

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-AB376)**

Received: 01/07/2012

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Knilans (608) 266-7503**

By/Representing: **Rep. Knilans**

May Contact:

Drafter: **mgallagh**

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

Addl. Drafters:

Extra Copies: **JK**

Submit via email: **YES**

Requester's email: **Rep.Knilans@legis.wi.gov**

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Fix commerce issue

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**Instructions:**

See attached

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**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>
/?	mgallagh 01/09/2012	mduchek 01/09/2012		_____			
/1			jfrantze 01/09/2012	_____	sbasford 01/09/2012	sbasford 01/09/2012	

FE Sent For:

<END>

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/?	mgallagh			<u>1/9</u>			
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FE Sent For:

1/9/12

<END>

**Gallagher, Michael**

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**From:** Rep.Knilans  
**Sent:** Thursday, January 05, 2012 2:53 PM  
**To:** Gallagher, Michael  
**Subject:** RE: Portability Bill Memo

Hello Michael,

I will speak with Rep.Knilans about an Amendment to address this issue. Thank you for getting the memo to our office so fast. I will be in touch.

Best,

**Kristy Curry**

*Office of Representative Joe Knilans  
608-266-7503  
7W State Capitol*

*Per Rep. Knilans,  
go ahead with Amendment*

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**From:** Gallagher, Michael  
**Sent:** Tuesday, January 03, 2012 11:35 AM  
**To:** Curry, Kristy  
**Cc:** Rep.Knilans; Kreye, Joseph  
**Subject:** RE: Portability Bill Memo

Kristy:

I hope you had a good new year.

As requested, attached is a letter confirming that 2011 AB 376 does not create any new tax credit. Based on a telephone conversation I had with Representative Knilans at the end of last week, the attached letter also confirms that AB 376 does not permit the use of existing tax credits awarded by the Wisconsin Economic Development Corporation (WEDC) or the former Department of Commerce (Commerce), except as provided by law or as otherwise authorized by WEDC under the provisions of AB 376.

Please let me know if anything in the letter is not clear.

Also, a Fiscal Bureau analyst has raised a potential issue with respect to a limited portion of the language of AB 376. The bill's language may give rise to an ambiguity concerning tax credits awarded by Commerce. Specifically, under AB 376, a person who, beginning on January 1, 2011, "is certified or otherwise authorized" by Commerce to claim a tax credit may apply to WEDC to sell or transfer the credit. Under the bill's current language, it is not clear whether the original certification had to be issued by Commerce on or after January 1, 2011 or whether it is enough that a person held a valid tax credit certification that was issued by Commerce at any time and that the person had not yet claimed against the person's tax liability as of January 1, 2011.

Please contact me if Representative Knilans wishes to have an amendment drafted to address this issue and clarify the intent for the bill.

Thank you.

Mike

**Michael P. Gallagher**  
Legislative Attorney  
Legislative Reference Bureau  
(608) 267-7511  
michael.gallagher@legis.wisconsin.gov

<< File: Rep. Knilans re AB 37601.pdf >>

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**From:** Curry, Kristy  
**Sent:** Wednesday, December 28, 2011 3:25 PM  
**To:** Gallagher, Michael  
**Subject:** Portability Bill Memo

Hello Mike,

Rep. Knilans was wondering if you could draft a memo to him stating that in his portability of tax credit bill there are no new tax credit programs created. They are just using existing ones. I am out of the office until the 5<sup>th</sup>, but will be able to remote access my personal box. He is just looking for a memo by the 10<sup>th</sup> for a meeting his is going to attend.

Hope your holidays went well. Let me know if you have questions.

**Kristy Curry << File: AB-376.pdf >>**

*Office of Representative Joe Knilans*

*608-266-7503*

*7W State Capitol*



*med*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO 2011 ASSEMBLY BILL 376**

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

2 1. Page 2, line 6: delete the material beginning with "is" and ending with

3 "credit" on page 3, line 1, and substitute

4 "the corporation certifies or otherwise authorizes to claim a tax credit, or who  
5 the department of commerce certified or otherwise authorized under ch. 560, 2009  
6 stats., to claim a tax credit if that certification or authorization was issued by the  
7 department after December 31, 2010.

8 (END)