

**SENATE BILL 568 (LRB -4577)**

An Act to create 71.07 (6e) and 71.10 (4) (ce) of the statutes; relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes. (FE)

**2004**

- 05-20. S. Introduced by committee on **SENATE ORGANIZATION**.
- 05-18. S. Read first time and referred to joint committee on Finance ..... 790
- 05-19. S. Public hearing held.
- 05-19. S. Executive action taken.
- 05-19. S. Report passage recommended by joint committee on Finance, Ayes 11, Noes 4.
- 05-19. S. Available for scheduling.
- 05-19. S. Placed on calendar 5-19-2004 by committee on Senate Organization.
- 05-19. S. Read a second time.
- 05-19. S. Senate substitute amendment 1 offered by Senators Darling and Roessler (**LRB s0481**).
- 05-19. S. Senate amendment 1 to Senate substitute amendment 1 offered by Senators Darling and Roessler (**LRB a3006**).
- 05-19. S. Senate amendment 1 to Senate substitute amendment 1 **adopted**.
- 05-19. S. Senate substitute amendment 1 **adopted**.
- 05-19. S. Ordered to a third reading.
- 05-19. S. Rules suspended.
- 05-19. S. Read a third time and **passed**, Ayes 17, Noes 16.
- 05-19. S. Ordered immediately messaged.
- 05-19. A. Received from Senate.
- 05-19. A. Read first time.
- 05-19. A. Rules suspended and taken up.
- 05-19. A. Laid on the table.
- 05-19. A. Taken from the table.
- 05-19. A. Read a second time.
- 05-19. A. Assembly substitute amendment 1 offered by Representative Wasserman (**LRB s0487**).
- 05-19. A. Point of order that Assembly substitute amendment 1 not germane well taken.
- 05-19. A. Decision of the Chair appealed.
- 05-19. A. Decision of the Chair upheld, Ayes 55, Noes 38.
- 05-19. A. Ordered to a third reading.
- 05-19. A. Rules suspended.
- 05-19. A. Read a third time and **concurred in**, Ayes 57, Noes 36.
- 05-19. A. Ordered immediately messaged.
- 05-20. S. Received from Assembly concurred in.

2003  
ENROLLED BILL

03en SB-568

ADOPTED DOCUMENTS:

Orig     Engr

5 SubAmdt 1

035048/1

SAI

Amendments to above (if none, write "NONE"):

Corrections - show date (if none, write "NONE"):

None

Topic

relief law

5/20/04  
Date

*[Signature]*  
Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file ..... original
- Drafting attorney ..... 1 copy
- Legislative editors ..... 1 copy each
- Reference section ..... 1 copy
- Bill index librarian ..... 1 copy

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 568**

May 19, 2004 - Offered by Senators DARLING and ROESSLER.

1 **AN ACT to create** 71.83 (1) (ce) and subchapter XVI of chapter 71 [precedes 71.98]  
2 of the statutes; **relating to:** adopting federal law as it relates to health savings  
3 accounts for state income and franchise tax purposes and providing a penalty.

---

***Analysis by the Legislative Reference Bureau***

This substitute amendment adopts, for state income and franchise tax purposes, section 1201 of Public Law 108-173 as it relates to claiming a deduction for an amount that a person pays into a health savings account. The substitute amendment first applies to taxable years beginning after December 31, 2004.

---

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

4 **SECTION 1.** 71.83 (1) (ce) of the statutes is created to read:  
5 71.83 (1) (ce) *Health savings accounts.* Any person who is liable for a penalty  
6 for federal income tax purposes under section 223 (f) (4) of the Internal Revenue Code  
7 is liable for a penalty equal to 33 percent of that penalty. The department of revenue

1 shall assess, levy, and collect the penalty under this paragraph as it assesses, levies,  
2 and collects taxes under this chapter.

3 **SECTION 2.** Subchapter XVI of chapter 71 [precedes 71.98] of the statutes is  
4 created to read:

5 **CHAPTER 71**

6 **SUBCHAPTER XVI**

7 **INTERNAL REVENUE CODE UPDATE**

8 **71.98 Internal Revenue Code update.** The following federal laws, to the  
9 extent that they apply to the Internal Revenue Code, apply to this chapter:

10 (1) **HEALTH SAVINGS ACCOUNTS.** For taxable years beginning after December 31,  
11 2004, section 1201 of P.L. 108-173, relating to health savings accounts.

12 (END)

2-11 (SAI)

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 568**

May 19, 2004 - Offered by Senators DARLING and ROESSLER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 11: after that line insert:

3 **"SECTION 3m. Initial applicability.**

4 (1) HEALTH SAVINGS ACCOUNTS. This act first applies to taxable years beginning  
5 after December 31, 2004."  
6

(END)

2-11