

2007 DRAFTING REQUEST

Bill

Received: 03/07/2007

Received By: jkreye

Wanted: As time permits

Identical to LRB:

For: Jason Fields (608) 266-3756

By/Representing: neci

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Business - credits

Extra Copies:

Submit via email: YES

Requester's email: Rep.Fields@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Income and franchise tax credit for hiring high school students for summer employment

Instructions:

See Attached

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 03/07/2007	jdyer 03/09/2007		_____			State
/1	jkreye 04/05/2007	jdyer 04/06/2007	rschluet 03/09/2007	_____	cduerst 03/09/2007		State
/2	jkreye 08/13/2007	jdyer 08/14/2007	nmatzke 04/06/2007	_____	sbasford 04/06/2007	lparisi 04/17/2007	State
/3			rschluet	_____	cduerst	cduerst	

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			08/14/2007 _____		08/14/2007	08/14/2007	

FE Sent For: 04/17/2007.

(1/2")

<END>

08-14-2007

1/3"

Per JK

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/2		<i>3/8/07 jld</i>	natzke 04/06/2007	<i>8/97</i>	sbasford 04/06/2007	lparisi 04/17/2007	

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04-17-2007
("12")

requested
by Neci

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/?	jkreye 03/07/2007	jdyer 03/09/2007					State
/1		1/2 4/6 jld	rschluet 03/09/2007 nwn 4/6		cduerst 03/09/2007		

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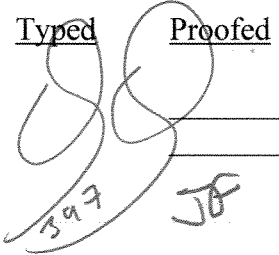

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/?	jkreye	1/3/07 JLW	 397	 JF			

FE Sent For:

<END>

Kreye, Joseph

From: Riley, Neci
Sent: Wednesday, March 07, 2007 2:48 PM
To: Kreye, Joseph
Subject: Draft Request

Hi Joe,

Can we please get a re-draft of 2005 LRB 4889/P2 relating to: wages paid to students for summer employment?

Thank you,

Neci

Neci Riley
Office of State Representative Jason M. Fields
11th Assembly District
109 North State Capitol
PO Box 8952
Madison, WI 53708

Phone: (608) 266-3756
Fax: (608) 282-3611

2173/1
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 3-7-07

rejoin

1 AN ACT *to amend* 71.05 (6) (a) 15., 71.21 (4), 71.26 (2) (a), 71.34 (1) (g), 71.45 (2)

2 (a) 10. and 77.92 (4); and *to create* 71.07 (5c), 71.10 (4) (fb), 71.28 (5c), 71.30

3 (3) (bn), 71.47 (5c) and 71.49 (1) (bn) of the statutes; **relating to:** an income and

4 franchise tax credit for hiring high school students for summer employment. ✓

Analysis by the Legislative Reference Bureau

This bill creates an income and franchise tax credit for businesses that hire high school students for summer employment. ✓ The credit is equal to the wages paid to an employee who is a high school student, or who has just graduated from high school and intends to go to college, during the period beginning on July 1 ✓ and ending on the first Monday in September. ✓ For each student who works full time, ✓ the employer may claim a credit not to exceed the lesser of \$700 per month or 75 ✓ percent of the student's monthly wage. For each student who works part time, the employer may claim a credit not to exceed the lesser of \$350 ✓ per month or 75 ✓ percent of the student's monthly wage. ✓ The maximum amount of the credits that an employer may claim in any taxable year is \$10,000. ✓ If the credit claimed by an employer exceeds the employer's tax liability, the state will not issue a refund check, but the employer may carry forward any remaining credit to subsequent taxable years.

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:

SECTION 1. 71.05 (6) (a) 15. of the statutes, as affected by 2005 Wisconsin Act ... (Assembly Bill 208), is amended to read:

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

IN/BEOT
2-7

SECTION 2. 71.07 (5c) of the statutes is created to read:

71.07 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this subsection:

- 1. "Claimant" means a person who files a claim under this subsection.
- 2. "Full time" means at least 35 hours a week.
- 3. "Part time" means less than 35 hours a week.

(b) *Filing claims.* Subject to the limitations provided in this subsection, a claimant may claim as a credit against the taxes imposed under s. 71.02, up to the amount of those taxes, an amount that is equal to the amount of the wages that the claimant paid in the taxable year to an employee, if all of the following apply:

- 1. The claimant paid the wages during the period beginning on July 1 and ending on the first Monday in September of the taxable year.
- 2. The employee is at least 15 years of age, but no more than 18 years of age.

1 3. The employee is either a high school student or graduates from high school
2 during the taxable year prior to the first Monday in September and provides proof
3 to the claimant that he or she is enrolled in a university or college located in this state
4 and intends to begin instruction at the university or college in that taxable year.

5 4. The employee receives an hourly wage that is at least 20 percent more than
6 the federal minimum hourly wage.

7 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
8 subsection in any taxable year for any single employee who works full time is an
9 amount that is equal to the lessor of \$700 for each month that the employee is
10 employed during the period described under par. (b) or 75 percent of the employee's
11 monthly wages during that period.

12 2. The maximum amount that a claimant may claim under this subsection in
13 any taxable year for any single employee who works part time is an amount that is
14 equal to the lessor of \$350 for each month that the employee is employed during the
15 period described under par. (b) or 75 percent of the employee's monthly wages during
16 that period.

17 3. The maximum amount that a claimant may claim under this subsection in
18 any taxable year is \$10,000.

19 4. Partnerships, limited liability companies, and tax-option corporations may
20 not claim the credit under this subsection, but the eligibility for, and the amount of,
21 the credit are based on their payment of amounts under par. (b). A partnership,
22 limited liability company, or tax-option corporation shall compute the amount of
23 credit that each of its partners, members, or shareholders may claim and shall
24 provide that information to each of them. Partners, members of limited liability

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interests.

3 (d) *Administration*.[✓] Section 71.28 (4) (e) to (h), as it applies to the credit under
4 s. 71.28 (4), applies to the credit under this subsection.

5 **SECTION 3.** 71.10 (4) ~~(b)~~^{cn ← cn} of the statutes is created to read:

6 71.10 (4) ~~(b)~~^{cn → cn} Youth summer employment credit under s. 71.07 (5c).[✓]

7 **SECTION 4.** 71.21 (4) of the statutes, as affected by 2005 Wisconsin Acts 74 and
8 (Assembly Bill 208), is amended to read:

9 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
10 (2dj), (2dL), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), and (5g) and
11 passed through to partners shall be added to the partnership's income.

12 **SECTION 5.** 71.26 (2) (a) of the statutes, as affected by 2005 Wisconsin Acts 74
13 and (Assembly Bill 208), is amended to read:

14 71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means
15 the gross income as computed under the Internal Revenue Code as modified under
16 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit
17 computed under s. 71.28 (1), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c)
18 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income
19 under this paragraph at the time that the taxpayer first claimed the credit plus the
20 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
21 (1ds), (1dx), (3g), (3n), (3t), (3w), (5b), (5c), and (5g) and not passed through by a
22 partnership, limited liability company, or tax-option corporation that has added that
23 amount to the partnership's, limited liability company's, or tax-option corporation's
24 income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or
25 other disposition of assets the gain from which would be wholly exempt income, as

INJECT
5-6

defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the Internal Revenue Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

SECTION 6. 71.28 (5c) of the statutes is created to read:

71.28 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this subsection:

- 1. "Claimant" means a person who files a claim under this subsection.
- 2. "Full time" means at least 35 hours a week.
- 3. "Part time" means less than 35 hours a week.

(b) *Filing claims.* Subject to the limitations provided in this subsection, a claimant may claim as a credit against the taxes imposed under s. 71.23, up to the amount of those taxes, an amount that is equal to the amount of the wages that the claimant paid in the taxable year to an employee, if all of the following apply:

- 1. The claimant paid the wages during the period beginning on July 1 and ending on the first Monday in September of the taxable year.
- 2. The employee is at least 15 years of age, but no more than 18 years of age.
- 3. The employee is either a high school student or graduates from high school during the taxable year prior to the first Monday in September and provides proof to the claimant that he or she is enrolled in a university or college located in this state and intends to begin instruction at the university or college in that taxable year.
- 4. The employee receives an hourly wage that is at least 20 percent more than the federal minimum hourly wage.

1 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
2 subsection in any taxable year for any single employee who works full time is an
3 amount that is equal to the lessor of \$700 for each month that the employee is
4 employed during the period described under par. (b) or 75 percent of the employee's
5 monthly wages during that period.

6 2. The maximum amount that a claimant may claim under this subsection in
7 any taxable year for any single employee who works part time is an amount that is
8 equal to the lessor of \$350 for each month that the employee is employed during the
9 period described under par. (b) or 75 percent of the employee's monthly wages during
10 that period.

11 3. The maximum amount that a claimant may claim under this subsection in
12 any taxable year is \$10,000.

13 4. Partnerships, limited liability companies, and tax-option corporations may
14 not claim the credit under this subsection, but the eligibility for, and the amount of,
15 the credit are based on their payment of amounts under par. (b). A partnership,
16 limited liability company, or tax-option corporation shall compute the amount of
17 credit that each of its partners, members, or shareholders may claim and shall
18 provide that information to each of them. Partners, members of limited liability
19 companies, and shareholders of tax-option corporations may claim the credit in
20 proportion to their ownership interests.

21 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
22 sub. (4), applies to the credit under this subsection.

23 SECTION 7. 71.30 (3) (b) of the statutes is created to read:

24 71.30 (3) (b) Youth summer employment credit under s. 71.28 (5c).

1 **SECTION 8.** 71.34 (1) (g) of the statutes, as affected by 2005 Wisconsin Acts 74
2 and (Assembly Bill 208), is amended to read:

3 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
4 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g),
5 (3n), (3t), (3w), (5b), (5c), and (5g) and passed through to shareholders.

6 **SECTION 9.** 71.45 (2) (a) 10. of the statutes, as affected by 2005 Wisconsin Acts
7 74 and (Assembly Bill 208), is amended to read:

8 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
9 computed under s. 71.47 (1dd) to (1dx), (3n), (3w), (5b), (5c), and (5g) and not passed
10 through by a partnership, limited liability company, or tax-option corporation that
11 has added that amount to the partnership's, limited liability company's, or
12 tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and the amount of
13 credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

✓
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713

14 **SECTION 10.** 71.47 (5c) of the statutes is created to read:

15 71.47 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
16 subsection:

- 17 1. "Claimant" means a person who files a claim under this subsection.
- 18 2. "Full time" means at least 35 hours a week.
- 19 3. "Part time" means less than 35 hours a week.

20 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
21 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
22 amount of those taxes, an amount that is equal to the amount of the wages that the
23 claimant paid in the taxable year to an employee, if all of the following apply:

- 24 1. The claimant paid the wages during the period beginning on July 1 and
25 ending on the first Monday in September of the taxable year.

1 2. The employee is at least [✓]15 years of age, but no more than [✓]18 years of age.

2 3. The employee is either a high school student or graduates from high school
3 during the taxable year prior to the first Monday in September and provides proof
4 to the claimant that he or she is enrolled in a university or college located in this state
5 and intends to begin instruction at the university or college in that taxable year.

6 4. The employee receives an hourly wage that is at least [✓]20 percent more than
7 the federal minimum hourly wage.

8 [✓](c) *Limitations.* 1. The maximum amount that a claimant may claim under this
9 subsection in any taxable year for any single employee who works full time is an
10 amount that is equal to the lessor of [✓]\$700 for each month that the employee is
11 employed during the period described under par. (b) [✓]or 75 [✓]percent of the employee's
12 monthly wages during that period.

13 2. The maximum amount that a claimant may claim under this [✓]subsection in
14 any taxable year for any single employee who works part time is an amount that is
15 equal to the lessor of [✓]\$350 for each month that the employee is employed during the
16 period described under par. (b) [✓]or 75 percent of the employee's monthly wages during
17 that period.

18 3. The maximum amount that a claimant may claim under this subsection in
19 any taxable year is [✓]\$10,000.

20 4. Partnerships, limited liability companies, and tax-option corporations may
21 not claim the credit under this subsection, but the eligibility for, and the amount of,
22 the credit are based on their payment of amounts under par. (b) [✓]. A partnership,
23 limited liability company, or tax-option corporation shall compute the amount of
24 credit that each of its partners, members, or shareholders may claim and shall
25 provide that information to each of them. Partners, members of limited liability

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interests.

3 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
4 s. 71.28 (4), applies to the credit under this subsection.

5 SECTION 11. 71.49 (1) ~~(bn)~~ of the statutes is created to read:

6 71.49 (1) ~~(bn)~~ Youth summer employment credit under s. 71.47 (5c).

7 SECTION 12. ~~77.92~~ (4) of the statutes, as affected by 2005 Wisconsin Acts 74 and
8 (Assembly Bill 208), is amended to read:

9 77.92 (4) "Net business income," with respect to a partnership, means taxable
10 income as calculated under section 703 of the Internal Revenue Code; plus the items
11 of income and gain under section 702 of the Internal Revenue Code, including taxable
12 state and municipal bond interest and excluding nontaxable interest income or
13 dividend income from federal government obligations; minus the items of loss and
14 deduction under section 702 of the Internal Revenue Code, except items that are not
15 deductible under s. 71.21; plus guaranteed payments to partners under section 707
16 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
17 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), (3t), (3w), (5b), (5c), and
18 (5g); and plus or minus, as appropriate, transitional adjustments, depreciation
19 differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but
20 excluding income, gain, loss, and deductions from farming. "Net business income,"
21 with respect to a natural person, estate, or trust, means profit from a trade or
22 business for federal income tax purposes and includes net income derived as an
23 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

24 SECTION 13. Initial applicability.

INSERT
9-23

1 (1) This act first applies to taxable years beginning on January 1, 2007. ✓

2 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2173/?ins
JK:.....

Insert 2 - 7

1 SECTION 1. 71.05 (6) (a) 15. of the statutes is amended to read:

2 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
3 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5d),
4 and (5e), (5f), and (5h) and not passed through by a partnership, limited liability
5 company, or tax-option corporation that has added that amount to the partnership's,
6 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

NOTE: NOTE: Subd. 15. is shown as affected by 3 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed "and" was inserted by 2005 Wis. Act 479, but rendered surplusage by 2005 Wis. Act 483. Corrective legislation is pending. NOTE:

History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47 to 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 264, 263, 437; 1995 a. 27, 56, 209, 227, 261, 371, 403, 453; 1997 a. 27, 35, 39, 237; 1999 a. 9, 32, 44, 54, 65, 167; 2001 a. 16, 104, 105, 109; 2003 a. 85, 99, 119, 135, 183, 255, 289, 321, 326; 2005 a. 22, 25, 216, 254, 335, 361, 479, 483; s. 13.93 (2) (c).

Insert 5 - 6

7 SECTION 2. 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), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and
10 (5h) and passed through to partners shall be added to the partnership's income.

NOTE: NOTE: Sub. (4) is shown as affected by 4 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1987 a. 312, 411; 1989 a. 31; 1993 a. 112; 1995 a. 27, 400; 1997 a. 27; 2001 a. 16; 2003 a. 99, 135, 255, 326; 2005 a. 74, 361, 479, 483; s. 13.93 (2) (c).

11 SECTION 3. 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), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c)
16 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income
17 under this paragraph at the time that the taxpayer first claimed the credit plus the
18 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
19 (1ds), (1dx), (3g), (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and not passed
20 through by a partnership, limited liability company, or tax-option corporation that

1 has added that amount to the partnership's, limited liability company's, or
 2 tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount
 3 of losses from the sale or other disposition of assets the gain from which would be
 4 wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise
 5 disposed of at a gain and minus deductions, as computed under the Internal Revenue
 6 Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to
 7 the difference between the federal basis and Wisconsin basis of any asset sold,
 8 exchanged, abandoned, or otherwise disposed of in a taxable transaction during the
 9 taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

NOTE: NOTE: Par. (a) is shown as affected by 4 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1987 a. 312; 1987 a. 411 ss. 22, 124 to 129; 1989 a. 31, 336; 1991 a. 37, 39, 221, 269; 1993 a. 16, 112, 246, 263, 399, 437, 491; 1995 a. 27, 56, 351, 371, 380, 428; 1997 a. 27, 37, 184, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 106, 109; 2003 a. 33, 85, 99, 135, 255, 326; 2005 a. 25, 74, 335, 361, 362, 479, 483; s. 13.93 (2) (c).

Insert 7 - 13

10 **SECTION 4.** 71.34 (1) (g) of the statutes is amended to read:

11 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
 12 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g),
 13 (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and passed through to shareholders.

NOTE: NOTE: Par. (g) is shown as affected by 4 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1987 a. 312; 1987 a. 411 ss. 18, 23, 146; 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16, 437; 1995 a. 27, 380, 428; 1997 a. 27, 37, 237; 1999 a. 9, 194; 2001 a. 16, 109; 2003 a. 33, 99, 135, 255, 326; 2005 a. 25, 49, 74, 361, 479, 483; s. 13.93 (2) (c).

14 **SECTION 5.** 71.45 (2) (a) 10. of the statutes is amended to read:

15 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
 16 computed under s. 71.47 (1dd) to (1dx), (3n), (3w), (5b), (5c), (5e), (5f), (5g), and (5h)
 17 and not passed through by a partnership, limited liability company, or tax-option
 18 corporation that has added that amount to the partnership's, limited liability
 19 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and
 20 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).



1 ~~NOTE: NOTE: NOTE: Subd. 10. is shown as affected by 4 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
~~History: 1987 a. 312; 1989 a. 31, 336, 359; 1991 a. 37, 39, 269; 1993 a. 16, 112, 263, 437; 1995 a. 27, 56, 371, 380; 1997 a. 27, 37, 237; 1999 a. 9, 65; 1999 a. 150 s. 672;~~
~~1999 a. 167, 194; 2001 a. 16, 38, 109; 2003 a. 37, 85, 99, 135, 255, 326; 2005 a. 74, 297, 335, 361, 479, 483; s. 13.93 (2) (c).~~

Insert 9 - 23

2 **SECTION 6.** 77.92 (4) [✓] of the statutes is amended to read:

3 77.92 (4) "Net business income," with respect to a partnership, means taxable
 4 income as calculated under section 703 of the Internal Revenue Code; plus the items
 5 of income and gain under section 702 of the Internal Revenue Code, including taxable
 6 state and municipal bond interest and excluding nontaxable interest income or
 7 dividend income from federal government obligations; minus the items of loss and
 8 deduction under section 702 of the Internal Revenue Code, except items that are not
 9 deductible under s. 71.21; plus guaranteed payments to partners under section 707
 10 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
 11 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), (3t), (3w), (5b), [✓](5c), (5e),
 12 (5f), (5g), and (5h); and plus or minus, as appropriate, transitional adjustments,
 13 depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and
 14 (19); but excluding income, gain, loss, and deductions from farming. "Net business
 15 income," with respect to a natural person, estate, or trust, means profit from a trade
 16 or business for federal income tax purposes and includes net income derived as an
 17 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

~~NOTE: NOTE: Sub. (4) is shown as affected by 4 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
~~History: 1989 a. 335; 1991 a. 39, 269; 1993 a. 16, 112, 490; 1995 a. 27, 209; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 99, 135, 255, 326; 2005 a. 74, 361, 479, 483; s. 13.93~~
~~(2) (c).~~

Kreye, Joseph

From: Riley, Neci
Sent: Thursday, April 05, 2007 1:39 PM
To: Kreye, Joseph
Subject: RE: Draft Request

Hi Joe,

Can we please make a change to LRB 2173/1? Can you include that the high school student & recent graduate have a cumulative grade point average of 2.5?

Also, Rep. Fields wants the new draft back as soon as possible.

Thanks,

Neci

Neci Riley
Office of State Representative Jason M. Fields
11th Assembly District
109 North State Capitol
PO Box 8952
Madison, WI 53708

Phone: (608) 266-3756

Fax: (608) 282-3611

From: Kreye, Joseph
Sent: Wednesday, March 07, 2007 2:52 PM
To: Riley, Neci
Subject: RE: Draft Request

You may.

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-2263

From: Riley, Neci
Sent: Wednesday, March 07, 2007 2:48 PM
To: Kreye, Joseph
Subject: Draft Request

Hi Joe,

Can we please get a re-draft of 2005 LRB 4889/P2 relating to: wages paid to students for summer employment?

Thank you,

Neci

Neci Riley

Office of State Representative Jason M. Fields

11th Assembly District

109 North State Capitol

PO Box 8952

Madison, WI 53708

Phone: (608) 266-3756

Fax: (608) 282-3611



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2173/1
JK:jld:rs

2
RM not R

2007 BILL

m 4-5-07
due Fri. 4-6

Regen

1 AN ACT *to amend* 71.05 (6) (a) 15., 71.21 (4), 71.26 (2) (a), 71.34 (1) (g), 71.45 (2)
2 (a) 10. and 77.92 (4); and *to create* 71.07 (5c), 71.10 (4) (cn), 71.28 (5c), 71.30
3 (3) (cn), 71.47 (5c) and 71.49 (1) (cn) of the statutes; **relating to:** an income and
4 franchise tax credit for hiring high school students for summer employment.

Analysis by the Legislative Reference Bureau

This bill creates an income and franchise tax credit for businesses that hire high school students for summer employment. The credit is equal to the wages paid to an employee who is a high school student, or who has just graduated from high school and intends to go to college, during the period beginning on July 1 and ending on the first Monday in September. For each student who works full time, the employer may claim a credit not to exceed the lesser of \$700 per month or 75 percent of the student's monthly wage. For each student who works part time, the employer may claim a credit not to exceed the lesser of \$350 per month or 75 percent of the student's monthly wage. The maximum amount of the credits that an employer may claim in any taxable year is \$10,000. If the credit claimed by an employer exceeds the employer's tax liability, the state will not issue a refund check, but the employer may carry forward any remaining credit to subsequent taxable years.

20
The employer, however, may only claim the credit for wages paid to a student whose most recent cumulative grade point average is at least 2.5 or the equivalent. 20

BILL

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.** 71.05 (6) (a) 15. of the statutes is amended to read:

2 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
3 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5d),
4 and (5e), (5f), and (5h) and not passed through by a partnership, limited liability
5 company, or tax-option corporation that has added that amount to the partnership's,
6 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

7 **SECTION 2.** 71.07 (5c) of the statutes is created to read:

8 71.07 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
9 subsection:

- 10 1. "Claimant" means a person who files a claim under this subsection.
11 2. "Full time" means at least 35 hours a week.
12 3. "Part time" means less than 35 hours a week.

13 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
14 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
15 amount of those taxes, an amount that is equal to the amount of the wages that the
16 claimant paid in the taxable year to an employee, if all of the following apply:

- 17 1. The claimant paid the wages during the period beginning on July 1 and
18 ending on the first Monday in September of the taxable year.
19 2. The employee is at least 15 years of age, but no more than 18 years of age.
20 3. The employee is either a high school student or graduates from high school
21 during the taxable year prior to the first Monday in September and provides proof

BILL

5. *MOVE*

5. The student's most recent cumulative high school grade point average is at least 2.5 or the equivalent. ✓

1 to the claimant that he or she is enrolled in a university or college located in this state
2 and intends to begin instruction at the university or college in that taxable year.

3 4. The employee receives an hourly wage that is at least 20 percent more than
4 the federal minimum hourly wage.

5 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
6 subsection in any taxable year for any single employee who works full time is an
7 amount that is equal to the lessor of \$700 for each month that the employee is
8 employed during the period described under par. (b) or 75 percent of the employee's
9 monthly wages during that period.

10 2. The maximum amount that a claimant may claim under this subsection in
11 any taxable year for any single employee who works part time is an amount that is
12 equal to the lessor of \$350 for each month that the employee is employed during the
13 period described under par. (b) or 75 percent of the employee's monthly wages during
14 that period.

15 3. The maximum amount that a claimant may claim under this subsection in
16 any taxable year is \$10,000.

17 4. Partnerships, limited liability companies, and tax-option corporations may
18 not claim the credit under this subsection, but the eligibility for, and the amount of,
19 the credit are based on their payment of amounts under par. (b). A partnership,
20 limited liability company, or tax-option corporation shall compute the amount of
21 credit that each of its partners, members, or shareholders may claim and shall
22 provide that information to each of them. Partners, members of limited liability
23 companies, and shareholders of tax-option corporations may claim the credit in
24 proportion to their ownership interests.

BILL

1 (d) *Administration*. Section 71.28 (4) (e) to (h), as it applies to the credit under
2 s. 71.28 (4), applies to the credit under this subsection.

3 **SECTION 3.** 71.10 (4) (cn) of the statutes is created to read:

4 71.10 (4) (cn) Youth summer employment credit under s. 71.07 (5c).

5 **SECTION 4.** 71.21 (4) of the statutes is amended to read:

6 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
7 (2dj), (2dL), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and
8 (5h) and passed through to partners shall be added to the partnership's income.

9 **SECTION 5.** 71.26 (2) (a) of the statutes is amended to read:

10 71.26 (2) (a) *Corporations in general*. The "net income" of a corporation means
11 the gross income as computed under the Internal Revenue Code as modified under
12 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit
13 computed under s. 71.28 (1), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c)
14 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income
15 under this paragraph at the time that the taxpayer first claimed the credit plus the
16 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
17 (1ds), (1dx), (3g), (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and not passed
18 through by a partnership, limited liability company, or tax-option corporation that
19 has added that amount to the partnership's, limited liability company's, or
20 tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount
21 of losses from the sale or other disposition of assets the gain from which would be
22 wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise
23 disposed of at a gain and minus deductions, as computed under the Internal Revenue
24 Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to
25 the difference between the federal basis and Wisconsin basis of any asset sold,

BILL

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 6.** 71.28 (5c) of the statutes is created to read:

4 **71.28 (5c) YOUTH SUMMER EMPLOYMENT CREDIT.** (a) *Definitions.* In this
5 subsection:

- 6 1. "Claimant" means a person who files a claim under this subsection.
- 7 2. "Full time" means at least 35 hours a week.
- 8 3. "Part time" means less than 35 hours a week.

9 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
10 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
11 amount of those taxes, an amount that is equal to the amount of the wages that the
12 claimant paid in the taxable year to an employee, if all of the following apply:

- 13 1. The claimant paid the wages during the period beginning on July 1 and
14 ending on the first Monday in September of the taxable year.
- 15 2. The employee is at least 15 years of age, but no more than 18 years of age.
- 16 3. The employee is either a high school student or graduates from high school
17 during the taxable year prior to the first Monday in September and provides proof
18 to the claimant that he or she is enrolled in a university or college located in this state
19 and intends to begin instruction at the university or college in that taxable year.
- 20 4. The employee receives an hourly wage that is at least 20 percent more than
21 the federal minimum hourly wage.

22 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
23 subsection in any taxable year for any single employee who works full time is an
24 amount that is equal to the lesser of \$700 for each month that the employee is

5. The student's most recent cumulative high school grade point average is at least 2.5 or the equivalent.

BILL

1 employed during the period described under par. (b) or 75 percent of the employee's
2 monthly wages during that period.

3 2. The maximum amount that a claimant may claim under this subsection in
4 any taxable year for any single employee who works part time is an amount that is
5 equal to the lesser of \$350 for each month that the employee is employed during the
6 period described under par. (b) or 75 percent of the employee's monthly wages during
7 that period.

8 3. The maximum amount that a claimant may claim under this subsection in
9 any taxable year is \$10,000.

10 4. Partnerships, limited liability companies, and tax-option corporations may
11 not claim the credit under this subsection, but the eligibility for, and the amount of,
12 the credit are based on their payment of amounts under par. (b). A partnership,
13 limited liability company, or tax-option corporation shall compute the amount of
14 credit that each of its partners, members, or shareholders may claim and shall
15 provide that information to each of them. Partners, members of limited liability
16 companies, and shareholders of tax-option corporations may claim the credit in
17 proportion to their ownership interests.

18 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
19 sub. (4), applies to the credit under this subsection.

20 **SECTION 7.** 71.30 (3) (cn) of the statutes is created to read:

21 71.30 (3) (cn) Youth summer employment credit under s. 71.28 (5c).

22 **SECTION 8.** 71.34 (1) (g) of the statutes is amended to read:

23 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
24 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g),
25 (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and passed through to shareholders.

BILL

1 **SECTION 9.** 71.45 (2) (a) 10. of the statutes is amended to read:

2 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
3 computed under s. 71.47 (1dd) to (1dx), (3n), (3w), (5b), (5c), (5e), (5f), (5g), and (5h)
4 and not passed through by a partnership, limited liability company, or tax-option
5 corporation that has added that amount to the partnership's, limited liability
6 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and
7 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

8 **SECTION 10.** 71.47 (5c) of the statutes is created to read:

9 71.47 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
10 subsection:

- 11 1. "Claimant" means a person who files a claim under this subsection.
- 12 2. "Full time" means at least 35 hours a week.
- 13 3. "Part time" means less than 35 hours a week.

14 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
15 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
16 amount of those taxes, an amount that is equal to the amount of the wages that the
17 claimant paid in the taxable year to an employee, if all of the following apply:

- 18 1. The claimant paid the wages during the period beginning on July 1 and
19 ending on the first Monday in September of the taxable year.
- 20 2. The employee is at least 15 years of age, but no more than 18 years of age.
- 21 3. The employee is either a high school student or graduates from high school
22 during the taxable year prior to the first Monday in September and provides proof
23 to the claimant that he or she is enrolled in a university or college located in this state
24 and intends to begin instruction at the university or college in that taxable year.

BILL

5. The student's most recent cumulative high school grade point average is at least 2.5 or the equivalent.

1 4. The employee receives an hourly wage that is at least 20 percent more than
2 the federal minimum hourly wage.

3 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
4 subsection in any taxable year for any single employee who works full time is an
5 amount that is equal to the lesser of \$700 for each month that the employee is
6 employed during the period described under par. (b) or 75 percent of the employee's
7 monthly wages during that period.

8 2. The maximum amount that a claimant may claim under this subsection in
9 any taxable year for any single employee who works part time is an amount that is
10 equal to the lesser of \$350 for each month that the employee is employed during the
11 period described under par. (b) or 75 percent of the employee's monthly wages during
12 that period.

13 3. The maximum amount that a claimant may claim under this subsection in
14 any taxable year is \$10,000.

15 4. Partnerships, limited liability companies, and tax-option corporations may
16 not claim the credit under this subsection, but the eligibility for, and the amount of,
17 the credit are based on their payment of amounts under par. (b). A partnership,
18 limited liability company, or tax-option corporation shall compute the amount of
19 credit that each of its partners, members, or shareholders may claim and shall
20 provide that information to each of them. Partners, members of limited liability
21 companies, and shareholders of tax-option corporations may claim the credit in
22 proportion to their ownership interests.

23 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
24 s. 71.28 (4), applies to the credit under this subsection.

25 **SECTION 11.** 71.49 (1) (cn) of the statutes is created to read:

Parisi, Lori

From: Riley, Neci
Sent: Tuesday, April 17, 2007 9:28 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2173/2 Topic: Income and franchise tax credit for hiring high school students for summer employment

Please Jacket LRB 07-2173/2 for the ASSEMBLY.

Rep Fields

8-13-07

LRB 2173/2

instead \$700 → \$600

75% → 70%

\$350 → \$300

75% → 70%

2.5 → 3.0

send out for F-E

Memo

To: Representative **Fields**

(The Draft's Requester)

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2007 session draft.

LRB Number: 2007 LRB-2173

Version: " /2 "

Fiscal Estimate Prepared By: (agency abbr.) DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04 / 30 / 2007

*** * * * ***

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced ...** and the version of the attached fiscal estimate is for a **previous version ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced ...** and the version of the attached fiscal estimate is for the **current version ...** please write the draft's introduction number below and give to Mike (or Christina) to process.

THIS DRAFT WAS INTRODUCED AS: 2007 _____

Barman, Mike

From: Barman, Mike
Sent: Monday, April 30, 2007 10:48 AM
To: Rep.Fields; Riley, Neci
Subject: LRB 07-2173/2 (un-introduced) (FE by DOR - attached - for your review)

Attachments: FE_Fields.PDF



FE_Fields.PDF (515
KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-2173/2	Introduction Number
Description An income and franchise tax credit for hiring high school students for summer employment	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input checked="" type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Agency/Prepared By DOR/ Michael Oakleaf (608) 261-5173	Authorized Signature Rebecca Boldt (608) 266-6785
Date 4/30/2007	

Fiscal Estimate Narratives

DOR 4/30/2007

LRB Number	07-2173/2	Introduction Number	Estimate Type	Original
Description An income and franchise tax credit for hiring high school students for summer employment				

Assumptions Used in Arriving at Fiscal Estimate

This bill provides a nonrefundable youth summer employment credit. The credit is equal to the lesser of:

- (1) \$700 (\$350 if a part-time employee) for each month that the employee is employed during the two-month period beginning on July 1 and ending on the first Monday of September of the taxable year, or
- (2) 75% of the employee's monthly wages during that period.

The employee must be at least 15 years of age, but no more than 18 years of age, and be either a high school student or graduates from high school during the taxable year before the first Monday in September of the taxable year and provides proof that he or she is enrolled in a university or college located in Wisconsin and intends to begin instruction at the university or college in that taxable year. The student's most recent cumulative high school grade point average must be at least 2.5 or the equivalent. The student must receive an hourly wage 20% higher than the federal minimum wage. Based on the current federal minimum wage of \$5.15 an hour, a student would have to be paid \$6.18 an hour ($\5.15×1.2). The current Wisconsin minimum wage for non-agricultural employees is \$5.90 per hour for minor employees (under the age of 18) and \$6.50 per hour for adults (18 and over).

The maximum amount that a claimant may claim in any taxable year is \$10,000. Unused credits may be carried over and offset against tax for up to 15 years.

Fiscal Effect

It is unknown how many firms would claim the credit. However, the potential loss of revenue could be quite substantial. A firm that employed 7.14 full-time equivalent (FTE) minors at an hourly rate of \$6.18 for the full specified period would qualify for the \$10,000 maximum (2 months x \$700 x 7.14 FTE).

If just 5% of the 393,000 firms that the Census Bureau estimates exist in Wisconsin each claim only half of the \$10,000 annual maximum, the fiscal effect would be an annual revenue loss of \$98.3 million ($393,000 \times .05 \times \$5,000$). To the extent that more than 5% of existing firms claim the credit, or if firms claim more than half of the maximum allowed, the annual fiscal effect could be larger than \$98.3 million.

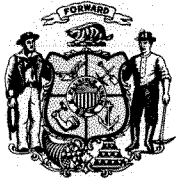
Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-2173/2		Introduction Number	
Description An income and franchise tax credit for hiring high school students for summer employment			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$	\$
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
	NET CHANGE IN COSTS	\$	\$
	NET CHANGE IN REVENUE	\$See text	\$
Agency/Prepared By		Authorized Signature	Date
DOR/ Michael Oakleaf (608) 261-5173		Rebecca Boldt (608) 266-6785	4/30/2007



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 264-6948

STEPHEN R. MILLER
CHIEF

April 30, 2007

MEMORANDUM

To: Representative Fields

From: Joseph T. Kreye, Sr. Legislative Attorney, (608) 266-2263

Subject: Technical Memorandum to **2007 un-introduced** (LRB-2173/2) by **DOR**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

MEMORANDUM

April 24, 2007

TO: Joseph Kreye
Legislative Reference Bureau

FROM: Rebecca Boldt
Department of Revenue

SUBJECT: Technical Memorandum on LRB-2173/2 Youth Summer Employment Credit

The Department of Revenue has the following concerns with the bill as drafted:

The bill specifies that the employee be "no more than 18 years of age." Is the intent to disqualify the wages of an employee who has graduated from high school and who will be attending college beginning in the following fall, but who turns 19 during the period for the entire period? This could be clarified by amending the language so that "the employee is at least 15 years of age but less than 19 years of age on July 1 of the taxable year."

An employee who graduates from high school during the taxable year must provide proof that he or she is enrolled in a university or college and intends to begin instruction at the university or college in that taxable year. Would such proof of enrollment be available? A person may be accepted at a university or college but may not actually enroll until classes begin in late August or September.

Wisconsin already provides development zone and enterprise zone tax credits based on wages paid to economically disadvantaged youth and summer youth employees. Is it the intent that a business could qualify for both credits, thus receiving more in tax credits than the business paid the employee? If not, the language should specify that the credit cannot be claimed for wages that are used for any other credit under chapter 71. (See sec. 71.28(3g)(e)1 for an example.)

There is a typo in par. (c). The word "lessor" should be spelled "lesser."

Many parents employ their children on their farm or in their business during the summer months. Is it the intent that wages paid to related persons qualify for the credit? If not, clarification is needed.

The language refers to wages paid during the period beginning on July 1 and ending on September 1 of the taxable year. Wages are usually paid after the work has been performed – in some cases a month later. Wages can also include bonuses paid for work done over a particular time period. Is it the intent that any wages paid between July 1 and September 1 qualify, regardless of when the work was performed? Alternatively, if it is the intent that the wages must be paid for work performed during the period July 1 to September 1, the bill should be changed to clarify that. Note that for a business whose taxable year ends in July or August, the credit is going to have to be split and claimed over a two-year period.

The effective date would be a problem only if this bill were enacted late in the year after forms had been finalized for printing. It would be preferable to provide that if the bill were enacted after July 31, it would first apply to taxable years beginning on or after January 1 after date of enactment.

If you have any questions regarding this technical memorandum, please contact Michael Oakleaf at 261-5173, or via email at Michael.oakleaf@dor.state.wi.us.

Barman, Mike

From: Barman, Mike
Sent: Monday, April 30, 2007 10:41 AM
To: Rep.Fields
Subject: LRB 07-2173/2 (un-introduced) (Tech. Memo by DOR - attached - for our review)

Attachments: Tech_Memo_Fields.PDF



Tech_Memo_Fields.
PDF (139 KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2173/2
JK:jld:nwn

3
RM mtr

2007 BILL

in 8-13-07
due PM 8-17-07

Regen

1 AN ACT to amend 71.05 (6) (a) 15., 71.21 (4), 71.26 (2) (a), 71.34 (1) (g), 71.45 (2)
2 (a) 10. and 77.92 (4); and to create 71.07 (5c), 71.10 (4) (cn), 71.28 (5c), 71.30
3 (3) (cn), 71.47 (5c) and 71.49 (1) (cn) of the statutes; relating to: an income and
4 franchise tax credit for hiring high school students for summer employment.

300
\$300
Analysis by the Legislative Reference Bureau \$600 ✓

This bill creates an income and franchise tax credit for businesses that hire high school students for summer employment. The credit is equal to the wages paid to an employee who is a high school student, or who has just graduated from high school and intends to go to college, during the period beginning on July 1 and ending on the first Monday in September. For each student who works full time, the employer may claim a credit not to exceed the lesser of \$700 per month or 75 percent of the student's monthly wage. For each student who works part time, the employer may claim a credit not to exceed the lesser of \$350 per month or 75 percent of the student's monthly wage. The employer, however, may only claim the credit for wages paid to a student whose most recent cumulative grade point average is at least 2.5 or the equivalent. The maximum amount of the credits that an employer may claim in any taxable year is \$10,000. If the credit claimed by an employer exceeds the employer's tax liability, the state will not issue a refund check, but the employer may carry forward any remaining credit to subsequent taxable years. 3.0 ✓

BILL

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.** 71.05 (6) (a) 15. of the statutes is amended to read:

2 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
3 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5d),
4 and (5e), (5f), and (5h) and not passed through by a partnership, limited liability
5 company, or tax-option corporation that has added that amount to the partnership's,
6 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

7 **SECTION 2.** 71.07 (5c) of the statutes is created to read:

8 71.07 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
9 subsection:

10 1. "Claimant" means a person who files a claim under this subsection.

11 2. "Full time" means at least 35 hours a week.

12 3. "Part time" means less than 35 hours a week.

13 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
14 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
15 amount of those taxes, an amount that is equal to the amount of the wages that the
16 claimant paid in the taxable year to an employee, if all of the following apply:

17 1. The claimant paid the wages during the period beginning on July 1 and
18 ending on the first Monday in September of the taxable year.

19 2. The employee is at least 15 years of age, but no more than 18 years of age.

20 3. The employee is either a high school student or graduates from high school
21 during the taxable year prior to the first Monday in September and provides proof

performed
for work performed

BILL

1 to the claimant that he or she is enrolled in a university or college located in this state
2 and intends to begin instruction at the university or college in that taxable year.

3 4. The employee receives an hourly wage that is at least 20 percent more than
4 the federal minimum hourly wage.

5 5. The student's most recent cumulative high school grade point average is at
6 least ~~2.5~~^{3.0} or the equivalent.

7 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
8 subsection in any taxable year for any single employee who works full time is an
9 amount that is equal to the ~~lesser~~^{lesser} of ~~\$700~~^{\$600} for each month that the employee is
10 employed during the period described under par. (b) or ~~75~~⁷⁰ percent of the employee's
11 monthly wages during that period.

12 2. The maximum amount that a claimant may claim under this subsection in
13 any taxable year for any single employee who works part time is an amount that is
14 equal to the ~~lesser~~^{lesser} of ~~\$350~~^{\$300} for each month that the employee is employed during the
15 period described under par. (b) or ~~75~~⁷⁰ percent of the employee's monthly wages during
16 that period.

17 3. The maximum amount that a claimant may claim under this subsection in
18 any taxable year is \$10,000.

19 4. Partnerships, limited liability companies, and tax-option corporations may
20 not claim the credit under this subsection, but the eligibility for, and the amount of,
21 the credit are based on their payment of amounts under par. (b). A partnership,
22 limited liability company, or tax-option corporation shall compute the amount of
23 credit that each of its partners, members, or shareholders may claim and shall
24 provide that information to each of them. Partners, members of limited liability

BILL

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interests.

3 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
4 s. 71.28 (4), applies to the credit under this subsection.

5 **SECTION 3.** 71.10 (4) (cn) of the statutes is created to read:

6 71.10 (4) (cn) Youth summer employment credit under s. 71.07 (5c).

7 **SECTION 4.** 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), (2dm), (2ds), (2dx), (3g), (3n), (3s), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and
10 (5h) and passed through to partners shall be added to the partnership's income.

11 **SECTION 5.** 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), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c)
16 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income
17 under this paragraph at the time that the taxpayer first claimed the credit plus the
18 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
19 (1ds), (1dx), (3g), (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and not passed
20 through by a partnership, limited liability company, or tax-option corporation that
21 has added that amount to the partnership's, limited liability company's, or
22 tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount
23 of losses from the sale or other disposition of assets the gain from which would be
24 wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise
25 disposed of at a gain and minus deductions, as computed under the Internal Revenue

BILL

1 Code as modified under sub. (3), plus or minus, as appropriate, an amount equal to
2 the difference between the federal basis and Wisconsin basis of any asset sold,
3 exchanged, abandoned, or otherwise disposed of in a taxable transaction during the
4 taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

5 **SECTION 6.** 71.28 (5c) of the statutes is created to read:

6 71.28 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
7 subsection:

- 8 1. "Claimant" means a person who files a claim under this subsection.
- 9 2. "Full time" means at least 35 hours a week.
- 10 3. "Part time" means less than 35 hours a week.

for work performed performed

11 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
12 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
13 amount of those taxes, an amount that is equal to the amount of the wages that the
14 claimant paid in the taxable year to an employee, if all of the following apply:

- 15 1. The claimant paid the wages during the period beginning on July 1 and
16 ending on the first Monday in September of the taxable year.
- 17 2. The employee is at least 15 years of age, but no more than 18 years of age.
- 18 3. The employee is either a high school student or graduates from high school
19 during the taxable year prior to the first Monday in September and provides proof
20 to the claimant that he or she is enrolled in a university or college located in this state
21 and intends to begin instruction at the university or college in that taxable year.
- 22 4. The employee receives an hourly wage that is at least 20 percent more than
23 the federal minimum hourly wage.
- 24 5. The student's most recent cumulative high school grade point average is at
25 least 2.5 or the equivalent.

3.0

BILL

1 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
 2 subsection in any taxable year for any single employee who works full time is an
 3 amount that is equal to the ^{lesser} of ~~\$700~~ ^{\$600} for each month that the employee is
 4 employed during the period described under par. (b) or ~~75~~ ⁷⁰ percent of the employee's
 5 monthly wages during that period.

6 2. The maximum amount that a claimant may claim under this subsection in
 7 any taxable year for any single employee who works part time is an amount that is
 8 equal to the ^{lesser} of ~~\$350~~ ^{\$300} for each month that the employee is employed during the
 9 period described under par. (b) or ~~75~~ ⁷⁰ percent of the employee's monthly wages during
 10 that period.

11 3. The maximum amount that a claimant may claim under this subsection in
 12 any taxable year is \$10,000.

13 4. Partnerships, limited liability companies, and tax-option corporations may
 14 not claim the credit under this subsection, but the eligibility for, and the amount of,
 15 the credit are based on their payment of amounts under par. (b). A partnership,
 16 limited liability company, or tax-option corporation shall compute the amount of
 17 credit that each of its partners, members, or shareholders may claim and shall
 18 provide that information to each of them. Partners, members of limited liability
 19 companies, and shareholders of tax-option corporations may claim the credit in
 20 proportion to their ownership interests.

21 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
 22 sub. (4), applies to the credit under this subsection.

23 **SECTION 7.** 71.30 (3) (cn) of the statutes is created to read:

24 71.30 (3) (cn) Youth summer employment credit under s. 71.28 (5c).

25 **SECTION 8.** 71.34 (1) (g) of the statutes is amended to read:

BILL

1 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
2 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g),
3 (3n), (3t), (3w), (5b), (5c), (5e), (5f), (5g), and (5h) and passed through to shareholders.

4 **SECTION 9.** 71.45 (2) (a) 10. of the statutes is amended to read:

5 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
6 computed under s. 71.47 (1dd) to (1dx), (3n), (3w), (5b), (5c), (5e), (5f), (5g), and (5h)
7 and not passed through by a partnership, limited liability company, or tax-option
8 corporation that has added that amount to the partnership's, limited liability
9 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and
10 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

11 **SECTION 10.** 71.47 (5c) of the statutes is created to read:

12 71.47 (5c) YOUTH SUMMER EMPLOYMENT CREDIT. (a) *Definitions.* In this
13 subsection:

- 14 1. "Claimant" means a person who files a claim under this subsection.
- 15 2. "Full time" means at least 35 hours a week.
- 16 3. "Part time" means less than 35 hours a week.

✓
performed
for work performed

17 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
18 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
19 amount of those taxes, an amount that is equal to the amount of the wages that the
20 claimant paid in the taxable year to an employee, if all of the following apply:

- 21 1. The claimant paid the wages during the period beginning on July 1 and
22 ending on the first Monday in September of the taxable year.
- 23 2. The employee is at least 15 years of age, but no more than 18 years of age.
- 24 3. The employee is either a high school student or graduates from high school
25 during the taxable year prior to the first Monday in September and provides proof

BILL

1 to the claimant that he or she is enrolled in a university or college located in this state
2 and intends to begin instruction at the university or college in that taxable year.

3 4. The employee receives an hourly wage that is at least 20 percent more than
4 the federal minimum hourly wage.

5 5. The student's most recent cumulative high school grade point average is at
6 least ~~2.5~~^{3.0} or the equivalent.

7 (c) *Limitations.* 1. The maximum amount that a claimant may claim under this
8 subsection in any taxable year for any single employee who works full time is an
9 amount that is equal to the ~~lessor~~^{lesser} of ~~\$700~~^{\$600} for each month that the employee is
10 employed during the period described under par. (b) or ~~75~~⁷⁰ percent of the employee's
11 monthly wages during that period.

12 2. The maximum amount that a claimant may claim under this subsection in
13 any taxable year for any single employee who works part time is an amount that is
14 equal to the ~~lessor~~^{lesser} of ~~\$350~~^{\$600} for each month that the employee is employed during the
15 period described under par. (b) or ~~75~~⁷⁰ percent of the employee's monthly wages during
16 that period.

17 3. The maximum amount that a claimant may claim under this subsection in
18 any taxable year is \$10,000.

19 4. Partnerships, limited liability companies, and tax-option corporations may
20 not claim the credit under this subsection, but the eligibility for, and the amount of,
21 the credit are based on their payment of amounts under par. (b). A partnership,
22 limited liability company, or tax-option corporation shall compute the amount of
23 credit that each of its partners, members, or shareholders may claim and shall
24 provide that information to each of them. Partners, members of limited liability

BILL

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interests.

3 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
4 s. 71.28 (4), applies to the credit under this subsection.

5 **SECTION 11.** 71.49 (1) (cn) of the statutes is created to read:

6 71.49 (1) (cn) Youth summer employment credit under s. 71.47 (5c).

7 **SECTION 12.** 77.92 (4) of the statutes is amended to read:

8 77.92 (4) "Net business income," with respect to a partnership, means taxable
9 income as calculated under section 703 of the Internal Revenue Code; plus the items
10 of income and gain under section 702 of the Internal Revenue Code, including taxable
11 state and municipal bond interest and excluding nontaxable interest income or
12 dividend income from federal government obligations; minus the items of loss and
13 deduction under section 702 of the Internal Revenue Code, except items that are not
14 deductible under s. 71.21; plus guaranteed payments to partners under section 707
15 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
16 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), (3t), (3w), (5b), (5c), (5e),
17 (5f), (5g), and (5h); and plus or minus, as appropriate, transitional adjustments,
18 depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and
19 (19); but excluding income, gain, loss, and deductions from farming. "Net business
20 income," with respect to a natural person, estate, or trust, means profit from a trade
21 or business for federal income tax purposes and includes net income derived as an
22 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

23 **SECTION 13. Initial applicability.**

24 (1) This act first applies to taxable years beginning on January 1, 2007.

25 (END)

2008

Barman, Mike

From: Kreye, Joseph
Sent: Monday, January 28, 2008 2:37 PM
To: Barman, Mike

Hi Mike,

When you get a chance, can you send electronic copies of the following drafts (with the fiscal estimates) to Pamela Urban in Rep. Fields' office?

LRB-2170

LRB-2173

Thanks,

Joe

Barman, Mike

From: Barman, Mike
Sent: Monday, January 28, 2008 3:05 PM
To: Rep.Fields; Urban, Pamela
Subject: LRB 07-2173/3 (attached - as requested by Pamela)

Attachments: 07-2173/3



07-21733.pdf (36
KB)

Barman, Mike

From: Barman, Mike
Sent: Monday, January 28, 2008 3:15 PM
To: Rep.Fields
Cc: Urban, Pamela
Subject: LRB 07-2173/3 (un-introduced) (FE by DOR - attached for your review) (2nd mailing requested by Pamela)

Attachments: FE_Fields.PDF



FE_Fields.PDF (550
KB)

Barman, Mike

From: Barman, Mike
Sent: Monday, January 28, 2008 3:17 PM
To: Rep.Fields
Cc: Urban, Pamela
Subject: LRB 07-2173/3 (un-introduced) (Tech. Memo by DOR - attached for your review) (2nd mailing requested by Pamela)

Attachments: Tech_Memo_Fields.PDF



Tech_Memo_Fields.
PDF (201 KB)

Memo

To: Representative **Fields**

(The Draft's Requester)

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2007 session draft.

LRB Number: 2007 LRB-2173

Version: "/3"

Fiscal Estimate Prepared By: (agency abbr.) DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 24 / 2007

*** * * * ***

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced ...** and the version of the attached fiscal estimate is for a **previous version ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced ...** and the version of the attached fiscal estimate is for the **current version ...** please write the draft's introduction number below and give to Mike (or Christina) to process.

THIS DRAFT WAS INTRODUCED AS: 2007 _____

Barman, Mike

From: Barman, Mike
Sent: Friday, August 24, 2007 9:00 AM
To: Rep.Fields
Cc: Riley, Neci
Subject: LRB 07-2173/3 (un-introduced) (FE by DOR - attached - for your review)

Attachments: FE_Fields.PDF



FE_Fields.PDF (554
KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov