

2007 DRAFTING REQUEST

Bill

Received: 12/05/2006

Received By: jkreye

Wanted: As time permits

Identical to LRB: 05 AB 703

For: Frank Lasee (608) 266-9870

By/Representing: luke

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Other - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Lasee@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Denying certain benefits to companies that hire illegal aliens

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 12/06/2006	jdyer 12/13/2006		_____			S&L
/1	jkreye 06/22/2007	jdyer 06/25/2007	pgreensl 12/13/2006	_____	mbarman 12/13/2006		S&L
/2	jkreye 06/28/2007	jdyer 06/29/2007	rschluet 06/25/2007	_____	mbarman 06/25/2007		S&L
/3			nmatzke	_____	cduerst		S&L

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			06/29/2007 _____		06/29/2007		
/4	jkreye 08/10/2007	jdyer 08/13/2007	sherritz 08/13/2007 _____		lparisi 08/13/2007		S&L
	jkreye 08/20/2007	jdyer 08/21/2007	_____				
/5	jkreye 08/22/2007	jdyer 08/23/2007	rschluet 08/21/2007 _____		sbasford 08/21/2007		S&L
/6			jfrantze 08/23/2007 _____		mbarman 08/23/2007	lparisi 12/19/2007	

FE Sent For:

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11/18

<END>

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Handwritten signatures and dates:
 [Signature] 8/23
 [Signature] 8/23

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/?	jkreye	1 12/13 jld	12/13 ps	12/13 ps			

FE Sent For:

<END>

1033/1

↑ jld

~~2005 ASSEMBLY BILL 703~~

in 12-6-06

LPS-
PWF
please

September 27, 2005 - Introduced by Representatives SCHNEIDER and F. LASEE
Referred to Committee on Labor.

- re gov

1 AN ACT *to amend* 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and *to*
2 *create* 16.753, 16.855 (23) and 560.29 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties. ✓

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: ✓ 1) receive any income or franchise tax credit or property tax exemption; ✓ 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; ✓ and 3) receive any grants or loans from a local governmental unit.

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:

6 SECTION 1. 16.75 (6) (e) ✓ of the statutes is amended to read:

ASSEMBLY BILL 703

SECTION 1

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
 2 of this subchapter if the governor or his or her designee finds that there exists an
 3 emergency which threatens the public health, safety or welfare and the waiver is
 4 necessary to meet the emergency. The governor or his or her designee shall require
 5 the award of each contract under this paragraph to be made with such competition
 6 as is practicable under the circumstances. The governor or his or her designee shall
 7 file with the department a statement of facts constituting the emergency for each
 8 waiver issued under this paragraph, and a statement of the basis for selection of each
 9 contractor under the emergency procedure. This paragraph does not apply to the
 10 requirement requirements specified in sub. (7) and s. ~~16.753~~ 16.756

11 SECTION 2. ~~16.753~~ ^{16.756} of the statutes is created to read:

12 ~~16.753~~ ^{16.756} **Companies hiring illegal aliens.** No company that hires an illegal
 13 alien is eligible to enter into any contract with an agency for the purchase of
 14 materials, supplies, equipment, or contractual services for a period of [✓] 7 years
 15 beginning with the year in which the company hires an illegal alien. ✓

16 SECTION 3. 16.855 (18) [✓] of the statutes is amended to read:

17 16.855 (18) This Except as provided in sub. (23), [✓] this section shall not apply
 18 to restoration or reconstruction of the state capitol building, historic structures at the
 19 old world Wisconsin site and at Heritage Hill state park when the department
 20 determines that a waiver of this section would serve the best interests of this state.

21 SECTION 4. 16.855 (21) [✓] of the statutes is amended to read:

22 16.855 (21) This Except as provided in sub. (23), [✓] this section does not apply to
 23 contracts by the department of natural resources for construction work related to
 24 hazardous substance spill response under s. 292.11 or environmental repair under
 25 s. 292.31.

ASSEMBLY BILL 703

INSERT 3-1

1 SECTION 5. 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do
3 not apply to construction work for any project the estimated construction cost of
4 which does not exceed \$100,000 if the project is constructed in accordance with
5 policies and procedures prescribed by the building commission under s. 13.48 (29).
6 If the estimated construction cost of any project is at least \$30,000, and the building
7 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct
8 the project, the department shall provide adequate public notice of the project and
9 the procedures to be utilized to construct the project on a publicly accessible
10 computer site.

11 SECTION 6. 16.855 (23) of the statutes is created to read:

12 16.855 (23) No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 SECTION 7. 560.29 of the statutes is created to read:

17 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies services, equipment, or material of any kind.

ASSEMBLY BILL 703

SECTION 7

1 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
2 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
3 company that has hired an illegal alien shall, for a period of 7 years beginning with
4 the year in which the company hired an illegal alien, be ineligible to:

- 5 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 6 2. Enter into a public contract with a local governmental unit.
- 7 3. Receive any grants or loans from a local governmental unit.
- 8 4. Enter into a contract for the purchase of materials, supplies, equipment, or
9 contractual services with any agency, as defined in s. 16.70 (1e).
- 10 5. Enter into a contract for engineering or architectural services or for
11 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
12 (1e).

13 (b) Any company that has hired an illegal alien is subject to a \$10,000 fine for
14 each illegal alien ^{that} the company hires.

15 (3) RULES. The department shall promulgate rules to implement and
16 administer this section.

17 (END)

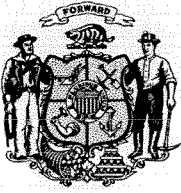
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3-1

sub. and (23) ✓



~~was (22)~~
16.855 (22) The provisions of this section, except ~~sub. (10m)~~, do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project is at least \$40,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

(end insert)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/1
JK:jld:pg

RM with R

2007 BILL

m 6-22-07

SDON

Regen

AN ACT to amend 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and to create 16.756, 16.855 (23) and 560.29 of the statutes; relating to: making companies that hire illegal aliens ineligible for certain tax exemptions, governmental contracts, grants, and loans, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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:

SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

BILL

SECTION 5. 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except ~~sub.~~ ^x subs. (10m) and (23), do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project is at least \$40,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

SECTION 6. 16.855 (23) of the statutes is created to read:

16.855 (23) No company that hires an illegal alien is eligible to enter into any contract with an agency for engineering or architectural services or for construction work, as defined in s. 16.87 (1) (a), for a period of 7 years beginning with the year in which the company hires an illegal alien.

SECTION 7. 560.29 of the statutes is created to read:

560.29 Hiring illegal aliens. (1) DEFINITIONS. In this section:

(a) "Company" means any organization or enterprise operated for profit, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company, or association.

(b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

(c) "Public contract" means a contract for the construction, execution, repair, remodeling, or improvement of a public work or building or for the furnishing of supplies services, equipment, or material of any kind.

BILL**SECTION 1**

16.75 (6) (e) The governor or his or her designee may waive any requirement of this subchapter if the governor or his or her designee finds that there exists an emergency which threatens the public health, safety or welfare and the waiver is necessary to meet the emergency. The governor or his or her designee shall require the award of each contract under this paragraph to be made with such competition as is practicable under the circumstances. The governor or his or her designee shall file with the department a statement of facts constituting the emergency for each waiver issued under this paragraph, and a statement of the basis for selection of each contractor under the emergency procedure. This paragraph does not apply to the ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

SECTION 2. ^X 16.756 of the statutes is created to read:

16.756 Companies hiring illegal aliens. No company that hires an illegal alien is eligible to enter into any contract with an agency for the purchase of materials, supplies, equipment, or contractual services for a period of 7 years beginning with the year in which the company hires an illegal alien.

SECTION 3. ^X 16.855 (18) of the statutes is amended to read:

16.855 (18) This Except as provided in sub. (23), this section shall not apply to restoration or reconstruction of the state capitol building, historic structures at the old world Wisconsin site and at Heritage Hill state park when the department determines that a waiver of this section would serve the best interests of this state.

SECTION 4. ^X 16.855 (21) of the statutes is amended to read:

16.855 (21) This Except as provided in sub. (23), this section does not apply to contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 292.11 or environmental repair under s. 292.31.

BILL

SECTION 7

(2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any company that has hired an illegal alien shall, for a period of 7 years beginning with the year in which the company hired an illegal alien, be ineligible to:

1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
2. Enter into a public contract with a local governmental unit.
3. Receive any grants or loans from a local governmental unit.
4. Enter into a contract for the purchase of materials, supplies, equipment, or contractual services with any agency, as defined in s. 16.70 (1e).
5. Enter into a contract for engineering or architectural services or for construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70 (1e).

(b) Any company that has hired an illegal alien is subject to a ~~\$10,000~~ ^{\$5,000} fine for each illegal alien that the company hires.

(3) RULES. The department shall promulgate rules to implement and administer this section.

(END)

(c) the penalty under this subsection [✓] does not apply to any company that makes a good faith effort to determine whether any ^{person} the company hires is not an illegal alien.

Kreye, Joseph

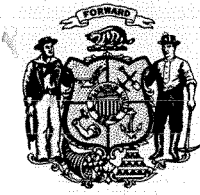
From: Rosenak, Mary Jan
Sent: Tuesday, June 26, 2007 8:20 AM
To: Kreye, Joseph
Subject: Immigration penalties

Thank you for 1033/2

Now, Representative Lasee would like to add a provision that good faith ends when an employer is notified for a non match of social security numbers. Can you do it?

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/2
JK:jld:rs

RM mtr

2007 BILL

in 6-28-07

SOON

Regen

1 AN ACT to amend 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and to
2 create 16.756, 16.855 (23) and 560.29 of the statutes; relating to: making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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:

6 SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

BILL**SECTION 1**

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756 of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien.

16 **SECTION 3.** 16.855 (18) of the statutes is amended to read:

17 16.855 (18) This Except as provided in sub. (23), this section shall not apply
18 to restoration or reconstruction of the state capitol building, historic structures at the
19 old world Wisconsin site and at Heritage Hill state park when the department
20 determines that a waiver of this section would serve the best interests of this state.

21 **SECTION 4.** 16.855 (21) of the statutes is amended to read:

22 16.855 (21) This Except as provided in sub. (23), this section does not apply to
23 contracts by the department of natural resources for construction work related to
24 hazardous substance spill response under s. 292.11 or environmental repair under
25 s. 292.31.

BILL

1 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do
3 not apply to construction work for any project that does not require the prior approval
4 of the building commission under s. 13.48 (10) (a) if the project is constructed in
5 accordance with policies and procedures prescribed by the building commission
6 under s. 13.48 (29). If the estimated construction cost of any project is at least
7 \$40,000, and the building commission elects to utilize the procedures prescribed
8 under s. 13.48 (29) to construct the project, the department shall provide adequate
9 public notice of the project and the procedures to be utilized to construct the project
10 on a publicly accessible computer site.

11 **SECTION 6.** 16.855 (23) of the statutes is created to read:

12 16.855 (23) No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a), for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 **SECTION 7.** 560.29 of the statutes is created to read:

17 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies services, equipment, or material of any kind.

BILL

1 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
2 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
3 company that has hired an illegal alien shall, for a period of 7 years beginning with
4 the year in which the company hired an illegal alien, be ineligible to:

- 5 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 6 2. Enter into a public contract with a local governmental unit.
- 7 3. Receive any grants or loans from a local governmental unit.
- 8 4. Enter into a contract for the purchase of materials, supplies, equipment, or
9 contractual services with any agency, as defined in s. 16.70 (1e).
- 10 5. Enter into a contract for engineering or architectural services or for
11 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
12 (1e).

13 (b) Any company that has hired an illegal alien is subject to a \$5,000 fine for
14 each illegal alien that the company hires.

15 (c) The penalty under this subsection does not apply to any company that
16 makes a good faith effort to determine whether any person the company hires is not
17 an illegal alien.

18 (3) RULES. The department shall promulgate rules to implement and
19 administer this section.

(END)

*except that
this paragraph does not apply to a company that
receives notice from the federal government that
an employee has provided a false or incorrect
social security number*



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/3

JK:jld:nwn

2007 BILL

Are fines
Allowable by
Federal Law?

1 AN ACT *to amend* 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and *to*
2 *create* 16.756, 16.855 (23) and 560.29 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
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Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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:

6 SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

BILL

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756 of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien.

16 **SECTION 3.** 16.855 (18) of the statutes is amended to read:

17 16.855 (18) This Except as provided in sub. (23), this section shall not apply
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19 old world Wisconsin site and at Heritage Hill state park when the department
20 determines that a waiver of this section would serve the best interests of this state.

21 **SECTION 4.** 16.855 (21) of the statutes is amended to read:

22 16.855 (21) This Except as provided in sub. (23), this section does not apply to
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BILL

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3 not apply to construction work for any project that does not require the prior approval
4 of the building commission under s. 13.48 (10) (a) if the project is constructed in
5 accordance with policies and procedures prescribed by the building commission
6 under s. 13.48 (29). If the estimated construction cost of any project is at least
7 \$40,000, and the building commission elects to utilize the procedures prescribed
8 under s. 13.48 (29) to construct the project, the department shall provide adequate
9 public notice of the project and the procedures to be utilized to construct the project
10 on a publicly accessible computer site.

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13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a), for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 **SECTION 7.** 560.29 of the statutes is created to read:

17 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

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22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies services, equipment, or material of any kind.

BILL

1 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
 2 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
 3 company that has hired an illegal alien shall, for a period of ²/₃ years ^{from conviction} beginning with
 4 the year in which the company hired an illegal alien, be ineligible to:

- 5 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 6 2. Enter into a public contract with a local governmental unit.
- 7 3. Receive any grants or loans from a local governmental unit.
- 8 4. Enter into a contract for the ~~purchase~~ ^{sale} of materials, supplies, equipment, or
 9 contractual services with any agency, as defined in s. 16.70 (1e).
- 10 5. Enter into a contract for engineering or architectural services or for
 11 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70

12 (1e).

13 (b) Any company that has hired an illegal alien is ^{up} subject to a \$5,000 fine for
 14 each illegal alien that the company hires.

15 (c) The penalty under this subsection does not apply to any company that
 16 makes a good faith effort to determine whether any person the company hires is not
 17 an illegal alien, except that this paragraph does not apply to a company that receives
 18 notice from the federal government that an employee has provided a false or
 19 incorrect social security number. ^{120 Days to correct from Fed}

20 (3) RULES. The department shall promulgate rules to implement and
 21 administer this section.

(END)

Commerce
DOA?
is this normal
or do we specify
Dept.

check
legal?

Kreye, Joseph

From: Rosenak, Mary Jan
Sent: Friday, August 10, 2007 3:11 PM
To: Kreye, Joseph
Subject: RE: 07-1033 fines rep lasee fixes.pdf

Choose the 90 days!

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870

From: Kreye, Joseph
Sent: Friday, August 10, 2007 2:16 PM
To: Rosenak, Mary Jan
Subject: RE: 07-1033 fines rep lasee fixes.pdf

Mary Jan,

1. Federal law does not prohibit the fines imposed under the bill for hiring illegal aliens.
2. The "department" on page 4, line 20 refers to the Department of Commerce ("department" is a defined term in ch. 560).
3. With regard to the exemption to the penalty provisions, the changes recommended by Rep. Lasee include giving an employer 120 days from receiving notice from the federal government to correct any problem related to social security numbers.

The Bush administration has recently announced proposed new regulations, which would take effect in 30 days, related to employer sanctions and social security numbers. The Associated Press reports this: "The administration rolled out a proposed rule that will require employers to fire employees unable to clear up problems with their Social Security numbers 90 days after they've been notified of such discrepancies in so-called "no match letters." Employers who fail to comply will face possible criminal fines and sanctions."

Do you want to retain the 120-day correction provision or do you want to make it 90 days, consistent with the proposed new federal regulations? In other words, do you want employers who comply with the new federal regulations to be exempt from the penalties provided in the bill?

Joe

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

From: Rosenak, Mary Jan
Sent: Friday, August 10, 2007 10:12 AM
To: Kreye, Joseph
Subject: 07-1033 fines rep lasee fixes.pdf

Attached is a copy of 1033/3 with some changes Rep. Lasee would like to see.

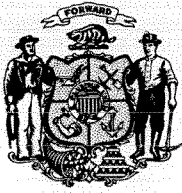
Also Representative Lasee would like to know if Federal Law prevents penalties to employers?

Thanks,

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870

<< File: 07-1033 fines rep lasee fixes.pdf >>



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/3
JK:jld:nwn

RMR

2007 BILL

in 8-12-07

D-N

due Fri. 8-18-07

Regen

1 AN ACT *to amend* 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and *to*
2 *create* 16.756, 16.855 (23) and 560.29 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties. ✓

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Under this bill, any company that has hired illegal aliens is, for a period of ~~seven~~ ^{two} years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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BILL

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
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7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

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20 determines that a waiver of this section would serve the best interests of this state.

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22 16.855 (21) ~~This~~ Except as provided in sub. (23), this section does not apply to
23 contracts by the department of natural resources for construction work related to
24 hazardous substance spill response under s. 292.11 or environmental repair under
25 s. 292.31.

*is subject to penalties and
sanctions under federal law
for hiring*

BILL

1 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except sub. ~~subs.~~ (10m) and (23), do
3 not apply to construction work for any project that does not require the prior approval
4 of the building commission under s. 13.48 (10) (a) if the project is constructed in
5 accordance with policies and procedures prescribed by the building commission
6 under s. 13.48 (29). If the estimated construction cost of any project is at least
7 \$40,000, and the building commission elects to utilize the procedures prescribed
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11 **SECTION 6.** 16.855 (23) of the statutes is created to read:

12 16.855 (23) No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a), for a period of ~~10~~ ³ years beginning with the year in
15 which the company hires an illegal alien. *is subject to penalties and sanctions under federal law for hiring*

16 **SECTION 7.** 560.29 of the statutes is created to read:

17 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies services, equipment, or material of any kind.

BILL

is subject to penalties and sanctions under federal law for hiring

1 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
2 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
3 company that has hired an illegal alien shall, for a period of ⁹² 0 years beginning with
4 the year in which the company ~~hired~~ an illegal alien, be ineligible to:

- 5 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 6 2. Enter into a public contract with a local governmental unit.
- 7 3. Receive any grants or loans from a local governmental unit.
- 8 4. Enter into a contract for the ~~purchase~~ ^{sale} of materials, supplies, equipment, or
9 contractual services with any agency, as defined in s. 16.70 (1e).
- 10 5. Enter into a contract for engineering or architectural services or for
11 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
12 (1e).

of not more than \$5,000

13 (b) Any company that has hired an illegal alien is subject to a ~~\$5,000~~ fine for
14 each illegal alien that the company hires.

15 (c) The penalty under this subsection does not apply to any company that
16 makes a good faith effort to determine whether any person the company hires is not
17 an illegal alien, except that this paragraph does not apply to a company that receives
18 notice from the federal government that an employee has provided a false or
19 incorrect social security number.

20 (3) RULES. The department shall promulgate rules to implement and
21 administer this section.

(END)

unless the company corrects the problem described in the notice, in the manner prescribed under federal law, no later than 90 days after receiving the notice

Kreye, Joseph

1033

From: Rosenak, Mary Jan
Sent: Monday, August 20, 2007 1:59 PM
To: Kreye, Joseph
Subject: FW: Fining Employers for hiring illegal aliens

Up for draft 5?

Shorten the time period to 30 days, even shorter than federal.

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870

"Rosenak, Mary Jan" <MaryJan.Rosenak@legis.wisconsin.gov> wrote:

Federal law does not prohibit fines for hiring illegal aliens. (I have it in writing from LRB)

You chose 120 days to correct non-match, looks like 90 will be federal number, so want to go with the shorter number?

The Bush administration has recently announced proposed new regulations, which would take effect in 30 days, related to employer sanctions and social security numbers. The Associated Press reports this: "The administration rolled out a proposed rule that will require employers to fire employees unable to clear up problems with their Social Security numbers 90 days after they've been notified of such discrepancies in so-called "no match letters." Employers who fail to comply will face possible criminal fines and sanctions."

Shape Yahoo! in your own image. [Join our Network Research Panel today!](#)

08/20/2007



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/4
JK:jld:sh

5
RM not R

2007 BILL

in 8-20-07

500M

Regen

1 AN ACT to amend 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and to
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Under this bill, any company that has hired illegal aliens is, for a period of two years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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BILL**SECTION 1**

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756^x of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 2 years
15 beginning with the year in which the company is subject to penalties and sanctions
16 under federal law for hiring an illegal alien.

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18 16.855 (18) ~~This~~ Except as provided in sub. (23), this section shall not apply
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21 determines that a waiver of this section would serve the best interests of this state.

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23 16.855 (21) ~~This~~ Except as provided in sub. (23), this section does not apply to
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BILL

1 hazardous substance spill response under s. 292.11 or environmental repair under
2 s. 292.31.

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4 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do
5 not apply to construction work for any project that does not require the prior approval
6 of the building commission under s. 13.48 (10) (a) if the project is constructed in
7 accordance with policies and procedures prescribed by the building commission
8 under s. 13.48 (29). If the estimated construction cost of any project is at least
9 \$40,000, and the building commission elects to utilize the procedures prescribed
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11 public notice of the project and the procedures to be utilized to construct the project
12 on a publicly accessible computer site.

13 **SECTION 6.** 16.855 (23)^x of the statutes is created to read:

14 16.855 (23) No company that hires an illegal alien is eligible to enter into any
15 contract with an agency for engineering or architectural services or for construction
16 work, as defined in s. 16.87 (1) (a), for a period of 2 years beginning with the year in
17 which the company is subject to penalties and sanctions under federal law for hiring
18 an illegal alien.

19 **SECTION 7.** 560.29^x of the statutes is created to read:

20 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

21 (a) "Company" means any organization or enterprise operated for profit,
22 including a proprietorship, partnership, firm, business trust, joint venture,
23 syndicate, corporation, limited liability company, or association.

24 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

BILL

1 (c) "Public contract" means a contract for the construction, execution, repair,
2 remodeling, or improvement of a public work or building or for the furnishing of
3 supplies services, equipment, or material of any kind.

4 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
5 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
6 company that has hired an illegal alien shall, for a period of 2 years beginning with
7 the year in which the company is subject to penalties and sanctions under federal law
8 for hiring an illegal alien, be ineligible to:

- 9 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 10 2. Enter into a public contract with a local governmental unit.
- 11 3. Receive any grants or loans from a local governmental unit.
- 12 4. Enter into a contract for the sale of materials, supplies, equipment, or
- 13 contractual services with any agency, as defined in s. 16.70 (1e).
- 14 5. Enter into a contract for engineering or architectural services or for
- 15 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
- 16 (1e).

17 (b) Any company that has hired an illegal alien is subject to a fine of not more
18 than \$5,000 for each illegal alien that the company hires.

19 (c) The penalty under this subsection does not apply to any company that
20 makes a good faith effort to determine whether any person the company hires is not
21 an illegal alien, except that this paragraph does not apply to a company that receives
22 notice from the federal government that an employee has provided a false or
23 incorrect social security number, unless the company corrects the problem described
24 in the notice, in the manner prescribed under federal law, no later than 90 days after
25 receiving the notice.

30 ✓

Kreye, Joseph

From: Rosenak, Mary Jan
Sent: Wednesday, August 22, 2007 4:37 PM
To: Kreye, Joseph
Subject: RE: 07-1033 immigration

Now, we are up to 1033/6. Or should this be a different bill:

Please add a provision that federal no-match letters must be kept and produced. Failure to produce no-match letters to be punished same as having illegal employee.

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870

From: Kreye, Joseph
Sent: Friday, August 10, 2007 2:16 PM
To: Rosenak, Mary Jan
Subject: RE: 07-1033 fines rep lasee fixes.pdf

Mary Jan,

1. Federal law does not prohibit the fines imposed under the bill for hiring illegal aliens.
2. The "department" on page 4, line 20 refers to the Department of Commerce ("department" is a defined term in ch. 560).
3. With regard to the exemption to the penalty provisions, the changes recommended by Rep. Lasee include giving an employer 120 days from receiving notice from the federal government to correct any problem related to social security numbers.

The Bush administration has recently announced proposed new regulations, which would take effect in 30 days, related to employer sanctions and social security numbers. The Associated Press reports this: "The administration rolled out a proposed rule that will require employers to fire employees unable to clear up problems with their Social Security numbers 90 days after they've been notified of such discrepancies in so-called "no match letters." Employers who fail to comply will face possible criminal fines and sanctions."

Do you want to retain the 120-day correction provision or do you want to make it 90 days, consistent with the proposed new federal regulations? In other words, do you want employers who comply with the new federal regulations to be exempt from the penalties provided in the bill?

Joe

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

From: Rosenak, Mary Jan

Sent: Friday, August 10, 2007 10:12 AM
To: Kreye, Joseph
Subject: 07-1033 fines rep lasee fixes.pdf

Attached is a copy of 1033/3 with some changes Rep. Lasee would like to see.

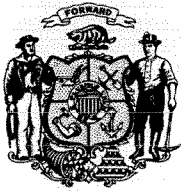
Also Representative Lasee would like to know if Federal Law prevents penalties to employers?

Thanks,

Mary Jan Rosenak

Research Assistant
Office of State Representative Frank Lasee
Second Assembly District
105 West - State Capitol
608-266-9870

<< File: 07-1033 fines rep lasee fixes.pdf >>



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1033/5

JK:jld:rs

RM mtr

2007 BILL

in 8-22-07

Regen

1 AN ACT *to amend* 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and *to*
2 *create* 16.756, 16.855 (23) and 560.29 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of two years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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:

6 SECTION 1. 16.75 (6) (e) ^X of the statutes is amended to read:

BILL**SECTION 1**

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756^x of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 2 years
15 beginning with the year in which the company is subject to penalties and sanctions
16 under federal law for hiring an illegal alien.

17 **SECTION 3.** 16.855 (18)^x of the statutes is amended to read:

18 16.855 (18) ~~This~~ Except as provided in sub. (23), this section shall not apply
19 to restoration or reconstruction of the state capitol building, historic structures at the
20 old world Wisconsin site and at Heritage Hill state park when the department
21 determines that a waiver of this section would serve the best interests of this state.

22 **SECTION 4.** 16.855 (21)^x of the statutes is amended to read:

23 16.855 (21) ~~This~~ Except as provided in sub. (23), this section does not apply to
24 contracts by the department of natural resources for construction work related to

BILL

1 hazardous substance spill response under s. 292.11 or environmental repair under
2 s. 292.31.

3 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

4 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do
5 not apply to construction work for any project that does not require the prior approval
6 of the building commission under s. 13.48 (10) (a) if the project is constructed in
7 accordance with policies and procedures prescribed by the building commission
8 under s. 13.48 (29). If the estimated construction cost of any project is at least
9 \$40,000, and the building commission elects to utilize the procedures prescribed
10 under s. 13.48 (29) to construct the project, the department shall provide adequate
11 public notice of the project and the procedures to be utilized to construct the project
12 on a publicly accessible computer site.

13 **SECTION 6.** 16.855 (23) of the statutes is created to read:

14 16.855 (23) No company that hires an illegal alien is eligible to enter into any
15 contract with an agency for engineering or architectural services or for construction
16 work, as defined in s. 16.87 (1) (a), for a period of 2 years beginning with the year in
17 which the company is subject to penalties and sanctions under federal law for hiring
18 an illegal alien.

19 **SECTION 7.** 560.29 of the statutes is created to read:

20 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

21 (a) "Company" means any organization or enterprise operated for profit,
22 including a proprietorship, partnership, firm, business trust, joint venture,
23 syndicate, corporation, limited liability company, or association.

24 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

BILL

1 (c) "Public contract" means a contract for the construction, execution, repair,
2 remodeling, or improvement of a public work or building or for the furnishing of
3 supplies services, equipment, or material of any kind.

4 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
5 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
6 company that has hired an illegal alien shall, for a period of 2 years beginning with
7 the year in which the company is subject to penalties and sanctions under federal law
8 for hiring an illegal alien, be ineligible to:

9 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.

10 2. Enter into a public contract with a local governmental unit.

11 3. Receive any grants or loans from a local governmental unit.

12 4. Enter into a contract for the sale of materials, supplies, equipment, or
13 contractual services with any agency, as defined in s. 16.70 (1e).

14 5. Enter into a contract for engineering or architectural services or for
15 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
16 (1e).

17 (b) Any company that has hired an illegal alien is subject to a fine of not more
18 than \$5,000 for each illegal alien that the company hires. *Paragraphs (a) and (b) do*

19 (c) ~~The penalty under this subsection does~~ not apply to any company that
20 makes a good faith effort to determine whether any person the company hires is not
21 an illegal alien, except that this paragraph does not apply to a company that receives
22 notice from the federal government that an employee has provided a false or
23 incorrect social security number, unless the company corrects the problem described
24 in the notice, in the manner prescribed under federal law, no later than 30 days after
25 receiving the notice. *an entity doing business in this state that receives*

a notice described in this paragraph shall keep the notice for the period prescribed by the department and shall submit the notice to the department at the department's request. An entity that fails to submit the notice is subject to the penalties under pars. (a) and (b). ← fails

Parisi, Lori

From: Rosenak, Mary Jan
Sent: Wednesday, December 19, 2007 12:06 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1033/6 Topic: Denying certain benefits to companies that hire illegal aliens

Please Jacket LRB 07-1033/6 for the ASSEMBLY.

Mary Jan Rosenak
Office of Representative Lasee
266-9870