



2009 SENATE BILL 439

1 **AN ACT** *to amend* 71.01 (6) (t), 71.01 (6) (u), 71.01 (6) (um), 71.22 (4) (t), 71.22
2 (4) (u), 71.22 (4) (um), 71.22 (4m) (r), 71.22 (4m) (s), 71.22 (4m) (sm), 71.26 (2)
3 (b) 20., 71.26 (2) (b) 21., 71.26 (2) (b) 22., 71.34 (1g) (t), 71.34 (1g) (u), 71.34 (1g)
4 (um), 71.42 (2) (s), 71.42 (2) (t) and 71.42 (2) (tm) of the statutes; **relating to:**
5 adopting Internal Revenue Code provisions related to individual retirement
6 accounts and adopting provisions of the Heroes Earnings Assistance and Relief
7 Tax Act of 2008 for state income and franchise tax purposes.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 71.01 (6) (t) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:
10 71.01 **(6)** (t) For taxable years that begin after December 31, 2006, and before
11 January 1, 2008, for natural persons and fiduciaries, except fiduciaries of nuclear

SENATE BILL 439**SECTION 1**

1 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
2 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,
3 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
4 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
5 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
6 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
7 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
8 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
9 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
10 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
11 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
12 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
13 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and
14 P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
15 of P.L. 110–245, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L.
16 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
17 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and
18 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
19 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
20 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections
21 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
22 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
23 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
24 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
25 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)

SENATE BILL 439

1 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
2 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
3 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
4 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
5 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
6 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
7 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
8 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
9 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
10 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
11 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
12 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
13 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458.
14 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
15 federal purposes. Amendments to the federal Internal Revenue Code enacted after
16 December 31, 2006, do not apply to this paragraph with respect to taxable years
17 beginning after December 31, 2006, and before January 1, 2008, except that changes
18 to the Internal Revenue Code made by P.L. 110–245, excluding sections 110, 113, and
19 301 of P.L. 110–245, and P.L. 110–458, and changes that indirectly affect the
20 provisions applicable to this subchapter made by P.L. 110–245, excluding sections
21 110, 113, and 301 of P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes
22 at the same time as for federal purposes.

23 **SECTION 2.** 71.01 (6) (u) of the statutes, as created by 2009 Wisconsin Act 28,
24 is amended to read:

SENATE BILL 439**SECTION 2**

1 71.01 **(6)** (u) For taxable years that begin after December 31, 2007, and before
2 January 1, 2009, for natural persons and fiduciaries, except fiduciaries of nuclear
3 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
4 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,
5 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
6 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
7 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
8 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
9 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
10 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
11 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
12 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
13 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
14 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
15 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L.
16 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and
17 P.L. 110–172, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
18 of P.L. 110–245, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L.
19 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
20 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and
21 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
22 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
23 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections
24 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
25 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.

SENATE BILL 439

1 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
2 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
3 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
4 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
6 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
7 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
8 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
9 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
10 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
11 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
12 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
13 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
14 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
15 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
16 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458.
17 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
18 federal purposes. Amendments to the federal Internal Revenue Code enacted after
19 December 31, 2007, do not apply to this paragraph with respect to taxable years
20 beginning after December 31, 2007, and before January 1, 2009, except that changes
21 to the Internal Revenue Code made by P.L. 110–245, excluding sections 110, 113, and
22 301 of P.L. 110–245, and P.L. 110–458, and changes that indirectly affect the
23 provisions applicable to this subchapter made by P.L. 110–245, excluding sections
24 110, 113, and 301 of P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes
25 at the same time as for federal purposes.

SENATE BILL 439**SECTION 3**

1 **SECTION 3.** 71.01 (6) (um) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 71.01 **(6)** (um) For taxable years that begin after December 31, 2008, for
4 natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust
5 or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code
6 as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L.
7 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
8 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
9 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
10 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
11 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
12 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
13 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
14 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section
15 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
16 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and
17 513 of P.L. 109–222, ~~sections 811 and~~ section 844 of P.L. 109–280, P.L. 109–432, P.L.
18 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L.
19 110–185, P.L. 110–234, sections 110, 113, and 301 of P.L. 110–245, P.L. 110–289, P.L.
20 110–317, P.L. 110–343, and P.L. 110–351 and as indirectly affected by P.L. 99–514,
21 P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,
22 P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104,
23 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
24 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
25 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections

SENATE BILL 439

1 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
2 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
3 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
4 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
5 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
6 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
7 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
8 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
9 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
10 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
11 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
12 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
13 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
14 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
15 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
16 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
17 109–222, P.L. 109–227, P.L. 109–280, excluding sections ~~811~~ and section 844 of P.L.
18 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L.
19 110–458. The Internal Revenue Code applies for Wisconsin purposes at the same
20 time as for federal purposes. Amendments to the federal Internal Revenue Code
21 enacted after December 31, 2008, do not apply to this paragraph with respect to
22 taxable years beginning after December 31, 2008.

23 **SECTION 4.** 71.22 (4) (t) of the statutes, as affected by 2009 Wisconsin Act 28,
24 is amended to read:

SENATE BILL 439**SECTION 4**

1 71.22 (4) (t) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
2 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
3 December 31, 2006, and before January 1, 2008, means the federal Internal Revenue
4 Code as amended to December 31, 2006, 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, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
11 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
12 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
13 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
14 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
15 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as
16 amended by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and
17 P.L. 110–458, and as indirectly affected in the provisions applicable to this
18 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2)
19 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
20 (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.
21 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
22 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
23 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
24 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
25 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.

SENATE BILL 439

1 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
2 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
3 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
4 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
5 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
6 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
7 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
8 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
9 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
10 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
11 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
12 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
13 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
14 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
15 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,
16 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–245, excluding sections 110,
17 113, and 301 of P.L. 110–245, and P.L. 110–458. The Internal Revenue Code applies
18 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
19 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this
20 paragraph with respect to taxable years beginning after December 31, 2006, and
21 before January 1, 2008, except that changes to the Internal Revenue Code made by
22 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458,
23 and changes that indirectly affect the provisions applicable to this subchapter made
24 by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L.
25 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SENATE BILL 439**SECTION 5**

1 **SECTION 5.** 71.22 (4) (u) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 71.22 **(4)** (u) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
4 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
5 December 31, 2007, and before January 1, 2009, means the federal Internal Revenue
6 Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.
7 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
8 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
9 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
10 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
11 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
12 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
13 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
14 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
15 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
16 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
17 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.
18 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and P.L. 110–172, and as
19 amended by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and
20 P.L. 110–458, and as indirectly affected in the provisions applicable to this
21 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2)
22 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
23 (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.
24 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
25 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),

SENATE BILL 439

1 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
2 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
8 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
9 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
10 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
11 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
12 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
13 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
14 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
15 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
16 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
17 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
18 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,
19 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–245, excluding sections 110,
20 113, and 301 of P.L. 110–245, and P.L. 110–458. The Internal Revenue Code applies
21 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
22 federal Internal Revenue Code enacted after December 31, 2007, do not apply to this
23 paragraph with respect to taxable years beginning after December 31, 2007, and
24 before January 1, 2009, except that changes to the Internal Revenue Code made by
25 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458,

SENATE BILL 439**SECTION 5**

1 and changes that indirectly affect the provisions applicable to this subchapter made
2 by P.L. 110-458, apply for Wisconsin purposes at the same time as for federal
3 purposes.

4 **SECTION 6.** 71.22 (4) (um) of the statutes, as created by 2009 Wisconsin Act 28,
5 is amended to read:

6 71.22 (4) (um) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
7 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
8 December 31, 2008, means the federal Internal Revenue Code as amended to
9 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
11 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.
12 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.
13 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.
14 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.
15 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
16 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
17 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.
18 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
19 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
20 109-222, ~~sections 811 and~~ section 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.
21 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.
22 110-234, sections 110, 113, and 301 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.
23 110-343, and P.L. 110-351, and as indirectly affected in the provisions applicable to
24 this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803
25 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section

SENATE BILL 439

1 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,
2 P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
3 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
4 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
5 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
6 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
7 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
8 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
9 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
10 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
11 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
12 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
13 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
14 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211,
15 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476,
16 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
17 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
18 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
19 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
20 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
21 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,
22 excluding sections 811 and section 844 of P.L. 109–280, P.L. 110–245, excluding
23 sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458. The Internal Revenue
24 Code applies for Wisconsin purposes at the same time as for federal purposes.
25 Amendments to the federal Internal Revenue Code enacted after December 31, 2008,

SENATE BILL 439**SECTION 6**

1 do not apply to this paragraph with respect to taxable years beginning after
2 December 31, 2008.

3 **SECTION 7.** 71.22 (4m) (r) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 71.22 **(4m)** (r) For taxable years that begin after December 31, 2006, and
6 before January 1, 2008, “Internal Revenue Code,” for corporations that are subject
7 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
8 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,
9 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
10 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
11 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
12 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
13 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
14 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
15 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
16 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
17 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
18 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
19 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and
20 P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
21 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
22 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
23 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
24 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
25 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.

SENATE BILL 439

1 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
2 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
3 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
4 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
5 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
6 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
7 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
8 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
9 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
10 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
11 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
12 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
13 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
14 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
15 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
16 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
17 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
18 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
19 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
20 and P.L. 110–458. The Internal Revenue Code applies for Wisconsin purposes at the
21 same time as for federal purposes. Amendments to the Internal Revenue Code
22 enacted after December 31, 2006, do not apply to this paragraph with respect to
23 taxable years beginning after December 31, 2006, and before January 1, 2008,
24 except that changes to the Internal Revenue Code made by P.L. 110–245, excluding
25 sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458, and changes that

SENATE BILL 439**SECTION 7**

1 indirectly affect the provisions applicable to this subchapter made by P.L. 110–245,
2 excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458, apply for
3 Wisconsin purposes at the same time as for federal purposes.

4 **SECTION 8.** 71.22 (4m) (s) of the statutes, as created by 2009 Wisconsin Act 28,
5 is amended to read:

6 71.22 (4m) (s) For taxable years that begin after December 31, 2007, and
7 before January 1, 2009, “Internal Revenue Code,” for corporations that are subject
8 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
9 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,
10 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
11 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
12 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
13 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
14 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
15 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
16 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
17 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
18 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
19 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
20 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L.
21 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and
22 P.L. 110–172, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
23 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
24 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
25 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,

SENATE BILL 439

1 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
2 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
3 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
4 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
5 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
6 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
7 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
8 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
9 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
10 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
11 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
12 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
13 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
14 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
15 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
16 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
17 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
18 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
19 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
20 and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and
21 844 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L.
22 110–245, and P.L. 110–458. The Internal Revenue Code applies for Wisconsin
23 purposes at the same time as for federal purposes. Amendments to the Internal
24 Revenue Code enacted after December 31, 2007, do not apply to this paragraph with
25 respect to taxable years beginning after December 31, 2007, and before January 1,

SENATE BILL 439**SECTION 8**

1 2009, except that changes to the Internal Revenue Code made by P.L. 110-245,
2 excluding sections 110, 113, and 301 of P.L. 110-245, and P.L. 110-458, and changes
3 that indirectly affect the provisions applicable to this subchapter made by P.L.
4 110-245, excluding sections 110, 113, and 301 of P.L. 110-245, and P.L. 110-458,
5 apply for Wisconsin purposes at the same time as for federal purposes.

6 **SECTION 9.** 71.22 (4m) (sm) of the statutes, as created by 2009 Wisconsin Act
7 28, is amended to read:

8 71.22 **(4m)** (sm) For taxable years that begin after December 31, 2008,
9 “Internal Revenue Code,” for corporations that are subject to a tax on unrelated
10 business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as
11 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,
12 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections
13 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and
14 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of
15 P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of
16 P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of
17 P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
18 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
19 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301
20 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
21 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of
22 P.L. 109-222, ~~sections 811 and section~~ section 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28,
23 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,
24 P.L. 110-234, sections 110, 113, and 301 of P.L. 110-245, P.L. 110-289, P.L. 110-317,
25 P.L. 110-343, and P.L. 110-351, and as indirectly affected in the provisions

SENATE BILL 439

1 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.
2 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
3 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
4 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
5 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
6 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
7 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.
8 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
9 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
10 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections
11 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
12 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
13 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.
14 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
15 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,
16 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.
17 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
18 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.
19 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
20 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
21 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,
22 209, 503, ~~512~~, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding
23 ~~sections 811 and section 844~~ of P.L. 109-280, P.L. 110-245, excluding sections 110.
24 113, and 301 of P.L. 110-245, and P.L. 110-458. The Internal Revenue Code applies
25 for Wisconsin purposes at the same time as for federal purposes. Amendments to the

SENATE BILL 439**SECTION 9**

1 Internal Revenue Code enacted after December 31, 2008, do not apply to this
2 paragraph with respect to taxable years beginning after December 31, 2008.

3 **SECTION 10.** 71.26 (2) (b) 20. of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 71.26 **(2)** (b) 20. For taxable years that begin after December 31, 2006, and
6 before January 1, 2008, for a corporation, conduit, or common law trust which
7 qualifies as a regulated investment company, real estate mortgage investment
8 conduit, real estate investment trust, or financial asset securitization investment
9 trust under the Internal Revenue Code as amended to December 31, 2006, excluding
10 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
11 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
12 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
13 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
14 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
15 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
16 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
17 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
18 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
19 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
20 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
21 109–280, and P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110,
22 113, and 301 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the
23 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
24 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
25 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.

SENATE BILL 439

1 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
2 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
3 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
4 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
5 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
6 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
7 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
8 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
9 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
10 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
11 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
12 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
13 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
14 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
15 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
16 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
17 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
18 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
19 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
20 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
21 and P.L. 110–458, “net income” means the federal regulated investment company
22 taxable income, federal real estate mortgage investment conduit taxable income,
23 federal real estate investment trust or financial asset securitization investment
24 trust taxable income of the corporation, conduit, or trust as determined under the
25 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,

SENATE BILL 439**SECTION 10**

1 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
2 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
4 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
5 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
6 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
7 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
8 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
9 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
10 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
11 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and
12 P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
13 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
14 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
15 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
16 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
17 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
18 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
19 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
20 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
21 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
22 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
23 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
24 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
25 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.

SENATE BILL 439

1 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
2 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
3 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
4 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
5 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
6 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
7 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
8 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
9 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
10 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
11 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
12 and P.L. 110–458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats.,
13 is required to be depreciated for taxable years 1983 to 1986 under the Internal
14 Revenue Code as amended to December 31, 1980, shall continue to be depreciated
15 under the Internal Revenue Code as amended to December 31, 1980, and except that
16 the appropriate amount shall be added or subtracted to reflect differences between
17 the depreciation or adjusted basis for federal income tax purposes and the
18 depreciation or adjusted basis under this chapter of any property disposed of during
19 the taxable year. The Internal Revenue Code as amended to December 31, 2006,
20 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
21 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
22 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
23 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
24 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
25 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,

SENATE BILL 439**SECTION 10**

1 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
2 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
3 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
4 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
5 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
6 109–280, and P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110,
7 113, and 301 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the
8 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
9 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
10 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
11 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
12 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
13 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
14 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
15 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
16 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
17 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
18 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
19 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
20 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
21 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
22 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
23 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
24 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
25 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.

SENATE BILL 439

1 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
2 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
3 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
4 and 513 of P.L. 109–222, 109–227, P.L. 109–280, excluding sections 811 and 844 of
5 P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and
6 P.L. 110–458, applies for Wisconsin purposes at the same time as for federal
7 purposes. Amendments to the Internal Revenue Code enacted after December 31,
8 2006, do not apply to this subdivision with respect to taxable years that begin after
9 December 31, 2006, and before January 1, 2008, except that changes to the Internal
10 Revenue Code made by P.L. 110–245, excluding sections 110, 113, and 301 of P.L.
11 110–245, and P.L. 110–458, and changes that indirectly affect the provisions
12 applicable to this subchapter made by P.L. 110–245, excluding sections 110, 113, and
13 301 of P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes at the same time
14 as for federal purposes.

15 **SECTION 11.** 71.26 (2) (b) 21. of the statutes, as created by 2009 Wisconsin Act
16 28, is amended to read:

17 71.26 (2) (b) 21. For taxable years that begin after December 31, 2007, and
18 before January 1, 2009, for a corporation, conduit, or common law trust which
19 qualifies as a regulated investment company, real estate mortgage investment
20 conduit, real estate investment trust, or financial asset securitization investment
21 trust under the Internal Revenue Code as amended to December 31, 2007, excluding
22 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
23 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
24 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
25 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of

SENATE BILL 439**SECTION 11**

1 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
2 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
3 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
4 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
5 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
6 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
7 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
8 109–280, P.L. 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L.
9 110–166, and P.L. 110–172, and as amendeded by P.L. 110–245, excluding sections 110,
10 113, and 301 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the
11 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
12 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
13 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
14 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
15 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
16 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
17 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
18 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
19 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
20 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
21 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
22 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
23 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
24 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
25 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

SENATE BILL 439

1 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
2 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
3 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
4 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
5 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
6 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
7 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
8 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
9 and P.L. 110–458, “net income” means the federal regulated investment company
10 taxable income, federal real estate mortgage investment conduit taxable income,
11 federal real estate investment trust or financial asset securitization investment
12 trust taxable income of the corporation, conduit, or trust as determined under the
13 Internal Revenue Code as amended to December 31, 2007, excluding sections 103,
14 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
15 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
16 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
17 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
18 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
19 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
20 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
21 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
22 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
23 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
24 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L.
25 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and

SENATE BILL 439**SECTION 11**

1 P.L. 110–172, and as amended by P.L. 110–245, excluding sections 110, 113, and 301
2 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
3 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
4 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
5 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
6 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
7 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
8 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
9 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
10 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
11 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
12 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
13 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
14 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
15 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
16 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
17 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
18 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
19 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
20 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
21 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
22 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
23 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
24 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
25 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,

SENATE BILL 439

1 and P.L. 110–458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats.,
2 is required to be depreciated for taxable years 1983 to 1986 under the Internal
3 Revenue Code as amended to December 31, 1980, shall continue to be depreciated
4 under the Internal Revenue Code as amended to December 31, 1980, and except that
5 the appropriate amount shall be added or subtracted to reflect differences between
6 the depreciation or adjusted basis for federal income tax purposes and the
7 depreciation or adjusted basis under this chapter of any property disposed of during
8 the taxable year. The Internal Revenue Code as amended to December 31, 2007,
9 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
10 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
11 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
12 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
13 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
14 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
15 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
16 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
17 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
18 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
19 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
20 109–280, P.L. 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L.
21 110–166, and P.L. 110–172, and as amendeded by P.L. 110–245, excluding sections 110,
22 113, and 301 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the
23 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
24 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
25 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.

SENATE BILL 439**SECTION 11**

1 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
2 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
3 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
4 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
5 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
6 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
7 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
8 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
9 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
10 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
11 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
12 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
13 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
14 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
15 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
16 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
17 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
18 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
19 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
20 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
21 and P.L. 110–458, applies for Wisconsin purposes at the same time as for federal
22 purposes. Amendments to the Internal Revenue Code enacted after December 31,
23 2007, do not apply to this subdivision with respect to taxable years that begin after
24 December 31, 2007, and before January 1, 2009, except that changes to the Internal
25 Revenue Code made by P.L. 110–245, excluding sections 110, 113, and 301 of P.L.

SENATE BILL 439

1 110-245, and P.L. 110-458, and changes that indirectly affect the provisions
2 applicable to this subchapter made by P.L. 110-245, excluding sections 110, 113, and
3 301 of P.L. 110-245, and P.L. 110-458, apply for Wisconsin purposes at the same time
4 as for federal purposes.

5 **SECTION 12.** 71.26 (2) (b) 22. of the statutes, as created by 2009 Wisconsin Act
6 28, is amended to read:

7 71.26 (2) (b) 22. For taxable years that begin after December 31, 2008, for a
8 corporation, conduit, or common law trust which qualifies as a regulated investment
9 company, real estate mortgage investment conduit, real estate investment trust, or
10 financial asset securitization investment trust under the Internal Revenue Code as
11 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227,
12 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections
13 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and
14 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of
15 P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of
16 P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of
17 P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
18 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
19 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301
20 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
21 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of
22 P.L. 109-222, ~~sections 811 and~~ section 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28,
23 P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185,
24 P.L. 110-234, sections 110, 113, and 301 of P.L. 110-245, P.L. 110-289, P.L. 110-317,
25 P.L. 110-343, and P.L. 110-351, and as indirectly affected in the provisions

SENATE BILL 439**SECTION 12**

1 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
2 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
3 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
4 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
5 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
6 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
7 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
8 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
9 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
10 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
11 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
12 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
13 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
14 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
15 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,
16 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
17 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
18 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.
19 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
20 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
21 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
22 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding
23 ~~sections 811 and section 844~~ of P.L. 109–280, P.L. 110–245, excluding sections 110,
24 113, and 301 of P.L. 110–245, and P.L. 110–458, “net income” means the federal
25 regulated investment company taxable income, federal real estate mortgage

SENATE BILL 439

1 investment conduit taxable income, federal real estate investment trust or financial
2 asset securitization investment trust taxable income of the corporation, conduit, or
3 trust as determined under the Internal Revenue Code as amended to December 31,
4 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d),
5 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f),
6 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections
7 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101
8 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201
9 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101,
10 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1,
11 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
12 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101,
13 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
14 P.L. 109–135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, ~~sections 811~~
15 ~~and section~~ 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L. 110–140, P.L.
16 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L. 110–234,
17 sections 110, 113, and 301 of P.L. 110–245, P.L. 110–289, P.L. 110–317, P.L. 110–343,
18 and P.L. 110–351, and as indirectly affected in the provisions applicable to this
19 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
20 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
21 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
22 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
23 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
24 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
25 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.

SENATE BILL 439**SECTION 12**

1 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
2 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
3 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
4 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
6 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
7 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
8 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
9 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
10 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
11 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
12 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
13 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
14 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
15 109–222, P.L. 109–227, P.L. 109–280, excluding sections ~~811~~ and section 844 of P.L.
16 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L.
17 110–458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is
18 required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue
19 Code as amended to December 31, 1980, shall continue to be depreciated under the
20 Internal Revenue Code as amended to December 31, 1980, and except that the
21 appropriate amount shall be added or subtracted to reflect differences between the
22 depreciation or adjusted basis for federal income tax purposes and the depreciation
23 or adjusted basis under this chapter of any property disposed of during the taxable
24 year. The Internal Revenue Code as amended to December 31, 2008, excluding
25 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),

SENATE BILL 439

1 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
2 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
3 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
4 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
5 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211,
6 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305,
7 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
8 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
9 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
10 sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, ~~sections 811 and section~~
11 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L.
12 110–142, P.L. 110–166, P.L. 110–172, P.L. 110–185, P.L. 110–234, sections 110, 113,
13 and 301 of 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, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
16 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
17 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
18 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
19 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
20 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
21 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
22 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
23 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
24 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
25 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections

SENATE BILL 439**SECTION 12**

1 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
2 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
3 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,
4 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
5 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
6 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,
7 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.
8 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
9 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
10 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L.
11 109–227, P.L. 109–280, excluding sections ~~811~~ and section 844 of P.L. 109–280, P.L.
12 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458,
13 applies for Wisconsin purposes at the same time as for federal purposes.
14 Amendments to the Internal Revenue Code enacted after December 31, 2008, do not
15 apply to this subdivision with respect to taxable years that begin after
16 December 31, 2008.

17 **SECTION 13.** 71.34 (1g) (t) of the statutes, as affected by 2009 Wisconsin Act 28,
18 is amended to read:

19 71.34 **(1g)** (t) “Internal Revenue Code” for tax-option corporations, for taxable
20 years that begin after December 31, 2006, and before January 1, 2008, means the
21 federal Internal Revenue Code as amended to December 31, 2006, excluding sections
22 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
23 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
24 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
25 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,

SENATE BILL 439

1 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
2 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
3 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
4 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
5 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
6 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
7 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and
8 P.L. 109–432, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
9 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
10 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding
11 sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514
12 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
13 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
14 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
15 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
16 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
17 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
18 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
19 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
20 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
21 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
22 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
23 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
24 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,

SENATE BILL 439**SECTION 13**

1 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
2 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
3 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding
4 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
5 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
6 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
7 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280,
8 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–245, excluding sections 110,
9 113, and 301 of P.L. 110–245, and P.L. 110–458, except that section 1366 (f) (relating
10 to pass-through of items to shareholders) is modified by substituting the tax under
11 s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code
12 applies for Wisconsin purposes at the same time as for federal purposes.
13 Amendments to the federal Internal Revenue Code enacted after December 31, 2006,
14 do not apply to this paragraph with respect to taxable years beginning after
15 December 31, 2006, and before January 1, 2008, except that changes to the Internal
16 Revenue Code made by P.L. 110–245, excluding sections 110, 113, and 301 of P.L.
17 110–245, and P.L. 110–458, and changes that indirectly affect the provisions
18 applicable to this subchapter made by P.L. 110–245, excluding sections 110, 113, and
19 301 of P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes at the same time
20 as for federal purposes.

21 **SECTION 14.** 71.34 (1g) (u) of the statutes, as created by 2009 Wisconsin Act 28,
22 is amended to read:

23 71.34 (1g) (u) “Internal Revenue Code” for tax-option corporations, for taxable
24 years that begin after December 31, 2007, and before January 1, 2009, means the
25 federal Internal Revenue Code as amended to December 31, 2007, excluding sections

SENATE BILL 439

1 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
2 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
4 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
5 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
6 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
7 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
8 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
9 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
10 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
11 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L.
12 109–432, P.L. 110–28, P.L. 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and
13 P.L. 110–172, and as amendeded by P.L. 110–245, excluding sections 110, 113, and 301
14 of P.L. 110–245, and P.L. 110–458, and as indirectly affected in the provisions
15 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding
16 sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514
17 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
18 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
19 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
20 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
21 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
22 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
23 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
24 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
25 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.

SENATE BILL 439**SECTION 14**

1 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
2 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
3 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
4 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
5 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
6 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
7 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
8 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding
9 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
10 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
11 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
12 sections 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, P.L. 110–245, excluding sections 110,
14 113, and 301 of P.L. 110–245, and P.L. 110–458, except that section 1366 (f) (relating
15 to pass-through of items to shareholders) is modified by substituting the tax under
16 s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code
17 applies for Wisconsin purposes at the same time as for federal purposes.
18 Amendments to the federal Internal Revenue Code enacted after December 31, 2007,
19 do not apply to this paragraph with respect to taxable years beginning after
20 December 31, 2007, and before January 1, 2009, except that changes to the Internal
21 Revenue Code made by P.L. 110–245, excluding sections 110, 113, and 301 of P.L.
22 110–245, and P.L. 110–458, and changes that indirectly affect the provisions
23 applicable to this subchapter made by P.L. 110–245, excluding sections 110, 113, and
24 301 of P.L. 110–245, and P.L. 110–458, apply for Wisconsin purposes at the same time
25 as for federal purposes.

SENATE BILL 439

1 **SECTION 15.** 71.34 (1g) (um) of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 71.34 **(1g)** (um) “Internal Revenue Code” for tax-option corporations, for
4 taxable years that begin after December 31, 2008, means the federal Internal
5 Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and
6 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
7 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,
8 sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.
9 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections
10 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316,
11 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422,
12 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323,
13 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L.
14 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section
15 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209,
16 503, ~~512~~, and 513 of P.L. 109-222, ~~sections 811 and~~ section 844 of P.L. 109-280, P.L.
17 109-432, P.L. 110-28, P.L. 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L.
18 110-172, P.L. 110-185, P.L. 110-234, sections 110, 113, and 301 of P.L. 110-245, P.L.
19 110-289, P.L. 110-317, P.L. 110-343, and P.L. 110-351, and as indirectly affected in
20 the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L.
21 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823
22 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L.
23 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections
24 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding
25 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.

SENATE BILL 439**SECTION 15**

1 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
2 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
3 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
4 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
5 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
6 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
7 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
8 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
9 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
10 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
11 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
12 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
13 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
14 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
15 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
16 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
17 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
18 109–222, P.L. 109–227, P.L. 109–280, excluding sections ~~811~~ and section 844 of P.L.
19 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L.
20 110–458 except that section 1366 (f) (relating to pass-through of items to
21 shareholders) is modified by substituting the tax under s. 71.35 for the taxes under
22 sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes
23 at the same time as for federal purposes. Amendments to the federal Internal
24 Revenue Code enacted after December 31, 2008, do not apply to this paragraph with
25 respect to taxable years beginning after December 31, 2008.

SENATE BILL 439

1 **SECTION 16.** 71.42 (2) (s) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 71.42 (2) (s) For taxable years that begin after December 31, 2006, and before
4 January 1, 2008, “Internal Revenue Code” means the federal Internal Revenue Code
5 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.
6 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
7 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
8 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
9 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
10 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
11 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
12 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
13 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
14 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
15 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
16 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as
17 amended by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and
18 P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
19 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
20 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
21 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
22 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
23 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
24 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
25 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections

SENATE BILL 439**SECTION 16**

1 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
2 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
3 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
4 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
5 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
6 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
7 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
8 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
9 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
10 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
11 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
12 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
13 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
14 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
15 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
16 and P.L. 110–458, except that “Internal Revenue Code” does not include section 847
17 of the federal Internal Revenue Code. The Internal Revenue Code applies for
18 Wisconsin purposes at the same time as for federal purposes. Amendments to the
19 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this
20 paragraph with respect to taxable years beginning after December 31, 2006, and
21 before January 1, 2008, except that changes to the Internal Revenue Code made by
22 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458,
23 and changes that indirectly affect the provisions applicable to this subchapter made
24 by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L.
25 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SENATE BILL 439

1 **SECTION 17.** 71.42 (2) (t) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 71.42 **(2)** (t) For taxable years that begin after December 31, 2007, and before
4 January 1, 2009, “Internal Revenue Code” means the federal Internal Revenue Code
5 as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.
6 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
7 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
8 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
9 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
10 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
11 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
12 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
13 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
14 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
15 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
16 P.L. 109–222, sections 811 and 844 of P.L. 109–280, P.L. 109–432, P.L. 110–28, P.L.
17 110–140, P.L. 110–141, P.L. 110–142, P.L. 110–166, and P.L. 110–172, and as
18 amended by P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and
19 P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
20 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
21 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
22 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
23 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
24 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
25 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.

SENATE BILL 439**SECTION 17**

1 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
2 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
3 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
4 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
5 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
6 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
7 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
8 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
9 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
10 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
11 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
12 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
13 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
14 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
15 and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding sections 811 and 844
16 of P.L. 109–280, P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245,
17 and P.L. 110–458, except that “Internal Revenue Code” does not include section 847
18 of the federal Internal Revenue Code. The Internal Revenue Code applies for
19 Wisconsin purposes at the same time as for federal purposes. Amendments to the
20 federal Internal Revenue Code enacted after December 31, 2007, do not apply to this
21 paragraph with respect to taxable years beginning after December 31, 2007, and
22 before January 1, 2009, except that changes to the Internal Revenue Code made by
23 P.L. 110–245, excluding sections 110, 113, and 301 of P.L. 110–245, and P.L. 110–458,
24 and changes that indirectly affect the provisions applicable to this subchapter made

SENATE BILL 439

1 by P.L. 110-245, excluding sections 110, 113, and 301 of P.L. 110-245, and P.L.
2 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 18.** 71.42 (2) (tm) of the statutes, as created by 2009 Wisconsin Act 28,
4 is amended to read:

5 71.42 (2) (tm) For taxable years that begin after December 31, 2008, “Internal
6 Revenue Code” means the federal Internal Revenue Code as amended to
7 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections
8 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
9 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L.
10 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L.
11 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.
12 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.
13 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
14 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
15 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.
16 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
17 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, ~~512~~, and 513 of P.L.
18 109-222, ~~sections 811 and~~ section 844 of P.L. 109-280, P.L. 109-432, P.L. 110-28, P.L.
19 110-140, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, P.L. 110-185, P.L.
20 110-234, sections 110, 113, and 301 of P.L. 110-245, P.L. 110-289, P.L. 110-317, P.L.
21 110-343, and P.L. 110-351, and as indirectly affected by P.L. 99-514, P.L. 100-203,
22 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508,
23 P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
24 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
25 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.

SENATE BILL 439**SECTION 18**

1 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
2 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
3 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
4 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
5 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
6 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
7 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
8 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
9 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403
10 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336,
11 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7,
12 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
13 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.
14 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
15 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
16 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
17 209, 503, ~~512~~, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding
18 ~~sections 811 and section 844~~ of P.L. 109–280, P.L. 110–245, excluding sections 110,
19 113, and 301 of P.L. 110–245, and P.L. 110–458, except that “Internal Revenue Code”
20 does not include section 847 of the federal Internal Revenue Code. The Internal
21 Revenue Code applies for Wisconsin purposes at the same time as for federal
22 purposes. Amendments to the federal Internal Revenue Code enacted after
23 December 31, 2008, do not apply to this paragraph with respect to taxable years
24 beginning after December 31, 2008.

25 **SECTION 18m. Nonstatutory provisions.**

