

1999 DRAFTING REQUEST

Bill

Received: **10/12/98**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-7329**

By/Representing: **Justus**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Econ. Development - bus. dev.
Econ. Development - misc.**

Extra Copies:

Topic:

DOA:.....Justus - Tax credits for job creation under the development zones program

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>
/?	kahlepj 10/12/98	gilfokm 10/13/98		_____			State
/P1			jfrantzé 10/14/98	_____	lrb_docadmin 10/14/98		
/1	kahlepj 10/26/98	ptellez 10/27/98	martykr 10/27/98	_____	lrb_docadmin 10/27/98		

FE Sent For:

<END>

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/P1			jfrantze 10/14/98	<u> J </u> <u> km </u>	lrb_docadmin 10/14/98		

km 10/27 *km 10/27*

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1?	kahlepj	1/1-10-13 KMG	10/14	10/14	Submit P's		

FE Sent For:

<END>

zones that are on reservations. It was mistakenly deleted in the creation of the new credit [§71.07 (2dx)] in 1997 Wisconsin Act 27, which created an entirely new credit which is only minimally tied to the old credit. All of the old CDZ credits were refundable for Indian owned businesses located on a reservation, but refundability for these businesses was not included in the new credit. This refundability is important because these businesses do not pay any income taxes (because of sovereignty); without refundability, the program does not in any way assist these businesses.

Proposed change: Recreate language similar to that in §71.07 (1dL) (c).

E. Development Zones -- Tax Credit Limit.

Increase the tax credit limit for community development zones by \$5 million. This will increase the limit on tax credits that the department may allocate to community development zone businesses from \$33.155 million to \$38.155 million.

Proposed change: Amend § 560.745 (2) (a) to read:

- (a) When the department designates a development zone under § 560.71, it shall establish a limit for tax benefits for the development zone determined by allocating to the development zone a portion of ~~\$33,155,000~~ \$38,155,000.

F. Development Zones -- Increase Limits for Job Creation.

Raise the limit for creating or retaining a job filled by a target group member from \$6500 to \$8000. Raise the limit for creating or retaining a job filled by a non-target group member from \$4000 to \$6000. In EDZ projects, allow up to \$8000 per job for retaining jobs.

By eliminating the 3 major capital expenditure tax credits a number of already designated businesses may experience a shortfall in the amount of tax credits they will be able to claim which Commerce had committed to them. Current labor shortages and other economic factors have led many businesses to evaluate the cost of expanding and making large capital expenditures in plant and equipment. In many cases the business is evaluating whether or not to do this in Wisconsin or at another location in another state. Therefore there is a need to increase the tax incentives available to them for retaining employees in Wisconsin and large investment in plant, equipment, and machinery.

- Solution:
1. Raise the level associated with the target group hires from \$6,500 to \$8,000.
 2. Raise the level associated with non-target group hires and retention from \$4,000 to \$6,000.
 3. EDZ projects, which represent large capital expenditures, would allow up to \$8,000 for retaining jobs.

Proposed change: Amend § 560.785 (1) (b) to read:

560.785(1)(b)

(b) Allow a person to claim up to ~~\$6,500~~ \$8,000 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for any of the following:

1. Creating a full-time job that is filled by a member of the target population.
2. Retaining a full-time job ~~that is filled by a member of the target population~~ in a designated enterprise development zone in which significant capital investment is made as determined by the department to retain those employees.

(c) Allow a person to claim up to ~~\$4,000~~ \$6,000 in tax benefits during the time that an area is designated as a development zone or as an enterprise development zone for any of the following:

1. Creating a full-time job that is filled by an individual who is not a member of the target population.
2. Retaining a full-time job that is filled by an individual who is not a member of the target population.

G. Development Zones -- Certification Requirement.

med

Delete the 90 day certification requirement for target group members. In the past credits were based upon actual eligible wages which began on the date of hire after being certified as eligible for credits. This is no longer the case and the 90 day requirement is one that puts an additional hardship upon the employer and penalizes them if they indeed hire a member of a target group and cannot access the credits because of the time period. Also more and more businesses are contracting with professional human resource firms for their payroll. Although



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-05507
PJK...
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DOA:.....Justus - Tax credits for job creation under the development zones program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

SOON
(10-12)
D-note

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1 AN ACT relating to: increasing certain tax credits under the development
2 zones program.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

three

The department of commerce administers ~~3~~ ^{three} types of development zone programs: 1) the development zone program; 2) the development opportunity zone program; and 3) the enterprise development zone program. Generally, after the department designates an area as one of the ~~3~~ types of development zones, a person or corporation that conducts or that intends to conduct economic activity in the designated zone is or may be certified by the department as eligible for certain tax credits, called development zones credits, based on the creation or retention of jobs and on expenses incurred to remediate environmental problems.

The department of commerce must promulgate rules under the development zone program that further define a person's eligibility to claim tax credits. The rules must allow a person conducting economic activity in a development zone or an enterprise development zone to claim up to \$6,500 in tax credits for creating or retaining a job that is filled by an individual who is a member of the population targeted for benefit in the area of the person's economic activity and must allow a person conducting economic activity in a development zone or an enterprise

development zone to claim up to \$4,000 in tax credits for creating or retaining a job that is filled by an individual who is not a member of the population targeted for benefit. The bill changes these rule requirements. Under the bill, the rules must allow a person conducting economic activity in a development zone or an enterprise development zone to claim up to \$8,000 in tax credits for creating a job that is filled by an individual who is a member of the population targeted for benefit. The rules must allow a person conducting economic activity in an enterprise development zone to claim up to \$8,000 in tax credits for retaining a job if the department determines that the person has made a significant capital investment to retain the job. Finally, the rules must allow a person conducting economic activity in a development zone or an enterprise development zone to claim up to \$6,000 in tax credits for creating or retaining a job that is filled by an individual who is not a member of the population targeted for benefit.

For further information see the *state* 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.** 71.07 (2dx) (b) 4. of the statutes is amended to read:

2 71.07 (2dx) (b) 4. The amount determined by multiplying the amount
3 determined under s. 560.785 (1) (b) (bm) by the number of full-time jobs retained,
4 as provided in the rules under s. 560.785, excluding jobs for which a credit has been
5 claimed under sub. (2dj), in a an enterprise development zone under s. 560.797 and
6 ~~filled by a member of a targeted group for which significant capital investment was~~
7 made and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299. History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299.

8 **SECTION 2.** 71.28 (1dx) (b) 4. of the statutes is amended to read:

9 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
10 determined under s. 560.785 (1) (b) (bm) by the number of full-time jobs retained,
11 as provided in the rules under s. 560.785, excluding jobs for which a credit has been
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1 ~~filled by a member of a targeted group for which significant capital investment was~~
2 ~~made~~ and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299. History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299.

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9 ~~made~~ and by then subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

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10 SECTION 4. 560.785 (1) (b) (intro.) and 1. of the statutes are consolidated,
11 renumbered 560.785 (1) (b) and amended to read:

12 560.785 (1) (b) Allow a person to claim up to ~~\$6,500~~ \$8,000 in tax benefits
13 during the time that an area is designated as a development zone or as an enterprise
14 development zone for ~~any of the following: Creating~~ creating a full-time job that is
15 filled by a member of the target population.

History: 1997 a. 27, 41.

16 SECTION 5. 560.785 (1) (b) 2. of the statutes is repealed.

17 SECTION 6. 560.785 (1) (bm) of the statutes is created to read:

18 560.785 (1) (bm) Allow a person to claim up to \$8,000 in tax benefits during the
19 time that an area is designated as an enterprise development zone for retaining a
20 full-time job if the department determines that ^{significant} capital investment ~~was~~
21 ~~made~~ to retain the full-time job. the person made a

22 SECTION 7. 560.785 (1) (c) (intro.) of the statutes is amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

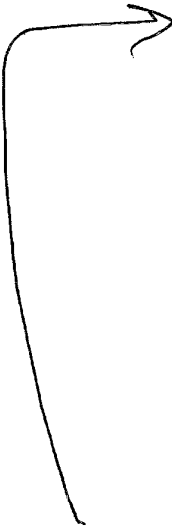
LRB-0550/7dn
PJK.....

PI
mg

Because of the necessity of making the cross-reference change, I amended three tax statutes. Please review them carefully to make sure I have amended them properly.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

that



Q 2. How do you want to amend S. 560.785
(1) (e)? Simply delete the words
"or retaining" or add some reference
to the new provision under S. 560.785
(1) (b)(m)?

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0550/P1dn
PJK:kmg:jf

October 14, 1998

1. Because of the necessity of making the cross-reference change, I amended three tax statutes. Please review them carefully to make sure that I have amended them properly.

2. How do you want to amend s. 560.785 (1) (e)? Simply delete the words "or retaining" or add some reference to the new provision under s. 560.785 (1) (bm)?

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Senior Legislative Attorney
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0550/1
PJK:kmg:jf

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DOA:.....Justus - Tax credits for job creation under the development zones program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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LKSH

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Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
ECONOMIC DEVELOPMENT

The department of commerce administers three types of development zone programs: 1) the development zone program; 2) the development opportunity zone program; and 3) the enterprise development zone program. Generally, after the department designates an area as one of the three types of development zones, a person or corporation that conducts or that intends to conduct economic activity in the designated zone is or may be certified by the department as eligible for certain tax credits, called development zones credits, based on the creation or retention of jobs and on expenses incurred to remediate environmental problems.

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20 SECTION 7. 560.785 (1) (c) (intro.) of the statutes is amended to read:

21 560.785 (1) (c) (intro.) Allow a person to claim up to ~~\$4,000~~ \$6,000 in tax
22 benefits during the time that an area is designated as a development zone or as an
23 enterprise development zone for any of the following:

24 SECTION 9310. Initial applicability; commerce.

Insert 3-23

1 (1) DEVELOPMENT ZONES CREDITS FOR JOBS CREATED OR RETAINED. The treatment
2 of sections 71.07 (2dx) (b) 4., 71.28 (1dx) (b) 4., 71.47 (1dx) (b) 4. and 560.785 (1) (b)
3 (intro.), 1. and 2., (bm) ~~and~~ (c) (intro.) ^{and (e)} of the statutes first applies to taxable years
4 beginning on January 1, 2000.

5 (END)

D-note

This redraft deletes the
words "or retaining" in
a. 560.785 (1) (e).

PJK

Insert 3-23

Section #. 560.785 (1) (e) of the statutes is amended to read:

560.785 (1) (e) Require at least one-third of the tax benefits claimed by a person that are based on creating ~~or retaining~~ full-time jobs to be based on creating ~~or retaining~~ full-time jobs that are filled by members of the target population.

History: 1997 a. 27, 41.

(end of ins. 3-23)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0550/1dn
PJK:kmg&ksh:km

October 27, 1998

This redraft deletes the words "or retaining" in s. 560.785 (1) (e).

Pamela J. Kahler
Senior Legislative Attorney
266-2682



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0550/1
PJK:kmg&ksh:km

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FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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23 **SECTION 8.** 560.785 (1) (e) of the statutes is amended to read:

