

2011 DRAFTING REQUEST

Bill

Received: **05/26/2011**

Received By: **jkreye**

Wanted: **As time permits**

Companion to LRB:

For: **Dave Hansen (608) 266-5670**

By/Representing: **jay**

May Contact:

Drafter: **jkreye**

Subject: **Tax, Business - credits**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Penalties for hiring persons who are not legally in this country

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 05/26/2011	jdyer 05/27/2011		_____			S&L
/1			mduchek 05/31/2011	_____	mbarman 05/31/2011	mbarman 06/16/2011	

FE Sent For:

*At into
6/27/2011*

<END>

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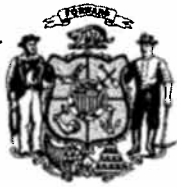
See attached

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1/?	jkreye	1/27 JLD	MD	RS PH			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3607/1
JK:jld&gfrs

2156/1

↑ keep

2011

LPS
PWF

~~2009~~ SENATE BILL 600

in thru 5-26

SOON

March 9, 2010 - Introduced by Senators HANSEN, LEHMAN, DECKER, SULLIVAN, HOLPERIN, SCHULTZ and ERPENBACH, cosponsored by Representatives SCHNEIDER, STASKUNAS and SUDER. Referred to Committee on Labor, Elections and Urban Affairs.

X

Gen

✓ persons who are not legally in the United States

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 560.286 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:

✓ a person who is not legally in the United States

SENATE BILL 600

SECTION 1

a person who is not legally in the United States

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
 2 of this subchapter *except s. 16.705 (1r), ← plain* 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~~ *persons*** 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~~ *such a person*

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.

SENATE BILL 600

a person who is not legally in the United States

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

16.855 (22) The provisions of this section, except sub. 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. 560.286 of the statutes is created to read:

560.286 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.

persons

SENATE BILL 600

use twice

a person who is not legally in the United States

(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 in violation of 8 USC 1324a (a), 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 fine for each illegal alien the company hires.

(c) Paragraphs (a) and (b) do not apply to any company that makes a good faith effort to determine whether any person the company hires is not an illegal alien, 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, unless the company addresses the problem described in the notice, in the manner prescribed under federal law. 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).

such a person

legally in the United States

such person

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Godwin, Gigi

From: Wagnitz, John
Sent: Wednesday, June 15, 2011 6:18 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2156/1 Topic: Penalties for hiring persons who are not legally in this country

Please Jacket LRB 11-2156/1 for the SENATE.