



**ASSEMBLY SUBSTITUTE AMENDMENT ASA1,  
TO ASSEMBLY BILL 135,  
TO 2009 ASSEMBLY BILL 135**

May 6, 2009 – Offered by Representatives MOLEPSKE JR. and ROYS.

1     **AN ACT** *to amend* 71.05 (6) (b) 32. (intro.), 71.05 (6) (b) 32. a., 71.05 (6) (b) 33.  
2           (intro.) and 71.05 (6) (b) 33. a. of the statutes; **relating to:** the individual  
3           income tax deduction for certain amounts contributed to a child's college  
4           savings account or college tuition and expenses program.

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

5           **SECTION 1.** 71.05 (6) (b) 32. (intro.) of the statutes is amended to read:  
6           71.05 **(6)** (b) 32. (intro.) An amount paid into a college savings account, as  
7           described in s. 14.64, if the ~~beneficiary of the account is one of the following: the~~  
8           ~~claimant; the claimant's child and the claimant's dependent who is claimed under~~  
9           ~~section 151 (c) of the Internal Revenue Code; the claimant's grandchild; the~~  
10          ~~claimant's great-grandchild; or the claimant's niece or nephew; calculated as~~  
11          follows:

1           **SECTION 2.** 71.05 (6) (b) 32. a. of the statutes is amended to read:

2           71.05 **(6)** (b) 32. a. An amount equal to not more than \$3,000 per beneficiary  
3 by each contributor to an account for each year to which the claim relates, except that  
4 the total amount for which a deduction may be claimed under this subdivision and  
5 under subd. 33., per beneficiary by any claimant may not exceed \$3,000 each year.  
6 ~~In the case of a married couple filing a joint return, the total deduction under this~~  
7 ~~subdivision and under subd. 33., per beneficiary by the married couple may not~~  
8 ~~exceed \$3,000 each year.~~

9           **SECTION 3.** 71.05 (6) (b) 33. (intro.) of the statutes is amended to read:

10           71.05 **(6)** (b) 33. (intro.) An amount paid into a college tuition and expenses  
11 program, as described in s. 14.63, ~~if the beneficiary of the account is one of the~~  
12 ~~following: the claimant; the claimant's child and the claimant's dependent who is~~  
13 ~~claimed under section 151 (c) of the Internal Revenue Code; the claimant's~~  
14 ~~grandchild; the claimant's great-grandchild; or the claimant's niece or nephew;~~  
15 calculated as follows:

16           **SECTION 4.** 71.05 (6) (b) 33. a. of the statutes is amended to read:

17           71.05 **(6)** (b) 33. a. An amount equal to not more than \$3,000 per beneficiary  
18 by each contributor to an account for each year to which the claim relates, except that  
19 the total amount for which a deduction may be claimed under this subdivision and  
20 under subd. 32., per beneficiary by any claimant may not exceed \$3,000 each year.  
21 ~~In the case of a married couple filing a joint return, the total deduction under this~~  
22 ~~subdivision and under subd. 32., per beneficiary by the married couple may not~~  
23 ~~exceed \$3,000 each year.~~

24           **SECTION 5. Initial applicability.**

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

5

**(END)**