

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 192**

July 27, 1999 – Offered by COMMITTEE ON SMALL BUSINESS AND ECONOMIC
DEVELOPMENT.

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

2 **1.** Page 2, line 14: delete lines 14 to 16 and substitute:

3 **“29.543 Donation and disposal of deer carcasses. (1) DEFINITIONS.** In this
4 section:

5 (a) “Charitable organization” means a nonprofit corporation, charitable trust
6 or other nonprofit association that is described in section 501 (c) (3) of the Internal
7 Revenue Code and that is exempt from taxation under section 501 (a) of the Internal
8 Revenue Code.

9 (b) “Venison processor” means a person who is engaged in the business of
10 processing venison.”.

11 **2.** Page 2, line 18: delete “sell, give away” and substitute “donate to a
12 charitable organization”.

13 **3.** Page 3, line 2: delete “sold, given away” and substitute “donated”.

1 **4.** Page 3, line 5: delete lines 5 to 7.

2 **5.** Page 3, line 8: before that line insert:

3 “(3m) TAX CREDIT. A processor who is authorized to donate venison or a carcass
4 under sub. (2) may claim a tax credit under s. 71.07 (5d) or 71.28 (5d) in an amount
5 equal to the fair market value of the venison or carcass at the time that the processor
6 donated the venison or carcass. The fair market value of the venison or carcass shall
7 be based on the amount customarily charged by the processor for the processing and
8 storage of venison or a carcass.”.

9 **6.** Page 3, line 11: delete lines 11 to 12 and substitute “apply to a venison
10 processor or to a charitable organization that receives donated venison under this
11 section.”.

12 **7.** Page 3, line 22: delete “give away, sell” and substitute “donate”.

13 **8.** Page 4, line 1: after that line insert:

14 “**SECTION 4m.** 71.05 (6) (a) 15. of the statutes is amended to read:

15 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
16 (2di), (2dj), (2dL), (2dr), (2ds), (2dx) ~~and~~, (3s) and (5d) and not passed through by a
17 partnership, limited liability company or tax-option corporation that has added that
18 amount to the partnership’s, company’s or tax-option corporation’s income under s.
19 71.21 (4) or 71.34 (1) (g).

20 **SECTION 5m.** 71.07 (5d) of the statutes is created to read:

21 71.07 (5d) VENISON PROCESSING CREDIT. (a) Any person who donates venison or
22 a carcass under s. 29.543 may claim as a credit against the tax imposed under s. 71.02
23 an amount equal to the fair market value of the venison or carcass at the time that
24 the processor donated the venison or carcass.

1 (b) Partnerships, limited liability companies and tax–option corporations may
2 not claim the credit under this subsection, but the eligibility for, and the amount of,
3 the credit are based on their payment of the costs of processing and storing the
4 venison or carcass. A partnership, limited liability company or tax–option
5 corporation shall compute the amount of credit that each of its partners, members
6 or shareholders may claim and shall provide that information to each of them.
7 Partners, members of limited liability companies and shareholders of tax–option
8 corporations may claim the credit in proportion to their ownership interest.

9 (c) Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies
10 to the credit under this subsection.

11 (d) No person may claim the credit under this subsection and a deduction for
12 state tax purposes under section 160, 165 or 170 of the Internal Revenue Code related
13 to the same venison or carcass.

14 **SECTION 6m.** 71.08 (1) (intro.) of the statutes is amended to read:

15 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
16 couple filing jointly, trust or estate under s. 71.02, not considering the credits under
17 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3s), (5d),
18 (6) and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) ~~and~~ (3) and
19 (5d) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3) and
20 subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the
21 tax under this section, there is imposed on that natural person, married couple filing
22 jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax
23 computed as follows:

24 **SECTION 7m.** 71.10 (4) (i) of the statutes is amended to read:

1 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
2 preservation credit under subch. IX, homestead credit under subch. VIII, farmland
3 tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s.
4 71.07 (2fd), venison processing credit under s. 71.07 (5d), earned income tax credit
5 under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under
6 subch. X.

7 **SECTION 8m.** 71.21 (4) of the statutes is amended to read:

8 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
9 (2dj), (2dL), (2ds), (2dx) ~~and~~ (3s) and (5d) and passed through to partners shall be
10 added to the partnership's income.

11 **SECTION 9m.** 71.26 (2) (a) of the statutes is amended to read:

12 71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means
13 the gross income as computed under the internal revenue code as modified under
14 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit
15 computed under s. 71.28 (1) and (3) to (5) plus the amount of the credit computed
16 under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds) ~~and~~ (1dx) and (5d) and not passed
17 through by a partnership, limited liability company or tax-option corporation that
18 has added that amount to the partnership's, limited liability company's or tax-option
19 corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from
20 the sale or other disposition of assets the gain from which would be wholly exempt
21 income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at
22 a gain and minus deductions, as computed under the internal revenue code as
23 modified under sub. (3), plus or minus, as appropriate, an amount equal to the
24 difference between the federal basis and Wisconsin basis of any asset sold,

1 exchanged, abandoned or otherwise disposed of in a taxable transaction during the
2 taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

3 **SECTION 10m.** 71.28 (5d) of the statutes is created to read:

4 71.28 (5d) VENISON PROCESSING CREDIT. (a) Any person who donates venison or
5 a carcass under s. 29.543 may claim as a credit against the tax imposed under s. 71.23
6 an amount equal to the fair market value of the venison or carcass at the time that
7 the processor donated the venison or carcass.

8 (b) Partnerships, limited liability companies and tax–option corporations may
9 not claim the credit under this subsection, but the eligibility for, and the amount of,
10 the credit are based on their payment of the costs of processing and storing the
11 venison or carcass. A partnership, limited liability company or tax–option
12 corporation shall compute the amount of credit that each of its partners, members
13 or shareholders may claim and shall provide that information to each of them.
14 Partners, members of limited liability companies and shareholders of tax–option
15 corporations may claim the credit in proportion to their ownership interest.

16 (c) Subsection (4) (e) to (h), as it applies to the credit under sub. (4), applies to
17 the credit under this subsection.

18 (d) No person may claim the credit under this subsection and a deduction for
19 state tax purposes under section 160, 165 or 170 of the Internal Revenue Code related
20 to the same venison or carcass.

21 **SECTION 11m.** 71.30 (3) (f) of the statutes is amended to read:

22 71.30 (3) (f) The total of farmers' drought property tax credit under s. 71.28
23 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under
24 s. 71.28 (2m), venison processing credit under s. 71.28 (5d) and estimated tax
25 payments under s. 71.29.

1 **SECTION 12m.** 71.34 (1) (g) of the statutes is amended to read:

2 71.34 **(1) (g)** An addition shall be made for credits computed by a tax-option
3 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) ~~and~~, (3) and (5d)
4 and passed through to shareholders.

5 **SECTION 13m.** 77.92 (4) of the statutes is amended to read:

6 77.92 **(4)** “Net business income”, with respect to a partnership, means taxable
7 income as calculated under section 703 of the internal revenue code; plus the items
8 of income and gain under section 702 of the internal revenue code; minus the items
9 of loss and deduction under section 702 of the internal revenue code; plus payments
10 treated as not made to partners under section 707 (a) of the internal revenue code;
11 plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds),
12 (2dx) ~~and~~, (3s) and (5d); but excluding income, gain, loss and deductions from
13 farming. “Net business income”, with respect to a natural person, estate or trust,
14 means profit from a trade or business for federal income tax purposes and includes
15 net income derived as an employe as defined in section 3121 (d) (3) of the internal
16 revenue code.

17 **SECTION 13t.** 895.51 (2m) of the statutes is created to read:

18 895.51 **(2m)** Any venison processor, as defined in s. 29.543 (1) (b), who donates
19 venison or a deer carcass under s. 29.543 is immune from civil liability for the death
20 of or injury to an individual caused by the venison or carcass donated by the
21 processor.

22 **SECTION 14m. Initial applicability.**

23 (1) VENISON PROCESSING CREDIT. The treatment of sections 71.05 (6) (a) 15., 71.07
24 (5d), 71.08 (1) (intro.), 71.10 (4) (i), 71.21 (4), 71.26 (2) (a), 71.28 (5d), 71.30 (3) (f),
25 71.34 (1) (g) and 77.92 (4) of the statutes first applies to taxable years beginning on

1 January 1 of the year in which this subsection takes effect, except that if this
2 subsection takes effect after July 31 the treatment of sections 71.05 (6) (a) 15., 71.07
3 (5d), 71.08 (1) (intro.), 71.10 (4) (i), 71.21 (4), 71.26 (2) (a), 71.28 (5d), 71.30 (3) (f),
4 71.34 (1) (g) and 77.92 (4) of the statutes first applies to taxable years beginning on
5 January 1 of the year after the year in which this subsection takes effect.”.

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(END)