



## 2009 ASSEMBLY BILL 608

December 8, 2009 – Introduced by Representatives STRACHOTA, ZIGMUNT, GOTTLIEB, BROOKS, KAUFERT, ZIPPERER, MURSAU, GUNDERSON, ZIEGELBAUER, VOS, VUKMIR, KERKMAN, KRAMER, DAVIS, MONTGOMERY, TAUCHEN, J. OTT, LEMAHIEU, SPANBAUER, KNODL, TOWNSEND, SUDER, HUEBSCH, HONADEL, GUNDRUM and MOLEPSKE JR., cosponsored by Senators GROTHMAN, HOLPERIN, KEDZIE, SULLIVAN, HARSDORF and KAPANKE. Referred to Joint Committee on Finance. Referred to Joint Survey Committee on Tax Exemptions.

1     **AN ACT to amend** 71.01 (6) (um), 71.22 (4) (um), 71.22 (4m) (sm), 71.26 (2) (b) 22.,  
2             71.34 (1g) (um) and 71.42 (2) (tm) of the statutes; **relating to:** adopting Internal  
3             Revenue Code provisions related to individual retirement accounts.

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### *Analysis by the Legislative Reference Bureau*

Under federal law, section 512 of Public Law 109–222, the Tax Increase Prevention and Reconciliation Act of 2005, allows taxpayers who have adjusted gross income over \$100,000 to convert amounts from a traditional individual retirement account (IRA) to a Roth IRA and pay the federal tax on the IRA distribution over two years. This bill adopts section 512 of Public Law 109–222 for state income and franchise tax purposes.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4             **SECTION 1.** 71.01 (6) (um) of the statutes, as created by 2009 Wisconsin Act 28,  
5             is amended to read:

**ASSEMBLY BILL 608****SECTION 1**

1           71.01 **(6)** (um) For taxable years that begin after December 31, 2008, for  
2 natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust  
3 or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code  
4 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.  
5 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,  
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,  
7 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section  
8 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and  
9 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403  
10 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
11 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
12 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section  
13 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402  
14 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and  
15 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28,  
16 P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185,  
17 P.L. 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343, and P.L.  
18 110–351 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.  
19 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L.  
20 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.  
21 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),  
22 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.  
23 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
24 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.  
25 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.

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1 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,  
2 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.  
3 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.  
4 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections  
5 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201  
6 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,  
7 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,  
8 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,  
9 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,  
10 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,  
11 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.  
12 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section  
13 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.  
14 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L.  
15 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and P.L.  
16 110–458, The Internal Revenue Code applies for Wisconsin purposes at the same  
17 time as for federal purposes. Amendments to the federal Internal Revenue Code  
18 enacted after December 31, 2008, do not apply to this paragraph with respect to  
19 taxable years beginning after December 31, 2008.

20 **SECTION 2.** 71.22 (4) (um) of the statutes, as created by 2009 Wisconsin Act 28,  
21 is amended to read:

22 71.22 (4) (um) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34  
23 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after  
24 December 31, 2008, means the federal Internal Revenue Code as amended to  
25 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections

**ASSEMBLY BILL 608****SECTION 2**

1 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),  
2 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.  
3 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.  
4 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.  
5 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L.  
6 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
7 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
8 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.  
9 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
10 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L.  
11 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
12 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
13 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343, and P.L. 110–351,  
14 and as indirectly affected in the provisions applicable to this subchapter by P.L.  
15 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812  
16 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L.  
17 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.  
18 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.  
19 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and  
20 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.  
21 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
22 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.  
23 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,  
24 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding  
25 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,

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1 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.  
2 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.  
3 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.  
4 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403  
5 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336,  
6 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7,  
7 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
8 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.  
9 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding  
10 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
11 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,  
12 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding  
13 sections 811 and 844 of P.L. 109–280, and P.L. 110–458. The Internal Revenue Code  
14 applies for Wisconsin purposes at the same time as for federal purposes.  
15 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,  
16 do not apply to this paragraph with respect to taxable years beginning after  
17 December 31, 2008.

18 **SECTION 3.** 71.22 (4m) (sm) of the statutes, as created by 2009 Wisconsin Act  
19 28, is amended to read:

20 71.22 **(4m)** (sm) For taxable years that begin after December 31, 2008,  
21 “Internal Revenue Code,” for corporations that are subject to a tax on unrelated  
22 business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as  
23 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227,  
24 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections  
25 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and

**ASSEMBLY BILL 608****SECTION 3**

1 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of  
2 P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of  
3 P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of  
4 P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
5 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
6 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301  
7 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
8 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of  
9 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
10 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
11 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343, and P.L. 110–351,  
12 and as indirectly affected in the provisions applicable to this subchapter by P.L.  
13 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.  
14 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.  
15 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150  
16 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.  
17 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
18 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.  
19 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.  
20 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,  
21 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.  
22 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.  
23 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections  
24 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201  
25 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,

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1 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,  
2 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,  
3 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,  
4 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,  
5 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.  
6 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section  
7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.  
8 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L.  
9 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and P.L.  
10 110–458. The Internal Revenue Code applies for Wisconsin purposes at the same  
11 time as for federal purposes. Amendments to the Internal Revenue Code enacted  
12 after December 31, 2008, do not apply to this paragraph with respect to taxable years  
13 beginning after December 31, 2008.

14 **SECTION 4.** 71.26 (2) (b) 22. of the statutes, as created by 2009 Wisconsin Act  
15 28, is amended to read:

16 71.26 (2) (b) 22. For taxable years that begin after December 31, 2008, for a  
17 corporation, conduit, or common law trust which qualifies as a regulated investment  
18 company, real estate mortgage investment conduit, real estate investment trust, or  
19 financial asset securitization investment trust under the Internal Revenue Code as  
20 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227,  
21 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections  
22 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and  
23 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of  
24 P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of  
25 P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of

**ASSEMBLY BILL 608****SECTION 4**

1 P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910  
2 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,  
3 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301  
4 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403  
5 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of  
6 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
7 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
8 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343, and P.L. 110–351,  
9 and as indirectly affected in the provisions applicable to this subchapter by P.L.  
10 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.  
11 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.  
12 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150  
13 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.  
14 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),  
15 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.  
16 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.  
17 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,  
18 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.  
19 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.  
20 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections  
21 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201  
22 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,  
23 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,  
24 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,  
25 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,



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1 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,  
2 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.  
3 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section  
4 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.  
5 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L.  
6 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and P.L.  
7 110–458, “net income” means the federal regulated investment company taxable  
8 income, federal real estate mortgage investment conduit taxable income, federal real  
9 estate investment trust or financial asset securitization investment trust taxable  
10 income of the corporation, conduit, or trust as determined under the Internal  
11 Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and  
12 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
13 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,  
14 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.  
15 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections  
16 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,  
17 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
18 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323,  
19 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L.  
20 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section  
21 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209,  
22 503, ~~512~~, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432,  
23 P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172,  
24 P.L. 110–185, P.L. 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343,  
25 and P.L. 110–351, and as indirectly affected in the provisions applicable to this

**ASSEMBLY BILL 608****SECTION 4**

1 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,  
2 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,  
3 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections  
4 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.  
5 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202  
6 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.  
7 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.  
8 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,  
9 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.  
10 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.  
11 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,  
12 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,  
13 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,  
14 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,  
15 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of  
16 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections  
17 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.  
18 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding  
19 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it  
20 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.  
21 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
22 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,  
23 and P.L. 110–458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats.,  
24 is required to be depreciated for taxable years 1983 to 1986 under the Internal  
25 Revenue Code as amended to December 31, 1980, shall continue to be depreciated

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1 under the Internal Revenue Code as amended to December 31, 1980, and except that  
2 the appropriate amount shall be added or subtracted to reflect differences between  
3 the depreciation or adjusted basis for federal income tax purposes and the  
4 depreciation or adjusted basis under this chapter of any property disposed of during  
5 the taxable year. The Internal Revenue Code as amended to December 31, 2008,  
6 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171  
7 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and  
8 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165  
9 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of  
10 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,  
11 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211,  
12 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305,  
13 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,  
14 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as  
15 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,  
16 sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, sections 811 and 844 of P.L.  
17 109–280, P.L. 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L.  
18 110–166, P.L. 110–172, P.L. 110–185, P.L. 110–234, P.L. 110–245, P.L. 110–289, P.L.  
19 110–317, P.L. 110–343, and P.L. 110–351, and as indirectly affected in the provisions  
20 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.  
21 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,  
22 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.  
23 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
24 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,  
25 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.

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1 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.  
2 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections  
3 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.  
4 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections  
5 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.  
6 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.  
7 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.  
8 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.  
9 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
10 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.  
11 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
12 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.  
13 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding  
14 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
15 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,  
16 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding  
17 sections 811 and 844 of P.L. 109–280, and P.L. 110–458, applies for Wisconsin  
18 purposes at the same time as for federal purposes. Amendments to the Internal  
19 Revenue Code enacted after December 31, 2008, do not apply to this subdivision with  
20 respect to taxable years that begin after December 31, 2008.

21 **SECTION 5.** 71.34 (1g) (um) of the statutes, as created by 2009 Wisconsin Act  
22 28, is amended to read:

23 71.34 **(1g)** (um) “Internal Revenue Code” for tax–option corporations, for  
24 taxable years that begin after December 31, 2008, means the federal Internal  
25 Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and

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1 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.  
2 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,  
3 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.  
4 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections  
5 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,  
6 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422,  
7 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323,  
8 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L.  
9 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section  
10 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209,  
11 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432,  
12 P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172,  
13 P.L. 110–185, P.L. 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343,  
14 and P.L. 110–351, and as indirectly affected in the provisions applicable to this  
15 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2)  
16 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008  
17 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.  
18 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.  
19 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),  
20 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.  
21 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605  
22 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.  
23 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.  
24 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,  
25 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.

**ASSEMBLY BILL 608****SECTION 5**

1 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.  
2 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and  
3 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.  
4 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,  
5 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211,  
6 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476,  
7 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,  
8 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146  
9 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,  
10 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
11 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections  
12 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,  
13 excluding sections 811 and 844 of P.L. 109–280, and P.L. 110–458 except that section  
14 1366 (f) (relating to pass-through of items to shareholders) is modified by  
15 substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The  
16 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal  
17 purposes. Amendments to the federal Internal Revenue Code enacted after  
18 December 31, 2008, do not apply to this paragraph with respect to taxable years  
19 beginning after December 31, 2008.

20 **SECTION 6.** 71.42 (2) (tm) of the statutes, as created by 2009 Wisconsin Act 28,  
21 is amended to read:

22 71.42 **(2)** (tm) For taxable years that begin after December 31, 2008, “Internal  
23 Revenue Code” means the federal Internal Revenue Code as amended to  
24 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections  
25 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),

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1 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.  
2 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.  
3 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.  
4 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L.  
5 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.  
6 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
7 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.  
8 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),  
9 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.  
10 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.  
11 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L.  
12 110–234, P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343, and P.L. 110–351,  
13 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73,  
14 P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding  
15 sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66,  
16 excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,  
17 P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding  
18 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191,  
19 P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277,  
20 P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and  
21 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16,  
22 P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and  
23 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.  
24 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L.  
25 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L.

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1 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L.  
2 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and  
3 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding  
4 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351  
5 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73,  
6 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201  
7 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.  
8 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and  
9 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844 of  
10 P.L. 109–280, and P.L. 110–458, except that “Internal Revenue Code” does not  
11 include section 847 of the federal Internal Revenue Code. The Internal Revenue  
12 Code applies for Wisconsin purposes at the same time as for federal purposes.  
13 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,  
14 do not apply to this paragraph with respect to taxable years beginning after  
15 December 31, 2008.

16

**(END)**