



State of Wisconsin

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STEPHEN R. MILLER
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April 29, 2009

MEMORANDUM

To: Representative Roth

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

Subject: Technical Memorandum to **2009 AB 205** (LRB-0613/1) 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 14, 2009

TO: Joseph Kreye
Legislative Reference Bureau

FROM: Rebecca Boldt
Department of Revenue

SUBJECT: Technical Memorandum on AB 205 (LRB 0613/1) – Adopt Federal Energy Efficient Commercial Building Deduction

The Department has the following technical concerns with the above-referenced bill:

The provisions of this bill should be coordinated with the update of the Internal Revenue Code (IRC) in the biennial budget bill (2009 AB 75) which is currently being considered by the Legislature. As currently drafted, the IRC updates in AB 75 would limit the sections of the statutes which are amended in this bill to taxable years that begin after December 31, 2006, and before January 1, 2008.

AB 75 also does not adopt these energy provisions for 2008 and 2009. This would mean that the energy efficient commercial building as drafted in this bill would only apply for taxable years beginning in 2007. In order to accomplish this, at the following places in the draft of AB 205, after the new inserted phrase also insert the phrase "and as amended by division B, section 303 of P.L. 110-343,".

- Page 2, line 14
- Page 4, line 11
- Page 6, line 10
- Page 8, line 8
- Page 9, line 23
- Page 11, line 16
- Page 13, line 12
- Page 15, line 12

P.L. 110-343 had several divisions with tax provisions. To adopt only the relevant divisions, at the following places in the draft of AB 205 the insert should read "division A, section 204 of P.L. 109-432, and division B, section 303 of P.L. 110-343,".

- Page 3, line 12
- Page 5, line 11
- Page 7, line 8
- Page 9, line 6
- Page 10, line 21
- Page 12, line 15
- Page 14, line 12
- Page 16, line 10

Also, insert "division B," before the words "section 303" on each line at the following places in the draft of AB 205:

- Page 3, lines 17 and 18
- Page 5, lines 15 and 17
- Page 7, lines 13-14
- Page 12, lines 19-20
- Page 14, lines 19-20
- Page 16, lines 16-17

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.

cc: Rep. Roth