



State of Wisconsin  
2007 - 2008 LEGISLATURE

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**ASSEMBLY AMENDMENT 2,  
TO 2007 ASSEMBLY BILL 741**

February 28, 2008 – Offered by Representative MOLEPSKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 17, line 5: after that line insert:

3 **“SECTION 20m.** 73.03 (64) of the statutes is created to read:

4 73.03 **(64)** Not later than July 1, 2010, and not later than each subsequent July  
5 1, to submit to the legislature the names of all taxpayers who received tax benefits,  
6 as defined in s. 560.075 (1) (e), in the preceding fiscal year and the amount of tax  
7 revenue that the state did not collect in the preceding fiscal year as a result of such  
8 benefits.”.

9 **2.** Page 26, line 3: delete lines 3 to 6 and substitute:

10 **“3.** Require that each recipient of development assistance under the program  
11 complies with the reporting requirement established under s. 560.075 (4). In this  
12 subdivision, “development assistance” has the meaning given in s. 560.075 (1m) (a).”.

1           **3.** Page 26, line 22: delete the material beginning with “or fails to comply” and  
2 ending with “for the noncompliance” on line 24.

3           **4.** Page 29, line 22: after that line insert:

4           “**SECTION 49d.** 560.075 (title) of the statutes is amended to read:

5           **560.075** (title) ~~Repayment of grants~~ **Grants, loans, and tax benefits;**  
6 **reporting requirements, development agreements, and repayments.**

7           **SECTION 49f.** 560.075 (1) of the statutes is renumbered 560.075 (1m) (e) and  
8 amended to read:

9           560.075 (1m) (e) ~~In this section, “tax~~ “Tax benefits” means the credits under  
10 ss. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), and (3t), 71.28  
11 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and (3t), 71.47 (1dd), (1de),  
12 (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and (3t), and 76.636.

13           **SECTION 49h.** 560.075 (1m) (intro.) of the statutes is created to read:

14           560.075 (1m) (intro.) In this section:

15           **SECTION 49j.** 560.075 (1m) (a) of the statutes is created to read:

16           560.075 (1m) (a) “Development assistance” means a grant or loan under this  
17 chapter or tax benefits.

18           **SECTION 49L.** 560.075 (1m) (b) of the statutes is created to read:

19           560.075 (1m) (b) “Full-time” means at least 35 hours per week.

20           **SECTION 49m.** 560.075 (1m) (c) of the statutes is created to read:

21           560.075 (1m) (c) “New employee” does not include any of the following:

22           1. An employee who performs a job that was previously performed by another  
23 employee in this state, if that job existed in this state for at least 6 months before  
24 hiring the employee.

1           2. A child, grandchild, parent, or spouse of an individual who has a direct or  
2 indirect ownership interest of at least 5 percent in the profits, capital, or value of a  
3 business.

4           **SECTION 49n.** 560.075 (1m) (d) of the statutes is created to read:

5           560.075 (1m) (d) "Part-time" means less than 35 hours per week.

6           **SECTION 49p.** 560.075 (2) of the statutes is renumbered 560.075 (2) (intro.) and  
7 amended to read:

8           560.075 (2) (intro.) The department may not award ~~a grant or loan under this~~  
9 ~~chapter~~ development assistance to a person or ~~certify a person to receive tax benefits~~  
10 unless the department enters into an a development agreement with the person that  
11 requires the person to repay the ~~grant, loan, or tax benefits if, within~~ development  
12 assistance if any of the following apply:

13           (a) Within 5 years after receiving the ~~grant or loan or being certified to receive~~  
14 ~~tax benefits~~ development assistance, the person ceases to conduct in this state the  
15 economic activity for which the person received the ~~grant or loan or for which the~~  
16 ~~person was certified to receive tax benefits~~ development assistance and commences  
17 substantially the same economic activity outside this state.

18           **SECTION 49r.** 560.075 (2) (b) of the statutes is created to read:

19           560.075 (2) (b) The person fails to make a capital investment specified in the  
20 development agreement.

21           **SECTION 49s.** 560.075 (2) (c) of the statutes is created to read:

22           560.075 (2) (c) The person fails to create or retain jobs as specified in the  
23 development agreement.

24           **SECTION 49t.** 560.075 (3) of the statutes is created to read:

1           560.075 (3) (a) Except as provided in par. (b), the department shall ensure that  
2 a recipient of development assistance that violates the provisions of a development  
3 agreement repays the full amount of the development assistance received.

4           (b) 1. The department may agree to accept a pro rata share of the amount of the  
5 development assistance received if the department determines that such a  
6 settlement is equitable.

7           2. The department may, by rule, establish a procedure under which it may  
8 waive the repayment requirement established under par. (a).

9           **SECTION 49v.** 560.075 (4) of the statutes is created to read:

10          560.075 (4) (a) A recipient of development assistance shall annually not later  
11 than December 31 of each calendar year submit to the department a progress report  
12 that contains all of the following information:

13          1. The program under which the recipient received the development assistance  
14 and the value of the development assistance provided to the recipient.

15          2. The total number of employees employed by the recipient at the site for which  
16 the recipient received development assistance, at the time the recipient applied for  
17 development assistance and at the time the recipient prepared the progress report,  
18 including the number of permanent full-time employees, the number of part-time  
19 employees, the number of temporary employees, and the net loss or gain in each  
20 category of employee.

21          3. The number of any new or retained employees that the recipient represented  
22 in its application for development assistance would result from development  
23 assistance, broken down by full-time, part-time, and temporary employees.

24          4. A statement indicating whether the recipient is in compliance with the terms  
25 of any development assistance agreement into which the recipient entered.

1           5. A detailed list of the job classifications or occupations of employees that the  
2 recipient intends to hire or retain in the future as a result of the development  
3 assistance the recipient received and the wage the recipient pays or intends to pay  
4 the employees.

5           6. A statement describing any decreases in employment in this state resulting  
6 from the recipient's use of development assistance.

7           7. A certification by the recipient's chief operating officer or by an authorized  
8 representative of the recipient's chief operating officer that the progress report  
9 contains no knowing misrepresentation of fact material to the recipient's receipt of  
10 development assistance.

11           (b) The department may make reasonable inspections to verify information  
12 submitted in a progress report under par. (a).

13           (c) If a recipient of development assistance fails to submit a timely progress  
14 report under par. (a), the department shall, as soon as is practicable, suspend further  
15 development assistance to the recipient that is in the department's control until the  
16 recipient submits a progress report.

17           **SECTION 49w.** 560.075 (5) of the statutes is created to read:

18           560.075 (5) (a) Not later than June 1, 2010, and not later than each subsequent  
19 June 1, the department shall submit to the legislature and make available on the  
20 department's Internet Web site the information received in progress reports in the  
21 preceding calendar year.

22           (b) Not later than December 31, 2011, and not later than each subsequent  
23 December 31, the department shall prepare and submit to the legislature and make  
24 available on the department's Internet Web site a report detailing amounts  
25 recovered by the department from recipients of development assistance that failed

1 to comply with provisions in development agreements required under sub. (2). The  
2 report under this paragraph shall include all of the following information:

3 1. The number of recipients of development assistance in the preceding fiscal  
4 year.

5 2. The total number of recipients of development assistance who violated the  
6 terms of a development agreement in the preceding fiscal year.

7 3. The number of recipients from whom the department sought to recover  
8 development assistance in the preceding fiscal year.

9 4. The number of recipients from whom the department recovered development  
10 assistance in the preceding fiscal year, and the amount the department recovered  
11 from each recipient.”.

12 (END)