



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/22/2014 (Per: CMH)

### **Compile Draft – Appendix C** **... Part I**

**A**  The 2013 drafting file for  
LRB-4017

**C**  The 2013 drafting file for  
LRB-4026

**B**  The 2013 drafting file for  
LRB-4025

**D**  The 2013 drafting file for  
LRB-4035

This file has been copied/added to the drafting file for

# **2013 LRB-4039**

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/17/2014 Received By: jkreye  
Wanted: As time permits Same as LRB:  
For: Governor By/Representing: Paul Ziegler  
May Contact: Drafter: jkreye  
Subject: Tax, Other - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Paul2.Ziegler@wisconsin.gov  
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov  
kirsten.grinde@doa.state.wi.us  
michael.heifetz@wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

DOR's technical tax bill and changes to the alternative minimum tax computations

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 1/17/2014	kfollett 1/17/2014		_____			
/1	jkreye 1/21/2014		rschlue 1/17/2014	_____	lparisi 1/17/2014		State S&L
/2		kfollett	rschlue	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/21/2014	1/21/2014	_____	1/21/2014		S&L

FE Sent For:

<END>

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/?	jkreye 1/17/2014	kfollett 1/17/2014		_____			
/1			rschlue 1/17/2014	_____	lparisi 1/17/2014		State S&I.
FE Sent For:		1/2 eev 1/21/14	1/2 eev 1/21/14 <END>				

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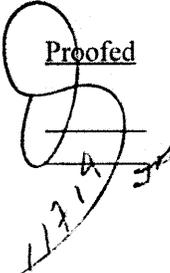
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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye	1/16/17 1/17	1/16/17 1/17				

FE Sent For:

<END>

**Kreye, Joseph**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, January 16, 2014 4:44 PM  
**To:** Kreye, Joseph  
**Subject:** FW: Drafting request for State of State

Please enter for the governor, but cc Paul Ziegler (I added his name to dropdown list on Enter Request). They want everything finalized by Tuesday, so you may want to get it outta here by tomorrow. Use the budget nonstat numbering if appropriate.

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**From:** Ziegler, Paul - DOA [<mailto:Paul2.Ziegler@wisconsin.gov>]  
**Sent:** Thursday, January 16, 2014 4:41 PM  
**To:** Hanaman, Cathlene  
**Subject:** Drafting request for State of State

Cathlene – Please have the following item drafted for possible inclusion in a “State of the State” bill:

Revenue clean-up bill as amended through legislative action to date:

Include all provisions of 2013 AB 484 including all amendments passed to date (Jan 16, 2014). (i.e. include all provisions as if the bill were to be enrolled today - this should also include a technical fix to AA7 that passed in committee)

Please call me with any questions at 266-1040 or email [Paul2.ziegler@wisconsin.gov](mailto:Paul2.ziegler@wisconsin.gov)

Thank you!  
Paul

Paul Ziegler  
Executive Policy & Budget Manager  
Tax, Local Government and Economic Development Team  
State Budget Office  
Wisconsin Department of Administration  
[paul2.ziegler@wisconsin.gov](mailto:paul2.ziegler@wisconsin.gov)

AA5 -  
AA7  
+ AA for A7



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3048/1  
JK:kjf&eev:rs

2013 ASSEMBLY BILL 484

stays  
4026/11

Toolbox  
1-17-14

November 1, 2013 - Introduced by Representatives KOYENGA, SANFELIPPO, BIES, HUTTON, A. OTT, NASS, LEMAHIEU, PRIDEMORE, NYGREN, KAPENGA and STROEBEL, cosponsored by Senator GROTHMAN. Referred to Committee on Ways and Means.

re gen

1 AN ACT to renumber 71.05 (8) (b) and 71.10 (4) (cr); to amend 71.05 (6) (b) 47.  
2 am., 71.05 (6) (b) 47. b., 71.05 (6) (b) 47. c., 71.07 (5n) (b) (intro.), 71.08 (1)  
3 (intro.), 71.28 (9s) (d) 3., 71.47 (9s) (d) 3., 71.52 (6), 77.54 (61) (intro.), (a) and  
4 (b) and 238.16 (3) (intro.); and to create 71.05 (6) (b) 47. dm., 71.05 (8) (b) 2.,  
5 71.05 (8) (c), 71.07 (5i) (c) 3., 71.28 (5i) (c) 3., 71.47 (5i) (c) 3. and 77.54 (61) (c)  
6 of the statutes; relating to: the carry-back of net operating losses, the sales  
7 and use tax exemption for commercial printing, the jobs tax credit, the  
8 electronic medical records credit, the manufacturing and agriculture credit,  
9 and the relocated business credit.

insert  
1-8

**Analysis by the Legislative Reference Bureau**

Under current law, for income tax purposes, under certain circumstances, a taxpayer may claim a Wisconsin net operating loss against Wisconsin taxable income of the two years preceding the year in which the taxpayer sustained the loss. This bill clarifies that a taxpayer need not make an offset against Wisconsin modified taxable income of the two years preceding the loss, if the taxpayer chooses not to carry back the net operating loss to the two years preceding the loss.

Under current law, a person may claim the jobs tax credit if the Wisconsin Economic Development Corporation certifies the person to receive the tax credit, the

**ASSEMBLY BILL 484**

*, the research credit, and the state veterans rehabilitation credit.*

person increases net employment in the person's business, and the person provides certain wages or job training to its full-time employees. This bill specifies that to be eligible for the jobs tax credit a person must increase net employment in the person's business in this state. Therefore, under the bill, a person may qualify for the jobs tax credit by relocating existing jobs to this state even if the number of individuals the person's business employs nationwide does not increase. Similarly, under the bill, a person does not qualify for the jobs tax credit by increasing the number of individuals the person's business employs nationwide if the number of individuals the person's business employs in this state does not increase.

Under current law, for income and franchise tax purposes, a taxpayer may not claim a relocated business deduction or tax credit for taxable years beginning after December 31, 2013. Under this bill, a taxpayer who is first eligible to claim a relocated business deduction or tax credit for a taxable year beginning after December 31, 2012, and before January 1, 2014, may claim the deduction or credit in the following taxable year.

The bill also provides that the manufacturing and agriculture credit may be claimed against the alternative minimum tax.

Finally, the bill makes technical changes to the electronic medical records tax credit and to the sales and use tax exemption for tangible personal property used in commercial printing.

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

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

- 1           SECTION 1. 71.05 (6) (b) 47. am. of the statutes, as affected by 2013 Wisconsin  
2           Act 20, is amended to read:
- 3           71.05 (6) (b) 47. am. For taxable years beginning after December 31, 2010, and  
4           before January 1, 2014, for 2 consecutive taxable years beginning with the taxable  
5           year in which the claimant's business locates to this state from another state or  
6           another country and begins doing business in this state, as defined in s. 71.22 (1r),  
7           and subject to the limitations provided under subd. 47. d., dm., and e., the profit or  
8           loss from a trade or business as reported on federal income tax return schedules C  
9           and F or their equivalents, plus ordinary gain or loss on the sale of business assets,

**ASSEMBLY BILL 484**

1 as determined under s. 71.01 (6), but not less than zero, multiplied by the  
2 apportionment fraction determined in s. 71.04 (4) and subject to s. 71.04 (7).

3 **SECTION 2.** 71.05 (6) (b) 47. b. of the statutes, as affected by 2013 Wisconsin Act  
4 20, is amended to read:

5 71.05 (6) (b) 47. b. With respect to partners and members of limited liability  
6 companies, for taxable years beginning after December 31, 2010, and before January  
7 1, 2014, for 2 consecutive taxable years beginning with the taxable year in which the  
8 partnership's or limited liability company's business locates to this state from  
9 another state or another country and begins doing business in this state, as defined  
10 in s. 71.22 (1r), and subject to the limitations provided under subd. 47. d., dm., and  
11 e., the partner's or member's distributive share of taxable income as calculated under  
12 section 703 of the Internal Revenue Code; plus the items of income and gain under  
13 section 702 of the Internal Revenue Code, including taxable state and municipal  
14 bond interest and excluding nontaxable interest income or dividend income from  
15 federal government obligations; minus the items of loss and deduction under section  
16 ~~756702~~ 702 of the Internal Revenue Code, except items that are not deductible under  
17 s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal  
18 Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL),  
19 (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s), (3t),  
20 (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5r), (5rm), and (8r); and plus or minus, as  
21 appropriate, transitional adjustments, depreciation differences, and basis  
22 differences under s. 71.05 (13), (15), (16), (17), and (19), multiplied by the  
23 apportionment fraction determined in s. 71.04 (4) and subject to s. 71.04 (7) or by  
24 separate accounting. No amounts subtracted under this subd. 47. b. may be included  
25 in the modification under par. (b) 9. or 9m.

**ASSEMBLY BILL 484**

1           **SECTION 3.** 71.05 (6) (b) 47. c. of the statutes, as affected by 2013 Wisconsin Act  
2           20, is amended to read:

3           71.05 (6) (b) 47. c. With respect to shareholders of a tax-option corporation, for  
4           taxable years beginning after December 31, 2010, and before January 1, 2014, for 2  
5           consecutive taxable years beginning with the taxable year in which the tax-option  
6           corporation's business locates to this state from another state or another country and  
7           begins doing business in this state, as defined in s. 71.22 (1r), and subject to the  
8           limitations provided under subd. 47. d., dm., and e., the shareholder's distributive  
9           share of the entity's net income or loss as determined under this chapter, including  
10          interest income from federal, state, and municipal government obligations,  
11          multiplied by the apportionment fraction determined in s. 71.25 (6m) and subject to  
12          s. 71.25 (9) or by separate accounting. No amounts subtracted under this subdivision  
13          may be included in the modification under par. (b) 9. or 9m.

14          **SECTION 4.** 71.05 (6) (b) 47. dm. of the statutes is created to read:

15          71.05 (6) (b) 47. dm. No person may claim a deduction under this subdivision  
16          for taxable years beginning after December 31, 2013, except that a claimant who is  
17          first eligible to claim a deduction under this subdivision for a taxable year beginning  
18          after December 31, 2012, and before January 1, 2014, may claim the deduction the  
19          following taxable year.

20          **SECTION 5.** 71.05 (8) (b) of the statutes, as affected by 2013 Wisconsin Act 20,  
21          is renumbered 71.05 (8) (b) 1.

22          **SECTION 6.** 71.05 (8) (b) 2. of the statutes is created to read:

23          71.05 (8) (b) 2. The taxpayer need not make the offset against Wisconsin  
24          modified taxable income of the 2 years preceding the loss, as provided under subd.

1 1., if the taxpayer chooses not to carry back the net operating loss to the 2 years  
2 preceding the loss.

3 **SECTION 7.** 71.05 (8) (c) of the statutes is created to read: ✓

4 71.05 (8) (c) The department shall not pay interest on any overpayment that  
5 results from the carry-back of a net operating loss.

6 **SECTION 8.** 71.07 (5i) (c) 3. of the statutes is created to read: ✓

7 71.07 (5i) (c) 3. No credit may be claimed under this subsection based on an  
8 amount paid under par. (b) after December 31, 2013.

9 **SECTION 9.** 71.07 (5n) (b) (intro.) of the statutes is amended to read: ✓

10 71.07 (5n) (b) *Filing claims.* (intro.) Subject to the limitations provided in this  
11 subsection, a claimant may claim as a credit against the tax imposed under ~~s. ss.~~  
12 71.02 and 71.08, up to the amount of the tax, an amount equal to one of the following  
13 percentages of the claimant's eligible qualified production activities income in the  
14 taxable year:

15 **SECTION 10.** 71.08 (1) (intro.) of the statutes is amended to read:

16 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
17 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under  
18 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), (3m), (3n), (3p),  
19 (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (5n), (6), (6e),  
20 (8r), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (2m), (3), (3n),  
21 (3t), and (3w), 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (2m), (3), (3n),  
22 (3t), and (3w), 71.57 to 71.61, and 71.613 and subch. VIII and payments to other  
23 states under s. 71.07 (7), is less than the tax under this section, there is imposed on  
24 that natural person, married couple filing jointly, trust or estate, instead of the tax  
25 under s. 71.02, an alternative minimum tax computed as follows:

Amend 5-5

Amend 5-8

Amend 5-14

Amend 5-25

ASSEMBLY BILL 484

*Correct 6-1*

*(fn)*

1 SECTION 11. 71.10 (4) (cr) of the statutes is renumbered 71.10 (4) ~~(fm)~~ *(fn)*

2 SECTION 12. 71.28 (5i) (c) 3. of the statutes is created to read:

3 71.28 (5i) (c) 3. No credit may be claimed under this subsection based on an  
4 amount paid under par. (b) after December 31, 2013.

5 SECTION 13. 71.28 (9s) (d) 3. of the statutes, as created by 2013 Wisconsin Act  
6 20, is amended to read:

7 71.28 (9s) (d) 3. No credit may be claimed under this subsection for taxable  
8 years beginning after December 31, 2013. ~~Credits under this subsection for taxable~~  
9 ~~years that begin before January 1, 2014, may be carried forward to taxable years that~~  
10 ~~begin after December 31, 2013, except that a claimant who is first eligible to claim~~  
11 ~~a credit under this subsection for taxable years beginning after December 31, 2012,~~  
12 ~~and before January 1, 2014, may claim the credit in the following taxable year.~~

13 SECTION 14. 71.47 (5i) (c) 3. of the statutes is created to read:

14 71.47 (5i) (c) 3. No credit may be claimed under this subsection based on an  
15 amount paid under par. (b) after December 31, 2013.

16 SECTION 15. 71.47 (9s) (d) 3. of the statutes, as created by 2013 Wisconsin Act  
17 20, is amended to read:

18 71.47 (9s) (d) 3. No credit may be claimed under this subsection for taxable  
19 years beginning after December 31, 2013. ~~Credits under this subsection for taxable~~  
20 ~~years that begin before January 1, 2014, may be carried forward to taxable years that~~  
21 ~~begin after December 31, 2013, except that a claimant who is first eligible to claim~~  
22 ~~a credit under this subsection for taxable years beginning after December 31, 2012,~~  
23 ~~and before January 1, 2014, may claim the credit in the following taxable year.~~

24 SECTION 16. 71.52 (6) of the statutes is amended to read:

**ASSEMBLY BILL 484**

1           71.52 (6) "Income" means the sum of Wisconsin adjusted gross income and the  
2 following amounts, to the extent not included in Wisconsin adjusted gross income:  
3 maintenance payments (except foster care maintenance and supplementary  
4 payments excludable under section 131 of the internal revenue code), support money,  
5 cash public assistance (not including credit granted under this subchapter and  
6 amounts under s. 46.27), cash benefits paid by counties under s. 59.53 (21), the gross  
7 amount of any pension or annuity (including railroad retirement benefits, all  
8 payments received under the federal social security act and veterans disability  
9 pensions), nontaxable interest received from the federal government or any of its  
10 instrumentalities, nontaxable interest received on state or municipal bonds,  
11 worker's compensation, unemployment insurance, the gross amount of "loss of time"  
12 insurance, compensation and other cash benefits received from the United States for  
13 past or present service in the armed forces, scholarship and fellowship gifts or  
14 income, capital gains, gain on the sale of a personal residence excluded under section  
15 121 of the internal revenue code, dividends, income of a nonresident or part-year  
16 resident who is married to a full-year resident, housing allowances provided to  
17 members of the clergy, the amount by which a resident manager's rent is reduced,  
18 nontaxable income of an American Indian, nontaxable income from sources outside  
19 this state and nontaxable deferred compensation. Intangible drilling costs,  
20 depletion allowances and depreciation, including first-year depreciation allowances  
21 under section 179 of the internal revenue code, amortization, contributions to  
22 individual retirement accounts under section 219 of the internal revenue code,  
23 contributions to Keogh plans, net operating loss carry-backs and carry-forwards  
24 and capital loss carry-forwards deducted in determining Wisconsin adjusted gross  
25 income shall be added to "income". "Income" does not include gifts from natural

**ASSEMBLY BILL 484**

1 persons, cash reimbursement payments made under title XX of the federal social  
2 security act, surplus food or other relief in kind supplied by a governmental agency,  
3 the gain on the sale of a personal residence deferred under section 1034 of the  
4 internal revenue code or nonrecognized gain from involuntary conversions under  
5 section 1033 of the internal revenue code. Amounts not included in adjusted gross  
6 income but added to "income" under this subsection in a previous year and repaid  
7 may be subtracted from income for the year during which they are repaid.  
8 Scholarship and fellowship gifts or income that are included in Wisconsin adjusted  
9 gross income and that were added to household income for purposes of determining  
10 the credit under this subchapter in a previous year may be subtracted from income  
11 for the current year in determining the credit under this subchapter. A marital  
12 property agreement or unilateral statement under ch. 766 has no effect in computing  
13 "income" for a person whose homestead is not the same as the homestead of that  
14 person's spouse.

15 **SECTION 17.** 77.54 (61) (intro.), (a) and (b) of the statutes, as created by 2013  
16 Wisconsin Act 20, are amended to read:

17 77.54 (61) (intro.) The sales price from the sale of and the storage, use, or other  
18 consumption of the following by a person primarily engaged, as determined by the  
19 department, in commercial printing, ~~not including screen printing or book printing,~~  
20 without publishing, except for gray goods; printing, or printing and binding, books  
21 or pamphlets without publishing the books or pamphlets; or performing prepress  
22 and postpress services in support of printing activities book printing, or support  
23 activities for printing described under 323111, 323117, and 323120 of the North  
24 American Industry Classification System:

1 (a) Computers and servers ~~that are used~~ primarily to store copies of the product  
2 that are sent to a digital printer, a platemaking machine, or a printing press or used  
3 primarily in prepress or postpress activities.

4 (b) Tangible personal property purchased from out-of-state sellers that are  
5 temporarily stored, remain idle, and not used in this state ~~for not more than 180 days~~  
6 and that are then delivered and used solely outside of this state.

7 **SECTION 18.** 77.54 (61) (c) of the statutes is created<sup>4</sup> to read:

8 77.54 (61) (c) In this subsection:

9 1. "Postpress activities" include paper bronzing, die-cutting, edging,  
10 embossing, folding, gilding, gluing, and indexing.

11 2. "Prepress activities" include making print-ready plates, typesetting, trade  
12 binding, and sample mounting.

13 3. "Temporarily" means not more than 180 days.

14 **SECTION 19.** 238.16 (3) (intro.) of the statutes, as affected by 2013 Wisconsin  
15 Act 20, is amended to read:

16 238.16 (3) ELIGIBILITY FOR TAX BENEFITS. (intro.) A person certified under sub.  
17 (2) may receive tax benefits under this section if, in each year for which the person  
18 claims tax benefits under this section, the person increases net employment in this  
19 state in the person's business above the net employment in this state in the person's  
20 business during the year before the person was certified under sub. (2), as  
21 determined by the corporation under its policies and procedures, and one of the  
22 following applies: 9537

23 **SECTION 20. Initial applicability.** Revenue

24 (1) The treatment of section 77.54 (61) (intro.), (a), (b), and (c) of the statutes  
25 first applies retroactively to sales made on October 1, 2013.

7 Insert 9-25 A & B

ASSEMBLY BILL 484

1            **SECTION 21. Effective dates.** This act takes effect on the day after publication,  
2            except as follows:

3            (1) The treatment of sections 77.54 (61) (intro.), (a), (b), and (c) of the statutes  
4            takes effect retroactively to October 1, 2013.

5

(END)

*9437*  
*; Revenue*  
*Insert 10-4*

**BILL**

1           2. "Prepress activities" include making print-ready plates, typesetting, trade  
2 binding, and sample mounting.

3           3. "Temporarily" means not more than 180 days.

4           **SECTION 24.** 238.16 (3) (intro.) of the statutes, as affected by 2013 Wisconsin  
5 Act 20, is amended to read:

6           238.16 (3) **ELIGIBILITY FOR TAX BENEFITS.** (intro.) A person certified under sub.  
7 (2) may receive tax benefits under this section if, in each year for which the person  
8 claims tax benefits under this section, the person increases net employment in this  
9 state in the person's business above the net employment in this state in the person's  
10 business during the year before the person was certified under sub. (2), as  
11 determined by the corporation under its policies and procedures, and one of the  
12 following applies:

13           **SECTION 9337. Initial applicability; Revenue.**

14           (1) <sup>COMMERCIAL PRINTING.</sup> The treatment of section 77.54 (61) (intro.), (a), (b), and (c) of the statutes  
15 first applies retroactively to sales made on October 1, 2013.

16           (2) <sup>RESEARCH AND REHABILITATION CREDITS.</sup> The treatment of sections 71.07 (4k) (b) 1., (5m) (a) 4., and (9r) (a), 71.08 (1)  
17 (intro.) (as it relates to the state historic rehabilitation credit and the research  
18 credit), and 71.10 (4) (dr) and (er) of the statutes first applies to taxable years  
19 beginning on January 1, 2014.

20           (3) <sup>CARRY-BACKS.</sup> The treatment of section 71.52 (6) of the statutes, the renumbering of section  
21 71.05 (8) (b) of the statutes, and the creation of section 71.05 (8) (b) 2. of the statutes  
22 first apply to taxable years beginning on January 1, 2014.

23           (4) <sup>OVERPAYMENTS.</sup> The treatment of section 71.05 (8) (c) of the statutes first applies to refunds  
24 paid on January 1, 2014.

**BILL**

*MANUFACTURING AND AGRICULTURE CREDITS.*

1 (5) The treatment of sections 71.07 (5n) (b) (intro.), 71.08 (1) (intro.) (as it  
2 relates to the manufacturing and agriculture credit), and 71.10 (4) (cr) of the statutes  
3 first applies retroactively to taxable years beginning on January 1, 2013.

4 **SECTION 9437. Effective dates; Revenue.** ~~This act takes effect on the day~~  
5 ~~after publication, except as follows.~~

*COMMERCIAL PRINTING.*

6 (1) The treatment of section 77.54 (61) (intro.), (a), (b), and (c) of the statutes  
7 takes effect retroactively to October 1, 2013.

*MANUFACTURING AND AGRICULTURE CREDITS.*

8 (2) The treatment of sections 71.07 (5n) (b) (intro.), 71.08 (1) (intro.) (as it  
9 relates to the manufacturing and agriculture credit), and 71.10 (4) (cr) of the statutes  
10 takes effect retroactively on January 1, 2013.

11 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1409/1  
JK:kjfjf

ASSEMBLY AMENDMENT 7,  
TO ASSEMBLY BILL 484

January 14, 2014 - Offered by Representative KOOYENGA.

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

2 **1.** Page 1, line 8: after "agriculture credit," insert "the research credit, the state  
3 historic rehabilitation credit,".

4 **2.** Page 5, line 5: after that line insert:

5 ~~SECTION 71.07~~ SECTION 71.07 (4k) (b) 1. of the statutes, as created by 2013 Wisconsin Act  
6 20, is amended to read:

7 71.07 (4k) (b) 1. Subject to the limitations provided in this subsection, and  
8 except as provided in subds. 2. and 3., for taxable years beginning after December  
9 31, 2012, an individual, a partner of a partnership, a shareholder of a tax-option  
10 corporation, or a member of a limited liability company may claim a credit against  
11 the tax imposed under s. 71.02 or 71.08, as allocated under par. (d), an amount equal  
12 to 5 percent of the amount obtained by subtracting from the individual's,  
13 partnership's, tax-option corporation's, or limited liability company's qualified

Insert 5-5

Insert 1-8



1 research expenses, as defined in section 41 of the Internal Revenue Code, except that  
 2 "qualified research expenses" includes only expenses incurred by the individual,  
 3 partnership, tax-option corporation, or the limited liability company, incurred for  
 4 research conducted in this state for the taxable year, except that a taxpayer may elect  
 5 the alternative computation under section 41 (c) (4) of the Internal Revenue Code  
 6 and that election applies until the department permits its revocation, except as  
 7 provided in par. (c), and except that "qualified research expenses" does not include  
 8 compensation used in computing the credit under subs. (2dj) and (2dx), the entity's  
 9 base amount, as defined in section 41 (c) of the Internal Revenue Code, except that  
 10 gross receipts used in calculating the base amount means gross receipts from sales  
 11 attributable to Wisconsin under ss. 71.04 (7) (b) 1. and 2., (df), (dh), (dj), and (dk).  
 12 Section 41 (h) of the Internal Revenue Code does not apply to the credit under this  
 13 subdivision."

*insert of insert 5-5*

**3. Page 5, line 8: after that line insert:**

*insert 5-8*

15 ~~SECTION 8m.~~ SECTION 71.07 (5m) (a) 4. of the statutes is amended to read:  
 16 71.07 (5m) (a) 4. "Net tax liability" means a claimant's income tax liability after  
 17 he or she completes the computations listed in s. 71.10 (4) (a) to ~~(dr)~~ (d)."

**4. Page 5, line 14: after that line insert:**

19 ~~SECTION 9m.~~ SECTION 71.07 (9r) (a) of the statutes is amended to read:  
 20 71.07 (9r) (a) For taxable years beginning on or after August 1, 1988, any  
 21 natural person may credit against taxes otherwise due under s. 71.02 or 71.08 an  
 22 amount equal to 25% of the costs of preservation or rehabilitation of historic property  
 23 located in this state, including architectural fees and costs incurred in preparing  
 24 nomination forms for listing in the national register of historic places in Wisconsin

*insert 5-14*

1 or the state register of historic places, if the nomination is made within 5 years prior  
 2 to submission of a preservation or rehabilitation plan under par. (b) 3. b., and if the  
 3 physical work of construction or destruction in preparation for construction begins  
 4 after December 31, 1988, except that the credit may not exceed \$10,000, or \$5,000  
 5 for married persons filing separately, for any preservation or rehabilitation project."

end of 5-14

5. Page 5, line 19: after "(3w)," insert "(4k)."

6. Page 5, line 20: delete "and (9e)" and substitute "and (9e), and (9r)".

7. Page 6, line 1: after that line insert:

insert 6-1

~~SECTION 11d.~~ 71.10 (4) (dr) of the statutes is renumbered 71.10 (4) (fp).

~~SECTION 11f.~~ 71.10 (4) (er) of the statutes, as created by 2013 Wisconsin Act 20,  
is renumbered 71.10 (4) (fr)."

8. Page 9, line 25: after that line insert:

(4k)(l)1,

(1d) The treatment of sections 71.07(5m) (a) 4., and (9r) (a), 71.08 (1) (intro.)  
(as it relates to the state historic rehabilitation credit and the research credit) and  
71.10 (4) (dr) and (er) of the statutes first applies to taxable years beginning on  
January 1, 2014."

(END)

insert 9-25A

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-40267ins  
.....

Insert 5 - 25

1           **SECTION 1.** 71.08 (1) (intro.) of the statutes, as affected by 2013 Wisconsin Act  
2           62, is amended to read:

3           71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
4           couple filing jointly, trust, or estate under s. 71.02, not considering the credits under  
5           ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), (3m), (3n), (3p),  
6           (3q), (3r), (3rm), (3rn), (3s), (3t), (3w), (4k), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (5n), (6),  
7           (6e), (8r), (9e), and (9m), and (9r), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx),  
8           (1dy), (2m), (3), (3n), (3t), and (3w), 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx),  
9           (1dy), (2m), (3), (3n), (3t), and (3w), 71.57 to 71.61, and 71.613 and subch. VIII and  
10          payments to other states under s. 71.07 (7), is less than the tax under this section,  
11          there is imposed on that natural person, married couple filing jointly, trust or estate,  
12          instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1995 a. 27, 209; 1997 a. 27, 237; 1999 a. 9; 2001 a. 109; 2003 a. 99, 135, 255, 326; 2005 a. 25, 177, 361, 479, 483; 2007  
a. 20, 97; 2009 a. 2, 28, 269, 295; 2011 a. 260 ss. 24, 80; 2013 a. 62.



**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY BILL 484**

January 10, 2014 - Offered by Representative KOOYENGA.

*(as it relates to the  
manufacturing and  
agriculture credit)*

*Insert 9-25 B*

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

2 **1. Page 9, line 25: after that line insert:**

3 <sup>(3)</sup> (1d) The treatment of section 71.52 (6) of the statutes, the renumbering of  
4 section 71.05 (8) (b) of the statutes, and the creation of section 71.05 (8) (b) 2. of the  
5 statutes first apply to taxable years beginning on January 1, 2014.

6 <sup>(4)</sup> (1e) The treatment of section 71.05 (8) (c) of the statutes first applies to refunds  
7 paid on January 1, 2014.

8 <sup>(5)</sup> (1f) The treatment of sections 71.07 (5n) (b) (intro.), 71.08 (1) (intro.), and 71.10  
9 (4) (cr) of the statutes first applies retroactively to taxable years beginning on  
10 January 1, 2013.

11 **2. Page 10, line 4: after that line insert:**



## **Kreye, Joseph**

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**From:** Hanaman, Cathlene  
**Sent:** Monday, January 20, 2014 9:24 AM  
**To:** Kreye, Joseph; Weiss, Emily; Calvin, Sarah; Dyer, Joy; Follett, Kathy; Jackson, Wendy; Siciliano, Chris; Vinz, Ellen  
**Subject:** 9437 in -4026

This must be redrafted or fixed once we compile the bill. An effective date cannot have a "as it relates to ..." clause. An initial app may cover only a portion of a treatment, but an effective date may not. The provision would need to be double-drafted if the intent is to have two effective dates.