

# State of Wisconsin



2011 Senate Bill 459

Date of enactment: April 5, 2012  
Date of publication\*: April 19, 2012

## 2011 WISCONSIN ACT 214

AN ACT *to repeal* 234.01 (4n) (a) 3m. a. to d., 234.01 (4n) (a) 3m. e., 234.01 (4n) (b) 1., 234.01 (4n) (b) 2., 234.65 (1) (e), 234.65 (1) (f), 234.65 (1) (gm), 234.65 (1) (gp), 234.65 (2) (a) 2., 234.65 (2) (c), 234.65 (3) (a), 234.65 (3) (b), 234.65 (3) (d), 234.65 (3) (g), 234.65 (5) (b), 238.11 (3) and 238.11 (5) (b); *to renumber* 234.65 (5) (a), 234.65 (5) (c), 234.65 (5) (d) and 234.65 (5) (e); *to renumber and amend* 234.01 (4n) (a) 3m. (intro.), 234.01 (4n) (b) (intro.), 234.65 (1) (c) and 234.65 (5) (intro.); *to consolidate, renumber and amend* 238.11 (5) (intro.) and (a); *to amend* 66.1103 (4m) (a) 2., 234.01 (4n) (a) 1., 234.01 (4n) (a) 3., 234.01 (4n) (a) 4., 234.65 (1) (a), 234.65 (1) (g), 234.65 (1m), 234.65 (2) (a) 4., 234.65 (3) (intro.), 234.65 (3) (am), 234.65 (3) (dg), 234.65 (3g), 234.65 (3m), 234.65 (3r), 238.11 (1) and 238.25; and *to create* 234.65 (1) (c) 2. and 234.65 (3) (bm) of the statutes; **relating to**: economic development activities of the Wisconsin Housing and Economic Development Authority.

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

**SECTION 1.** 66.1103 (4m) (a) 2. of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

66.1103 (4m) (a) 2. The municipality or county has received an estimate issued under s. 238.11 (5) (a), and the Wisconsin Economic Development Corporation has estimated whether the project which the municipality or county would finance under the revenue agreement is expected to eliminate, create, or maintain jobs on the project site and elsewhere in this state and the net number of jobs expected to be eliminated, created, or maintained as a result of the project.

**SECTION 2.** 234.01 (4n) (a) 1. of the statutes is amended to read:

234.01 (4n) (a) 1. Facilities for manufacturing or commercial real estate activities ~~specified under division D, standard industrial classification manual, federal office of management and budget, as published by the federal government printing office.~~

**SECTION 3.** 234.01 (4n) (a) 3. of the statutes is amended to read:

234.01 (4n) (a) 3. Facilities for the storage or distribution of products of manufacturing activities ~~under subd. 1., materials, components, or equipment.~~

**SECTION 4.** 234.01 (4n) (a) 3m. (intro.) of the statutes is renumbered 234.01 (4n) (a) 3m. and amended to read:

234.01 (4n) (a) 3m. Facilities for the retail sale of goods or services ~~to consumers if any of the following applies:~~

**SECTION 5.** 234.01 (4n) (a) 3m. a. to d. of the statutes are repealed.

**SECTION 6.** 234.01 (4n) (a) 3m. e. of the statutes, as affected by [2011 Wisconsin Act 32](#), is repealed.

**SECTION 7.** 234.01 (4n) (a) 4. of the statutes is amended to read:

234.01 (4n) (a) 4. Facilities for research and development activities ~~relating to production of tangible products.~~

**SECTION 8.** 234.01 (4n) (b) (intro.) of the statutes is renumbered 234.01 (4n) (b) and amended to read:

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

234.01 (4n) (b) Activities of a long-term nature, such as research and development, ~~performed by any of the following: or long-term working capital.~~

**SECTION 9.** 234.01 (4n) (b) 1. of the statutes is repealed.

**SECTION 10.** 234.01 (4n) (b) 2. of the statutes is repealed.

**SECTION 11.** 234.65 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

234.65 (1) (a) ~~With the consent of the Wisconsin Economic Development Corporation and subject to par. (f), the~~ The authority may issue its negotiable bonds and notes to finance its economic development activities authorized or required under this chapter, including financing economic development loans.

**SECTION 12g.** 234.65 (1) (c) of the statutes is renumbered 234.65 (1) (c) 1. and amended to read:

234.65 (1) (c) 1. The authority may ~~not~~ not issue ~~not~~ more than ~~\$200,000,000~~ \$150,000,000 in aggregate principal amount of bonds and notes under this section, excluding bonds and notes issued to refund outstanding bonds or notes issued under this section, in each of the 3 consecutive fiscal years beginning after the effective date of this subdivision .... [LRB inserts date], and, except as provided in subd. 2., may not issue bonds and notes under this section after the last day of the 3rd fiscal year that begins after the effective date of this subdivision .... [LRB inserts date].

**SECTION 12r.** 234.65 (1) (c) 2. of the statutes is created to read:

234.65 (1) (c) 2. If, after the last day of the 3rd fiscal year that begins after the effective date of this subdivision .... [LRB inserts date], the authority determines that a continuation of the program under this section will promote significant economic development in this state, the authority may seek approval from the joint committee on finance to issue additional bonds and notes under this section by submitting to the committee a written request that states the reasons supporting the authority's determination that the issuance of additional bonds and notes will promote significant economic development in this state. If, within 14 working days after the date of that written request, the cochairpersons of the committee do not notify the authority that the committee has scheduled a meeting to review the authority's proposal to issue additional bonds and notes under this section, the authority may proceed to issue not more than \$150,000,000 in aggregate principal bonds and notes under this section, excluding bonds and notes issued to refund outstanding bonds or notes issued under this section, in each of the 3 consecutive fiscal years beginning with the fiscal year in which approval is obtained under this subdivision. If, within 14 working days after the date of that written request, the cochairpersons of the committee notify the authority that the committee has scheduled a meeting to review the authority's proposal to issue additional bonds

and notes under this section, the authority may issue bonds and notes under this section only upon approval of the committee.

**SECTION 13.** 234.65 (1) (e) of the statutes is repealed.

**SECTION 14.** 234.65 (1) (f) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 15.** 234.65 (1) (g) of the statutes is amended to read:

234.65 (1) (g) In granting loans under this section the authority shall give preference to businesses which are more than 50% owned or controlled by women or minorities, to businesses that, together with all of their affiliates, subsidiaries and parent companies, have current gross annual sales of \$5,000,000 or less or that employ ~~25~~ 250 or fewer persons and to new businesses that have less than 50% of their ownership held or controlled by another business and have their principal business operations in this state.

**SECTION 16.** 234.65 (1) (gm) of the statutes is repealed.

**SECTION 17.** 234.65 (1) (gp) of the statutes is repealed.

**SECTION 18.** 234.65 (1m) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

234.65 (1m) The Wisconsin Economic Development Corporation authority shall, ~~in consultation with the authority,~~ adopt rules and procedures to implement sub. (3).

**SECTION 19.** 234.65 (2) (a) 2. of the statutes is repealed.

**SECTION 20.** 234.65 (2) (a) 4. of the statutes is amended to read:

234.65 (2) (a) 4. The number of financial institutions participating in the economic development ~~loan program~~ project.

**SECTION 21.** 234.65 (2) (c) of the statutes is repealed.

**SECTION 22.** 234.65 (3) (intro.) of the statutes is amended to read:

234.65 (3) (intro.) ~~Except as provided in sub. (3g), the~~ The authority may finance an economic development loan only if all of the following conditions are met:

**SECTION 23.** 234.65 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 24.** 234.65 (3) (am) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

234.65 (3) (am) The authority has ~~received an estimate issued under s. 238.11 (5) (b), and the Wisconsin Economic Development Corporation has~~ estimated whether the project that the authority would finance under the loan is expected to eliminate, create, or maintain jobs on the project site and elsewhere in this state and the net number of jobs expected to be eliminated, created, or maintained as a result of the project.

**SECTION 25.** 234.65 (3) (b) of the statutes is repealed.

**SECTION 26.** 234.65 (3) (bm) of the statutes is created to read:

234.65 (3) (bm) One or more other financial institutions participate in the economic development project.

**SECTION 27.** 234.65 (3) (d) of the statutes is repealed.

**SECTION 28.** 234.65 (3) (dg) of the statutes is amended to read:

234.65 (3) (dg) The authority shall not assume primary unsecured or uncollateralized risk for any economic development loan.

**SECTION 29.** 234.65 (3) (g) of the statutes is repealed.

**SECTION 30.** 234.65 (3g) of the statutes is amended to read:

234.65 (3g) (a) Nothing in sub. (3) (a) or (am) may be considered to require a business signing a loan contract to satisfy an estimate under sub. (3) (am).

(b) Paragraph (a) and sub. (3) (a) and (am) do not apply to a person engaged in the business of operating a railroad or to an economic development loan to finance an economic development project described under s. 234.01 (4n) (c).

**SECTION 31.** 234.65 (3m) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

234.65 (3m) An economic development loan may not be made unless the Wisconsin Economic Development Corporation authority complies with sub. (1m) and certifies that each loan complies with sub. (3).

**SECTION 32.** 234.65 (3r) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

234.65 (3r) Any economic development loan that a business receives from the authority under this section to finance a project shall require the business to submit to the Wisconsin Economic Development Corporation authority within 12 months after the project is completed or 2 years after a loan is issued to finance the project, whichever is sooner, on a form prescribed under s. 234.11 (1), the net number of jobs eliminated, created, or maintained on the project site and elsewhere in this state as a result of the project. This subsection does not apply to an economic development loan to finance an economic development project described under s. 234.01 (4n) (c).

**SECTION 33.** 234.65 (5) (intro.) of the statutes, as affected by [2011 Wisconsin Act 32](#), is renumbered 234.65 (4) (c) (intro.) and amended to read:

234.65 (4) (c) (intro.) On or before July 1, 1985, and every July 1 thereafter, the Wisconsin Economic Development Corporation shall submit to the chief clerk of

~~each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report that addresses the~~ The effects of lending under this section in the following areas:

**SECTION 34.** 234.65 (5) (a) of the statutes is renumbered 234.65 (4) (c) 1.

**SECTION 35.** 234.65 (5) (b) of the statutes is repealed.

**SECTION 36.** 234.65 (5) (c) of the statutes is renumbered 234.65 (4) (c) 2.

**SECTION 37.** 234.65 (5) (d) of the statutes is renumbered 234.65 (4) (c) 3.

**SECTION 38.** 234.65 (5) (e) of the statutes is renumbered 234.65 (4) (c) 4.

**SECTION 39.** 238.11 (1) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

238.11 (1) The corporation shall prescribe the notice forms to be used under ss. s. 66.1103 (4m) (a) 1. and ~~234.65 (3) (a).~~ The corporation shall include on the forms a requirement for information on the number of jobs the person submitting the notice expects to be eliminated, created, or maintained on the project site and elsewhere in this state by the project which is the subject of the notice. The corporation shall prescribe the forms to be used under ss. s. 66.1103 (4m) (b) and 234.65 (3r).

**SECTION 40.** 238.11 (3) of the statutes, as affected by [2011 Wisconsin Act 32](#), is repealed.

**SECTION 41.** 238.11 (5) (intro.) and (a) of the statutes, as affected by [2011 Wisconsin Act 32](#), are consolidated, renumbered 238.11 (5) and amended to read:

238.11 (5) The corporation shall issue an estimate made: ~~(a) Under~~ under sub. (2); to the city, village, town, or county which will issue the bonds to finance the project which is the subject of the estimate.

**SECTION 42.** 238.11 (5) (b) of the statutes, as affected by [2011 Wisconsin Act 32](#), is repealed.

**SECTION 43.** 238.25 of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

**238.25 Assistance to loan recipients.** The corporation shall assist new businesses and small businesses receiving ~~economic development loans under s. 234.65 (1) (a)~~ or the assistance of the Wisconsin Housing and Economic Development Authority in locating sources of venture capital and in obtaining the state and federal licenses and permits necessary for business operations.