

2013 Oc3 DRAFTING REQUEST

Assembly Amendment (AA-AB4)

Received: 10/16/2013 Received By: jkreye
Wanted: As time permits Same as LRB:
For: Governor By/Representing: waylon
May Contact: Drafter: jkreye
Subject: Tax, Business - credits Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: waylon.hurlburt@wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
jennifer.western@revenue.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Supplement to the historic rehabilitation credit; WEDC approval and technical changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 10/16/2013	kfollett 10/16/2013		_____			
/1	jkreye 10/16/2013		jmurphy 10/16/2013	_____	srose 10/16/2013	srose 10/16/2013	
/2		wjackson 10/16/2013	jmurphy 10/16/2013	_____	srose 10/16/2013	srose 10/16/2013	

FE Sent For:

<END>

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/?	jkreye 10/16/2013	kfollett 10/16/2013		_____			
/1		<i>2wly 10/18</i> jmurphy 10/16/2013		_____	srose 10/16/2013	srose 10/16/2013	

FE Sent For: *jm 10/14* *jm+jb 10/16*

<END>

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Pre Topic:

No specific pre topic given

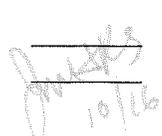
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See attached

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/?	jkreye	11/jf 10/16	11/jf 10/16	 10/16			

FE Sent For:

<END>

Kreye, Joseph

From: Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>
Sent: Wednesday, October 16, 2013 12:18 PM
To: Kreye, Joseph
Cc: Western, Jennifer N - DOR; Ristow, Nathaniel L - DOR (Nate); Polzin, Cindy M - GOV
Subject: RE: Amendment Changes

To clarify, the report in bullet one should come from the Historical Society, WEDC, and DOR in conjunction. That way we'll know how many are likely to file for certification in FY15 even though we won't know exactly how many credits were issued from DOR.

From: Hurlburt, Waylon - GOV
Sent: Wednesday, October 16, 2013 12:11 PM
To: Kreye, Joseph - LEGIS
Cc: Western, Jennifer N - DOR; Ristow, Nathaniel L - DOR (Nate); Polzin, Cindy M - GOV
Subject: Amendment Changes
Importance: High

Couple changes to this amendment:

- Please add a report to JFC by March 1, of 2015 on how many credits have been claimed by that date.
- ✓ In the amendment on page 3, line 9 does "person" mean project approval? The intent is to have WEDC approve the projects.
- ✓ Under this bill, if a project is certified by WEDC and JFC ends the credit we want the entity that was certified to be able to still claim the credit. Does this language do that? If not, could we add it?
- ✓ Does WEDC have to certify a project before credits can be claimed? There was some concern that because WEDC "may" certify projects that developers might say that WEDC does not have to be a part of the process to get the credit. Can we confirm that WEDC has to certify projects for them to claim credits?
- ✓ Does WEDC certify after the Historical Society approves? If not, that is how we would like it to work.

Thanks.

Waylon Hurlburt

Policy Director

The Office of Governor Scott Walker

State of Wisconsin

(608)266-9709



State of Wisconsin
2013 - 2014 LEGISLATURE

October 2013 Special Session



LRBa1026/4
JK&MPG:kjf:jf

RMR

ASSEMBLY
SENATE AMENDMENT,
TO 2013 SENATE BILL 4
ASSEMBLY

a1039/1

NOW
10-16-13

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 3: delete "2013" and substitute "2014".
- 3 **2.** Page 2, line 5: after "percent" insert ", for taxable years beginning before
- 4 January 1, 2013, or 10 percent, for taxable years beginning after December 31, 2012,
- 5 and before January 1, 2014.".
- 6 **3.** Page 2, line 10: delete "2013" and substitute "2014".
- 7 **4.** Page 3, line 2: delete "2012" and substitute "2013".
- 8 **5.** Page 3, line 8: delete "2012" and substitute "2013".
- 9 **6.** Page 3, line 10: delete "2012" and substitute "2013".
- 10 **7.** Page 3, line 17: delete "2012" and substitute "2013".

1 **8.** Page 4, line 2: delete “each” and substitute “a copy of the claimant’s
2 certification under s. 238.17. For certification purposes under s. 238.17, the claimant
3 shall provide to the Wisconsin Economic Development Corporation all”.

4 **9.** Page 6, line 7: delete “2013” and substitute “2014”.

5 **10.** Page 6, line 9: after “percent” insert “, for taxable years beginning before
6 January 1, 2013, or 10 percent, for taxable years beginning after December 31, 2012,
7 and before January 1, 2014,”.

8 **11.** Page 6, line 14: delete “2013” and substitute “2014”.

9 **12.** Page 6, line 18: delete “2012” and substitute “2013”.

10 **13.** Page 6, line 24: delete “2012” and substitute “2013”.

11 **14.** Page 7, line 1: delete “2012” and substitute “2013”.

12 **15.** Page 7, line 8: delete “2012” and substitute “2013”.

13 **16.** Page 7, line 18: delete “each” and substitute “a copy of the claimant’s
14 certification under s. 238.17. For certification purposes under s. 238.17, the claimant
15 shall provide to the Wisconsin Economic Development Corporation all”.

16 **17.** Page 9, line 12: delete “2013” and substitute “2014”.

17 **18.** Page 9, line 14: after “percent” insert “, for taxable years beginning before
18 January 1, 2013, or 10 percent, for taxable years beginning after December 31, 2012,
19 and before January 1, 2014,”.

20 **19.** Page 9, line 19: delete “2013” and substitute “2014”.

21 **20.** Page 9, line 23: delete “2012” and substitute “2013”.

22 **21.** Page 10, line 4: delete “2012” and substitute “2013”.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1039/?ins
JK:.....

Insert 3 - 14

1 ✓ 1. Page 12, line 14: after "REVIEW." insert "No later than March 1, 2015, the
2 Wisconsin Economic Development Corporation, in conjunction with the department
3 of revenue and the state historical society, shall submit to the joint committee on
4 finance a report indicating the total number and amount of the tax credits claimed
5 under sections 71.07 (9m) (a) 2m. and 3., 71.28 (6) (a) 2m. and 3., and 71.47 (6) (a)
6 2m. and 3. of the statutes as of the date of the report."

Kreye, Joseph

From: Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>
Sent: Wednesday, October 16, 2013 3:49 PM
To: Kreye, Joseph
Subject: Re: RE: RE:

That looks good.

Sent from my iPhone

On Oct 16, 2013, at 3:48 PM, "Kreye, Joseph" <Joseph.Kreye@legis.wisconsin.gov> wrote:

Waylon,

I would suggest modifying the beginning of s. 238.17 so that it reads:

“For taxable years beginning after December 31, 2013, the corporation may certify a person to claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6), if the corporation determines the person is conducting an eligible activity under s. 71.07 (9m), 71.28 (6), or 71.47 (6). No person may claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6) without first being certified under this section.”

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266 2263

From: Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]
Sent: Wednesday, October 16, 2013 3:35 PM
To: Kreye, Joseph
Subject: Fwd: RE:

See the clarifying language in point 1 below. Adjust the amendment if you think we need to.

In point 2 ignore that and keep the current language.

Waiting on one more sign off.

Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Young, Amy - WEDC" <amy.young@wedc.org>
Date: October 16, 2013 at 3:26:15 PM CDT
To: "Hurlburt, Waylon - GOV" <Waylon.Hurlburt@wisconsin.gov>
Cc: "Murray, Ryan M - WEDC" <ryan.murray@wedc.org>
Subject: Fwd: RE:

Call me if you have any questions. Thanks for the opportunity to comment. 235-0553

Sent from my iPhone

Begin forwarded message:

From: Hannah Renfro <hannah.renfro@wedc.org>
Date: October 16, 2013 at 3:24:53 PM CDT
To: Amy Young <amy.young@wedc.org>
Subject: RE:

I was just drafting a response to Ryan's last email. A few points about this draft.

1. The language in 238.17 about certifying a project is odd.

“For taxable years beginning after December 31, 2013, the corporation may certify a person if the corporation determines the person is conducting an eligible activity under s. 71.07 (9m), 71.28 (6), or 71.47 (6). No person may claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6) without first having been certified under this section. The corporation shall notify the department of revenue no later than January 15 of each year of the amount of the credits certified under this section and the name, address, and tax identification number of each person certified to claim the credit. The corporation shall notify the department of revenue of any revoked certification no later than 2 months after the revocation date.”

2. The initial report under the nonstatutory provision #26 should be amended from March 1, 2015 to October 1, 2015. This change will allow sufficient time for claimants to be certified and will align with Act 125 reporting. In addition, the language should reflect that it is a report on certifications, not tax credits claimed. DOR tracks tax credits claimed. We track the certifications.

That section should read:

“No later than October 1, 2015, the Wisconsin Economic Development Corporation, in consultation with the department of revenue and the state historical society, shall submit to the joint committee on finance a report indicating the total number and amount of the tax credits certified under sections 71.07 (9m) (a) 2m. and 3., 71.28 (6) (a) 2m. and 3., and 71.47 (6) (a) 2m. and 3. of the statutes as of the date of the report.”

Hannah L. Renfro
Chief Legal Counsel & Compliance Officer
Wisconsin Economic Development Corporation
608/210-6705
Hannah.renfro@wedc.org



This e-mail and any attachments may contain confidential information and/or information protected by the attorney-client privilege. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations, and agreements. If you received this e-mail in error, please notify me; delete this e-mail; and do not use, disclose, or store the information it contains.

From: Amy Young
Sent: Wednesday, October 16, 2013 2:26 PM
To: Hannah Renfro
Subject: FW:

NOW look at it. Geeez

From: Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]
Sent: Wednesday, October 16, 2013 2:14 PM
To: Ryan Murray; Amy Young
Subject:

Latest version.

Waylon Hurlburt

Policy Director

The Office of Governor Scott Walker

State of Wisconsin

(608)266-9709

<image001.jpg>



State of Wisconsin
 2013 - 2014 LEGISLATURE
 October 2013 Special Session

LRBa1039/1
 JK&MPG:kjf:kjf
 + WJ
 RMR

ASSEMBLY AMENDMENT ,
 TO 2013 ASSEMBLY BILL 4

NOW

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 3: delete “2013” and substitute “2014”.
- 3 **2.** Page 2, line 5: after “percent” insert “, for taxable years beginning before
 4 January 1, 2013, or 10 percent, for taxable years beginning after December 31, 2012,
 5 and before January 1, 2014,”.
- 6 **3.** Page 2, line 10: delete “2013” and substitute “2014”.
- 7 **4.** Page 3, line 2: delete “2012” and substitute “2013”.
- 8 **5.** Page 3, line 8: delete “2012” and substitute “2013”.
- 9 **6.** Page 3, line 10: delete “2012” and substitute “2013”.
- 10 **7.** Page 3, line 17: delete “2012” and substitute “2013”.

1 **8.** Page 4, line 2: delete “each” and substitute “a copy of the claimant’s
2 certification under s. 238.17. For certification purposes under s. 238.17, the claimant
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19 and before January 1, 2014,”.

20 **19.** Page 9, line 19: delete “2013” and substitute “2014”.

21 **20.** Page 9, line 23: delete “2012” and substitute “2013”.

22 **21.** Page 10, line 4: delete “2012” and substitute “2013”.

1 **22.** Page 10, line 6: delete “2012” and substitute “2013”.

2 **23.** Page 10, line 13: delete “2012” and substitute “2013”.

3 **24.** Page 10, line 22: delete “each” and substitute “a copy of the claimant’s
4 certification under s. 238.17. For certification purposes under s. 238.17, the claimant
5 shall provide to the Wisconsin Economic Development Corporation all”.

6 **25.** Page 12, line 12: after that line insert:

7 “SECTION 26m. 238.17 of the statutes is created to read:

8 **238.17 Historic rehabilitation tax credit.** For taxable years beginning
9 after December 31, 2013, the corporation may certify a project in order for a person

10 to claim a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6). No person may claim
11 a tax credit under s. 71.07 (9m), 71.28 (6), or 71.47 (6) without first having the project

12 for which the credit is claimed ^{being} certified under this section. The corporation shall
13 notify the department of revenue no later than January 15 of each year of the amount
14 of the credits certified under this section and the name, address, and tax
15 identification number of each person certified to claim the credit. The corporation
16 shall notify the department of revenue of any revoked certification no later than 2
17 months after the revocation date.”

18 **26.** Page 12, line 14: after “REVIEW.” insert “No later than March 1, 2015, the
19 Wisconsin Economic Development Corporation, in conjunction with the department
20 of revenue and the state historical society, shall submit to the joint committee on
21 finance a report indicating the total number and amount of the tax credits claimed
22 under sections 71.07 (9m) (a) 2m. and 3., 71.28 (6) (a) 2m. and 3., and 71.47 (6) (a)
23 2m. and 3. of the statutes as of the date of the report.”

24 **27.** Page 12, line 14: delete “2016” and substitute “2017”.

*Insert
3-10*

certified

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1039/2ins
JK&MPG:kjf:kjf

Insert 3 - 10

1 No ff, if the corporation determines that the person is conducting an eligible activity
2 under s. 71.07 (9m), 71.28 (6), or 71.47 (6)

Rose, Stefanie

From: Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>
Sent: Wednesday, October 16, 2013 1:28 PM
To: Kreye, Joseph
Cc: LRB.Legal
Subject: Re: LRB 13a1039 Topic: Supplement to the historic rehabilitation credit; WEDC approval and technical changes

Hold. Having others review now.

Sent from my iPhone

On Oct 16, 2013, at 1:22 PM, "Kreye, Joseph" <Joseph.Kreye@legis.wisconsin.gov> wrote:

Will do. Do you want me to wait until you've reviewed the changes?

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266 2263

From: Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]
Sent: Wednesday, October 16, 2013 1:20 PM
To: LRB.Legal; Kreye, Joseph
Subject: Re: LRB 13a1039 Topic: Supplement to the historic rehabilitation credit; WEDC approval and technical changes

Please jacket for the senate too.

Sent from my iPhone

On Oct 16, 2013, at 1:16 PM, "LRB.Legal" <lrblegal@legis.wisconsin.gov> wrote:

The attached proposal has been jacketed for introduction.

A copy has also been sent to: joseph.kreye@legis.wisconsin.gov;
jennifer.western@revenue.wi.gov

<13a1039_1.pdf>