



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRB-0928/1
RAC/CMH/CTS:wlj/cjs:rs

SENATE BILL 6

January 11, 2011 – Introduced by COMMITTEE ON SENATE ORGANIZATION, by request of Governor Scott Walker. Referred to Committee on Economic Development and Veterans and Military Affairs.

1 **AN ACT** *to amend* 1.12 (1) (b), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.95 (intro.),
2 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15 (1) (ab),
3 16.41 (4), 16.417 (1) (a), 16.52 (7), 16.528 (1) (a), 16.53 (2), 16.54 (9) (a) 1., 16.765
4 (1), 16.765 (2), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765
5 (8), 16.85 (2), 16.865 (8), 40.02 (28), 40.02 (36), 71.26 (1) (be), 77.54 (9a) (a),
6 100.45 (1) (dm), 101.177 (1) (d), 230.03 (3), 281.75 (4) (b) 3. and 285.59 (1) (b);
7 and *to create* 13.48 (10) (b) 6., 13.48 (12) (b) 5., 20.192, 40.02 (54) (m), 70.11
8 (38r) and chapter 238 of the statutes; **relating to:** creation of an authority, to
9 be known as the Wisconsin Economic Development Corporation, and making
10 appropriations.

Analysis by the Legislative Reference Bureau

This bill creates an authority, which is a public body corporate and politic, to be known as the Wisconsin Economic Development Corporation (WEDC). The WEDC is governed by a board that consists of the governor, who shall serve as chairperson of the board, and 11 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The

secretary of administration and the secretary of revenue also serve on the board as nonvoting members. The WEDC has a chief executive officer who is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The board may delegate to the chief executive officer any powers and duties the board considers proper.

Under the bill, the board must develop and implement economic programs to provide business support and expertise and financial assistance to companies that are investing and creating jobs in Wisconsin and to support new business start-ups and business expansion and growth in Wisconsin. In addition, the board may develop and implement any other programs related to economic development in Wisconsin. The board is given all the powers necessary or convenient to carry out its duties, as well as specific powers to conduct its corporate business. The bill specifically requires the Department of Commerce (Commerce) to provide staff or other resources to assist the board in carrying out its duties and requires that Commerce and the board coordinate their economic development programs. Finally, the board must submit to the legislature a report on the activities of the WEDC and the programs developed and implemented by the board.

The WEDC employees are not state employees, although the WEDC may elect to become a participating employer under the Wisconsin Retirement System. The members of the board and the chief executive officer are subject to state ethics laws.

In addition to creating the WEDC, the bill authorizes the secretary of administration, before July 1, 2011, to abolish any full-time equivalent position or portion thereof from revenues appropriated to Commerce and authorizes the secretary to transfer funds from Commerce appropriations to WEDC appropriations.

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

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

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

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

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

1 13.172 (1) In this section, “agency” means an office, department, agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
6 ch. 52, 231, 233, 234, 238, or 279.

7 **SECTION 3.** 13.48 (10) (b) 6. of the statutes is created to read:

8 13.48 (10) (b) 6. Projects of the Wisconsin Economic Development Corporation.

9 **SECTION 4.** 13.48 (12) (b) 5. of the statutes is created to read:

10 13.48 (12) (b) 5. A facility constructed by or for the Wisconsin Economic
11 Development Corporation.

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

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

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

2 13.62 (2) “Agency” means any board, commission, department, office, society,
3 institution of higher education, council, or committee in the state government, or any
4 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
5 233, 234, 237, 238, or 279, except that the term does not include a council or
6 committee of the legislature.

7 **SECTION 7.** 13.95 (intro.) of the statutes is amended to read:

8 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
9 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
10 shall be strictly nonpartisan and shall at all times observe the confidential nature
11 of the research requests received by it; however, with the prior approval of the
12 requester in each instance, the bureau may duplicate the results of its research for
13 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
14 designated employees shall at all times, with or without notice, have access to all
15 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
16 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
17 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
18 Authority, the Wisconsin Economic Development Corporation, and the Fox River
19 Navigational System Authority, and to any books, records, or other documents
20 maintained by such agencies or authorities and relating to their expenditures,
21 revenues, operations, and structure.

22 **SECTION 8.** 16.002 (2) of the statutes is amended to read:

23 16.002 (2) “Departments” means constitutional offices, departments, and
24 independent agencies and includes all societies, associations, and other agencies of
25 state government for which appropriations are made by law, but not including

1 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and or in chs. ch. 52,
2 231, 232, 233, 234, 235, 237, and 238, or 279.

3 **SECTION 9.** 16.004 (4) of the statutes is amended to read:

4 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
5 department as the secretary designates may enter into the offices of state agencies
6 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
7 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
8 and any other matter that in the secretary's judgment should be examined and may
9 interrogate the agency's employees publicly or privately relative thereto.

10 **SECTION 10.** 16.004 (5) of the statutes is amended to read:

11 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
12 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
13 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
14 with the secretary and shall comply with every request of the secretary relating to
15 his or her functions.

16 **SECTION 11.** 16.004 (12) (a) of the statutes is amended to read:

17 16.004 (12) (a) In this subsection, "state agency" means an association,
18 authority, board, department, commission, independent agency, institution, office,
19 society, or other body in state government created or authorized to be created by the
20 constitution or any law, including the legislature, the office of the governor, and the
21 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
22 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
23 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
24 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
25 River Navigational System Authority.

1 **SECTION 12.** 16.045 (1) (a) of the statutes is amended to read:

2 16.045 (1) (a) “Agency” means an office, department, independent agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
7 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

8 **SECTION 13.** 16.15 (1) (ab) of the statutes is amended to read:

9 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
10 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
11 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
12 Wisconsin Economic Development Corporation, and the Health Insurance
13 Risk-Sharing Plan Authority.

14 **SECTION 14.** 16.41 (4) of the statutes is amended to read:

15 16.41 (4) In this section, “authority” means a body created under subch. II of
16 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

17 **SECTION 15.** 16.417 (1) (a) of the statutes is amended to read:

18 16.417 (1) (a) “Agency” means an office, department, independent agency,
19 institution of higher education, association, society, or other body in state
20 government created or authorized to be created by the constitution or any law, that
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, but not including an authority or the body created under subch. III of ch. 149
23 or under ch. 238.

24 **SECTION 16.** 16.52 (7) of the statutes is amended to read:

1 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
2 that is authorized to maintain a contingent fund under s. 20.920 may establish a
3 petty cash account from its contingent fund. The procedure for operation and
4 maintenance of petty cash accounts and the character of expenditures therefrom
5 shall be prescribed by the secretary. In this subsection, “agency” means an office,
6 department, independent agency, institution of higher education, association,
7 society, or other body in state government created or authorized to be created by the
8 constitution or any law, that is entitled to expend moneys appropriated by law,
9 including the legislature and the courts, but not including an authority created in
10 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

11 **SECTION 17.** 16.528 (1) (a) of the statutes is amended to read:

12 16.528 (1) (a) “Agency” means an office, department, independent agency,
13 institution of higher education, association, society, or other body in state
14 government created or authorized to be created by the constitution or any law, that
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
17 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

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

19 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
20 invoice, the agency shall notify the sender of the invoice within 10 working days after
21 it receives the invoice of the reason it is improperly completed. In this subsection,
22 “agency” means an office, department, independent agency, institution of higher
23 education, association, society, or other body in state government created or
24 authorized to be created by the constitution or any law, that is entitled to expend
25 moneys appropriated by law, including the legislature and the courts, but not

1 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
2 52, 231, 233, 234, 237, 238, or 279.

3 **SECTION 19.** 16.54 (9) (a) 1. of the statutes is amended to read:

4 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
5 institution of higher education, association, society or other body in state
6 government created or authorized to be created by the constitution or any law, which
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
9 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

10 **SECTION 20.** 16.765 (1) of the statutes is amended to read:

11 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
12 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
13 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
14 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
15 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
16 Entertainment Corporation shall include in all contracts executed by them a
17 provision obligating the contractor not to discriminate against any employee or
18 applicant for employment because of age, race, religion, color, handicap, sex, physical
19 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
20 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
21 orientation, obligating the contractor to take affirmative action to ensure equal
22 employment opportunities.

23 **SECTION 21.** 16.765 (2) of the statutes is amended to read:

24 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

1 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
2 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
3 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
4 Entertainment Corporation shall include the following provision in every contract
5 executed by them: "In connection with the performance of work under this contract,
6 the contractor agrees not to discriminate against any employee or applicant for
7 employment because of age, race, religion, color, handicap, sex, physical condition,
8 developmental disability as defined in s. 51.01 (5), sexual orientation or national
9 origin. This provision shall include, but not be limited to, the following: employment,
10 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
11 termination; rates of pay or other forms of compensation; and selection for training,
12 including apprenticeship. Except with respect to sexual orientation, the contractor
13 further agrees to take affirmative action to ensure equal employment opportunities.
14 The contractor agrees to post in conspicuous places, available for employees and
15 applicants for employment, notices to be provided by the contracting officer setting
16 forth the provisions of the nondiscrimination clause".

17 **SECTION 22.** 16.765 (5) of the statutes is amended to read:

18 16.765 (5) The head of each contracting agency and the boards of directors of
19 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
20 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
21 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
22 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
23 Development Corporation, and the Bradley Center Sports and Entertainment
24 Corporation shall be primarily responsible for obtaining compliance by any
25 contractor with the nondiscrimination and affirmative action provisions prescribed

1 by this section, according to procedures recommended by the department. The
2 department shall make recommendations to the contracting agencies and the boards
3 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
4 River Navigational System Authority, the Wisconsin Aerospace Authority, the
5 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
6 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
7 Development Corporation, and the Bradley Center Sports and Entertainment
8 Corporation for improving and making more effective the nondiscrimination and
9 affirmative action provisions of contracts. The department shall promulgate such
10 rules as may be necessary for the performance of its functions under this section.

11 **SECTION 23.** 16.765 (6) of the statutes is amended to read:

12 16.765 (6) The department may receive complaints of alleged violations of the
13 nondiscrimination provisions of such contracts. The department shall investigate
14 and determine whether a violation of this section has occurred. The department may
15 delegate this authority to the contracting agency, the University of Wisconsin
16 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
17 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
18 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
19 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
20 Sports and Entertainment Corporation for processing in accordance with the
21 department's procedures.

22 **SECTION 24.** 16.765 (7) (intro.) of the statutes is amended to read:

23 16.765 (7) (intro.) When a violation of this section has been determined by the
24 department, the contracting agency, the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin

1 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
2 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
3 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
4 Entertainment Corporation, the contracting agency, the University of Wisconsin
5 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
6 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
7 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
8 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
9 Sports and Entertainment Corporation shall:

10 **SECTION 25.** 16.765 (7) (d) of the statutes is amended to read:

11 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
12 further violations of this section and to report its corrective action to the contracting
13 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
14 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
15 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, or the Bradley Center Sports and Entertainment
18 Corporation.

19 **SECTION 26.** 16.765 (8) of the statutes is amended to read:

20 16.765 (8) If further violations of this section are committed during the term
21 of the contract, the contracting agency, the Fox River Navigational System Authority,
22 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
23 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
24 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
25 Center Sports and Entertainment Corporation may permit the violating party to

1 complete the contract, after complying with this section, but thereafter the
2 contracting agency, the Fox River Navigational System Authority, the Wisconsin
3 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
4 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
5 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
6 Entertainment Corporation shall request the department to place the name of the
7 party on the ineligible list for state contracts, or the contracting agency, the Fox River
8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
11 Development Corporation, or the Bradley Center Sports and Entertainment
12 Corporation may terminate the contract without liability for the uncompleted
13 portion or any materials or services purchased or paid for by the contracting party
14 for use in completing the contract.

15 **SECTION 27.** 16.85 (2) of the statutes is amended to read:

16 16.85 (2) To furnish engineering, architectural, project management, and other
17 building construction services whenever requisitions therefor are presented to the
18 department by any agency. The department may deposit moneys received from the
19 provision of these services in the account under s. 20.505 (1) (kc) or in the general
20 fund as general purpose revenue — earned. In this subsection, “agency” means an
21 office, department, independent agency, institution of higher education, association,
22 society, or other body in state government created or authorized to be created by the
23 constitution or any law, which is entitled to expend moneys appropriated by law,
24 including the legislature and the courts, but not including an authority created in
25 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

1 **SECTION 28.** 16.865 (8) of the statutes is amended to read:

2 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
3 proportionate share of the estimated costs attributable to programs administered by
4 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
5 may charge premiums to agencies to finance costs under this subsection and pay the
6 costs from the appropriation on an actual basis. The department shall deposit all
7 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
8 Costs assessed under this subsection may include judgments, investigative and
9 adjustment fees, data processing and staff support costs, program administration
10 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
11 subsection, “agency” means an office, department, independent agency, institution
12 of higher education, association, society, or other body in state government created
13 or authorized to be created by the constitution or any law, that is entitled to expend
14 moneys appropriated by law, including the legislature and the courts, but not
15 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
16 52, 231, 232, 233, 234, 235, 237, 238, or 279.

17 **SECTION 29.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
18 insert the following amounts for the purposes indicated:

				2009-10	2010-11
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20 **20.192 Wisconsin Economic Development**

21 **Corporation**

22 (1) PROMOTION OF ECONOMIC DEVELOPMENT

23	(a) Operations and programs	GPR	C	-0-	-0-
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2009-10 2010-11

1	(k)	Transferred general fund moneys				
2		from department of commerce	PR-S	C	-0-	-0-
3	(m)	Federal aid; programs	PR-F	C	-0-	-0-
4	(r)	Recycling and renewable energy				
5		fund; programs	SEG	C	-0-	-0-
6	(sk)	Transferred segregated fund				
7		moneys from department of com-				
8		merce	SEG-S	C	-0-	-0-

9 **SECTION 30.** 20.192 of the statutes is created to read:

10 **20.192 Wisconsin Economic Development Corporation.** There is
11 appropriated to the Wisconsin Economic Development Corporation for the following
12 program:

13 **(1) PROMOTION OF ECONOMIC DEVELOPMENT.** (a) *Operations and programs.* As
14 a continuing appropriation, the amounts in the schedule for the operations of the
15 Wisconsin Economic Development Corporation and for funding economic
16 development programs developed and implemented under s. 238.03.

17 (k) *Transferred general fund moneys from department of commerce.* All moneys
18 transferred under 2011 Wisconsin Act (this act), section 9155 (2), for the
19 operations of the Wisconsin Economic Development Corporation and for funding
20 economic development programs developed and implemented under s. 238.03.

21 (m) *Federal aid; programs.* All moneys received from the federal government
22 as authorized by the governor under s. 16.54, for the purposes of funding programs
23 administered by the Wisconsin Economic Development Corporation.

1 (r) *Recycling and renewable energy fund; programs.* From the recycling and
2 renewable energy fund, as a continuing appropriation, the amounts in the schedule
3 for funding programs administered by the Wisconsin Economic Development
4 Corporation.

5 (sk) *Transferred segregated fund moneys from department of commerce.* From
6 the appropriate segregated funds, all moneys transferred under 2011 Wisconsin Act
7 (this act), section 9155 (2), for the operations of the Wisconsin Economic
8 Development Corporation and for funding economic development programs
9 developed and implemented under s. 238.03.

10 **SECTION 31.** 40.02 (28) of the statutes is amended to read:

11 40.02 (28) "Employer" means the state, including each state agency, any
12 county, city, village, town, school district, other governmental unit or
13 instrumentality of 2 or more units of government now existing or hereafter created
14 within the state, any federated public library system established under s. 43.19
15 whose territory lies within a single county with a population of 500,000 or more, a
16 local exposition district created under subch. II of ch. 229, the Wisconsin Economic
17 Development Corporation created under ch. 238, a transit authority created under
18 s. 66.1039, and a long-term care district created under s. 46.2895, except as provided
19 under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts
20 district created under subch. V of ch. 229. Each employer shall be a separate legal
21 jurisdiction for OASDHI purposes.

22 **SECTION 32.** 40.02 (36) of the statutes is amended to read:

23 40.02 (36) "Governing body" means the legislature or the head of each state
24 agency with respect to employees of that agency for the state, the common council
25 in cities, the village board in villages, the town board in towns, the county board in

1 counties, the school board in school districts, or the board, commission, or other
2 governing body having the final authority for any other unit of government, for any
3 agency or instrumentality of 2 or more units of government, for any federated public
4 library system established under s. 43.19 whose territory lies within a single county
5 with a population of 500,000 or more, for a local exposition district created under
6 subch. II of ch. 229, for the Wisconsin Economic Development Corporation created
7 under ch. 238, or for a long-term care district created under s. 46.2895, but does not
8 include a local cultural arts district created under subch. V of ch. 229.

9 **SECTION 33.** 40.02 (54) (m) of the statutes is created to read:

10 40.02 (54) (m) The Wisconsin Economic Development Corporation, but only if
11 the corporation elects to become a participating employer under s. 40.21 (1).

12 **SECTION 34.** 70.11 (38r) of the statutes is created to read:

13 70.11 (38r) ECONOMIC DEVELOPMENT CORPORATION. All property owned by the
14 Wisconsin Economic Development Corporation, provided that use of the property is
15 primarily related to the purposes of the Wisconsin Economic Development
16 Corporation.

17 **SECTION 35.** 71.26 (1) (be) of the statutes is amended to read:

18 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
19 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
20 Authority, of the Wisconsin Quality Home Care Authority, of the Fox River
21 Navigational System Authority, of the Wisconsin Economic Development
22 Corporation, and of the Wisconsin Aerospace Authority.

23 **SECTION 36.** 77.54 (9a) (a) of the statutes is amended to read:

24 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
25 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health

1 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
2 Authority, the Wisconsin Economic Development Corporation, and the Fox River
3 Navigational System Authority.

4 **SECTION 37.** 100.45 (1) (dm) of the statutes is amended to read:

5 100.45 (1) (dm) "State agency" means any office, department, agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
10 Center Sports and Entertainment Corporation, the University of Wisconsin
11 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
12 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
13 Authority, the Wisconsin Economic Development Corporation, and the Fox River
14 Navigational System Authority.

15 **SECTION 38.** 101.177 (1) (d) of the statutes is amended to read:

16 101.177 (1) (d) "State agency" means any office, department, agency,
17 institution of higher education, association, society, or other body in state
18 government created or authorized to be created by the constitution or any law, that
19 is entitled to expend moneys appropriated by law, including the legislature and the
20 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
21 Center Sports and Entertainment Corporation, the University of Wisconsin
22 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
23 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
24 and the Wisconsin Health and Educational Facilities Authority, but excluding the

1 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
2 Remediation Authority.

3 **SECTION 39.** 230.03 (3) of the statutes is amended to read:

4 230.03 (3) "Agency" means any board, commission, committee, council, or
5 department in state government or a unit thereof created by the constitution or
6 statutes if such board, commission, committee, council, department, unit, or the
7 head thereof, is authorized to appoint subordinate staff by the constitution or
8 statute, except a legislative or judicial board, commission, committee, council,
9 department, or unit thereof or an authority created under subch. II of ch. 114 or
10 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
11 "Agency" does not mean any local unit of government or body within one or more local
12 units of government that is created by law or by action of one or more local units of
13 government.

14 **SECTION 40.** Chapter 238 of the statutes is created to read:

15 **CHAPTER 238**

16 **WISCONSIN ECONOMIC DEVELOPMENT**

17 **CORPORATION**

18 **238.01 Definitions.** In this chapter, except as otherwise provided:

19 (1) "Board" means the board of directors of the corporation.

20 (2) "Corporation" means the Wisconsin Economic Development Corporation.

21 **238.02 Creation and organization of corporation.** (1) There is created
22 an authority, which is a public body corporate and politic, to be known as the
23 "Wisconsin Economic Development Corporation." The members of the board shall
24 consist of the governor, who shall serve as chairperson of the board, and 11 members
25 nominated by the governor, and with the advice and consent of the senate appointed,

1 to serve at the pleasure of the governor. The secretary of administration and the
2 secretary of revenue shall also serve on the board as nonvoting members.

3 (2) A majority of the voting members of the board constitutes a quorum for the
4 purpose of conducting its business and exercising its powers and for all other
5 purposes, notwithstanding the existence of any vacancies. Action may be taken by
6 the board upon a vote of a majority of the voting members present.

7 (3) A chief executive officer shall be nominated by the governor, and with the
8 advice and consent of the senate appointed, to serve at the pleasure of the governor.
9 The board may delegate to the chief executive officer any powers and duties the board
10 considers proper. The chief executive officer shall receive such compensation as may
11 be determined by the board.

12 **238.03 Duties of board.** The board shall develop and implement economic
13 programs to provide business support and expertise and financial assistance to
14 companies that are investing and creating jobs in Wisconsin and to support new
15 business start-ups and business expansion and growth in Wisconsin. The board may
16 also develop and implement any other programs related to economic development in
17 Wisconsin.

18 **238.04 Powers of board.** The board shall have all the powers necessary or
19 convenient to carry out the purposes and provisions of this chapter. In addition to
20 all other powers granted the board under this chapter, the board may specifically:

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

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

24 (3) Maintain an office.

25 (4) Sue and be sued.

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

3 (6) Establish the corporation's annual budget and monitor the fiscal
4 management of the corporation.

5 (7) Execute contracts and other instruments required for the operation of the
6 corporation.

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

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

10 (10) Make loans and provide grants.

11 (11) Incur debt.

12 (12) Procure liability insurance.

13 (13) Elect to become a participating employer in the Wisconsin Retirement
14 System under s. 40.21 (1).

15 **238.05 Department of commerce assistance and coordination.** (1) If
16 requested by the board, the department of commerce shall provide staff or other
17 resources to assist the board in carrying out the purposes and provisions of this
18 chapter.

19 (2) To the greatest extent practicable, the department of commerce and the
20 board shall seek to coordinate their economic development programs.

21 **238.06 Liability limited.** Neither the state nor any political subdivision of
22 the state, nor any officer, employee, or agent of the state or a political subdivision of
23 the state who is acting within the scope of employment or agency, is liable for any
24 debt, obligation, act, or omission of the corporation.

1 **238.07 Submission of annual report to legislature.** Annually, the board
2 shall submit to the chief clerk of each house of the legislature, for distribution to the
3 legislature under s. 13.172 (2), a report on the activities of the corporation and the
4 programs developed and implemented by the board.

5 **SECTION 41.** 281.75 (4) (b) 3. of the statutes is amended to read:

6 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
7 233, 234, ~~or 237~~, or 238.

8 **SECTION 42.** 285.59 (1) (b) of the statutes is amended to read:

9 285.59 (1) (b) "State agency" means any office, department, agency, institution
10 of higher education, association, society, or other body in state government created
11 or authorized to be created by the constitution or any law which is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, the Wisconsin
13 Housing and Economic Development Authority, the Bradley Center Sports and
14 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
15 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, and the Wisconsin Health and Educational Facilities
18 Authority.

19 **SECTION 9155. Nonstatutory provisions; Other.**

20 (1) ABOLITION OF DEPARTMENT OF COMMERCE POSITIONS. Notwithstanding section
21 16.505 (1) of the statutes, before July 1, 2011, the secretary of administration may
22 abolish any full-time equivalent position or portion thereof from revenues
23 appropriated under section 20.143 of the statutes.

24 (2) TRANSFER OF MONEYS FROM THE DEPARTMENT OF COMMERCE TO THE WISCONSIN
25 ECONOMIC DEVELOPMENT CORPORATION. Before July 1, 2011, the secretary of

1 administration may transfer moneys from any general fund appropriation under
2 section 20.143 of the statutes to the appropriation under section 20.192 (1) (k) of the
3 statutes, as created by this act. Before July 1, 2011, the secretary of administration
4 may also transfer moneys from any segregated fund appropriation under section
5 20.143 of the statutes to the appropriation under section 20.192 (1) (sk) of the
6 statutes, as created by this act. The secretary may not transfer any moneys under
7 this subsection if the transfer of those moneys would violate a condition imposed by
8 the federal government on the expenditure of the moneys or if the transfer would
9 violate the federal or state constitution.

10 (END)