



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0222/1
JK:wlj:rs

**ASSEMBLY AMENDMENT 2,
TO SENATE BILL 1**

March 6, 2013 – Offered by Representatives SINICKI, KAHL, JOHNSON, BARNES, GOYKE, OHNSTAD, WRIGHT, BILLINGS, PASCH, BARCA, JORGENSEN, ZAMARRIPA, POPE, BEWLEY, HEBL, RINGHAND, BERCEAU, CLARK, HULSEY, VRUWINK, DANOU, RICHARDS, SMITH, GENRICH, SHANKLAND, BERNARD SCHABER, DOYLE, WACHS, YOUNG, ZEPNICK, HESSELBEIN, RIEMER and KOLSTE.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 3, line 4: after that line insert:

4 “**SECTION 3d.** 20.445 (1) (gm) of the statutes is created to read:

5 20.445 (1) (gm) *Mining industry jobs training grants.* All moneys credited to
6 this appropriation account under s. 70.395 (1e) (a), for mining skills training grants
7 under s. 106.05 and for mining equipment manufacturing training grants under s.
8 106.35.”.

9 **2.** Page 7, line 4: after that line insert:

10 “**SECTION 29d.** 70.375 (2) (a) of the statutes is amended to read:

11 70.375 (2) (a) ~~In~~ Except as provided in subs. (2b) and (2c), with respect to mines
12 not in operation on November 28, 1981, there is imposed upon persons engaged in
13 mining metalliferous minerals in this state a net proceeds occupation tax effective

1 on the date on which extraction begins to compensate the state and municipalities
2 for the loss of valuable, irreplaceable metalliferous minerals. The amount of the tax
3 shall be determined by applying the rates established under sub. (5) to the net
4 proceeds of each mine. The net proceeds of each mine for each year are the difference
5 between the gross proceeds and the deductions allowed under sub. (4) for the year.

6 **SECTION 29e.** 70.375 (2b) of the statutes is created to read:

7 70.375 (2b) MINIMUM TAX. With respect to mines in operation after December
8 31, 2012, beginning with the month in which a permit is issued to a person under s.
9 295.58, and for each of the 60 months following that month, the amount of the tax
10 imposed on that person is the greater of the tax computed under sub. (2) or an amount
11 equal to \$83,333 for each month.

12 **SECTION 29f.** 70.375 (2c) of the statutes is created to read:

13 70.375 (2c) CREDIT. With respect to mines in operation after December 31,
14 2012, if a person subject to sub. (2b) would have paid less tax under sub. (2) than
15 under sub. (2b), the person may claim as a credit against the tax imposed under sub.
16 (2) or (2b) an amount equal to the difference between the amount paid under sub. (2b)
17 and the amount that the person would have paid under sub. (2), except that the
18 person may not claim a credit amount that would result in less than the total
19 minimum tax liability computed under sub. (2b) for the period for which the person
20 is subject to sub. (2b). The person may carry forward the amount of any unused credit
21 under this subsection, as adjusted under sub. (6), to claim against the person's tax
22 liability in subsequent years until the total amount of the credit is used.”.

23 **3.** Page 7, line 12: after that line insert:

24 “**SECTION 30e.** 70.375 (6) of the statutes is amended to read:

1 70.375 (6) INDEXING. For calendar year 1983 and corresponding fiscal years and
2 thereafter, the dollar amounts in sub. (5) and s. 70.395 (1) and (2) (d) 1m. and 5. a.
3 and (dg), and the amount of any unused credit under sub. (2c), shall be changed to
4 reflect the percentage change between the gross national product deflator for June
5 of the current year and the gross national product deflator for June of the previous
6 year, as determined by the U.S. department of commerce as of December 30 of the
7 year for which the taxes are due, except that no annual increase may be more than
8 10%. For calendar year 1983 and corresponding fiscal years and thereafter until
9 calendar year 1997 and corresponding fiscal years, the dollar amounts in s. 70.395
10 (1m), 1995 stats., shall be changed to reflect the percentage change between the gross
11 national product deflator for June of the current year and the gross national product
12 deflator for June of the previous year, as determined by the U.S. department of
13 commerce as of December 30 of the year for which the taxes are due, except that no
14 annual increase may be more than 10%. The revised amounts shall be rounded to
15 the nearest whole number divisible by 100 and shall not be reduced below the
16 amounts under sub. (5) on November 28, 1981. Annually, the department shall
17 adopt any changes in dollar amounts required under this subsection and incorporate
18 them into the appropriate tax forms.”.

19 **4.** Page 7, line 18: delete the material beginning with that line and ending with
20 page 8, line 2 and substitute:

21 “**SECTION 32d.** 70.395 (1e) of the statutes is renumbered 70.395 (1e) (intro.) and
22 amended to read:

23 70.395 (1e) DISTRIBUTION. (intro.) Fifteen days after the collection of the tax
24 under ss. 70.38 to 70.39, the department of administration, upon certification of the

1 department of revenue, shall transfer the amount collected in respect to mines not
2 in operation on November 28, 1981, to the investment and local impact fund., except
3 as follows:

4 **SECTION 32e.** 70.395 (1e) (a) of the statutes is created to read:

5 70.395 (1e) (a) From the amount collected from a person who is issued a permit
6 under s. 295.58, the department of administration shall transfer, as provided under
7 par. (b), any amount in excess of \$1,000,000 annually, or \$2,000,000 total, collected
8 from any such person.

9 **SECTION 32f.** 70.395 (1e) (b) of the statutes is created to read:

10 70.395 (1e) (b) Except as provided under par. (a), the department of
11 administration shall transfer 60 percent of the amount collected from each person
12 extracting ferrous metallic minerals in this state to the investment and local impact
13 fund and 40 percent of the amount collected from any such person into the economic
14 development fund.”.

15 **5.** Page 8, line 23: after that line insert:

16 “**SECTION 36d.** 70.395 (2) (dg) of the statutes is amended to read:

17 70.395 (2) (dg) Each person constructing a metalliferous mining site shall pay
18 to the department of revenue for deposit in the investment and local impact fund, as
19 a construction fee, an amount sufficient to make the construction period payments
20 under par. (d) 5. in respect to that site. Any person paying a construction fee under
21 this paragraph may credit against taxes due under s. 70.375 an amount equal to the
22 payments that the taxpayer has made under this paragraph, provided that the credit
23 does not reduce the taxpayer’s liability under s. 70.375 below the amount needed to
24 make the first-dollar payments under par. (d) 1., 2. and 2m. for that year in respect

1 to the taxpayer’s mine. For the first 24 months following the month in which the
2 taxpayer is issued a permit under s. 295.58, the taxpayer may not use the credit to
3 reduce the taxpayer’s liability under s. 70.375 below the minimum amount required
4 under s. 70.375 (2b), but the taxpayer may use the credit in subsequent years to
5 reduce the taxpayer’s liability under s. 70.375 below the minimum amount required
6 under s. 70.375 (2b). Any amount not creditable because of that limitation in any
7 year may be carried forward.”.

8 **6.** Page 12, line 22: after that line insert:

9 “SECTION 43d. 106.05 of the statutes is created to read:

10 **106.05 Mining skills training grants.** From the appropriation account
11 under s. 20.445 (1) (gm), the department, in consultation with the Wisconsin
12 Economic Development Corporation, shall award a grant annually of not more than
13 \$500,000 to Cooperative Educational Service Agency Number 12 or to an
14 organization operating a skills improvement apprenticeship program that is
15 authorized to administer the operating engineers certification program and to
16 provide training in the operation of heavy equipment for the purposes of
17 establishing, funding, and facilitating cross-training partnership programs
18 between that agency and that organization.

19 SECTION 43e. 106.35 of the statutes is created to read:

20 **106.35 Mining equipment manufacturing training grants.** From the
21 appropriation account under s. 20.445 (1) (gm), the department, in consultation with
22 the Wisconsin Economic Development Corporation, shall award a grant annually of
23 not more than \$500,000 to Cooperative Educational Service Agency Number 1 or to
24 an organization operating an economic and workforce development center in the

