



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBb0696/1  
MPG:emw

**SENATE AMENDMENT 22,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 21**

July 7, 2015 – Offered by Senators LASSA, HANSEN, CARPENTER, L. TAYLOR, RINGHAND, BEWLEY, VINEHOUT, MILLER, RISSER, SHILLING and C. LARSON.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** At the appropriate places, insert all of the following:

3 “SECTION 1. 15.01 (2) of the statutes is amended to read:

4 15.01 (2) “Commission” means a 3-member governing body in charge of a  
5 department or independent agency or of a division or other subunit within a  
6 department, except for the Wisconsin waterways commission which shall consist of  
7 5 members, the Wisconsin job development and retention commission which shall  
8 consist of 7 members, and the parole commission which shall consist of 8 members.

9 A Wisconsin group created for participation in a continuing interstate body, or the  
10 interstate body itself, shall be known as a “commission”, but is not a commission for  
11 purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be  
12 known as a “commission”, but is not a commission for purposes of s. 15.06.

1           **SECTION 2.** 15.06 (1) (bb) of the statutes is created to read:

2           15.06 (1) (bb) Members of the Wisconsin job development and retention  
3 commission shall be appointed by the secretary of workforce development as  
4 provided under s. 15.225 (3).

5           **SECTION 3.** 15.06 (2) of the statutes is amended to read:

6           15.06 (2) SELECTION OF OFFICERS. Each commission may annually elect officers  
7 other than a chairperson from among its members as its work requires. Any officer  
8 may be reappointed or reelected. At the time of making new nominations to  
9 commissions, the governor shall designate a member or nominee of each commission  
10 to serve as the commission's chairperson for a 2-year term expiring on March 1 of  
11 the odd-numbered year except that the labor and industry review commission shall  
12 elect one of its members to serve as the commission's chairperson for a 2-year term  
13 expiring on March 1 of the odd-numbered year and the secretary of workforce  
14 development shall appoint the chairperson of the Wisconsin job development and  
15 retention commission, as provided under s. 15.225 (3).

16           **SECTION 4.** 15.06 (3) (a) 5. of the statutes is created to read:

17           15.06 (3) (a) 5. The members of the Wisconsin job development and retention  
18 commission.

19           **SECTION 5.** 15.225 (3) of the statutes is created to read:

20           15.225 (3) WISCONSIN JOB DEVELOPMENT AND RETENTION COMMISSION. There is  
21 created in the department of workforce development the Wisconsin job development  
22 and retention commission appointed by the secretary of workforce development to  
23 consist of 3 representatives of employers and 3 representatives of employees  
24 appointed to serve for 6-year terms and a permanent classified employee of the  
25 department of workforce development who shall serve as nonvoting chairperson. A

1 member may not serve on the commission if he or she loses the status on which his  
2 or her appointment is based.

3 **SECTION 6.** 103.355 of the statutes is created to read:

4 **103.355 Requirements for receiving state incentives. (1) DEFINITIONS.**

5 In this section:

6 (a) “Agency” has the meaning given in s. 16.70 (1e).

7 (b) “Business” means any organization or enterprise operated for profit,  
8 including a sole proprietorship, partnership, firm, business trust, joint venture,  
9 syndicate, corporation, limited liability company, or association.

10 (c) “Commission” means the Wisconsin job development and retention  
11 commission.

12 **(2) OUTSOURCING PROHIBITED.** Notwithstanding any other provision of state law  
13 to the contrary, a person who operates or intends to operate a business in this state  
14 and who outsources work from this state to another state or country is ineligible to  
15 receive any grants or loans from a state agency, any tax exemption under ch. 70, not  
16 including the exemption under s. 70.11 (27), or any credit, deduction, exclusion, or  
17 exemption under ch. 71 for a period of 5 years following the year in which the  
18 commission determines that the person has outsourced work to another state or  
19 country.

20 **(3) RULES.** The commission shall promulgate rules to implement and  
21 administer this section.

22 **(4) REVIEW.** A determination of ineligibility under sub. (2) is subject to review  
23 under subch. III of ch. 227.

24 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

1           (7u) RULE MAKING; SCOPE STATEMENT. Notwithstanding section 227.135 (1) of the  
2 statutes, the Wisconsin job development and retention commission is not required  
3 to prepare a statement of the scope of the rules required under section 103.355 (3)  
4 of the statutes, as created by this act.

5           (7v) RULE MAKING; GOVERNOR'S APPROVAL. Notwithstanding section 227.185 of  
6 the statutes, the Wisconsin job development and retention commission is not  
7 required to present the rules required under section 103.355 (3) of the statutes, as  
8 created by this act, in final draft form to the governor for approval.

9           (7w) PROPOSED RULES. The Wisconsin job development and retention  
10 commission shall submit in proposed form the rules required under section 103.355  
11 (3) of the statutes, as created by this act, to the legislative council staff under section  
12 227.15 (1) of the statutes no later than the first day of the 13th month beginning after  
13 the effective date of this subsection.

14           (7x) REVIEW AND REPORTING. Notwithstanding section 227.137 (6) of the  
15 statutes, the requirements for review of and reporting on the economic impact  
16 analysis by the department of administration and the requirement for approval by  
17 the secretary of administration do not apply to rules required under section 103.355  
18 (3) of the statutes, as created by this act.

19           (7xx) LEGISLATIVE COUNCIL REVIEW. Notwithstanding section 227.137 (2) and (6)  
20 of the statutes, the Wisconsin job development and retention commission may  
21 submit the rules required under section 103.355 (3) of the statutes, as created by this  
22 act, to the legislative council staff for review under section 227.15 (1) of the statutes  
23 before the commission completes the economic impact analysis for the rules.”.

24           **2.** At the appropriate places, insert all of the following:

1           **“SECTION 1.** 238.12 (3) of the statutes is created to read:

2           238.12 **(3)** If the corporation awards a grant to a person under this chapter, and  
3 the person later outsources work from this state to another state or country, the  
4 person shall repay the full amount of the grant to the corporation. If, within 6 months  
5 after the corporation becomes aware of such outsourcing, the person fails to repay  
6 the full amount of the grant, the corporation shall immediately commence an action  
7 for repayment of the grant in any court of competent jurisdiction.”.

8           **3.** Page 106, line 14: decrease the dollar amount for fiscal year 2015–16 by  
9 \$6,974,700 and decrease the dollar amount for fiscal year 2016–17 by \$12,474,700  
10 to decrease funding for the purposes for which the appropriation is made.

11           **4.** Page 107, line 2: decrease the dollar amount for fiscal year 2015–16 by  
12 \$21,776,000 and decrease the dollar amount for fiscal year 2016–17 by \$21,776,000  
13 to decrease funding for the purposes for which the appropriation is made.

14           **5.** Page 283, line 12: increase the dollar amount for fiscal year 2015–16 by  
15 \$6,974,700 and increase the dollar amount for fiscal year 2016–17 by \$12,474,700 to  
16 supplement the appropriation under section 20.192 (1) (a) of the statutes for the  
17 purposes for which that appropriation is made.

18           **6.** Page 284, line 4: increase the dollar amount for fiscal year 2015–16 by  
19 \$21,776,000 and increase the dollar amount for fiscal year 2016–17 by \$21,776,000  
20 to supplement the appropriation under section 20.192 (1) (r) of the statutes, as  
21 affected by this act, for the purposes for which that appropriation is made.

22           **7.** Page 1219, line 2: after that line insert:

23           **“SECTION 3796j.** 230.81 (2) of the statutes is amended to read:

1           230.81 (2) Nothing in this section prohibits an employee from disclosing  
2 information to an appropriate law enforcement agency, a state or federal district  
3 attorney in whose jurisdiction the crime is alleged to have occurred, a state or federal  
4 grand jury or a judge in a proceeding commenced under s. 968.26, or disclosing  
5 information pursuant to any subpoena issued by any person authorized to issue  
6 subpoenas under s. 885.01. Any such disclosure of information, or a report to a law  
7 enforcement agency under sub. (4), is a lawful disclosure under this section and is  
8 protected under s. 230.83.

9           **SECTION 3796i.** 230.81 (4) of the statutes is created to read:

10           230.81 (4) Any employee who is aware that a fraud has been perpetrated  
11 against his or her employing governmental unit shall cause that fraud to be reported  
12 to an appropriate law enforcement agency.”.

13           **8.** Page 1446, line 23: after that line insert:

14           “**SECTION 4721s.** 946.18 of the statutes is amended to read:

15           **946.18 Misconduct sections apply to all public officers.** Sections 946.10  
16 to 946.17 apply to public officers, whether legally constituted or exercising powers  
17 as if legally constituted, including all officers and employees of the Wisconsin  
18 Economic Development Corporation.”.

19           **9.** Page 1533, line 5: after that line insert:

20           “(7c) RESPONSE TO AUDIT. In fiscal years 2015–16 and 2016–17, the joint  
21 committee on finance may supplement, from the appropriation under section 20.865  
22 (4) (a) of the statutes, the appropriation under section 20.192 (1) (a) of the statutes  
23 for the purposes specified in section 20.192 (1) (a) of the statutes, and may  
24 supplement, from the appropriation under section 20.865 (4) (u) of the statutes, the

1 appropriation under section 20.192 (1) (r) of the statutes for the purposes specified  
2 in section 20.192 (1) (r) of the statutes, if the Wisconsin Economic Development  
Corporation submits a report to the joint committee on finance that details how the  
4 Wisconsin Economic Development Corporation will implement the legislative audit  
5 bureau's recommendations in audit report 15-3, submitted to the joint legislative  
6 audit committee in May 2015.”.

7

**(END)**