



## 2009 SENATE BILL 439

December 23, 2009 - Introduced by Senators SULLIVAN, KREITLOW, HOLPERIN, LEHMAN, LEIBHAM, WIRCH, PLALE, MILLER, LASSA, SCHULTZ, DARLING, VINEHOUT and TAYLOR, cosponsored by Representatives MOLEPSKE JR., DEXTER, ROYS, TURNER, POPE-ROBERTS, ZIEGELBAUER, KERKMAN, STASKUNAS, CLARK, ZEPNICK, BERNARD SCHABER, STRACHOTA, LOTHIAN, BIES, FIELDS, GUNDERSON, VOS and ZIGMUNT. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1     **AN ACT to amend** 71.01 (6) (t), 71.01 (6) (u), 71.01 (6) (um), 71.22 (4) (t), 71.22  
2           (4) (u), 71.22 (4) (um), 71.22 (4m) (r), 71.22 (4m) (s), 71.22 (4m) (sm), 71.26 (2)  
3           (b) 20., 71.26 (2) (b) 21., 71.26 (2) (b) 22., 71.34 (1g) (t), 71.34 (1g) (u), 71.34 (1g)  
4           (um), 71.42 (2) (s), 71.42 (2) (t) and 71.42 (2) (tm) of the statutes; **relating to:**  
5           adopting Internal Revenue Code provisions related to individual retirement  
6           accounts and adopting provisions of the Heroes Earnings Assistance and Relief  
7           Tax Act of 2008 for state income and franchise tax purposes.

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### *Analysis by the Legislative Reference Bureau*

Under federal law, section 512 of Public Law 109-222, the Tax Increase Prevention and Reconciliation Act of 2005, allows taxpayers who have adjusted gross income over \$100,000 to convert amounts from a traditional individual retirement account (IRA) to a Roth IRA and pay the federal tax on the IRA distribution over two years. This bill adopts section 512 of Public Law 109-222 for state income and franchise tax purposes.

This bill also adopts, for state income and franchise tax purposes, changes to the Internal Revenue Code, made by the federal Heroes Earnings Assistance and Relief Tax Act of 2008, that do all of the following:

1. Makes permanent the provision that allows members of the National Guard and the U.S. military reserves to make, without penalty, withdrawals from

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individual retirement accounts (IRAs), if they are called to active duty for a period that exceeds 179 days.

2. Allows individuals who receive a military death gratuity to contribute that amount to a Roth IRA, notwithstanding the annual contribution limit that would otherwise apply.

3. Allows reservists called to active duty to withdraw amounts from their health flexible spending accounts without incurring penalties.

4. Excludes from gross income any state or local bonus payment made to members of the U.S. military or their dependents, if the payment was made because of the member's service in a combat zone.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 71.01 (6) (t) of the statutes, as affected by 2009 Wisconsin Act 28,  
2           is amended to read:  
3           71.01 **(6)** (t) For taxable years that begin after December 31, 2006, and before  
4           January 1, 2008, for natural persons and fiduciaries, except fiduciaries of nuclear  
5           decommissioning trust or reserve funds, "Internal Revenue Code" means the federal  
6           Internal Revenue Code as amended to December 31, 2006, excluding sections 103,  
7           104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
8           (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
9           104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
10          P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
11          sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
12          308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
13          422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
14          1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of

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1 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
2 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
3 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and  
4 P.L. 109-432, and as amended by P.L. 110-245, excluding sections 101, 102, 103, 104,  
5 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
6 110-245, and P.L. 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203,  
7 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
8 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
9 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
10 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
11 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
13 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
14 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
15 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
16 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
17 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
18 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
19 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
20 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
21 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
22 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
23 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
24 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
25 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it

**SENATE BILL 439****SECTION 1**

1 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.  
2 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
3 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,  
4 P.L. 110–245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
5 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110–245, and P.L. 110–458. The  
6 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
7 purposes. Amendments to the federal Internal Revenue Code enacted after  
8 December 31, 2006, do not apply to this paragraph with respect to taxable years  
9 beginning after December 31, 2006, and before January 1, 2008, except that changes  
10 to the Internal Revenue Code made by P.L. 110–245, excluding sections 101, 102, 103,  
11 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
12 P.L. 110–245, and P.L. 110–458, and changes that indirectly affect the provisions  
13 applicable to this subchapter made by P.L. 110–245, excluding sections 101, 102, 103,  
14 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
15 P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes at the same time as for  
16 federal purposes.

17 **SECTION 2.** 71.01 (6) (u) of the statutes, as created by 2009 Wisconsin Act 28,  
18 is amended to read:

19 71.01 (6) (u) For taxable years that begin after December 31, 2007, and before  
20 January 1, 2009, for natural persons and fiduciaries, except fiduciaries of nuclear  
21 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal  
22 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,  
23 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
24 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
25 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,

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1 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
2 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
3 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
4 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
5 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
6 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
7 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
8 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
9 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
10 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections 101, 102, 103, 104,  
11 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
12 110-245, and P.L. 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203,  
13 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
14 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
15 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
16 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
17 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
18 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
19 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
20 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
21 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
22 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
23 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
24 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
25 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,

**SENATE BILL 439****SECTION 2**

1 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
3 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
4 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
5 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
6 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
7 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
8 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
9 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
10 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
11 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458. The  
12 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
13 purposes. Amendments to the federal Internal Revenue Code enacted after  
14 December 31, 2007, do not apply to this paragraph with respect to taxable years  
15 beginning after December 31, 2007, and before January 1, 2009, except that changes  
16 to the Internal Revenue Code made by P.L. 110-245, excluding sections 101, 102, 103,  
17 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
18 P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the provisions  
19 applicable to this subchapter made by P.L. 110-245, excluding sections 101, 102, 103,  
20 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
21 P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for  
22 federal purposes.

23 **SECTION 3.** 71.01 (6) (um) of the statutes, as created by 2009 Wisconsin Act 28,  
24 is amended to read:

**SENATE BILL 439**

1           71.01 (6) (um) For taxable years that begin after December 31, 2008, for  
2 natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust  
3 or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code  
4 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.  
5 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
7 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
8 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
9 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
10 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
11 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
12 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section  
13 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
14 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and  
15 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28,  
16 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,  
17 P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202,  
18 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.  
19 110-343, and P.L. 110-351 and as indirectly affected by P.L. 99-514, P.L. 100-203,  
20 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
21 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
22 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
23 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
24 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
25 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.

**SENATE BILL 439****SECTION 3**

1 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.  
2 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,  
3 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.  
4 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.  
5 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
6 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
7 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
8 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
9 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
10 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
11 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
12 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
13 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
14 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
15 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
16 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
17 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
18 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458<sub>2</sub>. The  
19 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
20 purposes. Amendments to the federal Internal Revenue Code enacted after  
21 December 31, 2008, do not apply to this paragraph with respect to taxable years  
22 beginning after December 31, 2008.

23 **SECTION 4.** 71.22 (4) (t) of the statutes, as affected by 2009 Wisconsin Act 28,  
24 is amended to read:

**SENATE BILL 439**

1           71.22 (4) (t) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
2 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after  
3 December 31, 2006, and before January 1, 2008, means the federal Internal Revenue  
4 Code as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.  
5 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
7 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
8 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
9 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
10 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
11 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
12 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
13 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
14 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
15 P.L. 109-222, sections 811 and 844 of P.L. 109-280, and P.L. 109-432, and as  
16 amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
17 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
18 110-458, and as indirectly affected in the provisions applicable to this subchapter by  
19 P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2),  
20 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L.  
21 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.  
22 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.  
23 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and  
24 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.  
25 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

**SENATE BILL 439****SECTION 4**

1 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
2 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
3 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
4 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
5 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
6 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
7 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
8 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
9 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,  
10 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
11 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
12 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
13 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
14 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
15 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
16 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
17 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
18 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
19 P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin  
20 purposes at the same time as for federal purposes. Amendments to the federal  
21 Internal Revenue Code enacted after December 31, 2006, do not apply to this  
22 paragraph with respect to taxable years beginning after December 31, 2006, and  
23 before January 1, 2008, except that changes to the Internal Revenue Code made by  
24 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
25 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and

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1 changes that indirectly affect the provisions applicable to this subchapter made by  
2 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
3 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply  
4 for Wisconsin purposes at the same time as for federal purposes.

5 **SECTION 5.** 71.22 (4) (u) of the statutes, as created by 2009 Wisconsin Act 28,  
6 is amended to read:

7 71.22 (4) (u) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
8 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after  
9 December 31, 2007, and before January 1, 2009, means the federal Internal Revenue  
10 Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.  
11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
13 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
14 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
15 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
16 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
17 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
18 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
19 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
20 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
21 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
22 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as  
23 amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
24 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
25 110-458, and as indirectly affected in the provisions applicable to this subchapter by

**SENATE BILL 439****SECTION 5**

1 P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2),  
2 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L.  
3 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.  
4 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.  
5 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and  
6 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.  
7 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
8 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
9 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
10 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
11 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
12 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
13 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
14 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
15 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
16 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,  
17 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
18 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
19 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
20 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
21 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
22 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
23 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
24 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
25 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of

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1 P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin  
2 purposes at the same time as for federal purposes. Amendments to the federal  
3 Internal Revenue Code enacted after December 31, 2007, do not apply to this  
4 paragraph with respect to taxable years beginning after December 31, 2007, and  
5 before January 1, 2009, except that changes to the Internal Revenue Code made by  
6 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
7 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
8 changes that indirectly affect the provisions applicable to this subchapter made by  
9 P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

10 **SECTION 6.** 71.22 (4) (um) of the statutes, as created by 2009 Wisconsin Act 28,  
11 is amended to read:

12 71.22 (4) (um) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
13 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after  
14 December 31, 2008, means the federal Internal Revenue Code as amended to  
15 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections  
16 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),  
17 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.  
18 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.  
19 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.  
20 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.  
21 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
22 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
23 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.  
24 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
25 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.

**SENATE BILL 439****SECTION 6**

1 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
2 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.  
3 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
4 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343,  
5 and P.L. 110-351, and as indirectly affected in the provisions applicable to this  
6 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2)  
7 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008  
8 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L.  
9 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.  
10 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),  
11 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.  
12 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605  
13 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.  
14 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.  
15 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,  
16 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.  
17 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.  
18 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and  
19 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.  
20 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,  
21 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211,  
22 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476,  
23 P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
24 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146  
25 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,

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1 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
2 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections  
3 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
4 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
5 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
6 401 of P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies for  
7 Wisconsin purposes at the same time as for federal purposes. Amendments to the  
8 federal Internal Revenue Code enacted after December 31, 2008, do not apply to this  
9 paragraph with respect to taxable years beginning after December 31, 2008.

10 **SECTION 7.** 71.22 (4m) (r) of the statutes, as affected by 2009 Wisconsin Act 28,  
11 is amended to read:

12 71.22 (4m) (r) For taxable years that begin after December 31, 2006, and  
13 before January 1, 2008, "Internal Revenue Code," for corporations that are subject  
14 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal  
15 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,  
16 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
17 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
18 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
19 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
20 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
21 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
22 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
23 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
24 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
25 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,

**SENATE BILL 439****SECTION 7**

1 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and  
2 P.L. 109-432, and as amended by P.L. 110-245, excluding sections 101, 102, 103, 104,  
3 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
4 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
5 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
6 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
7 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
8 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
9 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
10 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
11 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
12 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
13 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
14 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
15 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
16 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
17 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
18 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
19 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
20 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
21 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
22 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
23 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
24 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
25 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.

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1 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
2 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
3 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458. The  
4 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
5 purposes. Amendments to the Internal Revenue Code enacted after December 31,  
6 2006, do not apply to this paragraph with respect to taxable years beginning after  
7 December 31, 2006, and before January 1, 2008, except that changes to the Internal  
8 Revenue Code made by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106,  
9 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and  
10 P.L. 110-458, and changes that indirectly affect the provisions applicable to this  
11 subchapter made by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106,  
12 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and  
13 P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

14 **SECTION 8.** 71.22 (4m) (s) of the statutes, as created by 2009 Wisconsin Act 28,  
15 is amended to read:

16 71.22 (4m) (s) For taxable years that begin after December 31, 2007, and  
17 before January 1, 2009, "Internal Revenue Code," for corporations that are subject  
18 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal  
19 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,  
20 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
21 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
22 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
23 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
24 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
25 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,

**SENATE BILL 439****SECTION 8**

1 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
2 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
3 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
4 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
5 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
6 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
7 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections 101, 102, 103, 104,  
8 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
9 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
10 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
11 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
12 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
13 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
14 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
15 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
16 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
17 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
18 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
19 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
20 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
21 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
22 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
23 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
24 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
25 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections

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1 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
2 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
3 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
4 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
5 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.  
6 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.  
7 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111,  
8 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458.  
9 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
10 federal purposes. Amendments to the Internal Revenue Code enacted after  
11 December 31, 2007, do not apply to this paragraph with respect to taxable years  
12 beginning after December 31, 2007, and before January 1, 2009, except that changes  
13 to the Internal Revenue Code made by P.L. 110-245, excluding sections 101, 102, 103,  
14 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
15 P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the provisions  
16 applicable to this subchapter made by P.L. 110-245, excluding sections 101, 102, 103,  
17 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
18 P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time as for  
19 federal purposes.

20 **SECTION 9.** 71.22 (4m) (sm) of the statutes, as created by 2009 Wisconsin Act  
21 28, is amended to read:

22 71.22 (4m) (sm) For taxable years that begin after December 31, 2008,  
23 “Internal Revenue Code,” for corporations that are subject to a tax on unrelated  
24 business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as  
25 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,

**SENATE BILL 439****SECTION 9**

1 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections  
2 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and  
3 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of  
4 P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of  
5 P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of  
6 P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
7 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
8 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301  
9 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
10 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and 513 of  
11 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
12 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
13 110–234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
14 204, 301, 302, 303, and 401 of P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343,  
15 and P.L. 110–351, and as indirectly affected in the provisions applicable to this  
16 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,  
17 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,  
18 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections  
19 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.  
20 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202  
21 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.  
22 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.  
23 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,  
24 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.  
25 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.

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1 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
2 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
3 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
4 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
5 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
6 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
7 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
8 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
9 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
10 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
11 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
12 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.  
13 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111,  
14 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458.  
15 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
16 federal purposes. Amendments to the Internal Revenue Code enacted after  
17 December 31, 2008, do not apply to this paragraph with respect to taxable years  
18 beginning after December 31, 2008.

19 **SECTION 10.** 71.26 (2) (b) 20. of the statutes, as affected by 2009 Wisconsin Act  
20 28, is amended to read:

21 71.26 (2) (b) 20. For taxable years that begin after December 31, 2006, and  
22 before January 1, 2008, for a corporation, conduit, or common law trust which  
23 qualifies as a regulated investment company, real estate mortgage investment  
24 conduit, real estate investment trust, or financial asset securitization investment  
25 trust under the Internal Revenue Code as amended to December 31, 2006, excluding

**SENATE BILL 439****SECTION 10**

1 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),  
2 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and  
3 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165  
4 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of  
5 P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173,  
6 sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242,  
7 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308,  
8 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58,  
9 section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as  
10 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135,  
11 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L.  
12 109-280, and P.L. 109-432, and as amendeded by P.L. 110-245, excluding sections 101,  
13 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
14 401 of P.L. 110-245, and P.L. 110-458, and as indirectly affected in the provisions  
15 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.  
16 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
17 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
18 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
19 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
20 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
21 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
22 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
23 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
24 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections  
25 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.

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1 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
2 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
3 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
4 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
5 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,  
6 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
7 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.  
8 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,  
9 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
10 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,  
11 and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844  
12 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
13 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
14 110-458, “net income” means the federal regulated investment company taxable  
15 income, federal real estate mortgage investment conduit taxable income, federal real  
16 estate investment trust or financial asset securitization investment trust taxable  
17 income of the corporation, conduit, or trust as determined under the Internal  
18 Revenue Code as amended to December 31, 2006, excluding sections 103, 104, and  
19 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
20 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,  
21 sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.  
22 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections  
23 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316,  
24 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
25 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324,

**SENATE BILL 439****SECTION 10**

1 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59,  
2 section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a),  
3 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512,  
4 and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and P.L. 109-432, and  
5 as amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
6 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
7 110-458, and as indirectly affected in the provisions applicable to this subchapter by  
8 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
9 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
10 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
11 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
12 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
13 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
14 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
15 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
16 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
17 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
18 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
19 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
20 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
21 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
22 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
23 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
24 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
25 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.

**SENATE BILL 439**

1 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
2 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
3 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
4 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
5 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
6 401 of P.L. 110-245, and P.L. 110-458, except that property that, under s. 71.02 (1)  
7 (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986  
8 under the Internal Revenue Code as amended to December 31, 1980, shall continue  
9 to be depreciated under the Internal Revenue Code as amended to  
10 December 31, 1980, and except that the appropriate amount shall be added or  
11 subtracted to reflect differences between the depreciation or adjusted basis for  
12 federal income tax purposes and the depreciation or adjusted basis under this  
13 chapter of any property disposed of during the taxable year. The Internal Revenue  
14 Code as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.  
15 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
16 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
17 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
18 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
19 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
20 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
21 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
22 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
23 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
24 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
25 P.L. 109-222, sections 811 and 844 of P.L. 109-280, and P.L. 109-432, and as

**SENATE BILL 439****SECTION 10**

1 amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
2 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
3 110-458, and as indirectly affected in the provisions applicable to this subchapter by  
4 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
5 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
6 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
7 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
8 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
9 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
10 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
11 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
12 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
13 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
14 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
15 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
16 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
17 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
18 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
19 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
20 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
21 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.  
22 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
23 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
24 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, 109-227, P.L. 109-280,  
25 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,

**SENATE BILL 439**

1 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
2 401 of P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same  
3 time as for federal purposes. Amendments to the Internal Revenue Code enacted  
4 after December 31, 2006, do not apply to this subdivision with respect to taxable  
5 years that begin after December 31, 2006, and before January 1, 2008, except that  
6 changes to the Internal Revenue Code made by P.L. 110-245, excluding sections 101,  
7 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
8 401 of P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the  
9 provisions applicable to this subchapter made by P.L. 110-245, excluding sections  
10 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303,  
11 and 401 of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same  
12 time as for federal purposes.

13 **SECTION 11.** 71.26 (2) (b) 21. of the statutes, as created by 2009 Wisconsin Act  
14 28, is amended to read:

15 71.26 (2) (b) 21. For taxable years that begin after December 31, 2007, and  
16 before January 1, 2009, for a corporation, conduit, or common law trust which  
17 qualifies as a regulated investment company, real estate mortgage investment  
18 conduit, real estate investment trust, or financial asset securitization investment  
19 trust under the Internal Revenue Code as amended to December 31, 2007, excluding  
20 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),  
21 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and  
22 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165  
23 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of  
24 P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173,  
25 sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242,

**SENATE BILL 439****SECTION 11**

1 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308,  
2 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58,  
3 section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as  
4 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135,  
5 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L.  
6 109-280, P.L. 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L.  
7 110-166, and P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections 101,  
8 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
9 401 of P.L. 110-245, and P.L. 110-458, and as indirectly affected in the provisions  
10 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.  
11 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
12 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
13 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
14 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
16 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
17 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
18 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
19 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections  
20 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.  
21 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
22 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
23 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
24 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
25 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,

**SENATE BILL 439**

1 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
2 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.  
3 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,  
4 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
5 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,  
6 and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844  
7 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
8 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
9 110-458, “net income” means the federal regulated investment company taxable  
10 income, federal real estate mortgage investment conduit taxable income, federal real  
11 estate investment trust or financial asset securitization investment trust taxable  
12 income of the corporation, conduit, or trust as determined under the Internal  
13 Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and  
14 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
15 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,  
16 sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.  
17 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections  
18 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316,  
19 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
20 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324,  
21 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59,  
22 section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a),  
23 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512,  
24 and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L.  
25 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172,

**SENATE BILL 439****SECTION 11**

1 and as amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
2 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
3 110-458, and as indirectly affected in the provisions applicable to this subchapter by  
4 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
5 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
6 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
7 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
8 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
9 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
10 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
11 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
12 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
13 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
14 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
15 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
16 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
17 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
18 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
19 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
20 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
21 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.  
22 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
23 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
24 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
25 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,

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1     102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
2     401 of P.L. 110-245, and P.L. 110-458, except that property that, under s. 71.02 (1)  
3     (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986  
4     under the Internal Revenue Code as amended to December 31, 1980, shall continue  
5     to be depreciated under the Internal Revenue Code as amended to  
6     December 31, 1980, and except that the appropriate amount shall be added or  
7     subtracted to reflect differences between the depreciation or adjusted basis for  
8     federal income tax purposes and the depreciation or adjusted basis under this  
9     chapter of any property disposed of during the taxable year. The Internal Revenue  
10    Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.  
11    102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
12    sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
13    4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
14    431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
15    202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
16    (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
17    of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
18    1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
19    of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
20    (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
21    P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
22    110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as  
23    amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
24    111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
25    110-458, and as indirectly affected in the provisions applicable to this subchapter by

**SENATE BILL 439****SECTION 11**

1 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,  
2 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
3 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
4 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
5 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
6 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
7 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
8 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
9 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
10 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
11 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
12 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
13 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,  
14 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,  
15 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.  
16 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,  
17 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding  
18 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.  
19 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
20 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding  
21 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,  
22 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
23 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
24 401 of P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same  
25 time as for federal purposes. Amendments to the Internal Revenue Code enacted

**SENATE BILL 439**

1 after December 31, 2007, do not apply to this subdivision with respect to taxable  
2 years that begin after December 31, 2007, and before January 1, 2009, except that  
3 changes to the Internal Revenue Code made by P.L. 110-245, excluding sections 101,  
4 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
5 401 of P.L. 110-245, and P.L. 110-458, and changes that indirectly affect the  
6 provisions applicable to this subchapter made by P.L. 110-245, excluding sections  
7 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303,  
8 and 401 of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same  
9 time as for federal purposes.

10 **SECTION 12.** 71.26 (2) (b) 22. of the statutes, as created by 2009 Wisconsin Act  
11 28, is amended to read:

12 71.26 (2) (b) 22. For taxable years that begin after December 31, 2008, for a  
13 corporation, conduit, or common law trust which qualifies as a regulated investment  
14 company, real estate mortgage investment conduit, real estate investment trust, or  
15 financial asset securitization investment trust under the Internal Revenue Code as  
16 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,  
17 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections  
18 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and  
19 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of  
20 P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of  
21 P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of  
22 P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
23 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
24 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
25 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403

**SENATE BILL 439****SECTION 12**

1 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and 513 of  
2 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
3 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
4 110–234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
5 204, 301, 302, 303, and 401 of P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343,  
6 and P.L. 110–351, and as indirectly affected in the provisions applicable to this  
7 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,  
8 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,  
9 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections  
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.  
11 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202  
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.  
13 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.  
14 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,  
15 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.  
16 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.  
17 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,  
18 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,  
19 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,  
20 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,  
21 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
22 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections  
23 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
24 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding  
25 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it

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1 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
2 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
3 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
4 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
5 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, “net  
6 income” means the federal regulated investment company taxable income, federal  
7 real estate mortgage investment conduit taxable income, federal real estate  
8 investment trust or financial asset securitization investment trust taxable income  
9 of the corporation, conduit, or trust as determined under the Internal Revenue Code  
10 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.  
11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
13 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
14 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
15 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
16 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
17 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
18 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section  
19 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
20 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and  
21 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28,  
22 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,  
23 P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202,  
24 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.  
25 110-343, and P.L. 110-351, and as indirectly affected in the provisions applicable to

**SENATE BILL 439****SECTION 12**

1 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.  
2 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections  
3 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding  
4 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.  
5 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections  
6 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.  
7 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.  
8 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of  
9 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.  
10 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)  
11 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,  
12 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,  
13 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,  
14 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,  
15 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
16 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections  
17 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
18 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding  
19 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it  
20 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.  
21 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
22 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,  
23 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
24 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, except  
25 that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be

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1 depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as  
2 amended to December 31, 1980, shall continue to be depreciated under the Internal  
3 Revenue Code as amended to December 31, 1980, and except that the appropriate  
4 amount shall be added or subtracted to reflect differences between the depreciation  
5 or adjusted basis for federal income tax purposes and the depreciation or adjusted  
6 basis under this chapter of any property disposed of during the taxable year. The  
7 Internal Revenue Code as amended to December 31, 2008, excluding sections 103,  
8 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
9 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
10 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
11 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
12 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
13 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336,  
14 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309,  
15 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section  
16 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates  
17 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
18 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
19 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L.  
20 110-172, P.L. 110-185, P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110,  
21 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289,  
22 P.L. 110-317, P.L. 110-343, and P.L. 110-351, and as indirectly affected in the  
23 provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647,  
24 P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
25 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.

**SENATE BILL 439****SECTION 12**

1 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
2 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
3 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
4 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
5 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
6 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
7 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections  
8 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.  
9 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
10 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
11 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
12 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
13 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.  
14 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
15 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
16 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
17 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
18 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
19 209, 503, ~~512~~, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
20 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
21 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
22 P.L. 110-245, and P.L. 110-458, applies for Wisconsin purposes at the same time as  
23 for federal purposes. Amendments to the Internal Revenue Code enacted after  
24 December 31, 2008, do not apply to this subdivision with respect to taxable years that  
25 begin after December 31, 2008.

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1           **SECTION 13.** 71.34 (1g) (t) of the statutes, as affected by 2009 Wisconsin Act 28,  
2 is amended to read:

3           71.34 **(1g)** (t) “Internal Revenue Code” for tax-option corporations, for taxable  
4 years that begin after December 31, 2006, and before January 1, 2008, means the  
5 federal Internal Revenue Code as amended to December 31, 2006, excluding sections  
6 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and  
7 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
8 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
9 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
10 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
11 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
12 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
13 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
14 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
15 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
16 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and  
17 P.L. 109-432, and as amendeded by P.L. 110-245, excluding sections 101, 102, 103, 104,  
18 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
19 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
20 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803  
21 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section  
22 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,  
23 P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.  
24 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),  
25 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

**SENATE BILL 439****SECTION 13**

1 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605  
2 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.  
3 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.  
4 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,  
5 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.  
6 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.  
7 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and  
8 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.  
9 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,  
10 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,  
11 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.  
12 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
13 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146  
14 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,  
15 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
16 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections  
17 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,  
18 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–245, excluding sections 101,  
19 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
20 401 of P.L. 110–245, and P.L. 110–458, except that section 1366 (f) (relating to  
21 pass-through of items to shareholders) is modified by substituting the tax under s.  
22 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies  
23 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
24 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this  
25 paragraph with respect to taxable years beginning after December 31, 2006, and

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1 before January 1, 2008, except that changes to the Internal Revenue Code made by  
2 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
3 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
4 changes that indirectly affect the provisions applicable to this subchapter made by  
5 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
6 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply  
7 for Wisconsin purposes at the same time as for federal purposes.

8 **SECTION 14.** 71.34 (1g) (u) of the statutes, as created by 2009 Wisconsin Act 28,  
9 is amended to read:

10 71.34 (1g) (u) "Internal Revenue Code" for tax-option corporations, for taxable  
11 years that begin after December 31, 2007, and before January 1, 2009, means the  
12 federal Internal Revenue Code as amended to December 31, 2007, excluding sections  
13 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and  
14 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
15 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,  
16 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,  
17 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,  
18 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,  
19 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,  
20 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of  
21 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to  
22 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,  
23 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L.  
24 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and  
25 P.L. 110-172, and as amendeded by P.L. 110-245, excluding sections 101, 102, 103, 104,

**SENATE BILL 439****SECTION 14**

1 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L.  
2 110-245, and P.L. 110-458, and as indirectly affected in the provisions applicable to  
3 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803  
4 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section  
5 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,  
6 P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.  
7 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),  
8 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.  
9 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605  
10 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.  
11 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.  
12 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,  
13 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.  
14 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.  
15 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and  
16 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.  
17 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,  
18 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,  
19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.  
20 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
21 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146  
22 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,  
23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
24 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections  
25 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280,

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1 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101,  
2 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and  
3 401 of P.L. 110-245, and P.L. 110-458, except that section 1366 (f) (relating to  
4 pass-through of items to shareholders) is modified by substituting the tax under s.  
5 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies  
6 for Wisconsin purposes at the same time as for federal purposes. Amendments to the  
7 federal Internal Revenue Code enacted after December 31, 2007, do not apply to this  
8 paragraph with respect to taxable years beginning after December 31, 2007, and  
9 before January 1, 2009, except that changes to the Internal Revenue Code made by  
10 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
11 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
12 changes that indirectly affect the provisions applicable to this subchapter made by  
13 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
14 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply  
15 for Wisconsin purposes at the same time as for federal purposes.

16 **SECTION 15.** 71.34 (1g) (um) of the statutes, as created by 2009 Wisconsin Act  
17 28, is amended to read:

18 71.34 (1g) (um) "Internal Revenue Code" for tax-option corporations, for  
19 taxable years that begin after December 31, 2008, means the federal Internal  
20 Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and  
21 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
22 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,  
23 sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.  
24 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections  
25 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316,

**SENATE BILL 439****SECTION 15**

1 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
2 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323,  
3 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L.  
4 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section  
5 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209,  
6 503, ~~512~~, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432,  
7 P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172,  
8 P.L. 110-185, P.L. 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113,  
9 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L.  
10 110-317, P.L. 110-343, and P.L. 110-351, and as indirectly affected in the provisions  
11 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding  
12 sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514  
13 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.  
14 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
15 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
16 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
17 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
18 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.  
19 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.  
20 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,  
21 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.  
22 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.  
23 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections  
24 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201  
25 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,

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1 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102,  
2 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375,  
3 P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,  
4 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59,  
5 excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L.  
6 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section  
7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.  
8 109-222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109-222, P.L.  
9 109-227, P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-245,  
10 excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
11 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458 except that section 1366  
12 (f) (relating to pass-through of items to shareholders) is modified by substituting the  
13 tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue  
14 Code applies for Wisconsin purposes at the same time as for federal purposes.  
15 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,  
16 do not apply to this paragraph with respect to taxable years beginning after  
17 December 31, 2008.

18 **SECTION 16.** 71.42 (2) (s) of the statutes, as affected by 2009 Wisconsin Act 28,  
19 is amended to read:

20 71.42 (2) (s) For taxable years that begin after December 31, 2006, and before  
21 January 1, 2008, "Internal Revenue Code" means the federal Internal Revenue Code  
22 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.  
23 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
24 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
25 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section

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1 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and  
2 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403  
3 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
4 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
5 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301  
6 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
7 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of  
8 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as  
9 amended by P.L. 110–245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
10 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110–245, and P.L.  
11 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.  
12 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,  
13 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.  
14 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
15 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,  
16 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.  
17 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.  
18 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections  
19 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.  
20 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections  
21 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.  
22 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.  
23 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.  
24 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
25 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

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1 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,  
2 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
3 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.  
4 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,  
5 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
6 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,  
7 and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844  
8 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
9 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
10 110-458, except that “Internal Revenue Code” does not include section 847 of the  
11 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin  
12 purposes at the same time as for federal purposes. Amendments to the federal  
13 Internal Revenue Code enacted after December 31, 2006, do not apply to this  
14 paragraph with respect to taxable years beginning after December 31, 2006, and  
15 before January 1, 2008, except that changes to the Internal Revenue Code made by  
16 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
17 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
18 changes that indirectly affect the provisions applicable to this subchapter made by  
19 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
20 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply  
21 for Wisconsin purposes at the same time as for federal purposes.

22 **SECTION 17.** 71.42 (2) (t) of the statutes, as created by 2009 Wisconsin Act 28,  
23 is amended to read:

24 71.42 (2) (t) For taxable years that begin after December 31, 2007, and before  
25 January 1, 2009, “Internal Revenue Code” means the federal Internal Revenue Code

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1 as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.  
2 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,  
3 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,  
4 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section  
5 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and  
6 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403  
7 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
8 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
9 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301  
10 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
11 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of  
12 P.L. 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
13 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, and as  
14 amended by P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110,  
15 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
16 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.  
17 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,  
18 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.  
19 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
20 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,  
21 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.  
22 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.  
23 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections  
24 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.  
25 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections

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1 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.  
2 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.  
3 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.  
4 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
5 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,  
6 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,  
7 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,  
8 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.  
9 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,  
10 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of  
11 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,  
12 and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding sections 811 and 844  
13 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108,  
14 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L.  
15 110-458, except that “Internal Revenue Code” does not include section 847 of the  
16 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin  
17 purposes at the same time as for federal purposes. Amendments to the federal  
18 Internal Revenue Code enacted after December 31, 2007, do not apply to this  
19 paragraph with respect to taxable years beginning after December 31, 2007, and  
20 before January 1, 2009, except that changes to the Internal Revenue Code made by  
21 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,  
22 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, and  
23 changes that indirectly affect the provisions applicable to this subchapter made by  
24 P.L. 110-245, excluding sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115,

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1 201, 202, 203, 204, 301, 302, 303, and 401 of P.L. 110-245, and P.L. 110-458, apply  
2 for Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 18.** 71.42 (2) (tm) of the statutes, as created by 2009 Wisconsin Act 28,  
4 is amended to read:

5 71.42 (2) (tm) For taxable years that begin after December 31, 2008, “Internal  
6 Revenue Code” means the federal Internal Revenue Code as amended to  
7 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections  
8 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),  
9 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.  
10 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.  
11 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.  
12 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.  
13 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
14 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
15 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.  
16 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
17 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
18 109-222, sections 811 and 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.  
19 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.  
20 110-234, sections 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203,  
21 204, 301, 302, 303, and 401 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L. 110-343,  
22 and P.L. 110-351, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L.  
23 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.  
24 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.  
25 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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1 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.  
2 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
3 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.  
4 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,  
5 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding  
6 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,  
7 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.  
8 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.  
9 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.  
10 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403  
11 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336,  
12 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7,  
13 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.  
15 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding  
16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
17 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,  
18 209, 503, ~~512~~, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding  
19 sections 811 and 844 of P.L. 109-280, P.L. 110-245, excluding sections 101, 102, 103,  
20 104, 105, 106, 108, 110, 111, 113, 115, 201, 202, 203, 204, 301, 302, 303, and 401 of  
21 P.L. 110-245, and P.L. 110-458, except that “Internal Revenue Code” does not  
22 include section 847 of the federal Internal Revenue Code. The Internal Revenue  
23 Code applies for Wisconsin purposes at the same time as for federal purposes.  
24 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,

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**SECTION 18**

1 do not apply to this paragraph with respect to taxable years beginning after  
2 December 31, 2008.

3 (END)