



2007 SENATE BILL 293

October 22, 2007 - Introduced by Senators KANAVAS, DARLING, KEDZIE, ROESSLER, SULLIVAN, OLSEN, LEIBHAM and KAPANKE, cosponsored by Representatives STRACHOTA, JESKEWITZ, FIELDS, KERKMAN, GUNDERSON, LEMAHIEU, SHILLING, VAN ROY, SHERIDAN, TAUCHEN, SMITH, PRIDEMORE, VOS, ZIPPERER and ALBERS. Referred to Committee on Commerce, Utilities and Rail.

1 **AN ACT to amend** 71.07 (5b) (c) 1., 71.07 (5d) (c) 1., 71.28 (5b) (c) 1., 71.47 (5b)
2 (c) 1. and 560.205 (3) (d) of the statutes; **relating to:** increasing the amount of
3 the early stage seed and angel investment credits.

Analysis by the Legislative Reference Bureau

Under current law, a person may claim an early stage seed investment income and franchise tax credit in an amount equal to 25 percent of the person's initial investment paid to a fund manager that the fund manager invests in a business that is certified by the Department of Commerce (Commerce) to receive such investments. The total amount of all credits that may be claimed in any calendar year is \$3,500,000 and the total amount that may be claimed in all taxable years is \$35,000,000. Under this bill, the total amount of all early stage seed investment credits that may be claimed in any calendar year is \$10,225,000 and the total amount that may be claimed in all taxable years is \$102,250,000.

Under current law, an individual may claim an income tax credit in each taxable year for two years, beginning with the taxable year certified by Commerce, in an amount equal to 12.5 percent of the individual's bona fide angel investment in a new business venture. The total amount of all credits that may be claimed in any calendar year is \$3,000,000 and the total amount that may be claimed in all taxable years is \$30,000,000. Under this bill, the total amount of all bona fide angel investment credits that may be claimed in any calendar year is \$8,775,000 and the total amount that may be claimed in all taxable years is \$87,750,000.

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For further information see the *state* 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.** 71.07 (5b) (c) 1. of the statutes is amended to read:

2 71.07 **(5b)** (c) 1. The maximum amount of the credits that may be claimed under
3 this subsection and ss. 71.28 (5b) and 71.47 (5b) for all taxable years combined is
4 ~~\$35,000,000~~ \$102,250,000.

5 **SECTION 2.** 71.07 (5d) (c) 1. of the statutes is amended to read:

6 71.07 **(5d)** (c) 1. The maximum amount of the credits that may be claimed under
7 this subsection for all taxable years combined is ~~\$30,000,000~~ \$87,750,000.

8 **SECTION 3.** 71.28 (5b) (c) 1. of the statutes is amended to read:

9 71.28 **(5b)** (c) 1. The maximum amount of the credits that may be claimed under
10 this subsection and ss. 71.07 (5b) and 71.47 (5b) for all taxable years combined is
11 ~~\$35,000,000~~ \$102,250,000.

12 **SECTION 4.** 71.47 (5b) (c) 1. of the statutes is amended to read:

13 71.47 **(5b)** (c) 1. The maximum amount of the credits that may be claimed under
14 this subsection and ss. 71.07 (5b) and 71.28 (5b) for all taxable years combined is
15 ~~\$35,000,000~~ \$102,250,000.

16 **SECTION 5.** 560.205 (3) (d) of the statutes is amended to read:

17 560.205 **(3)** (d) *Rules.* The department of commerce, in consultation with the
18 department of revenue, shall promulgate rules to administer this section. The rules
19 shall further define “bona fide angel investment” for purposes of s. 71.07 (5d) (a) 1.
20 The rules shall limit the aggregate amount of tax credits under s. 71.07 (5d) that may
21 be claimed for investments in businesses certified under sub. (1) at ~~\$3,000,000~~

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1 \$8,775,000 per calendar year for calendar years beginning after December 31, 2004.
2 The rules shall also limit the aggregate amount of the tax credits under ss. 71.07 (5b),
3 71.28 (5b), and 71.47 (5b) that may be claimed for investments paid to fund managers
4 certified under sub. (2) at ~~\$3,500,000~~ \$10,225,000 per calendar year for calendar
5 years beginning after December 31, 2004.

6 **SECTION 6. Initial applicability.**

7 (1) This act first applies to taxable years beginning on January 1 of the year
8 in which this subsection takes effect, except that if this subsection takes effect after
9 July 31 this act first applies to taxable years beginning on January 1 of the year
10 following the year in which this subsection takes effect.

11

(END)