



2009 ASSEMBLY BILL 712

February 9, 2010 – Introduced by Representatives STONE, RICHARDS, VOS, PASCH, HONADEL, FIELDS, GOTTLIEB, ROYS, HUEBSCH, TURNER, DAVIS, GUNDERSON, MONTGOMERY, ROTH, STRACHOTA, ZIPPERER, TOWNSEND, BIES, STEINBRINK and KNODL, cosponsored by Senators PLALE, DARLING and SCHULTZ. Referred to Joint Survey Committee on Tax Exemptions.

1 **AN ACT to repeal** 20.370 (2) (cf), 20.395 (5) (hq) and (hx), 110.20, 110.21, 110.215,
2 285.30, 285.39 (3) (a), 341.09 (5), 341.10 (8), 341.10 (10), 341.63 (1) (e) and
3 632.365; **to amend** 13.48 (10) (a), 20.395 (5) (cq), 71.28 (4m) (b) (intro.), 71.47
4 (4m) (b) (intro.), 77.54 (57) (b) 1., 77.54 (57) (b) 2., 341.03 (1), 341.04 (1) (intro.),
5 341.05 (19), 341.09 (2m) (a) 1. b., 341.09 (2m) (a) 2., 341.09 (9), 341.26 (2m) (am),
6 341.36 (2), 341.65 (2) (e) 2m., 625.12 (1) (e), 625.12 (2), 625.15 (1) and 628.34 (3)
7 (a); and **to create** 20.143 (1) (dm), 20.855 (4) (x), 25.40 (2) (b) 27., 70.11 (27m),
8 70.111 (27), 70.111 (28), 77.54 (57) (a) 5m., 77.54 (58), 110.20 (8) (c) and 560.127
9 of the statutes; **relating to:** a sales and use tax exemption for extended-range
10 electric vehicles; a property tax exemption for tangible personal property used
11 to recharge electric vehicles; the motor vehicle emission inspection and
12 maintenance program, extended-range electric vehicle grants; an income and
13 franchise tax credit for research conducted in this state by a corporation; a
14 property and sales and use tax exemption for certain machinery and tangible

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- 1 personal property used to conduct research; granting rule-making authority;
2 and making appropriations.
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Analysis by the Legislative Reference Bureau**SALES TAX EXEMPTIONS**

This bill provides a sales and use tax exemption for extended-range electric vehicles that are licensed for highway use.

PROPERTY TAX EXEMPTIONS

This bill exempts from property taxes all tangible personal property used exclusively to provide electricity to recharge electric vehicles that are licensed for highway use or neighborhood electric vehicles that are allowed, by ordinance, to operate on a roadway that has a speed limit of 35 miles per hour or less.

This bill also creates a property tax exemption and a sales and use tax exemption for machinery and other tangible personal property used for qualified research by persons engaged primarily in manufacturing, silviculture, or biotechnology in this state.

VEHICLE EMISSION INSPECTIONS AND ELECTRIC VEHICLE GRANT PROGRAM

Current law requires the Department of Transportation (DOT) to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards (nonattainment counties). Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Most nonexempt motor vehicles must undergo an initial emission inspection in the fourth year after the vehicle's model year and additional emission inspections every two years thereafter. DOT may contract with third parties to perform vehicle emission inspections under the I/M program. The costs of administering the program, including contracting for emission inspections, are primarily paid by DOT from the transportation fund, although a small portion of the costs are paid by DNR from the general fund.

This bill terminates the I/M program on July 1, 2011, and prohibits DOT from entering into any new contract, or renewing or extending any existing contract, for the operation of the I/M program before that date. The bill also creates appropriations to transfer money from the transportation fund to the general fund and to fund, from the general fund, an extended-range electric vehicle grant program. The bill requires the Department of Commerce (Commerce), after July 1, 2011, to award grants to promote the extended-range electric vehicle industry, and research, production, and use of extended-range electric vehicles, in the nonattainment counties. Commerce must promulgate rules to implement and administer the extended-range electric vehicle grant program.

ASSEMBLY BILL 712**SUPER RESEARCH AND DEVELOPMENT CREDIT**

Under current law, for taxable years beginning on or after January 1, 2011, a corporation may also claim a “super research and development” income and franchise tax credit equal to the amount of its qualified research expenses in the taxable year for research conducted in this state that exceeds the amount equal to the average amount of the corporation’s qualified research expenses in the previous three taxable years multiplied by 1.25. If the credit claimed by a corporation exceeds the corporation’s tax liability, the state will not issue a refund, but the corporation may carry forward any remaining credit to 15 subsequent taxable years. Under the bill, a corporation may claim the super research and development credit for taxable years beginning on or after July 1, 2010.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* 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.** 13.48 (10) (a) of the statutes is amended to read:

2 13.48 (10) (a) No state board, agency, officer, department, commission or body
3 corporate may enter into a contract for the construction, reconstruction, remodeling
4 of or addition to any building, structure, or facility, in connection with any building
5 project which involves a cost in excess of \$150,000 without completion of final plans
6 and arrangement for supervision of construction and prior approval by the building
7 commission. The building commission may not approve a contract for the
8 construction, reconstruction, renovation or remodeling of or an addition to a state
9 building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied
10 with or does not apply. This section applies to the department of transportation only
11 in respect to buildings, structures and facilities to be used for administrative or
12 operating functions, ~~including buildings, land and equipment to be used for the~~
13 ~~motor vehicle emission inspection and maintenance program under s. 110.20.~~

ASSEMBLY BILL 712**SECTION 2**

1 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

| | | | | 2009-10 | 2010-11 |
|---|---------------|------------------------------------|---|----------------|----------------|
| 3 | | | | | |
| 4 | 20.143 | Commerce, department of | | | |
| 5 | (1) | ECONOMIC AND COMMUNITY DEVELOPMENT | | | |
| 6 | (dm) | Extended-range electric vehicle | | | |
| 7 | grants | GPR | C | -0- | -0- |

8 **20.855** **Miscellaneous appropriations**

| | | | | | |
|----|----------------|---------------------------------------|---|-----|-----|
| 9 | (4) | TAX, ASSISTANCE AND TRANSFER PAYMENTS | | | |
| 10 | (x) | Transfer to general fund; trans- | | | |
| 11 | portation fund | SEG | A | -0- | -0- |

12 **SECTION 3.** 20.143 (1) (dm) of the statutes is created to read:

13 20.143 (1) (dm) *Extended-range electric vehicle grants.* As a continuing
14 appropriation, the amounts in the schedule for administering the program and
15 awarding grants under s. 560.127.

16 **SECTION 4.** 20.370 (2) (cf) of the statutes is repealed.

17 **SECTION 5.** 20.395 (5) (cq) of the statutes is amended to read:

18 20.395 (5) (cq) *Vehicle registration, inspection and maintenance, driver*
19 *licensing, and aircraft registration, state funds.* The amounts in the schedule for
20 administering the vehicle registration and driver licensing program, including the
21 traffic violation and registration program and the driver license reinstatement
22 training program under s. 85.28, for ~~administering the motor vehicle emission~~
23 ~~inspection and maintenance program under s. 110.20,~~ for the training of inspectors
24 under s. 110.22, for administering the fuel tax and fee reporting program under s.

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1 341.45, for administering the aircraft registration program under s. 114.20 and to
2 compensate for services performed, as determined by the secretary of transportation,
3 by any county providing registration services.

4 **SECTION 6.** 20.395 (5) (hq) and (hx) of the statutes are repealed.

5 **SECTION 7.** 20.855 (4) (x) of the statutes is created to read:

6 20.855 (4) (x) *Transfer to general fund; transportation fund.* Notwithstanding
7 s. 25.40 (3) (a), from the transportation fund, the amounts in the schedule to be
8 transferred to the general fund.

9 **SECTION 8.** 25.40 (2) (b) 27. of the statutes is created to read:

10 25.40 (2) (b) 27. Section 20.855 (4) (x).

11 **SECTION 9.** 70.11 (27m) of the statutes is created to read:

12 70.11 (27m) RESEARCH MACHINERY AND EQUIPMENT. (a) In this subsection:

- 13 1. "Biotechnology" has the meaning given in s. 77.54 (57) (a) 1f.
- 14 2. "Machinery" has the meaning given in sub. (27) (a) 2.
- 15 3. "Manufacturing" has the meaning given in sub. (27) (a) 3.
- 16 4. "Primarily" means more than 50 percent.
- 17 5. "Qualified research" means qualified research as defined under section 41
18 (d) (1) of the Internal Revenue Code.
- 19 6. "Silviculture" means theory and practice of controlling regeneration,
20 composition, and growth of stands of forest vegetation using knowledge of the life
21 history, characteristics, and ecology of forest trees through:
 - 22 a. Regeneration treatment.
 - 23 b. Liberation cutting.
 - 24 c. Thinning.
 - 25 d. Crown thinning.

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1 e. Improvement cutting.

2 f. Planting.

3 g. Site preparation.

4 h. Pruning.

5 7. “Used exclusively” has the meaning given in sub. (27) (a) 8.

6 (b) Machinery and equipment, including attachments, parts, and accessories,
7 used by persons who are engaged primarily in manufacturing, silviculture, or
8 biotechnology in this state and are used exclusively and directly in qualified
9 research.

10 **SECTION 10.** 70.111 (27) of the statutes is created to read:

11 70.111 (27) CHARGING STATIONS. All tangible personal property used exclusively,
12 as defined in s. 70.11 (27) (a) 8., to provide electricity to recharge electric vehicles that
13 are licensed for highway use or neighborhood electric vehicles, as defined in s. 340.01
14 (36r), regardless of the extent to which the tangible personal property is fastened to,
15 connected to, or built into real property.

16 **SECTION 11.** 70.111 (28) of the statutes is created to read:

17 70.111 (28) RESEARCH PROPERTY. (a) In this subsection:

18 1. “Biotechnology” has the meaning given in s. 77.54 (57) (a) 1f.

19 2. “Manufacturing” has the meaning given in s. 70.11 (27) (a) 3.

20 3. “Primarily” means more than 50 percent.

21 4. “Qualified research” means qualified research as defined under section 41
22 (d) (1) of the Internal Revenue Code.

23 5. “Silviculture” has the meaning given in s. 70.11 (27m) (a) 6.

24 6. “Used exclusively” has the meaning given in s. 70.11 (27) (a) 8.

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1 (b) Tangible personal property used by persons who are engaged primarily in
2 manufacturing, silviculture, or biotechnology in this state, if the tangible personal
3 property is consumed or destroyed or loses its identity while being used exclusively
4 and directly in qualified research.

5 **SECTION 12.** 71.28 (4m) (b) (intro.) of the statutes, as created by 2009 Wisconsin
6 Act 28, is amended to read:

7 71.28 (4m) (b) *Credit.* (intro.) Subject to the limitations provided under this
8 subsection, for taxable years beginning on or after ~~January 1, 2011~~ July 1, 2010, a
9 corporation may claim as a credit against the tax imposed under s. 71.23, up to the
10 amount of those taxes, an amount equal to the amount of qualified research expenses
11 paid or incurred by the corporation in the taxable year that exceeds the amount
12 calculated as follows:

13 **SECTION 13.** 71.47 (4m) (b) (intro.) of the statutes, as created by 2009 Wisconsin
14 Act 28, is amended to read:

15 71.47 (4m) (b) *Credit.* (intro.) Subject to the limitations provided under this
16 subsection, for taxable years beginning on or after ~~January 1, 2011~~ July 1, 2010, a
17 corporation may claim as a credit against the tax imposed under s. 71.43, up to the
18 amount of those taxes, an amount equal to the amount of qualified research expenses
19 paid or incurred by the corporation in the taxable year that exceeds the amount
20 calculated as follows:

21 **SECTION 14.** 77.54 (57) (a) 5m. of the statutes is created to read:

22 77.54 (57) (a) 5m. "Silviculture" has the meaning given in s. 70.11 (27m) (a) 6.

23 **SECTION 15.** 77.54 (57) (b) 1. of the statutes, as created by 2009 Wisconsin Act
24 28, is amended to read:

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1 77.54 (57) (b) 1. Machinery and equipment, including attachments, parts, and
2 accessories, that are sold to persons who are engaged primarily in manufacturing,
3 silviculture, or biotechnology in this state and are used exclusively and directly in
4 qualified research.

5 **SECTION 16.** 77.54 (57) (b) 2. of the statutes, as created by 2009 Wisconsin Act
6 28, is amended to read:

7 77.54 (57) (b) 2. Tangible personal property or item or property under s. 77.52
8 (1) (b) or (c) that is sold to persons who are engaged primarily in manufacturing,
9 silviculture, or biotechnology in this state, if the tangible personal property or item
10 or property under s. 77.52 (1) (b) or (c) is consumed or destroyed or loses its identity
11 while being used exclusively and directly in qualified research.

12 **SECTION 17.** 77.54 (58) of the statutes is created to read:

13 77.54 (58) The sales price from the sales of and the storage, use, or other
14 consumption of extended-range electric vehicles, as defined in s. 560.127 (1), that are
15 licensed for highway use, including accessories and parts for such vehicles, and
16 purchased during the period beginning on the effective date of this subsection ...
17 [LRB inserts date], and ending on December 31, 2020, except that the exemption
18 under this subsection that applies to batteries for extended-range electric vehicles
19 ends on December 31, 2025. The exemption under this subsection applies regardless
20 of whether the vehicles are sold new or used. The taxes imposed under this
21 subchapter on the vehicles, accessories, and parts described under this subsection
22 after the exemptions under this subsection expire shall be deposited into the
23 transportation fund.

24 **SECTION 18.** 110.20 of the statutes, as affected by 2009 Wisconsin Act ... (this
25 act), is repealed.

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1 **SECTION 19.** 110.20 (8) (c) of the statutes is created to read:

2 110.20 **(8)** (c) Notwithstanding any other provision of this section, the
3 department may not enter into any new contract under this section, or renew or
4 extend any existing contract under this section, after the effective date of this
5 paragraph [LRB inserts date].

6 **SECTION 20.** 110.21 of the statutes is repealed.

7 **SECTION 21.** 110.215 of the statutes is repealed.

8 **SECTION 22.** 285.30 of the statutes is repealed.

9 **SECTION 23.** 285.39 (3) (a) of the statutes is repealed.

10 **SECTION 24.** 341.03 (1) of the statutes is amended to read:

11 341.03 **(1)** PROHIBITION. No person may operate or knowingly permit the
12 operation of a motor vehicle if the registration for that vehicle is suspended, revoked
13 or canceled under s. ~~285.30 (6) (d)~~ or 342.255, ch. 344 or this chapter, or if the
14 registration for that vehicle is suspended, canceled or revoked under the law of
15 another jurisdiction.

16 **SECTION 25.** 341.04 (1) (intro.) of the statutes is amended to read:

17 341.04 **(1)** (intro.) It is unlawful for any person to operate or for an owner to
18 consent to being operated on any highway of this state any motor vehicle,
19 recreational vehicle, trailer, or semitrailer, or any other vehicle for which a
20 registration fee is specifically prescribed, unless at the time of operation the vehicle
21 in question either is registered in this state, or, except for registration under s. 341.30
22 or 341.305, a complete application for registration, ~~including evidence of any~~
23 ~~inspection under s. 110.20 when required,~~ accompanied by the required fee has been
24 delivered to the department, submitted to a dealer under s. 341.09 (2m) for
25 transmittal to the department, or deposited in the mail properly addressed with

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1 postage prepaid and, if the vehicle is an automobile or motor truck having a
2 registered weight of 8,000 pounds or less, the vehicle displays a temporary operation
3 plate issued for the vehicle unless the operator or owner of the vehicle produces proof
4 that operation of the vehicle is within 2 business days of the vehicle's sale or transfer,
5 or the vehicle in question is exempt from registration.

6 **SECTION 26.** 341.05 (19) of the statutes is amended to read:

7 341.05 (19) The vehicle is a repaired salvage vehicle operated to or from a
8 location where it is to be inspected as required by s. 342.07, ~~or is an unregistered~~
9 ~~vehicle operated to or from a location where it is to be inspected as required by s.~~
10 ~~110.20.~~

11 **SECTION 27.** 341.09 (2m) (a) 1. b. of the statutes is amended to read:

12 341.09 (2m) (a) 1. b. A state resident who purchases or leases an automobile
13 or motor truck having a registered weight of 8,000 pounds or less from a person other
14 than the dealer for use on such vehicle if the state resident submits to the dealer a
15 complete application for registration of the vehicle, ~~including evidence of any~~
16 ~~inspection under s. 110.20 when required,~~ and for a new certificate of title for a
17 purchased vehicle, together with a check or money order made payable to the
18 department for all applicable title, registration, security interest and sales tax
19 moneys, for transmittal to the department by the dealer.

20 **SECTION 28.** 341.09 (2m) (a) 2. of the statutes is amended to read:

21 341.09 (2m) (a) 2. Notwithstanding subd. 1., the department shall issue a
22 sufficient number of temporary operation plates and temporary permits without
23 charge to each dealer licensed in this state for issuance under this subdivision. Each
24 dealer shall issue a temporary operation plate or a temporary permit without charge
25 to any state resident who purchases or leases from the dealer an automobile or motor

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1 truck having a registered weight of 8,000 pounds or less, for use on such vehicle if
2 the state resident submits to the dealer a complete application for registration of the
3 vehicle, ~~including evidence of inspection under s. 110.20 when required~~, and for a
4 new certificate of title for a purchased vehicle, together with a check or money order
5 made payable to the department for all applicable title, registration, security
6 interest and sales tax moneys, for transmittal to the department by the dealer.

7 **SECTION 29.** 341.09 (5) of the statutes is repealed.

8 **SECTION 30.** 341.09 (9) of the statutes is amended to read:

9 341.09 (9) Notwithstanding any other provision of this section, the department
10 shall issue a temporary operation plate or a temporary permit without charge for an
11 automobile or motor truck having a registered weight of 8,000 pounds or less upon
12 receipt of a complete application accompanied by the required fee for registration of
13 the vehicle, ~~including evidence of any inspection under s. 110.20 when required~~, if
14 the department does not immediately issue the regular registration plates for the
15 vehicle and the department determines that the applicant has not otherwise been
16 issued a temporary operation plate or a temporary permit under this section.

17 **SECTION 31.** 341.10 (8) of the statutes is repealed.

18 **SECTION 32.** 341.10 (10) of the statutes is repealed.

19 **SECTION 33.** 341.26 (2m) (am) of the statutes is amended to read:

20 341.26 (2m) (am) A fee of \$5 shall be paid to the department for the original
21 issuance of a registration plate for any vehicle owned by this state or by any county
22 or municipality or federally recognized Indian tribe or band in this state or leased to
23 this state or to any county or municipality or federally recognized Indian tribe or
24 band in this state, and operated exclusively, except for operation under s. 20.916 (7),
25 in the public service by such state, county, municipality or Indian tribe or band. The

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1 registration shall be valid while the vehicle is owned and operated by the registrant
2 or is leased to and operated by this state or by the county, municipality or Indian tribe
3 or band, ~~and the registrant complies with s. 110.20 (6).~~

4 **SECTION 34.** 341.36 (2) of the statutes is amended to read:

5 341.36 (2) Subsections (1) and (1m) do not apply to the reinstatement of a
6 registration suspended under s. 341.63 (1) (c), or (d) ~~or~~ (e) or to the reinstatement of
7 a registration suspended or revoked as a result of an error by the department.

8 **SECTION 35.** 341.63 (1) (e) of the statutes is repealed.

9 **SECTION 36.** 341.65 (2) (e) 2m. of the statutes is amended to read:

10 341.65 (2) (e) 2m. That a complete application for registration for the motor
11 vehicle, ~~including evidence of inspection under s. 110.20 when required,~~
12 accompanied by the required fee has been delivered to the department or deposited
13 in the mail properly addressed with postage prepaid.

14 **SECTION 37.** 560.127 of the statutes is created to read:

15 **560.127 Extended-range electric vehicle grants.** (1) In this section,
16 “extended-range electric vehicle” means a vehicle that is equipped with an electric
17 motor and energy storage device capable of propelling the vehicle, without other
18 methods of propulsion, for at least 30 miles on a single energy charge. An
19 “extended-range electric vehicle” may incorporate additional methods of propulsion,
20 including a chemically fueled internal combustion engine that is capable of operating
21 on gasoline, diesel fuel, or alternative fuels.

22 (2) From the appropriation under s. 20.143 (1) (dm), after July 1, 2011, the
23 department shall award grants to promote the extended-range electric vehicle
24 industry, and research, production, and use of extended-range electric vehicles, in
25 the counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and

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1 Waukesha. The department shall develop and administer a program to provide
2 grants under this section and shall promulgate rules to implement and administer
3 this section, including rules establishing criteria and standards for grant eligibility,
4 for evaluating and ranking grant applications, for determining the amount of the
5 grants awarded, and for identifying permissible uses of grant funds.

6 **SECTION 38.** 625.12 (1) (e) of the statutes is amended to read:

7 625.12 (1) (e) ~~Subject to s. 632.365, all~~ All other relevant factors, including the
8 judgment of technical personnel.

9 **SECTION 39.** 625.12 (2) of the statutes is amended to read:

10 625.12 (2) **CLASSIFICATION.** Risks may be classified in any reasonable way for
11 the establishment of rates and minimum premiums, except that no classifications
12 may be based on race, color, creed or national origin, and classifications in automobile
13 insurance may not be based on physical condition or developmental disability as
14 defined in s. 51.01 (5). ~~Subject to s. 632.365, rates~~ Rates thus produced may be
15 modified for individual risks in accordance with rating plans or schedules that
16 establish reasonable standards for measuring probable variations in hazards,
17 expenses, or both. Rates may also be modified for individual risks under s. 625.13
18 (2).

19 **SECTION 40.** 625.15 (1) of the statutes is amended to read:

20 625.15 (1) **RATE MAKING.** An insurer may itself establish rates and
21 supplementary rate information for one or more market segments based on the
22 factors in s. 625.12 ~~and, if the rates are for motor vehicle liability insurance, subject~~
23 ~~to s. 632.365, or the insurer may use rates and supplementary rate information~~
24 prepared by a rate service organization, with average expense factors determined by

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1 the rate service organization or with such modification for its own expense and loss
2 experience as the credibility of that experience allows.

3 **SECTION 41.** 628.34 (3) (a) of the statutes is amended to read:

4 628.34 (3) (a) No insurer may unfairly discriminate among policyholders by
5 charging different premiums or by offering different terms of coverage except on the
6 basis of classifications related to the nature and the degree of the risk covered or the
7 expenses involved, subject to ss. ~~632.365~~, 632.746 and 632.748. Rates are not
8 unfairly discriminatory if they are averaged broadly among persons insured under
9 a group, blanket or franchise policy, and terms are not unfairly discriminatory
10 merely because they are more favorable than in a similar individual policy.

11 **SECTION 42.** 632.365 of the statutes is repealed.

12 **SECTION 43. Initial applicability.**

13 (1) The treatment of sections 70.11 (27m) and 70.111 (27) and (28) of the
14 statutes first applies to the property tax assessments as of January 1, 2010.

15 **SECTION 44. Effective dates.** This act takes effect on the day after
16 publication, except as follows:

17 (1) The treatment of section 77.54 (57) (a) 5m. and (b) 1. and 2. and (58) of the
18 statutes takes effect on the first day of the 2nd month beginning after publication.

19 (2) The treatment of sections 13.48 (10) (a), 20.370 (2) (cf), 20.395 (5) (cq), (hq),
20 and (hx), 110.21, 110.215, 285.30, 285.39 (3) (a), 341.03 (1), 341.04 (1) (intro.), 341.05
21 (19), 341.09 (2m) (a) 1. b. and 2., (5), and (9), 341.10 (8) and (10), 341.26 (2m) (am),
22 341.36 (2), 341.63 (1) (e), 341.65 (2) (e) 2m., 625.12 (1) (e) and (2), 625.15 (1), 628.34
23 (3) (a), and 632.365 of the statutes and the repeal of section 110.20 of the statutes take
24 effect on July 1, 2011.

25 (END)