
2 amount of wages that the person paid to an employee in an eligible position in the
3 taxable year, if the eligible position was created or retained in connection with the
4 person's location or retention of the person's corporate headquarters in Wisconsin
5 and the job duties associated with the eligible position involve the performance of
6 corporate headquarters functions.

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

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

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

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

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

20 (e) The authority shall annually verify the information submitted to it by the
21 person claiming tax benefits under ss. 71.07 (3y), 71.28 (3y), and 71.47 (3y).

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

24 *~~1215/P3.468~~**SECTION 3948.** 235.609 of the statutes is created to read:

1 **235.609 Bonds for certain mortgages and securities and for the**
2 **housing development fund.** The authority may issue its negotiable notes and
3 bonds to do any of the following:

4 (1) Purchase certain mortgages and securities and make secured loans for
5 housing for persons and families of low and moderate income, for the rehabilitation
6 of existing structures, and for the construction of facilities appurtenant to existing
7 structures consistent with the provisions and purposes of this chapter.

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

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

12 *~~0807/P6.382~~*SECTION 3949. 236.13 (2m) of the statutes is amended to read:

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

1 services determines on the basis of need for prevention of pollution of the waters of
2 the state or protection of public health and safety.

3 *~~0801/P2.28~~*SECTION 3950. 237.07 (3) (a) of the statutes is amended to read:

4 237.07 (3) (a) For each fiscal year, the authority shall submit to the department
5 of administration an audited financial statement of the funding received by the
6 authority ~~from the department of natural resources under s. 237.08 (2) and by the~~
7 ~~authority~~ from contributions and other funding accepted by the authority under s.
8 237.08 (3).

9 *~~0801/P2.29~~*SECTION 3951. 237.08 (2) of the statutes is repealed.

10 *~~1215/P3.469~~*SECTION 3952. Chapter 238 (title) of the statutes is repealed.

11 *~~1215/P3.470~~*SECTION 3953. Subchapter I (title) of chapter 238 [precedes
12 238.01] of the statutes is repealed.

13 *~~1215/P3.471~~*SECTION 3954. 238.01 (intro.) and (1) of the statutes are
14 repealed.

15 *~~1215/P3.472~~*SECTION 3955. 238.01 (2) of the statutes is repealed.

16 *~~1215/P3.473~~*SECTION 3956. 238.01 (3) of the statutes is renumbered 235.01
17 (3).

18 *~~1215/P3.474~~*SECTION 3957. 238.02 of the statutes is repealed.

19 *~~1215/P3.475~~*SECTION 3958. 238.03 (title) of the statutes is renumbered
20 235.03 (title) and amended to read:

21 **235.03 (title) Duties of board the authority concerning economic**
22 **development.**

23 *~~1215/P3.476~~*SECTION 3959. 238.03 (1) of the statutes is repealed.

24 *~~1215/P3.477~~*SECTION 3960. 238.03 (2) of the statutes is renumbered 235.03
25 (2), and 235.03 (2) (intro.) and (c), as renumbered, are amended to read:

1 235.03 (2) (intro.) For each program developed and implemented by the board
2 authority under this subchapter, the board authority shall do all of the following:

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

8 *~~1215/P3.478~~**SECTION 3961.** 238.03 (3) of the statutes is renumbered 235.03
9 (3), and 235.03 (3) (intro.), (a) and (b) (intro.), as renumbered, are amended to read:

10 235.03 (3) (intro.) The board authority shall require for each economic
11 development program developed and implemented by the board authority all of the
12 following:

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

SECTION 3961

1 of expenditures. ~~The board shall include the requirements under this paragraph in~~
2 ~~the contract with grant or loan recipients. The attestation shall verify that the grant~~
3 ~~or loan funds and any matching cash or in-kind match were expended in accordance~~
4 ~~with the grant or loan contract.~~

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

10 *~~1215/P3.479~~*SECTION 3962. 238.04 of the statutes is repealed.

11 *~~1215/P3.480~~*SECTION 3963. 238.045 of the statutes is repealed.

12 *~~1215/P3.481~~*SECTION 3964. 238.046 of the statutes is renumbered 235.014,
13 and 235.014 (1) and (2), as renumbered, are amended to read:

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

1 authority in the making of the contract or to perform in regard to the contract some
2 official function requiring the exercise of discretion on the member's or employee's
3 part.

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

14 *-1215/P3.482*SECTION 3965. 238.05 of the statutes is repealed.

15 *-1215/P3.483*SECTION 3966. 238.06 of the statutes is renumbered 235.015
16 and amended to read:

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

21 *-1215/P3.484*SECTION 3967. 238.07 of the statutes is renumbered 235.016,
22 and 235.016 (1), (2) (intro.), (3) and (4), as renumbered, are amended to read:

23 235.016 (1) Annually, by ~~January~~ October 1, the ~~board~~ authority shall submit
24 to the chief clerk of each house of the legislature, for distribution to the legislature
25 under s. 13.172 (2), a report identifying the economic development and housing

1 programs and projects that the ~~board~~ authority intends to develop and implement
2 during the current calendar fiscal year.

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

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

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

15 *-1215/P3.485*SECTION 3968. 238.08 of the statutes is repealed.

16 *-1215/P3.486*SECTION 3969. 238.09 of the statutes is renumbered 235.017,
17 and 235.017 (1), (2) and (3), as renumbered, are amended to read:

18 235.017 (1) When the ~~corporation~~ authority is required to publicly solicit
19 proposals from multiple vendors of goods or services.

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

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

24 *-1215/P3.487*SECTION 3970. 238.10 of the statutes is renumbered 235.018,
25 and 235.018 (1) to (4), as renumbered, are amended to read:

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

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

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

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

22 *~~-1215/P3.488~~*SECTION 3971. 238.11 of the statutes is renumbered 235.11,
23 and 235.11 (1), (2) and (5), as renumbered, are amended to read:

24 235.11 (1) The ~~corporation~~ authority shall prescribe the notice forms to be used
25 under s. 66.1103 (4m) (a) 1. The ~~corporation~~ authority shall include on the forms a

SECTION 3971

1 requirement for information on the number of jobs the person submitting the notice
2 expects to be eliminated, created, or maintained on the project site and elsewhere in
3 this state by the project which is the subject of the notice. ~~The corporation authority~~
4 shall prescribe the forms to be used under s. 66.1103 (4m) (b).

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

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

13 *-1215/P3.489*SECTION 3972. 238.12 of the statutes is renumbered 235.12
14 and amended to read:

15 **235.12 Repayment of grants, loans, and tax benefits.** (1) In this section,
16 "tax benefits" means the credits under ss. 71.07 ~~(2dd), (2de), (2di), (2dj), (2dL), (2dm),~~
17 ~~(2dr), (2ds), (2dx), (3g), and (3t),~~ 71.28 ~~(1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds),~~
18 ~~(1dx), (3g), and (3t),~~ 71.47 ~~(1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and~~
19 ~~(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.

20 (2) ~~The corporation authority~~ may not award a grant or loan under this chapter
21 to a person or certify a person to receive tax benefits unless the ~~corporation authority~~
22 enters into an agreement with the person that requires the person to repay the grant,
23 loan, or tax benefits if, within 5 years after receiving the grant or loan or being

1 certified to receive tax benefits, the person ceases to conduct in this state the
2 economic activity for which the person received the grant or loan or for which the
3 person was certified to receive tax benefits and commences substantially the same
4 economic activity outside this state.

5 *~~1215/P3.490~~*SECTION 3973. 238.125 of the statutes is repealed.

6 *~~1215/P3.491~~*SECTION 3974. 238.127 of the statutes is renumbered 235.127,
7 and 235.127 (2) (intro.), (c) (intro.), (e), (h) and (j), as renumbered, are amended to
8 read:

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

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

18 (e) Annually select, upon application, up to 5 municipalities to participate in
19 the state main street program. The program for each municipality shall conclude
20 after 3 years, except that the program for each municipality selected after July 29,
21 1995, shall conclude after 5 years. The ~~corporation~~ authority shall select program
22 participants representing various geographical regions and populations. A
23 municipality may apply to participate, and the ~~corporation~~ authority may select a
24 municipality for participation, more than one time. In selecting a municipality,

1 however, the ~~corporation~~ authority may give priority to those municipalities that
2 have not previously participated.

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

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

9 ***-1215/P3.492*SECTION 3975.** 238.13 of the statutes, as affected by 2015
10 Wisconsin Act (this act), is renumbered 235.13, and 235.13 (2) (a) (intro.), (3)
11 (intro.) and (f) and (5), as renumbered, are amended to read:

12 235.13 (2) (a) (intro.) The ~~corporation~~ authority may make a grant to a person
13 if all of the following apply:

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

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

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

****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.

21 ***-0362/P1.1*SECTION 3976.** 238.13 (2) (b) 2. of the statutes is repealed.

22 ***-0362/P1.2*SECTION 3977.** 238.13 (2) (b) 3. of the statutes is created to read:

1 238.13 (2) (b) 3. The recipient of a grant under this section shall contribute to
2 the project an amount that is equal to at least 50 percent of the amount of the grant.

3 *~~0363/P1.1~~SECTION 3978. 238.13 (5) of the statutes is amended to read:

4 238.13 (5) Before the corporation awards a grant under this section, the
5 corporation shall consider the recommendations of ~~the department of administration~~
6 ~~and~~ the department of natural resources.

7 *~~1215/P3.493~~SECTION 3979. 238.133 of the statutes is renumbered 235.133,
8 and 235.133 (2) (title), (a), (b), (c) and (d), (3) (intro.), (4), (5) (intro.) and (c), (6) and
9 (7), as renumbered, are amended to read:

10 235.133 (2) (title) ~~DUTIES OF THE CORPORATION~~ AUTHORITY.

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

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

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

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

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

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

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

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

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

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

17 *-1215/P3.494*SECTION 3980. 238.135 of the statutes is renumbered 235.135
18 and amended to read:

19 **235.135 Grants to regional economic development organizations.** The
20 ~~corporation~~ authority shall award annual grants to regional economic development
21 organizations to fund marketing activities. The amount of each grant may not exceed
22 \$100,000 or the amount of matching funds the organization obtains from sources
23 other than the ~~corporation~~ authority or the state, whichever is less.

24 *-1215/P3.495*SECTION 3981. 238.15 of the statutes, as affected by 2015
25 Wisconsin Act (this act), is renumbered 235.15, and 235.15 (1) (intro.) and (m) 1.

1 (intro.) and c., (2) and (3) (a), (b), (d) (intro.), 1. and 2. a. and b., (dm) and (e), as
2 renumbered, are amended to read:

3 235.15 (1) ANGEL INVESTMENT TAX CREDITS. (intro.) The ~~corporation~~ authority
4 shall implement a program to certify businesses for purposes of s. 71.07 (5d). A
5 business desiring certification shall submit an application to the ~~corporation~~
6 authority in each taxable year for which the business desires certification. The
7 business shall specify in its application the investment amount it wishes to raise and
8 the ~~corporation~~ authority may certify the business and determine the amount that
9 qualifies for purposes of s. 71.07 (5d). Except as provided in policies and procedures
10 under sub. (3) (dm), the ~~corporation~~ authority may certify or recertify a business for
11 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.

12 (m) 1. (intro.) It agrees that it will not relocate outside of this state during the
13 3 years after it receives an investment for which a person may claim a tax credit
14 under s. 71.07 (5d) and agrees to pay the ~~corporation~~ authority a penalty, in an
15 amount determined under subd. 2., if the business relocates outside of this state
16 during that 3-year period. For the purposes of this paragraph, except as provided
17 in policies and procedures under sub. (3) (dm), a business relocates outside of this
18 state when the business locates more than 51 percent of any of the following outside
19 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.

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

SECTION 3981

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

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

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

22 (d) *Rules Administration.* (intro.) The ~~corporation~~ authority, in consultation
23 with the department of revenue, shall ~~adopt rules~~ establish policies and procedures
24 to administer this section. ~~The rules~~ and shall further define "bona fide angel
25 investment" for purposes of s. 71.07 (5d) (a) 1. ~~The rules shall limit the aggregate~~

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

SECTION 3981

1 permit the ~~corporation~~ authority to reallocate credits under this section that are
2 unused in any calendar year to a person eligible for tax benefits, as defined under s.
3 ~~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.

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

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

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

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

19 (e) *Transfer.* A person who is eligible to claim a credit under s. 71.07 (5b), 71.28
20 (5b), 71.47 (5b) or (5d), or 76.638 may sell or otherwise transfer the credit to another
21 person who is subject to the taxes or fees imposed under s. 71.02, 71.23, 71.47, or
22 subch. III of ch. 76, if the person was certified to claim the credit after December 31,
23 2014 and if the person receives prior authorization from the investment fund

1 manager, for a credit under s. 71.07 (5b), 71.28 (5b), 71.47 (5b), or 76.638, and the
2 investment fund manager, or the claimant under s. 71.07 (5d) for the sale or other
3 transfer of a credit under s. 71.07 (5d), notifies the ~~corporation~~ authority and the
4 department of revenue of the transfer and submits with the notification a copy of the
5 transfer documents. No person may sell or otherwise transfer a credit as provided
6 in this paragraph more than once in a 12-month period. The ~~corporation~~ authority
7 may charge any person selling or otherwise transferring a credit under this
8 paragraph a fee equal to 5 percent of the credit amount sold or transferred.

****NOTE: This is reconciled s. 238.15 (3) (e). This SECTION has been affected by
drafts with the following LRB numbers: -0996/P3 and -1215/P4.

9 ***-0365/P2.1*SECTION 3982.** 238.15 (1) (intro.) of the statutes is amended to
10 read:

11 238.15 (1) ANGEL INVESTMENT TAX CREDITS. (intro.) The corporation shall
12 implement a program to certify businesses for purposes of s. 71.07 (5d). A business
13 desiring certification shall submit an application to the corporation in each taxable
14 year for which the business desires certification. The business shall specify in its
15 application the investment amount it wishes to raise and the corporation may certify
16 the business and determine the amount that qualifies for purposes of s. 71.07 (5d).
17 The Except as provided in policies and procedures under sub. (3) (dm), the
18 corporation may certify or recertify a business for purposes of s. 71.07 (5d) only if the
19 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.

20 ***-0996/P3.2*SECTION 3983.** 238.15 (1) (f) 1. b. of the statutes is amended to
21 read:

SECTION 3983

1 238.15 (1) (f) 1. b. Processing or assembling products, including medical
2 devices, pharmaceuticals, computer software, computer hardware, semiconductors,
3 any other innovative technology products, or other products that are produced using
4 manufacturing methods that are enabled by applying ~~proprietary~~ differentiating
5 technology.

6 *~~0996/P3.3~~*SECTION 3984. 238.15 (1) (f) 1. c. of the statutes is amended to
7 read:

8 238.15 (1) (f) 1. c. Services that are enabled by applying ~~proprietary~~
9 differentiating technology.

10 *~~0996/P3.4~~*SECTION 3985. 238.15 (1) (f) 2. of the statutes is amended to read:

11 238.15 (1) (f) 2. It is undertaking pre-commercialization activity related to
12 ~~proprietary~~ differentiating technology that includes conducting research,
13 developing a new product or business process, or developing a service that is
14 principally reliant on applying ~~proprietary~~ differentiating technology.

15 *~~0996/P3.5~~*SECTION 3986. 238.15 (1) (f) 3. of the statutes is created to read:

16 238.15 (1) (f) 3. It is a technology-based physician and health care consulting
17 business.

18 *~~0996/P3.6~~*SECTION 3987. 238.15 (1) (f) 4. of the statutes is created to read:

19 238.15 (1) (f) 4. It is a retailer for whom at least 51 percent of its annual sales
20 originate on the Internet.

21 *~~0996/P3.7~~*SECTION 3988. 238.15 (1) (g) of the statutes is amended to read:

22 238.15 (1) (g) It is not primarily engaged in real estate development;
23 insurance; banking; lending; lobbying; political consulting; professional services
24 provided by attorneys, accountants, business consultants, physicians, or health care
25 consultants, except technology-based physician or health care consultants;

1 wholesale or retail trade, except retailers for whom at least 51 percent of annual
2 income originates on the Internet; leisure; hospitality; transportation; or
3 construction, except construction of power production plants that derive energy from
4 a renewable resource, as defined in s. 196.378 (1) (h).

5 ***-0996/P3.8*SECTION 3989.** 238.15 (1) (L) of the statutes is amended to read:

6 238.15 (1) (L) For taxable years beginning after December 31, 2010 and before
7 January 1, 2015, it has not received more than \$8,000,000 in investments that have
8 qualified for tax credits under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and
9 76.638.

10 ***-0996/P3.9*SECTION 3990.** 238.15 (1) (Lg) of the statutes is created to read:

11 238.15 (1) (Lg) For taxable years beginning after December 31, 2014, it has not
12 received more than \$12,000,000 in investments that have qualified for tax credits
13 under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and 76.638.

14 ***-0365/P2.2*SECTION 3991.** 238.15 (1) (m) 1. (intro.) of the statutes is amended
15 to read:

16 238.15 (1) (m) 1. (intro.) It agrees that it will not relocate outside of this state
17 during the 3 years after it receives an investment for which a person may claim a tax
18 credit under s. 71.07 (5d) and agrees to pay the corporation a penalty, in an amount
19 determined under subd. 2., if the business relocates outside of this state during that
20 3-year period. For the purposes of this paragraph, except as provided in policies and
21 procedures under sub. (3) (dm), a business relocates outside of this state when the
22 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.

23 ***-0365/P2.3*SECTION 3992.** 238.15 (1) (m) 3. of the statutes is created to read:

SECTION 3992

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

5 *~~0365/P2.4~~*SECTION 3993. 238.15 (3) (dm) of the statutes is created to read:

6 238.15 (3) (dm) The corporation's policies and procedures under this subsection
7 shall permit the corporation to waive one or more of the requirements under sub. (1)
8 (a), (b), (h), and (m) 1. based on standards the corporation establishes in the policies
9 and procedures. The corporation may not waive a requirement under sub. (1) (a), (b),
10 (h), or (m) 1. unless the board approves the standards in the policies and procedures
11 and the waiver complies with those standards.

12 *~~0996/P3.10~~*SECTION 3994. 238.15 (3) (e) of the statutes is amended to read:

13 238.15 (3) (e) *Transfer*. A person who is eligible to claim a credit under s. 71.07
14 (5b) or (5d), 71.28 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit
15 to another person who is subject to the taxes or fees imposed under s. 71.02, 71.23,
16 71.47, or subch. III of ch. 76, if the person was certified to claim the credit after
17 December 31, 2014 and if the person receives prior authorization from the
18 investment fund manager, for a credit under s. 71.07 (5b), 71.28 (5b), 71.47 (5b), or
19 76.638, and the investment fund manager then, or the claimant under s. 71.07 (5d)
20 for the sale or other transfer of a credit under s. 71.07 (5d), notifies the corporation
21 and the department of revenue of the transfer and submits with the notification a
22 copy of the transfer documents. No person may sell or otherwise transfer a credit as
23 provided in this paragraph more than once in a 12-month period. The corporation
24 may charge any person selling or otherwise transferring a credit under this
25 paragraph a fee equal to ~~1~~ 5 percent of the credit amount sold or transferred.

1 *~~1215/P3.496~~**SECTION 3995.** 238.16 of the statutes, as affected by 2015
2 Wisconsin Act (this act), is renumbered 235.16, and 235.16 (1) (c) 2. (intro.), (2)
3 (intro.) and (b), (3) (intro.), (4) (b) 1. (intro.) and 2. and (c) and (5) (title), (a), (b), (c),
4 (d), (e) and (f) (intro.) and 1. (intro.), as renumbered, are amended to read:

5 235.16 (1) (c) 2. (intro.) The ~~corporation~~ authority may grant exceptions to the
6 requirement under subd. 1. that a full-time job means a position in which an
7 individual, as a condition of employment, is required to work at least 2,080 hours per
8 year if all of the following apply:

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

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

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

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

SECTION 3995

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

4 (c) Subject to a reallocation by the ~~corporation~~ authority pursuant to policies
5 and procedures adopted under s. ~~238.15~~ 235.15 (3) (d), the ~~corporation~~ authority may
6 allocate up to \$10,000,000 in tax benefits under this section in any calendar year.

 ****NOTE: This is reconciled s. 238.16 (4) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0996/P3 and -1215/P4.

7 **(5) (title) DUTIES OF THE ~~CORPORATION~~ AUTHORITY.**

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

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

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

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

18 (e) The ~~corporation~~ authority shall annually verify the information submitted
19 to the ~~corporation~~ authority by the person claiming tax benefits under ss. 71.07 (3q),
20 71.28 (3q), and 71.47 (3q).

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

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

4 *~~0996/P3.11~~*SECTION 3996. 238.16 (4) (c) of the statutes is amended to read:

5 238.16 (4) (c) Subject to a reallocation by the corporation pursuant to rules
6 policies and procedures adopted under s. 238.15 (3) (d), the corporation may allocate
7 up to \$5,000,000 in tax benefits under this section in any calendar year, except that
8 ~~beginning on July 1, 2011, the corporation may allocate up to \$10,000,000 in tax~~
9 benefits under this section in any calendar year.

10 *~~0997/P5.22~~*SECTION 3997. 238.16 (6) of the statutes is created to read:

11 238.16 (6) SUNSET. No tax benefits may be awarded under this section after

12 ~~June 30, 2015.~~

December 31

13 *~~1215/P3.497~~*SECTION 3998. 238.17 of the statutes is renumbered 235.17 (1)

14 (a) and amended to read:

15 235.17 (1) (a) For taxable years beginning after December 31, 2013, the
16 ~~corporation~~ authority may certify a person to claim a tax credit under s. 71.07 (9m),
17 71.28 (6), or 71.47 (6), if the ~~corporation~~ authority determines that the person is
18 conducting an eligible activity under s. ~~71.07 (9m), 71.28 (6), or 71.47 (6)~~ preservation
19 or rehabilitation project. No person may claim a tax credit under s. 71.07 (9m), 71.28
20 (6), or 71.47 (6) without first being certified under this section subsection. The
21 ~~corporation~~ authority shall notify the department of revenue no later than January
22 15 of each year of the amount of the credits certified under this section subsection
23 and the name, address, and tax identification number of each person certified to
24 claim the credit. The ~~corporation~~ authority shall notify the department of revenue
25 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.

1 *~~1215/P3.498~~*SECTION 3999. 238.23 of the statutes is renumbered 235.23,
2 and 235.23 (1), (2) (a) and (b), (3) (a) (intro.), (b) (intro.), (c) and (d), (4) (a) (intro.) and
3 (b) and (5) (intro.), (e) and (g), as renumbered, are amended to read:

4 235.23 (1) In this section, "tax credit" means a credit under s. 71.07 (~~2di~~), (2dm),
5 (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.

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

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

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

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

3 (c) When the ~~corporation~~ authority certifies a business under this subsection,
4 the ~~corporation~~ authority shall establish a limit on the amount of tax credits that the
5 business may claim. Unless its certification is revoked, and subject to the limit on
6 the tax credit amount established by the ~~corporation~~ authority under this
7 paragraph, a business that is certified may claim a tax credit for 3 years, except that
8 a business that experiences growth, as determined for that business by the
9 ~~corporation~~ authority under par. (d) and sub. (5) (e), may claim a tax credit for up to
10 5 years.

11 (d) The ~~corporation~~ authority shall enter into an agreement with a business
12 that is certified under this subsection. The agreement shall specify the limit on the
13 amount of tax credits that the business may claim, the extent and type of growth,
14 which shall be specific to the business, that the business must experience to extend
15 its eligibility for a tax credit, the business' baseline against which that growth will
16 be measured, any other conditions that the business must satisfy to extend its
17 eligibility for a tax credit, and reporting requirements with which the business must
18 comply.

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

21 (b) The ~~corporation~~ authority shall annually verify information submitted to
22 the ~~corporation~~ it under ss. 71.07 (~~2di~~), (2dm), (2dx), and (3g), 71.28 (~~1di~~), (1dm),
23 (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.

SECTION 3999

1 (5) (intro.) The ~~corporation~~ authority shall adopt ~~rules~~ policies and procedures
2 for the operation of this section, including ~~rules~~ policies and procedures related to all
3 of the following:

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

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

10 *~~1215/P3.499~~*SECTION 4000. 238.26 of the statutes is repealed.

11 *~~1215/P3.500~~*SECTION 4001. Subchapter II (title) of chapter 238 [precedes
12 238.30] of the statutes is renumbered subchapter III (title) of chapter 235 [precedes
13 235.30].

14 *~~1215/P3.501~~*SECTION 4002. 238.30 of the statutes is renumbered 235.30,
15 and 235.30 (intro.), (2g), (2m) (b) (intro.) and (7) (b) 1. and 2., (c) and (d), as
16 renumbered, are amended to read:

17 **235.30 Definitions.** (intro.) In this section and ss. ~~238.301 to 238.395~~ 235.301
18 to 235.395 and ~~238.398~~ 235.398:

19 (2g) "Eligible activity" means an activity described under s. ~~238.302~~ 235.302.

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

24 (7) (b) 1. Except as provided in subd. 2., in s. ~~238.395~~ 235.395, "tax benefits"
25 means ~~the development zones investment credit under ss. 71.07 (2di), 71.28 (1di),~~

1 and ~~71.47 (1di)~~ and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx),
2 71.47 (1dx), and 76.636. With respect to the development opportunity zones under
3 s. ~~238.395~~ 235.395 (1) (e) and (f), “tax benefits” also means the development zones
4 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.

5 2. With respect to the development opportunity zones under s. ~~238.395~~ 235.395
6 (1) (g), (h), and (i), “tax benefits” means the development zone credits under ss. 71.07
7 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636 and the development zones capital
8 investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

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

12 (d) In ss. ~~238.301 to 238.306~~ 235.301 to 235.306, “tax benefits” means the
13 economic development tax credit under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and
14 76.637.

15 *~~1215/P3.502~~*SECTION 4003. 238.301 of the statutes is renumbered 235.301,
16 and 235.301 (1) (intro.) and (e), (2) (a) and (b) and (3) (intro.), (b), (c), (d) and (f), as
17 renumbered, are amended to read:

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

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

SECTION 4003

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

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

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

10 (b) ~~Whether any of the eligible activities will occur in an economically~~
11 ~~distressed area, as designated by the~~ authority under s. ~~238.304~~ 235.304
12 (1).

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

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

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

20 *~~1215/P3.503~~*SECTION 4004. 238.302 of the statutes is renumbered 235.302,
21 and 235.302 (intro.), (1), (2) and (3), as renumbered, are amended to read:

22 **235.302 Eligible activities.** (intro.) A person who conducts or proposes to
23 conduct any of the following may be certified under s. ~~238.301~~ 235.301 (2):

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

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

7 (3) A project that involves significant investments in the training or
8 reeducation of employees, as defined by the ~~corporation by rule authority~~ under s.
9 ~~238.306~~ 235.306 (2) (c), by the person for the purpose of improving the productivity
10 or competitiveness of the business of the person.

11 *~~1215/P3.504~~**SECTION 4005.** 238.303 of the statutes is renumbered 235.303,
12 and 235.303 (1) (a), (am) and (b), (2) and (3), as renumbered, are amended to read:

13 235.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a
14 reallocation by the ~~corporation pursuant to rules adopted authority~~ under s. ~~238.15~~
15 235.15 (3) (d), the total tax benefits available to be allocated by the ~~corporation~~
16 ~~authority~~ under ss. ~~238.301 to 238.306~~ 235.301 to 235.306 may not exceed the sum
17 of the tax benefits remaining to be allocated under s. 560.71 to 560.785, 2009 stats.,
18 s. 560.797, 2009 stats., s. 560.798, 2009 stats., s. 560.7995, 2009 stats., and s. 560.96,
19 2009 stats., on March 6, 2009, plus \$100,000,000.

20 (am) The ~~corporation authority~~ may initially allocate only \$61,000,000 of the
21 additional \$100,000,000 in tax benefits specified in par. (a). Before the ~~corporation~~
22 ~~authority~~ allocates the remaining \$39,000,000 in tax benefits specified in par. (a), the
23 ~~corporation authority~~ shall submit its plan for such allocation, including a report
24 that describes the intended use of the tax benefits, to the joint committee on finance.
25 If the cochairpersons of the committee do not notify the ~~corporation authority~~ within

SECTION 4005

1 14 working days after the date of the ~~corporation's~~ authority's submittal that the
2 committee has scheduled a meeting for the purpose of reviewing the plan, the plan
3 may be implemented and the remaining amount may be allocated as proposed by the
4 ~~corporation~~ authority. If, within 14 working days after the date of the ~~corporation's~~
5 authority's submittal, the cochairpersons of the committee notify the ~~corporation~~
6 authority that the committee has scheduled a meeting for the purpose of reviewing
7 the proposed plan, the plan may be implemented and the remaining amount
8 allocated only upon approval of the committee.

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

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

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

24 *~~0996/P3.12~~*SECTION 4006. 238.303 (1) (a) of the statutes is amended to read:

1 238.303 (1) (a) Except as provided in pars. (am) and (b), and subject to a
2 reallocation by the corporation pursuant to rules adopted under s. 238.15 (3) (d), the
3 total tax benefits available to be allocated by the corporation under ss. 238.301 to
4 238.306 may not exceed the sum of the tax benefits remaining to be allocated under
5 s. 560.71 to 560.785, 2009 stats., s. 560.797, 2009 stats., s. 560.798, 2009 stats., s.
6 560.7995, 2009 stats., and s. 560.96, 2009 stats., on March 6, 2009, plus
7 \$100,000,000.

8 *~~0997/P5.24~~SECTION 4007. 238.303 (4) of the statutes is created to read:

9 238.303 (4) SUNSET. No tax benefits may be awarded under ss. 238.301 to
10 238.306 after June 30, 2015.

11 *~~1215/P3.505~~SECTION 4008. 238.304 of the statutes is renumbered 235.304,
12 and 235.304 (intro.) and (1), as renumbered, are amended to read:

13 **235.304 Eligible activities in economically distressed areas and**
14 **benefiting members of targeted groups.** (intro.) The ~~corporation~~ authority may
15 authorize a person certified under s. ~~238.301~~ 235.301 (2) to claim additional tax
16 benefits under s. ~~238.303~~ 235.303 if, after conducting an investigation, the
17 ~~corporation~~ authority determines any of the following:

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

22 *~~1215/P3.506~~SECTION 4009. 238.3045 of the statutes is renumbered
23 235.3045, and 235.3045 (1) (title), (a), (b) (intro.) and 4. and (c) 1., (2) (a) and (b), (3)
24 and (4) (a) and (b), as renumbered, are amended to read:

SECTION 4009

1 235.3045 (1) (title) APPLICATION AND CORPORATION APPROVAL. (a) An applicant
2 for certification for tax benefits under s. ~~238.301~~ 235.301 may submit with its
3 application under s. ~~238.301~~ 235.301 (1) an application to the ~~corporation~~ authority
4 on a form prescribed by the ~~corporation~~ authority to transfer those tax benefits to
5 another person under this section. The application shall include the name, address,
6 and tax identification number of the person to whom the applicant intends to
7 transfer the tax benefits and any other information the ~~corporation~~ authority
8 requires. The ~~corporation~~ authority shall notify the applicant of the ~~corporation's~~
9 authority's determination concerning the transfer of tax benefits when the
10 ~~corporation~~ authority notifies the applicant of the ~~corporation's~~ authority's
11 certification determination under s. ~~238.301~~ 235.301.

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

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

19 (c) 1. Subject to subd. 2., a person that receives an approval under par. (b) shall
20 transfer tax benefits in accordance with the terms of the application under par. (a)
21 after the ~~corporation~~ authority authorizes the person to claim tax benefits under s.
22 ~~238.303~~ 235.303 (2) and provides the notice of eligibility under s. ~~238.303~~ 235.303 (3).
23 The notice of eligibility shall contain all relevant information concerning a transfer
24 of tax benefits under this section. The person to whom tax benefits are transferred
25 may carry forward, beginning on the date of the notice of eligibility, any unused

1 amount of the value of those tax benefits as provided under the appropriate provision
2 in ch. 71 or in s. 76.636.

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

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

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

14 (4) (a) Except as provided in par. (b), the ~~corporation~~ authority may not
15 authorize the transfer of tax benefits under this section that total more than
16 \$15,000,000, and the ~~corporation~~ authority may not authorize the transfer of tax
17 benefits after 36 months after April 4, 2014.

18 (b) Upon expiration of the 36-month period under par. (a), the ~~corporation~~
19 authority may continue to authorize the transfer of tax benefits under this section
20 for up to an additional 36 months, and the ~~corporation~~ authority may authorize the
21 transfer of up to an additional \$15,000,000 in tax benefits, if the ~~corporation~~
22 authority determines that a continuation of the program under this section will
23 promote significant economic development in this state. Before the ~~corporation~~
24 authority authorizes the transfer of tax benefits under this paragraph, the chief
25 executive officer of the ~~corporation~~ authority shall notify the joint committee on

SECTION 4009

1 finance in writing that the ~~corporation~~ authority intends to continue authorizing the
2 transfer of tax benefits under this section. That notice shall state the reasons
3 supporting the ~~corporation's~~ authority's determination that the transfer of
4 additional tax benefits will promote significant economic development in this state.
5 If, within 14 working days after the date of that notice, the cochairpersons of the
6 committee do not notify the ~~corporation~~ authority that the committee has scheduled
7 a meeting to review the ~~corporation's~~ authority's proposed continuation of the
8 program, the ~~corporation~~ authority may proceed to authorize the transfer of
9 additional tax benefits under this section. If, within 14 working days after the date
10 of that notice, the cochairpersons of the committee notify the ~~corporation~~ authority
11 that the committee has scheduled a meeting to review the proposed continuation of
12 the program, the ~~corporation~~ authority may proceed to authorize the transfer of
13 additional tax benefits only upon approval of the committee.

14 *~~1215/P3.507~~*SECTION 4010. 238.305 of the statutes is renumbered 235.305,
15 and 235.305 (intro.), (1) and (2), as renumbered, are amended to read:

16 **235.305 Revocation of certification.** (intro.) The ~~corporation~~ authority
17 shall revoke the certification of a person who does any of the following:

18 (1) Supplies false or misleading information to obtain certification under s.
19 ~~238.301~~ 235.301 (2).

20 (2) Supplies false or misleading information to obtain tax benefits under s.
21 ~~238.303~~ 235.303.

22 *~~1215/P3.508~~*SECTION 4011. 238.306 of the statutes is renumbered 235.306,
23 and 235.306 (intro.), (1) (a) and (b), (2) (intro.), (a), (b), (c), (d), (e) (intro.), (f), (g), (h),
24 (i) and (k) and (3), as renumbered, are amended to read:

1 **235.306 Responsibilities of the ~~corporation~~ authority.** (intro.) The
2 ~~corporation~~ authority shall do all of the following:

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

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

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

10 (a) A schedule of hourly wage ranges to be paid, and health insurance benefits
11 to be provided, to an employee by a person certified under s. ~~238.301~~ 235.301 (2) and
12 the corresponding per employee tax benefit for which a person certified under s.
13 ~~238.301~~ 235.301 (2) may be eligible.

14 (b) A definition of "significant investment of capital" for purposes of s. ~~238.302~~
15 235.302 (2), together with a corresponding schedule of tax benefits for which a person
16 who is certified under s. ~~238.301~~ 235.301 (2) and who conducts a project described
17 in s. ~~238.302~~ 235.302 (2) may be eligible. The ~~corporation~~ authority shall include in
18 the definition required under this paragraph a schedule of investments that takes
19 into consideration the size or nature of the business.

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

SECTION 4011

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

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

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

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

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

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

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

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