



**SENATE AMENDMENT 12,  
TO SENATE BILL 1**

February 5, 2013 – Offered by Senators JAUCH and LEHMAN.

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

2 **1.** Page 34, line 21: after that line insert:

3 “**SECTION 29d.** 70.375 (2) (a) of the statutes is amended to read:

4 70.375 (2) (a) ~~In~~ Except as provided in subs. (2b) and (2c), with respect to mines  
5 not in operation on November 28, 1981, there is imposed upon persons engaged in  
6 mining metalliferous minerals in this state a net proceeds occupation tax effective  
7 on the date on which extraction begins to compensate the state and municipalities  
8 for the loss of valuable, irreplaceable metalliferous minerals. The amount of the tax  
9 shall be determined by applying the rates established under sub. (5) to the net  
10 proceeds of each mine. The net proceeds of each mine for each year are the difference  
11 between the gross proceeds and the deductions allowed under sub. (4) for the year.

12 **SECTION 29e.** 70.375 (2b) of the statutes is created to read:

1           70.375 **(2b)** MINIMUM TAX. With respect to mines in operation after December  
2           31, 2011, beginning with the month in which a permit is issued to a person under s.  
3           295.58, and for each of the 60 months following that month, the amount of the tax  
4           imposed on that person is the greater of the tax computed under sub. (2) or an amount  
5           equal to \$83,333 for each month.

6           **SECTION 29f.** 70.375 (2c) of the statutes is created to read:

7           70.375 **(2c)** CREDIT. With respect to mines in operation after December 31,  
8           2011, if a person subject to sub. (2b) would have paid less tax under sub. (2) than  
9           under sub. (2b), the person may claim as a credit against the tax imposed under sub.  
10          (2) or (2b) an amount equal to the difference between the amount paid under sub. (2b)  
11          and the amount that the person would have paid under sub. (2), except that the  
12          person may not claim a credit amount that would result in less than the total  
13          minimum tax liability computed under sub. (2b) for the period for which the person  
14          is subject to sub. (2b). The person may carry forward the amount of any unused credit  
15          under this subsection, as adjusted under sub. (6), to claim against the person’s tax  
16          liability in subsequent years until the total amount of the credit is used.”.

17          **2.** Page 34, line 24: after that line insert:

18          “**SECTION 30d.** 70.375 (6) of the statutes is amended to read:

19          70.375 **(6)** INDEXING. For calendar year 1983 and corresponding fiscal years and  
20          thereafter, the dollar amounts in sub. (5) and s. 70.395 (1) and (2) (d) 1m. and 5. a.  
21          and (dg), and the amount of any unused credit under sub. (2c), shall be changed to  
22          reflect the percentage change between the gross national product deflator for June  
23          of the current year and the gross national product deflator for June of the previous  
24          year, as determined by the U.S. department of commerce as of December 30 of the

1 year for which the taxes are due, except that no annual increase may be more than  
2 10%. For calendar year 1983 and corresponding fiscal years and thereafter until  
3 calendar year 1997 and corresponding fiscal years, the dollar amounts in s. 70.395  
4 (1m), 1995 stats., shall be changed to reflect the percentage change between the gross  
5 national product deflator for June of the current year and the gross national product  
6 deflator for June of the previous year, as determined by the U.S. department of  
7 commerce as of December 30 of the year for which the taxes are due, except that no  
8 annual increase may be more than 10%. The revised amounts shall be rounded to  
9 the nearest whole number divisible by 100 and shall not be reduced below the  
10 amounts under sub. (5) on November 28, 1981. Annually, the department shall  
11 adopt any changes in dollar amounts required under this subsection and incorporate  
12 them into the appropriate tax forms.”.

13 **3.** Page 36, line 10: after that line insert:

14 “**SECTION 36d.** 70.395 (2) (dg) of the statutes is amended to read:

15 70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay  
16 to the department of revenue for deposit in the investment and local impact fund, as  
17 a construction fee, an amount sufficient to make the construction period payments  
18 under par. (d) 5. in respect to that site. Any person paying a construction fee under  
19 this paragraph may credit against taxes due under s. 70.375 an amount equal to the  
20 payments that the taxpayer has made under this paragraph, provided that the credit  
21 does not reduce the taxpayer’s liability under s. 70.375 below the amount needed to  
22 make the first-dollar payments under par. (d) 1., 2. and 2m. for that year in respect  
23 to the taxpayer’s mine. For the first 24 months following the month in which the  
24 taxpayer is issued a permit under s. 295.58, the taxpayer may not use the credit to

1 reduce the taxpayer's liability under s. 70.375 below the minimum amount required  
2 under s. 70.375 (2b), but the taxpayer may use the credit in subsequent years to  
3 reduce the taxpayer's liability under s. 70.375 below the minimum amount required  
4 under s. 70.375 (2b). Any amount not creditable because of that limitation in any  
5 year may be carried forward.”.

6 (END)